

COUNTY OF SACRAMENTO  
CALIFORNIA

BOARD ADDENDUM # 1

For the Agenda of:  
January 8, 2013

To: Board of Supervisors

From: Department of Community Development

Subject: 20050062. Granite - Vineyard I. Request For Community Plan Amendment, Rezone, Use Permit Amendment, Reclamation Plan Amendment, Zoning Agreement Amendment, And Release From The Prior Zoning Ordinance For The Vineyard I Mining Project Approved In 2000 For The Property Located At The Northeast Corner Of Hedge Road And Elder Creek Road, In The Vineyard Community. Applicant: Granite Construction Company; APNs: 063-0080-010 Through 013; 063-0090-001 Through 003, 006, 009, 010, 011, 015 Through 019; And 063-0110-001 Through 006, 012, 028, 029; Environmental Document: Final Supplemental Environmental Impact Report

Supervisory District: Nottoli

Contact: John Lundgren, Senior Environmental Analyst, 874-8043;  
[lundgrenj@saccounty.net](mailto:lundgrenj@saccounty.net)

**Overview**

On December 4, 2012, the County Board of Supervisors took tentative action to approve the subject project by a vote of 5-0 and continued the project to January 8, 2013 for the preparation of the CEQA Findings, the Rezone Ordinance, and the Release from a Prior Agreement.

**Recommendations:**

Staff is recommending the Board take the following actions:

1. Adopt the CEQA Findings of Fact and Statement of Overriding Considerations (Attachment 1).
2. Adopt the Zoning Ordinance (Attached).
3. Adopt the Release Resolution (Attached), and the Release and Discharge from a prior Zoning Agreement (Attached).
4. Approve the project as reviewed by the Board of Supervisors on December 4, 2012, including the Community Plan Amendment, Rezone, Use Permit Amendment, and Reclamation Plan Amendment.
5. Adopt the Mitigation Monitoring and Reporting Program (Attachment 2).

20050062. Granite - Vineyard I. Request For Community Plan Amendment, Rezone, Use Permit Amendment, Reclamation Plan Amendment, Zoning Agreement Amendment, And Release From The Prior Zoning Ordinance For The Vineyard I Mining Project Approved In 2000 For The Property Located At The Northeast Corner Of Hedge Road And Elder Creek Road, In The Vineyard Community. Applicant: Granite Construction Company; APNs: 063-0080-010 Through 013; 063-0090-001 Through 003, 006, 009, 010, 011, 015 Through 019; And 063-0110-001 Through 006, 012, 028, 029; Environmental Document: Final Supplemental Environmental Impact Report

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Respectfully submitted,

APPROVED:  
BRADLEY J. HUDSON  
County Executive

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LORI A. MOSS, Director  
Department of Community Development

BY:

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ROBERT B. LEONARD  
Chief Deputy County Executive

Attachments:

ADD 1 ORD - Zoning Ordinance with attachments

ADD 1 RES - Resolution to release the property from a prior Zoning Agreement

ADD 1 REL - Release and Discharge from a prior Zoning Agreement

BOS 01-08-13 ATT 1 - CEQA Findings of Fact and Statement of Overriding Considerations

BOS 01-08-13 ATT 2 - Mitigation Monitoring and Reporting Program

Vineyard I  
20050062  
063-0080-010 through 013; 063-  
0090-001 through 003, 006, 009,  
010, 011, 015 through 019; and  
063-0110-001 through 006, 012,  
028, 029

**ORDINANCE NO. SZC \_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF SACRAMENTO COUNTY AMENDING THE  
ZONING CODE OF SACRAMENTO COUNTY,  
ORDINANCE NO. 83-10, AS AMENDED,  
CHANGING THE LAND USE ZONE OF CERTAIN PROPERTY KNOWN AS  
ASSESSOR'S PARCEL NOS. 063-0080-010 through 013; 063-0090-001 through 003, 006,  
009, 010, 011, 015 through 019; and 063-0110-001 through 006, 012, 028, 029**

The Board of Supervisors of the County of Sacramento, State of California, ordains as follows:

SECTION 1: Section 101-116 of the Zoning Code of Sacramento County, Ordinance No. SZC 83-10, as amended, which incorporates Comprehensive Zoning Plan Unit No. 308/176 is amended to change the land use zone of the property shown in Exhibit "B" (APN: 063-0090-009 and 018) from the IR(SM) Industrial Reserve with Surface Mining Combining and IR(F) Industrial Reserve with Flood Combining to IR(SM)(F) Industrial Reserve with Surface Mining/Flood Combining Land Use Zone for 5.61± acres being a portion of property described in Exhibits "A" and "A-1", which are attached hereto and incorporated herein as though set forth in full, and which is also commonly referred to and known as Assessor Parcel Nos. 063-0080-010 through 013; 063-0090-001 through 003, 006, 009, 010, 011, 015 through 019; and 063-0110-001 through 006, 012, 028, 029 ("Subject Property"). Approximately 408± acres of the Subject Property was previously rezoned from IR(F) Industrial Reserve Flood Combining, IR(SM) Industrial Reserve Surface Mining Combining, M-1 Light Industrial, and M-1(F) Light Industrial Flood Combining Land Use Zone to the IR(F)(SM) Industrial Reserve Flood/Surface

Mining Combining and M-1(F)(SM) Light Industrial Flood/Surface Mining Combining Land Use Zone by the Board of Supervisors on January 12, 2000 by Ordinance No. SZC-2000-0001, and that zoning remains in place, subject to Section 2, below.

SECTION 2: The change in the Land Use Zone for the Subject Property provided for in Section 1 hereof shall be subject to, and conditioned upon, compliance with all the conditions set forth in Exhibit "C", which is attached hereto and incorporated herein as though set forth in full. In addition, the conditions set forth in Ordinance No. SZC-2000-0001 are superseded by the conditions set forth in Exhibit "C" for the Subject Property described in Exhibits "A" and "A-1", and shall have no further force and effect.

SECTION 3: The conditions set forth in Exhibit "C" and incorporated herein shall run with the land and shall be directly enforceable by the County against the owner(s), successors and assigns of the Subject Property.

SECTION 4: The Board of Supervisors finds in connection with its adoption of this ordinance, and the imposition of the conditions enumerated in Exhibit "C" hereof and incorporated herein, that the owners of the Subject Property have consented to the imposition of the conditions enumerated in Exhibit "C" hereof. This consent is memorialized in Exhibit "D" which is attached hereto and incorporated herein as though set forth in full.

SECTION 5: This ordinance shall take effect and be in full force on thirty (30) days from the date of its passage, and before expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published within the County of Sacramento, State of California.

On a motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this \_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote, to wit:

AYES: Supervisors  
 NOES: Supervisors  
 ABSENT: Supervisors  
 ABSTAIN: Supervisors

\_\_\_\_\_  
 CHAIR OF THE BOARD OF SUPERVISORS  
 OF SACRAMENTO COUNTY, CALIFORNIA

ATTEST: \_\_\_\_\_

## ORDINANCE EXHIBIT A - LEGAL DESCRIPTION

## EXHIBIT "A"

### PROPERTY DESCRIPTION

SHEET 1 OF 1

The following property description was prepared as an exhibit to accompany the Vineyard Community Plan Amendment, Rezone, Use Permit, Reclamation Plan Amendment and Zoning Agreement Amendments tentatively approved by the Sacramento Board of Supervisors on December 4, 2012.

All that certain real property situated in the County of Sacramento, State of California, described as follows.

All that portion of Section 29 and all that portion of Section 30, Township 8 North, Range 6 East, M.D.M., situated in the County of Sacramento, State of California, described as follows:

Beginning at the South quarter corner of said Section 30 located at the intersection of Elder Creek Road and Hedge Road; thence, from said point of beginning, northerly along the North-South centerline of said Section 30, 3980 feet more or less, to the southwest corner of Lot 4 as shown on the Plat of George W. Artz Subdivision filed in Book 9 of Maps, Map No. 45 in the Recorder's office of Sacramento County; thence easterly 1320 feet more or less to the southwest corner of Lot 5 as shown on said Plat; thence northerly 1317.70 feet more or less to the northwest corner of said Lot 5; thence easterly 1322.29 feet more or less to the northeast corner of Lot 8 as shown on said Plat; thence southerly 1316.20 feet more or less to the southeast corner of said Lot 8 being the southeast corner of the North 1/2 of the Northeast 1/4 of said Section 30; thence southerly 660 feet more or less to the northwest corner of the West 1/4 of the South 1/2 of the South 1/2 of the Northwest 1/4 of said Section 29; thence easterly 813.1 feet more or less to a point located east 46.9 feet from the northeast corner of the West 1/4 of the South 1/2 of the South 1/2 of the Northwest 1/4 of said Section 29; thence easterly 1369 feet more or less to the northeast corner of the West 3/4 of the South 1/2 of the South 1/2 of the Northwest 1/4 of said Section 29; thence northerly 164 feet more or less; thence easterly 660.80 feet more or less to a point on the north-south centerline of said Section 29 also being on the centerline of Mayhew Road; thence southerly 2826.83 feet more or less to the southeast corner of the North 1/2 of the Southeast 1/4 of the Southwest 1/4 of said Section 29, thence westerly 1320 feet more or less to the southwest corner of the North 1/2 of the Southeast 1/4 of the Southwest 1/4 of said Section 29; thence northerly to the northeast corner of the property shown on that certain Record of Survey filed in Book 18 of Surveys, Page 22 in the Recorder's Office of said County; thence westerly 1320 feet more or less to a point on the section line common to said Sections 29 and 30; thence southerly to the southeast corner of said Section 30 on the centerline of Elder Creek Road; thence westerly 20.00 feet; thence northerly 660 feet more or less; thence westerly 970 feet more or less; thence southerly 660 feet more or less to the centerline of Elder Creek Road also being the south line of said Section 30; thence westerly 1051.08 feet more or less to the point of beginning.

End of Property Description

January 2, 2013

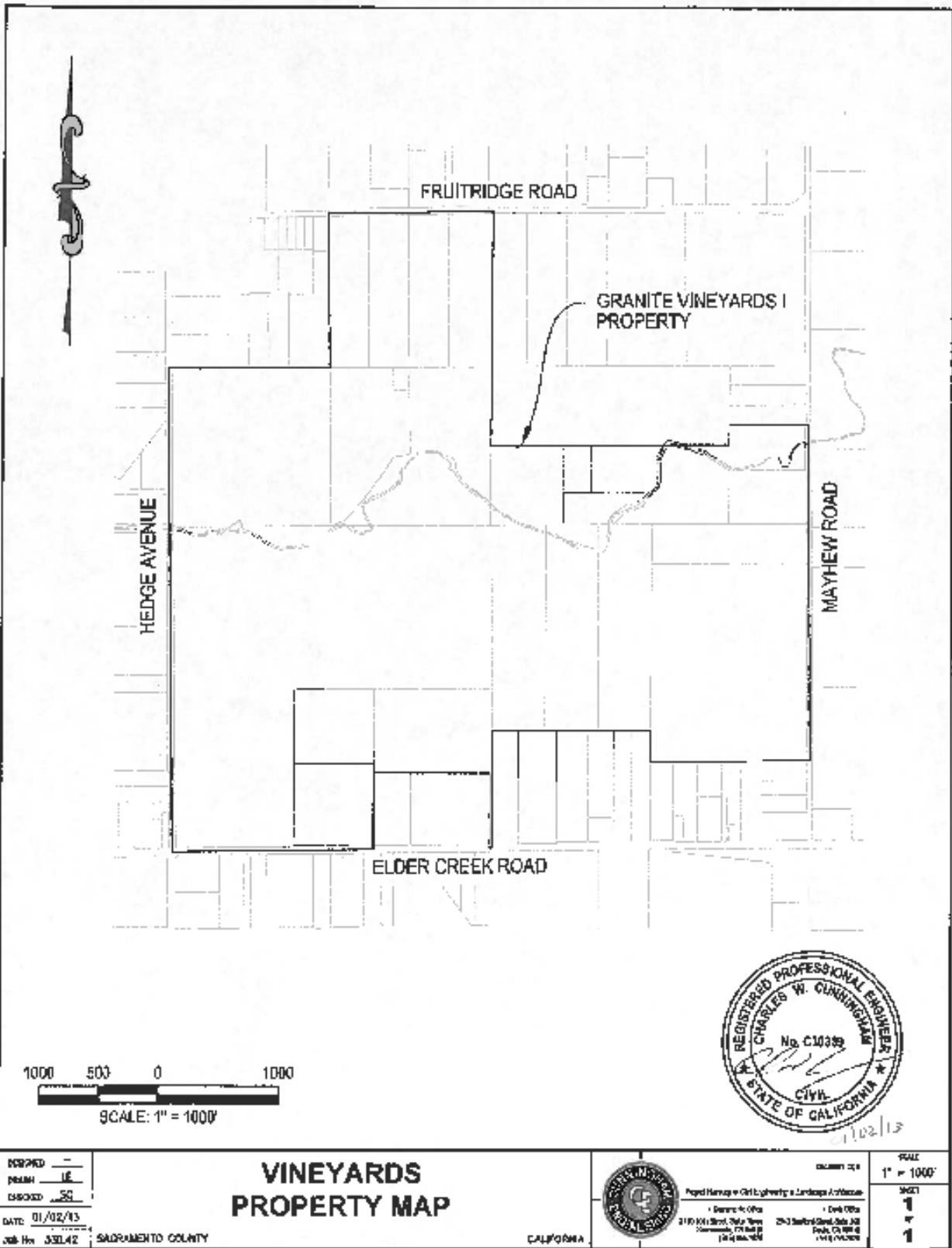
Prepared by Cunningham Engineering Corp.



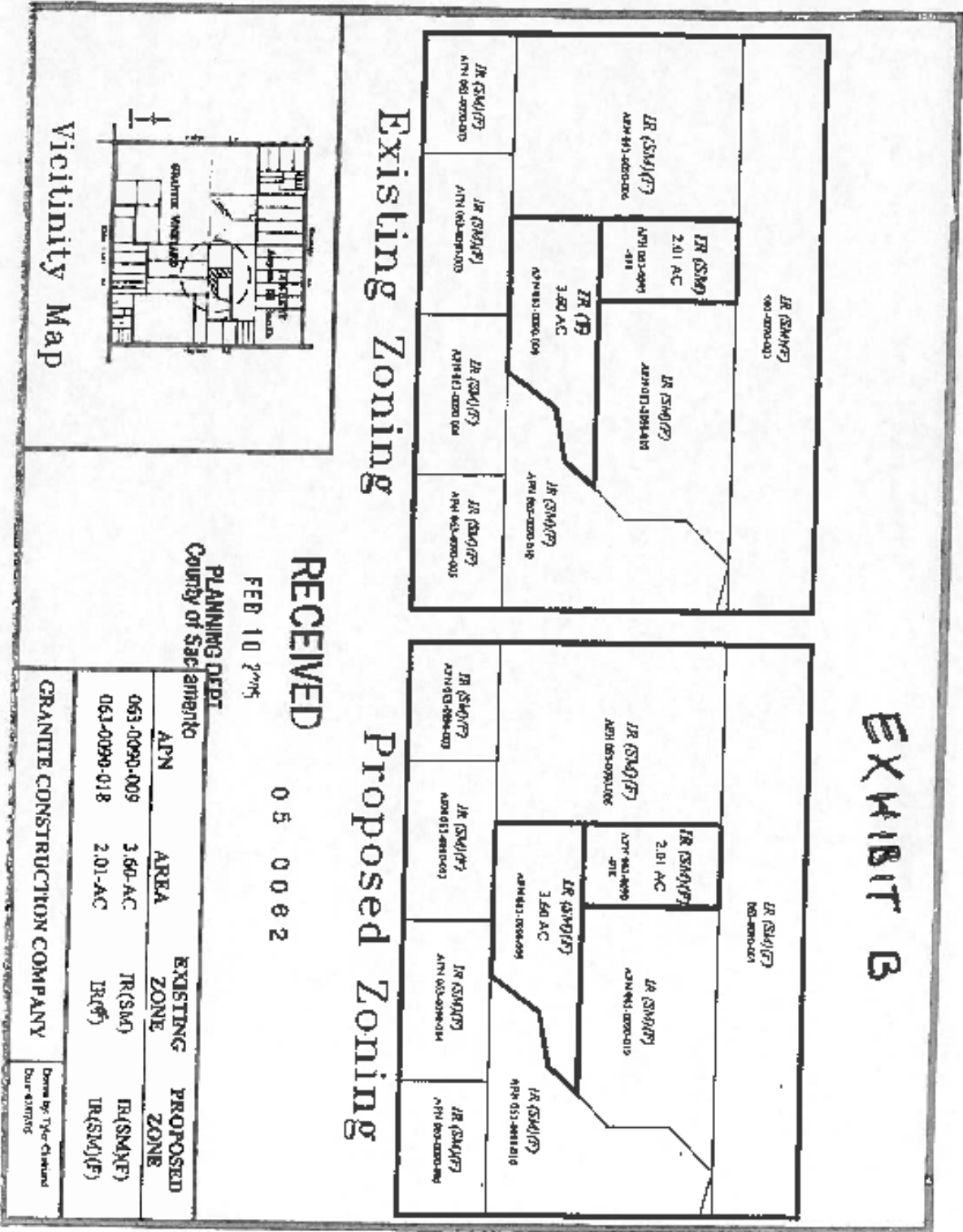
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**ORDINANCE EXHIBIT A-1 - PROPERTY MAP**

*Exhibit "A-1"*



ORDINANCE EXHIBIT B



## ORDINANCE EXHIBIT "C"

The conditions with which Owners shall comply are as follows:

## Surface Water Hydrology and Quality

1. Given the risks involved to surface and groundwater contamination, measures shall be implemented to minimize the risk of toxic contamination of surface and/or groundwater during mining, reclamation or post-reclamation activities. These activities shall include an aggressive policy to restrict use of toxic contaminants on the project site to those absolutely necessary to conduct operations. Any form of pollutant shall be immediately contained, removed from the project site, and safely disposed. No storage of toxic materials shall be allowed in the gravel pits; storage will be allowed only in restricted upland areas where the opportunity for containment over less permeable ground exists. Any mining equipment associated with mining or reclamation operations shall be protected from flooding and from contact with surface water. (*Original Condition*)
2. The Vineyard I operator shall comply with the agricultural management plan approved by the Agricultural Commissioner and the Environmental Management Department to ensure that post-mining agricultural practices do not result in groundwater or surface water contamination. The Environmental Management Department shall be notified of any changes in the plan. (*Original Condition*)
3. The proponent shall obtain and comply with all permits required by the SWRCB and RWQCB. The proponent shall also prepare and implement a Stormwater Pollution Prevention Plan. Consistency with the adopted Water Quality Control Plan will be required and administered by the SWRCB and RWQCB during their review of the proposed project. (*Original Condition*)
4. The proposed mining operations shall be consistent with the *Aspen IIIS, IVS and Granite Vineyard I Post Reclamation Plan Hydrology & Hydraulic Analysis*, prepared by Wood Rodgers, dated June 2011, and the technical memo for the *Granite Vineyard I/ Aspen VI Weir Sensitivity Analysis*, dated July 6, 2011; which can be found and are on file with the Department of Community Development. (*Planning Division Condition*)
5. Prior to diversion of Morrison Creek into the Morrison Creek Realigned Channel (post-reclamation channel), or no later than October 31, 2013, the proponent shall enter into an agreement with the Sacramento County Department of Water Resources requiring that Granite and Teichert maintain and operate the weir on Granite I in the existing "As-Built Condition" in perpetuity. If the proponent wants to change the operation or function of the weir, they must first conduct or fully fund a hydrology and hydraulic analysis deemed satisfactory by the Sacramento County Department of Water Resources. Any proposed changes must receive approval from the Sacramento County Department of Water Resources and undergo any necessary permitting and CEQA analysis at the proponents' expense. (*Department of Water Resources Condition*)
6. All applicable State Fish & Game and U.S. Army Corps of Engineers permits shall be obtained prior to grading or building permit issuance. (*Original Condition*)
7. In order to mitigate erosion and sediment control impacts within the project site, all mining plans shall be required to comply with the County's Land Grading and Erosion Control Ordinance. (*Original Condition*)

### Groundwater Hydrology and Quality

8. The Vineyard I operator shall store contaminants in the gravel operation area in a manner that will contain any spills (i.e., containment berms). Any spills occurring in operational areas should be cleaned up immediately. *(Original Condition as modified by Mitigation Measure GW-1)*
9. The proponent shall obtain all necessary permits for the construction or removal/abandonment of any water wells and septic systems from the Sacramento County Environmental Management Department, Environmental Health Division. *(Original Condition)*
10. Maintain compliance with the minimum mining setback from any adjacent sewage disposal systems as may be required by the Sacramento County Environmental Management Department, Environmental Health Division and the California Regional Water Quality Control Board. *(Original Condition)*
11. The proponent shall coordinate mining activities with the Air Force to avoid potential disruption of the ongoing Mather Field groundwater cleanup program to ensure that vital data collection is not disrupted. *(Original Condition)*
12. The Vineyard I operator shall comply with the groundwater monitoring protocol (Control No. 01-PAB-0371) approved by the Board of Supervisors on November 7, 2001. *(Original Condition as amended by the Planning Division)*

### Cultural Resources

13. On the Vineyard I mining site, if subsurface deposits believed to be cultural or human in origin are discovered during any mining and reclamation-related project activities, then all work must halt within a 200-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained at the Vineyard I mining operator's expense to evaluate the significance of the find. If it is determined due to the types of deposits discovered, that a Native American monitor is required, the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites as established by the Native American Heritage Commission shall be followed, and the monitor shall be retained at the mining operator's expense.

Work cannot continue within the 200-foot radius of the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially eligible for listing on the National Register of Historic Places or California Register of Historical Resources.

If a potentially-eligible resource is encountered, then the archaeologist, the Environmental Coordinator, and project proponent shall arrange for either 1) total avoidance of the resource, if possible; or 2) test excavations or total data recovery as mitigation. The determination shall be formally documented in writing and submitted to the Environmental Coordinator as verification that the provisions of CEQA for managing unanticipated discoveries have been met. *(Original Condition as modified by Mitigation Measure CR-1)*

14. Pursuant to Section 5097.98 of the State Public Resources Code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains on the Vineyard I mining site, all work is to stop and the County Coroner shall be immediately

notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains. (*Original Condition as modified by Mitigation Measure CR-2*)

#### Air Quality

##### 15. Category 1: Reducing NOx emissions from off-road diesel powered equipment.

The Vineyard I mining operator shall provide a plan, for approval of the lead agency and the Sacramento Metropolitan Air Quality Management District (SMAQMD), demonstrating that the heavy-duty (50 horsepower or more) off-road vehicles to be used in the project (mining of the Vineyard I site), including owned or leased and subcontracted vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction (acceptable options for reducing emissions may include use of late model engines, low-emissions diesel products, alternative fuels, engine retrofit technology, after-treatment products and/or other options as they become available) compared to the most recent California Air Resource Board (ARB) fleet average at time of each annual report; and

The mining operator shall submit to the lead agency and SMAQMD a comprehensive inventory of all off-road equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours per year during any portion of the project. The inventory shall include the horsepower rating, engine production year, and project hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted annually throughout the duration of the project. The mining operator shall provide SMAQMD with the name and phone number of the project manager and/or on-site foreman.

Due to the long term nature of this project, the requirement for the emission reduction plan referenced herein will sunset on month/date/year (project proponent should contact SMAQMD staff to determine appropriate sunset period) due to existing SMAQMD and ARB rules that will affect ARB fleet averages at that time.

And:

##### Category 2: Controlling visible diesel emissions from off-road diesel powered equipment.

Emissions from all off-road diesel powered equipment used on the project site shall not exceed 40 percent opacity for more than three minutes in any one-hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and the lead agency and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this mitigation measure shall supersede other applicable SMAQMD or State rules or regulations. (*Mitigation Measure AQ-1*)

16. All vehicles utilized as part of the Vineyard I mining shall be maintained in accordance with the manufacturers' recommendations, and all stationary equipment used on the site shall be maintained in compliance with emissions limitations established by a permit issued by the SMAQMD. The Vineyard I mining operator shall maintain records of equipment maintenance activities and records shall be provided to the County upon request. (*Mitigation Measure AQ-2*)

17. Particulate filters and catalysts should be used where technically feasible to reduce NOx emissions from off-road heavy duty equipment associated with the Vineyard I mining. The mining operator should contact SMAQMD and/or ARB for assistance in determining appropriate emission reducing technologies. (*Mitigation Measure AQ-3*)
18. Carry-out of mud or dirt onto public roads during initial overburden removal shall be controlled by creating either a gravel apron or a mud trap (series of metal bars or grating with space underneath to accumulate material) to remove mud or dust from truck tires. Public roads near project site access points shall be regularly swept to avoid accumulation of dust on the road surface. (*Original Condition*)
19. Unpaved haul roads shall be regularly treated with appropriate dust suppressants (e.g., water or chemical dust palliatives). The frequency of application shall vary according to the weather and moisture level of the soils on the site, but shall be frequent enough to avoid visible dust plumes. (*Original Condition*)
20. Overburden stockpiles shall be treated with appropriate dust suppressants, regularly watered or otherwise treated to minimize wind erosion. (*Original Condition*)
21. Every effort shall be made to remove overburden during the period of the year when surface soils are moist. If overburden is removed when surface soils are dry, water spraying equipment shall be used to reduce dust emission. Water spraying equipment shall likewise be used, as needed, when removing aggregate. The duration and timing of water spraying shall be determined by the Municipal Services Agency. (*Original Condition*)
22. The moisture content of material being conveyed on and off-site shall be maintained at a level sufficient to avoid visible dust from the conveyor loading and transfer points. (*Original Condition*)
23. The Vineyard I operator shall comply with the air quality monitoring protocol (Control No. 01-PAB-0371) approved by the Board of Supervisors on November 7, 2001. (*Original Condition as amended by the Planning Division*)

#### Geologic and Slope Stability

24. For the Vineyard I mining site, the mining operator shall limit the finished side slopes of the Morrison Creek Realigned Channel and mining pit slopes at the Vineyard I mining site to 2:1 (horizontal:vertical) to ensure stability for existing soil conditions. For the slopes of the Morrison Creek Realigned Channel, soils shall be placed and compacted to 90 percent of the maximum dry density, at or near optimum moisture conditions, in all finished slopes. Since local stability of the slope is critically dependent upon proper compaction of the overburden soils, a qualified soils engineer shall be regularly present throughout grading operations to determine compliance with job specifications. (*Original Condition as modified by Mitigation Measure GS-1*)
25. Prior to allowing re-directed stream flows to the Morrison Creek Realigned Channel, the Vineyard I mining operator shall submit a report prepared by a California registered professional engineer certifying the channel and embankment engineering and foundation soils of the Morrison Creek Realigned Channel. The engineer's report shall address slope stability, soil compaction rates, foundation soils, potential failure mechanisms and contingencies for repairing failures. The report shall be submitted to the Department of Community Development for approval. No flows shall be directed to the new channel until

approval is granted by the Department of Community Development. (*Mitigation Measure GS-2*)

26. The Vineyard I mining operator shall comply with the approved Erosion Control Plan to ensure that the side slopes of the pit are vegetated following final slope placement to prevent excessive erosion and enhance slope stability. (*Original Condition as modified by Mitigation Measure GS-5*)
27. The mining operator for Vineyard I shall submit to the Environmental Coordinator, a ten-year monitoring plan that outlines monitoring requirements and identifies mitigating steps for any significant erosion that may occur at a specific location in the Morrison Creek Realigned Channel (flow channel). If significant erosion is identified during monitoring, the mining operator shall contact the Environmental Coordinator and submit proof of corrective actions. Appropriate mitigation includes, but is not limited to; strengthening of the channel, re-grading the channel, widening the channel to reduce scour velocities, or any other revision as approved by County staff to mitigate significant erosion. (*Mitigation Measure GS-6*)

#### Paleontological Resources

28. Should fossils be discovered on the project site, the proponent shall terminate work in the immediate area of the discovery and contact the County Department of Environmental Review and Assessment and the University of California at Davis or California State University Sacramento to jointly develop an action plan to assess and/or preserve the fossil resources. (*Original Condition*)

#### Biological Resources

29. The proponent shall secure a Streambed Alteration Agreement (CDFG 1601-1607) with the California Department of Fish and Game before re-routing existing stream channels. The Streambed Alteration Agreement should include a program and appropriate plans to protect upstream and downstream habitats. Best Management Practices should be employed to minimize alterations of natural water flows and reduce downstream sediment. (*Original Condition*)
30. Granite Construction shall submit to the Department of Community Development the recorded Conservation Easements for the Morrison Creek Realigned Channel by the date set in the issued U.S. Army Corps of Engineers Section 404 permit (November 30, 2013). In the event that the U.S. Army Corps of Engineers changes the date for the permit, a copy of the recorded Conservation Easement shall be submitted within five (5) days of the new approved date. (*Mitigation Measure BR-1*)
31. The proponent shall develop and implement a water quality and erosion control plan for all mining and reclamation related project activities. The plan shall include the following:
  - a. Control disposal of runoff during mining and reclamation-related project activities as well as any water encountered during such activities. There must not be any discharge to state waters unless authorized under permit by the California Department of Fish and Game and the Central Valley Regional Water Quality Control Board;
  - b. Methods to control surface discharge away from disturbed areas and along roadways;
  - c. Methods to be used for slope stabilization and to limit erosion on disturbed areas or any other area subject to erosion;

- d. Methods to be implemented that ensure proper operation, maintenance, and use of erosion control devices;
  - e. Seasonal variation in use of erosion control measures must be addressed, including winterizing all areas from October 15 through May 15 of each calendar year; and
  - f. A detailed revegetation and slope stabilization plan. (*Original Condition*)
32. The proposed project (through the Lead Agencies) shall comply with the consultation requirements set forth in Section 7 of the Federal Endangered Species Act (per 16 USC Sec. 1531 et seq.), and the Fish and Wildlife Coordination Act (16 USC Sec. 661 et seq.). (*Original Condition*)
33. The mining operator for Vineyard I shall implement the *Wetland, Oak Woodland and Riparian Mitigation Monitoring Plan* (refer to Appendix D1 of the SEIR) and submit to the Department of Community Development annual monitoring reports as specified in the *Wetland, Oak Woodland and Riparian Mitigation Monitoring Plan*. The report shall present the status of the creek, wetlands, drainage, oak woodland and riparian habitats, including individual wetland data, photo-documentation, status of the riparian and oak woodland plantings, and any recommended remediation. The report shall also include an assessment of the monitoring results against the success criteria described in the *Wetland, Oak Woodland and Riparian Mitigation Monitoring Plan*.

The monitoring report shall be prepared and submitted to the Department of Community Development (and Corps and CDFG) for each of the monitoring years by December 31st of each monitoring year. The report shall include:

- a. A map showing the Preserve including wetland locations, location of various monitoring activities and photo points;
- b. Hydrology, vegetation, and photographic monitoring results as described in the *Wetland, Oak Woodland and Riparian Mitigation Monitoring Plan*;
- c. An assessment of the monitoring results against the established success criteria;
- d. A description of the overall site conditions and any management actions taken during that year; and
- e. Any recommended management or remediation actions to be conducted (if necessary, a contingency plan, as described in Section 8.2 of the *Wetland, Oak Woodland and Riparian Mitigation Monitoring Plan* will be prepared).

If any revisions to the construction plans for the Morrison Creek Realigned Channel occur during the first ten years, a letter indicating proposed changes shall be submitted to the Department of Community Development. If changes require approval by either the Corps or CDFG an approval letter from the respective agency shall be submitted to the Department of Community Development.

At the end of the ten-year monitoring period, monitoring will cease if the Morrison Creek Realigned Channel is found by the Department of Community Development, Corps and CDFG to be in substantial compliance with the established success criteria. Monitoring will be extended beyond the ten-year period for those habitats that are not meeting success criteria. (*Mitigation Measure BR-2*)

34. The following mitigation is recommended to minimize the potential impacts to the Swainson's hawk, burrowing owl, and other special status raptor species. The measures listed below are related to the aforementioned species only.
- a. Prior to issuance of any grading permits, the proponent shall submit, to the Department of Environmental Review and Assessment, a current survey conducted by a qualified wildlife biologist indicating the location and status of any active nest on the project site.
  - b. Prior to disturbance of any nest, the proponent shall secure the required permits from the U.S. Fish and Wildlife Service for such removal, pursuant to the Migratory Bird Treaty Act.
  - c. No construction shall be allowed within 150 feet from any active nest site until all of the young have fledged, or a permit has been secured from the appropriate resource agency to allow disturbance or removal of the active nests. The 150-foot "no construction" buffer zone must be adequately fenced and signed.
  - d. The post-reclamation agricultural areas shall be planted only with crops that are suitable for Swainson's hawk foraging; these crops shall be approved by the California Department of Fish and Game.
  - e. The post-reclamation project site shall not be operated with any rodent or small mammal control program that would eliminate all rodents and small mammals from the project site. The proponent shall ensure that any rodent or small mammal control program is approved by the California Department of Fish and Game, U.S. Army Corps of Engineers, and County prior to its implementation. (*Original Condition*)
35. Prior to the issuance of a Work Authorization Permit, if mining on the Vineyard I expansion site is to occur between March 1 and September 15, a focused survey for Swainson's hawk nests on the site and on nearby trees shall take place within ½ mile for rural sites and ¼ mile for urban sites, and shall be conducted by a qualified biologist within 14 days prior to the start of any mining and reclamation-related project activities (including clearing and grubbing). If active nests are found, the California Department of Fish and Game (CDFG) shall be contacted to determine appropriate protective measures. If no active nests are found during the focused survey, no further mitigation will be required. (*Mitigation Measure BR-8*)
36. Prior to mining activities on the Vineyard I mining expansion site, a focused survey shall be conducted by a qualified biologist for burrowing owls where suitable habitat is present in the project area. Suitable habitat includes agricultural field margins, drainage ditches and fallow fields. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of any mining and reclamation-related project activities. Surveys shall be conducted in accordance with CDFG protocol (CDFG, 1995).
- a. If no occupied burrow is found in the survey area, a letter report documenting survey methods and findings shall be submitted to the County and no further mitigation is necessary.
  - b. If an occupied burrow is found, the Vineyard I expansion mining operator shall contact the Environmental Coordinator and consult with the CDFG, prior to any

- mining and reclamation-related project activities, to determine if avoidance is possible or if burrow relocation will be required.
- c. If owls are to remain on-site, a minimum of 6.5 acres of foraging habitat for each occupied burrow needs to be permanently preserved according to CDFG guidelines.
  - d. In order to avoid direct impacts to owls, no activity shall take place within 160 feet of an active burrow from September 1 to January 31 (wintering season) or 250 feet from February 1 through August 31 (breeding season). Protective fencing shall be placed, at the distances above, around the active burrows and no activity shall occur within the protected buffer areas.
  - e. Any impact to active owl burrows, relocation of owls or mitigation for habitat loss shall be done in accordance with CDFG guidelines. Written evidence from CDFG staff shall be provided to the Environmental Coordinator attesting to the permission to remove burrows, relocated owls, mitigate for lost habitat and provide a method for preservation habitat in perpetuity. (*Mitigation Measure BR-9*)
37. Survey for Tricolored blackbirds: If mining activities on the Vineyard I mining expansion site occur between March 1 and July 31, a pre-construction survey for nesting tricolored blackbird shall be performed by a qualified biologist. Surveys shall include the project site and areas of appropriate habitat within 300 feet of the site. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of mining activities. The biologist shall supply a brief written report (including date, time of survey, survey method, name of surveyor and survey results) to the Environmental Coordinator prior to ground disturbing activities. If no tricolored blackbirds are found during the pre-construction survey, no further mitigation will be required. If an active tricolored blackbird colony is found on-site or within 300 feet of the project site, the Vineyard I expansion mining operator shall do the following:
- a. Consult with CDFG to determine if project activity will impact the tricolored blackbird colony(s). Provide to the Environmental Coordinator with written evidence of the consult or a contact name and number from CDFG.
  - b. With CDFG permission, the mining operator may avoid impacts to tricolored blackbirds by establishing a 300-foot temporary setback with fencing that prevents any project activity within 300 feet of the colony. A qualified biologist shall verify that setbacks and fencing are adequate and will determine when the colonies are no longer dependent on the nesting habitat (i.e., nesting have fledged and are no longer using habitat). The breeding season typically ends in July.
  - c. If the tricolored blackbird habitat is permanently destroyed, follow CDFG procedure to mitigate for habitat loss. (*Mitigation Measure BR-10*)
38. The removal of 40 inches of diameter breast-height (dbh) of native oak trees for the Vineyard I expansion site shall be compensated by planting native oak trees (either valley oak/*Quercus lobata*, blue oak/*Quercus douglasii* and/or interior live oak/*Quercus wislizenii*) equivalent to the dbh inches lost, based on the ratios listed below, at locations that are authorized by the Environmental Coordinator. On-site preservation of native oak trees that are less than 6 inches (<6 inches) dbh, may also be used to meet this compensation requirement. A total of 40 inches will require compensation.

Equivalent compensation based on the following ratio is required:

- One preserved native oak tree < 6 inches dbh on-site = 1 inch dbh
- One D-pot seedling (40 cubic inches or larger) = 1 inch dbh
- One 15-gallon tree = 1 inch dbh
- One 24-inch box tree = 2 inches dbh
- One 36-inch box tree = 3 inches dbh

Replacement tree plantings shall be completed prior to tree removal or a bond shall be posted by the Vineyard I mining expansion operator in order to provide funding for purchase, planting, irrigation, and 3-year maintenance period, should the mining operator default on replacement tree mitigation. The bond shall be in an amount equal to the prevailing rate of the County Tree Preservation Fund and will be due within one year of posting the bond.

Prior to the issuance of a Work Authorization Permit for the Vineyard I expansion site, a Replacement Oak Tree Planting Plan shall be prepared by a certified arborist or licensed landscape architect and shall be submitted to the Environmental Coordinator for approval. The Replacement Oak Tree Planting Plan(s) shall include the following minimum elements:

- a. Species, size and locations of all replacement plantings and < 6 inch dbh trees to be preserved;
- b. Method of irrigation;
- c. If planting in soils with a hardpan/duripan or clayplan layer, include the Sacramento County Standard Tree Planting Detail L-1, including the 10-foot deep boring hole to provide for adequate drainage;
- d. Planting, irrigation and maintenance schedules;
- e. Identification of the maintenance entity and a written agreement with that entity to provide care and irrigation of the trees for a 3-year establishment period, and to replace any of the replacement oak trees which do not survive during that period; and
- f. Designation of a 20-foot root zone radius and landscaping to occur within the radius of oak trees < 6 inches dbh to be preserved on-site.

No replacement tree shall be planted within 15 feet of the driplines of existing oak trees or landmark size trees that are retained onsite. The minimum spacing for replacement oak trees shall be 20 feet on-center.

If oak tree replacement plantings are demonstrated to the satisfaction of the Environmental Coordinator to be infeasible for any or all trees removed, then compensation shall be through payment into the County Tree Preservation Fund. Payment shall be made at a rate of \$325.00 per dbh inch removed but not otherwise compensated, or at the prevailing rate at the time payment into the fund is made. (*Mitigation Measure BR-4*)

#### Traffic and Circulation

39. The proponent shall limit material to be removed from the project site by truck to 1,000,000 cubic yards of overburden. (*Original Condition*)

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40. If overburden from the Vineyard I mining expansion site is to be removed from the site, overburden transport shall be by conveyor and internal vehicles only and not by on-road haul trucks. (*Mitigation Measure TC-2*)
41. The Vineyard I mining operator shall transport mined aggregate material to the processing plants only by conveyor, and not by trucks. (*Original Condition as modified by Mitigation Measure TC-1*)
42. All overburden removed from the site by trucks shall be routed onto Mayhew Road north to Jackson Road. If an on-site crossing of Morrison Creek is required, the creek crossing shall be consistent with all U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and California Department of Fish and Game permits required for the project. Any temporary private bridge crossing of Morrison Creek shall be removed prior to completion of the project reclamation plan. Overburden hauling (truck trips) shall not exceed 30 per hour during peak traffic periods. (*Original Condition*)
43. Grant the County right-of-way for Fruitridge Road, Mayhew Road, and Elder Creek Road based on an 84-foot standard, pursuant to the Sacramento County Improvement Standards. (*Original Condition*)
44. Grant the County right-of-way for Hedge Avenue based on a 60-foot standard, pursuant to the Sacramento County Improvement Standards. (*Original Condition*)
45. Grant the County additional right-of-way on Elder Creek Road/Hedge Avenue for intersection widening per standard drawings H-24 and H-25 of the Sacramento County Improvement Standards. (*Original Condition*)
46. The proposed conveyor tunnels under various roadways shall be designed to accommodate the ultimate roadway cross-section to the satisfaction of the Transportation Division of the Public Works Agency/Caltrans. (*Original Condition*)
47. Prior to initiation of overburden removal from the project site, the proponent shall install a right-turn on the northbound Mayhew Road approach to the Jackson Road intersection. The cost of this improvement shall be split on a fair-share basis between Teichert Aggregates and Granite Construction. Within 6 months of the use permit approval, the proponent shall submit improvement plans to the County of Sacramento Transportation Division for review and approval. (*Original Condition*)
48. The location, number and design of project access driveways for the project site shall be to the satisfaction of the Department of Transportation. (*Original Condition*)
49. The proponent shall agree to repair any damages to structural paving material along sections of project site roadway segments upon which loaded trucks are routed, to the extent such damage is caused by traffic which occurs during the period of hauling operations. Such agreement with the Department of Transportation shall be formalized prior to issuance of the work authorization permit. (*Original Condition*)
50. No mining shall take place within 25 feet of the ultimate right-of-way of Fruitridge Road and Mayhew Road, except that the Public Works Director may authorize mining to proceed up to 12 feet from the ultimate right-of-way, with appropriate backfill and compaction to preexisting grade to the required 25-foot setback line (with a slope no steeper than 2:1). The mining and backfilling proposal shall be supported by a soils report prepared by a qualified soils engineer, certifying that the overburden and underlying aggregate can

support the proposed activity and anticipated traffic levels of Fruitridge Road and Mayhew Road without adversely affecting the County right-of-way. The 25-foot setback area adjacent to the right-of-way of Fruitridge Road and Mayhew Road shall be backfilled and compacted prior to the onset of the rainy season, and a soil engineer shall certify the compaction to at least 90 percent. (*Original Condition*)

#### Land Use

51. The proponent shall maintain the following setbacks:
  - a. A 25-foot minimum setback from adjoining rural residential land uses, the first 10 feet of which shall consist of undisturbed land.
  - b. No mining may occur within 50 feet of any habitable structures in existence on adjacent properties at the time of mining.
  - c. No mining may occur within 50 feet of the west property line of the Buddhist Temple (APN: 063-0110-008), except for the northern most 250 feet as referenced on “Option 3”, where mining may occur within 50 feet of, but not closer than 10 feet, to the west property line. These northern most 250 feet shall be reclaimed to original grade with backfilling to a minimum of 50 feet once mining is complete in the area. Duration of operations in this reduced setback area shall not exceed 2 weeks for overburden removal, 3 weeks for mining, and 6 weeks for reclamation. These operations may or may not be sequential. Each operation shall be preceded by a 3-week advance written notification to the Temple.
  - d. A 25-foot minimum landscaped setback from all public streets consisting entirely of unmined land, or unless otherwise specified herein.
  - e. The setback area consisting of mined land shall be reclaimed to original grade within one year or less of completion of mining. (*Original Condition*)
52. In order to mitigate potential impacts to surrounding land uses, the proponent shall be required to comply fully with mitigation measures identified in the Noise, Traffic and Circulation; Air Quality; and Visual Impacts sections of the EIR/EIS and SEIR, unless otherwise amended by the conditions set forth herein. These mitigation measures will employ appropriate state-of-the-art techniques for erosion control, reclamation, nuisance prevention, and environmental impact mitigation relative to surface mining operations. (*Mitigation Measure LU-1*)
53. In order to mitigate potential impacts to agricultural uses, prior to the issuance of the work authorization permit for the Vineyard I mining expansion site, the mining operator shall revise/prepare a plan, that includes the Vineyard I mining expansion site (5.6 acres), for the preservation and salvage of topsoil resources suitable for sustaining economically viable agricultural uses, consistent with the performance standards set forth in Sections 3708 and 3711 of the State Mining and Geology Board Reclamation Regulations. (*Mitigation Measure LU-2*)
54. Provide the Southgate Recreation & Park District (SRPD) copies of all Army Corps of Engineers (ACOE), U.S. Fish and Wildlife Service, California Department of Fish and Game and any other permitting agency final permits, conditions and restrictions, management plans, and/or wetland delineations as they pertain to the bicycle/pedestrian trails within Vineyard I. (*Southgate Recreation & Park District Condition*)

55. Upon request by the SRPD, the Vineyard I mining operator agrees to provide a trail and setback easement (hereafter the "Trail Easement"), not to exceed 20 feet in width, so long as said easement does not conflict with any requirements or easements stemming from any permit issued, or that may be issued, by an agency of the State of California or the federal government. Said easement shall be located coincident with the maintenance road on the north levee within the Morrison Creek Preserve (as approved by the ACOE in an e-mail dated September 26, 2012) and shall be consistent with the attached Public Trail Map (Exhibit A).
- a. *Trail Improvements.* At the request of the SRPD and after acceptance of the Trail Easement by SRPD, the Operator shall improve the Trail Easement area by constructing a trail surface not exceeding 12 feet in width. Operator's responsibilities with respect to improvement of the Trail Easement area shall be limited to the installation of a suitably compacted base rock foundation as the trail surface, the grade and slopes of which shall be designed to provide for safe use, entry and exit by members of the public. The cost of other improvements of the Trail Easement area, including the installation of asphalt or other overlay paving, shall be the responsibility of SRPD. SRPD shall also bear the cost of installing fencing around the Trail Easement area (hereafter "Trail Fencing") and interpretive signage on said fencing (hereafter "Trail Signage") to the satisfaction of ACOE.
  - b. *Trail Maintenance.* As a condition of allowing the trail to be located within the Morrison Creek Preserve, the SRPD shall provide for funding necessary for the removal of trash from the Trail Easement area and all other maintenance of the Trail Easement area, Trail Fencing and Trail Signage required by ACOE to keep the trail in good repair.
  - c. *Modification or Termination of Condition.* This condition shall cease to be binding in the event (a) the requirement for an easement dedication and/or trail installation is superseded by a condition of approval for a trail easement on a development application covering the same property; (b) the Operator and the SRPD enter into an agreement rendering all or part of this condition null and void or, (c) at the latest, upon expiration of the use permit and any extensions that may be granted thereto, unless SRPD has previously requested the dedication of a Trail Easement. (*Southgate Recreation & Park District Condition and Mitigation Measure LU-3*)
56. The Vineyard I mining operator shall comply with all requirements of its ACOE permits and Operator shall also (through the Preserve Manager) comply with all Operations and Management (O&M) Plans related to the ACOE permits and related Morrison Creek Preserves, including but not limited to the monitoring and general inspection of the Preserves. (*Southgate Recreation & Park District Condition*)

#### Noise

57. Comply with the following operation hours for the on-site mining, unless modified on an interim basis by the Zoning Administrator of the Department of Community Development:
- a. Monday through Friday: 6:00 a.m. until 10:00 p.m.
  - b. Saturday: 8:00 a.m. through 5:00 p.m.
  - c. Sunday and labor union holidays: No mining.

- d. Asian New Year: No mining within 500 feet of the Buddhist Temple property.  
(*Original Condition*)
58. For all other common residential/project property lines, the proponent shall provide noise barriers consisting of 8-foot high earthen berms or temporary portable barriers installed and moved along property boundaries as mining progresses. The noise barriers shall be maintained at least until sufficient pit excavation has occurred to block the line of sight between nearby residences and mining activities. If temporary portable barriers are used, they shall either be constructed with 4 x 8 sheets of 3/4-inch plywood, placed side by side with an overlap of 1-2 inches to prevent gapping, or shall be constructed with other materials which achieve equivalent or greater sound attenuation as verified by a qualified acoustical consultant. (Note: While the above cited 3/4-inch plywood can provide acceptable temporary noise attenuation, this method as currently practiced is subject to weather damage, and lack of maintenance severely limits its effectiveness and aesthetic appeal. Alternatives that provide durability and improved aesthetics for nearby residents and passersby should be explored.) (*Original Condition*)
59. The proponent shall provide for continuous movement of the excavation along the mining face of all common residential/project property lines to prevent noise from concentrating on any one receptor. (*Original Condition*)
60. The Vineyard I operator shall comply with the noise monitoring protocol (Control No. 01-PAB-0371) approved by the Board of Supervisors on November 7, 2001. (*Original Condition as amended by the Planning Division*)

#### Airport Compatibility

61. The retention basin on Vineyard I shall include the following design criteria to the maximum extent practicable, while still adhering to the federal agency regulations:
- a. The basin shall incorporate steep side slopes (3:1 or greater)
  - b. The basin shall be designed to remain clear of vegetation that may provide nesting, roosting or foraging opportunities for birds. Only herbaceous vegetation necessary for erosion control purposes will be allowed. (*Mitigation Measure LU-4*)

#### Public Safety

62. Except along boundaries contiguous with approved mining operations, the proponent shall install fences and provide warning/trespass signs to comply with the Zoning Code. (*Original Condition*)
63. All perimeter fencing shall be retained until post-reclamation development of the project site occurs. (*Mitigation Measure PS-1*)
64. Existing public infrastructure (roads, water and sewer, electrical, etc.) shall be protected from undermining and collapse. To protect the roadway and other public infrastructure, the proponent shall construct adjacent pit sides to standards approved by Water Resources Division (WRD). (*Original Condition*)

#### Aesthetics and Visual Resources

65. The proponent shall screen mining operations from public roadways, private property, and other sensitive receptors by providing an appropriate combination of visual enhancements. Unless otherwise specified herein, these enhancements may include a combination of 25-foot minimum buffers, chain-link fencing, berming, and landscaping with fast-growing, closely spaced shrubs. To the extent possible, earthen berms shall meander and be contoured to reflect a more natural pattern with variations in width, height and direction. *(Original Condition)*
66. All landscaping shall be installed within one year of issuance of the use permit to allow plant establishment and sufficient screening growth. Plantings shall be irrigated by trenching or with individual bubblers on an automatic irrigation system. Along public streets, landscaping shall be installed exterior to earthen berms or chain-link fencing to provide the least "industrial" appearance and the highest compatibility with neighboring uses. Slats may be used in the fencing only if mining occurs before vegetation has reached screening height and density. *(Original Condition)*
67. Landscaping shall be provided adjacent to residential properties within one year of issuance of the use permit. Landscaping along residential properties shall consist of fast growing, closely spaced shrubs and shall be irrigated and maintained over the life of the project. *(Original Condition)*
68. Landscaping along the public streets and adjacent to residential properties shall be consistent with the Landscape Plan (Control No. 00-PAB-0752) as approved by the Board of Supervisors on May 23, 2001. *(Original Condition as amended by the Planning Division)*
69. Any lighting shall be arranged and controlled so as not to illuminate public rights-of-way or adjacent properties. In order to reduce direct and reflected light pollution, lighting at the project site shall be equipped with shields that concentrate the illumination downward such that no direct light is cast off the site. Energy efficient lights shall be used, similar to the types used as residential outdoor security lights. The candle power of the illumination at ground level shall not exceed what is required by any safety or security regulations of any government agency with regulatory oversight of the mining operation. *(Mitigation Measure AV-1)*

#### Public and Private Utilities

70. The proponent shall submit for review by the Environmental Management Department a site plan showing the exact locations of the wells proposed for use during the mining operation, the wells and/or septic systems proposed for abandonment, and the proposed locations for any new wells. *(Original Condition)*
71. The proponent shall abandon any existing septic systems according to the Environmental Management Department and Building Department procedures and standards. Use of the system to be excavated shall be discontinued six months prior to excavation, and the tanks shall be pumped at that time. Should any septic system be uncovered during mining activities, it shall be destroyed as per the requirements of the Environmental Management Department. *(Original Condition)*

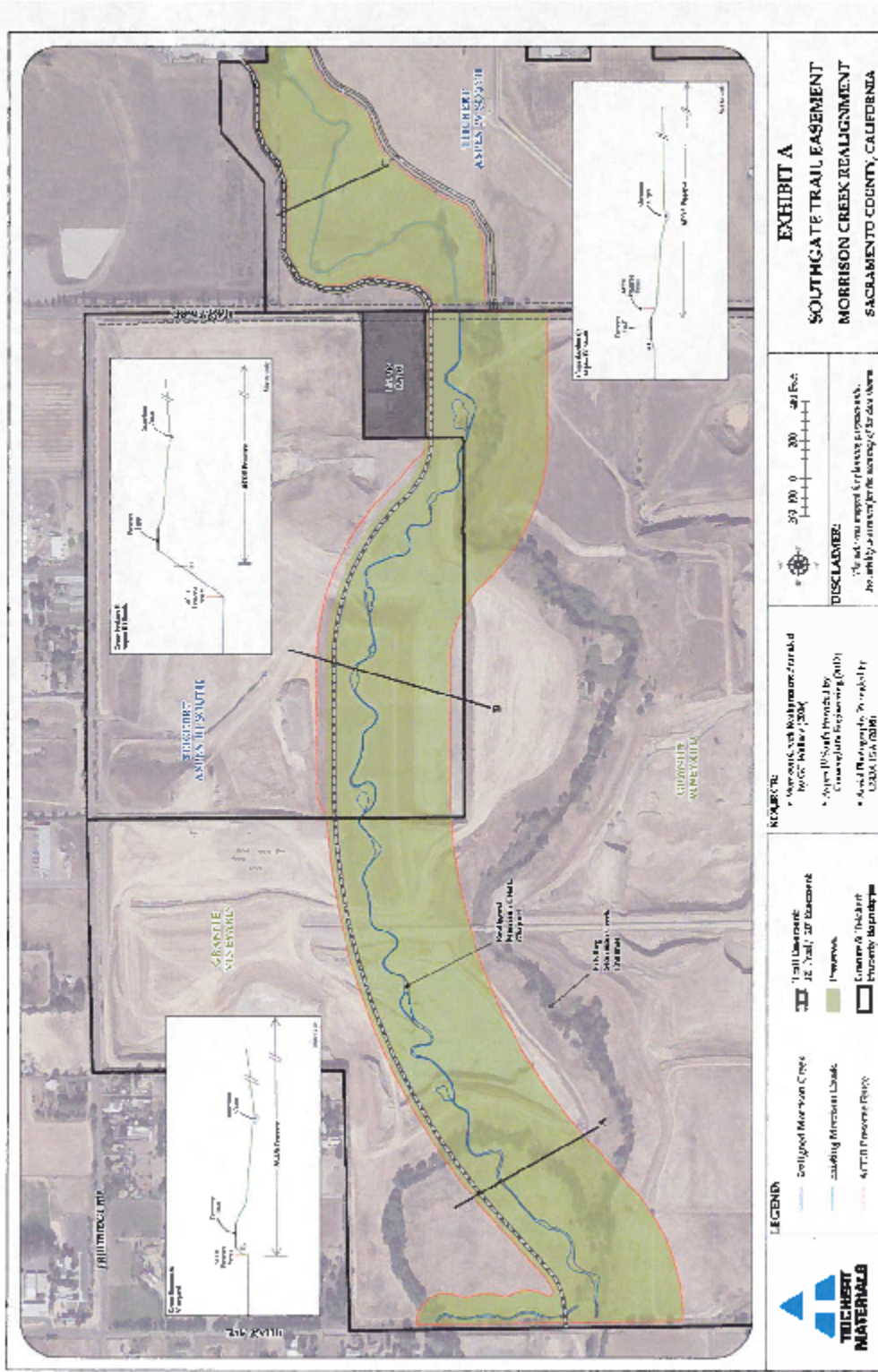
72. The proponent shall ensure that water wells located in each phase of mining shall be abandoned to the satisfaction of the Environmental Management Department prior to initiation of the mining of that phase. Any existing wells shall be abandoned according to the Environmental Management Department and Building Department procedures and standards. Should any well be uncovered during mining activities, it shall be destroyed as per the requirements of the Environmental Management Department. *(Original Condition)*
73. The proponent shall contact the SMUD Distribution Planning Department and consult with SMUD through project planning and development so that any required facilities and easements would be developed in a coordinated manner. The proponent shall keep SMUD informed of all decisions or changes in schedules that pertain to the proposed project, including setbacks, landscaped corridors, or any other planning efforts which may affect SMUD electrical facilities. The proponent shall coordinate with SMUD for the construction of SMUD facilities during the different phases of development. *(Original Condition)*
74. All new wells constructed on the project site shall be located and designed to minimize interference with existing wells within and outside the project site, to the satisfaction of the Environmental Management Department. *(Original Condition)*
75. Any existing overhead power lines shall remain and/or, if necessary, be relocated at the proponent's expense as the operation proceeds. *(Original Condition)*

#### Miscellaneous

76. This action does not relieve the proponent of the obligation to comply with all ordinances, statutes, regulations and procedures applicable at the time of development. Any required subsequent procedural actions (e.g., issuance of a Work Authorization Permit) shall take place within 36 months of the date on which the use permit became effective or this action shall automatically be null and void. *(Original Condition)*
77. This use permit shall expire on December 15, 2025 (i.e., all mining shall cease on December 15, 2025). Any additional reclamation work shall be completed within 24 months of the completion of mining. *(Original Condition as amended by the County Planning Commission)*
78. Prior to issuance of the work authorization permit, provide Sacramento County with a performance bond for each of the projects made payable to the County of Sacramento and the Department of Conservation of the State of California in the amount of \$173,077 to financially guarantee reclamation of the property. The amount of the bond shall be subject to annual review and adjustment pursuant to the requirements of SMARA. *(Original Condition)*
79. Provide a sign at the main entry to the project with a primary contact and phone number in case of emergency or nuisance problems. *(Original Condition)*
80. Comply with the Mitigation Monitoring and Reporting Program (MMRP) for this project as follows:
  - a. It shall be the responsibility of the Vineyard I mining operator to reimburse the County for all expenses incurred in the implementation of the Mitigation Monitoring and Reporting Program (MMRP), including any necessary enforcement actions. The mining operator shall pay an initial deposit of \$6,000.00. Over the course of the

- project, DERA will regularly conduct cost accountings and submit invoices to the mining operator when the County monitoring costs exceed the initial deposit.
- b. Until the MMRP has been recorded and initial deposit paid, no work authorization permit, grading permit or encroachment permit from Sacramento County shall be approved. (*Original Condition as amended by the Division of Environmental Review and Assessment*)
81. Prior to diversion of Morrison Creek into the Morrison Creek bypass pursuant to Permit Number SPK-1994-00102 issued by the USACE on April 16, 2004, revised March 12, 2010, the Vineyard I mining operator shall provide the Department of Community Development a copy of any permit(s) (e.g., an Encroachment Permit) that may be required from the Central Valley Flood Protection Board. (*Planning Division Condition*)

PUBLIC TRAIL MAP  
 (CONDITIONS EXHIBIT A)



ORDINANCE EXHIBIT D

EXHIBIT "D"

CONSENT OF OWNER(S) TO IMPOSITION OF REZONE CONDITIONS

I am one of the owners of that real property which is described in Exhibits "A" and "A-1" of this Zoning Ordinance, which is attached thereto and incorporated therein as though set forth in full ("Subject Property"), and which is also commonly referred to and known as Assessor Parcel Nos. 063-0080-010 through 013; 063-0090-001 through 003, 006, 009, 010, 011, 015 through 019; and 063-0110-001 through 006, 012, 028, 029. As the record owner of the Subject Property, I have applied to have a portion of the Subject Property described in Exhibits "A" and "A-1" rezoned as shown in Exhibit "B" from the from the IR(SM) Industrial Reserve with Surface Mining Combining and IR(F) Industrial Reserve with Flood Combining to IR(SM)(F) Industrial Reserve with Surface Mining/Flood Combining Land Use Zone for 5.61± acres (APN: 063-0090-009 and 018). Approximately 408± acres of the Subject Property was previously rezoned from IR(F) Industrial Reserve Flood Combining, IR(SM) Industrial Reserve Surface Mining Combining, M-I Light Industrial, and M-I(F) Light Industrial Flood Combining Land Use Zone to the IR(F)(SM) Industrial Reserve Flood/Surface Mining Combining and M-I(F)(SM) Light Industrial Flood/Surface Mining Combining Land Use Zone by the Board of Supervisors on January 12, 2000 by Ordinance No. SZC-2000-0001, and that zoning remains in place, but the conditions attached thereto are amended and superseded by Exhibit "C".

On behalf of myself and all other record owners of the Subject Property, I hereby represent that I have received a copy of the Zoning Ordinance, including Exhibits "A", "A-1", "B", and "C" in their entirety, and have carefully reviewed and fully understand the Rezone conditions set forth in Exhibit "C". In my capacity as owner, and authorized representative of all other record owners, of the Subject Property, I consent to the imposition of the Rezone Conditions and agree to fully comply with the Rezone Conditions.

GRANITE CONSTRUCTION COMPANY

DATED: 1-3-13

By: Scott Wolcott  
Scott Wolcott, Vice President Land & Quarry

"Owner"

SDL  
20050062sigpg - Ex D

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO:

NAME

MAILING ADDRESS

CITY, STATE ZIP CODE

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

RESOLUTION NO. \_\_\_\_\_

**RELEASE AND DISCHARGE**

**RELEASES ZONING AGREEMENT  
RECORDED IN BOOK 20000121 AT PAGE 0604 et seq.  
OFFICIAL RECORDS**

BE IT RESOLVED AND ORDERED that the Chair of the Board of Supervisors be and is hereby authorized and directed to execute a **RELEASE** on behalf of the COUNTY OF SACRAMENTO relating to that certain Agreement executed on January 12, 2000 and adopted by Ordinance No. SZC 2000-0001 with

**GRANITE CONSTRUCTION COMPANY**

and to do and perform everything necessary to carry out the purpose of this resolution.

AND BE IT FURTHER RESOLVED that the Board of Supervisors does hereby consent to, authorize, and direct the Clerk of the Board of Supervisors to record this Release, attached hereto, in the office of the Recorder of Sacramento County.

On a motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the foregoing resolution was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, at a regular meeting thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote, to wit:

AYES: Supervisors:  
NOES: Supervisors:  
ABSENT: Supervisors:  
ABSTAIN: Supervisors:

\_\_\_\_\_  
CHAIR OF THE BOARD OF SUPERVISORS  
OF SACRAMENTO COUNTY, CALIFORNIA

ATTEST: \_\_\_\_\_  
CLERK OF THE  
BOARD OF SUPERVISORS



Vineyard I  
20050062  
063-0080-010 through 013; 063-0090-001  
through 003, 006, 009, 010, 011, 015  
through 019; and 063-0110-001 through  
006, 012, 028, 029

RELEASE AND DISCHARGE  
(Upon Rezone)

THIS RELEASE AND DISCHARGE, made this \_\_\_\_\_ day of \_\_\_\_\_,  
2013, by the County of Sacramento, a political subdivision of the State of California:

W I T N E S S E T H

WHEREAS, on January 12, 2000 the COUNTY OF SACRAMENTO entered into an Agreement  
with:

GRANITE CONSTRUCTION COMPANY

which Agreement was adopted by Ordinance No. SZC 2000-0001 and was recorded in Book  
20000121 at Page 0604 *et seq.*, on January 21, 2000, Official Records of Sacramento County,  
and affecting certain real property situated in the County of Sacramento, State of California,  
wherein GRANITE CONSTRUCTION COMPANY was obligated to comply with certain  
conditions regarding said real property; and

WHEREAS, the Board of Supervisors, in connection with a rezone to change the zoning  
of the property subject to the above-referenced Agreement, has determined to release that portion  
of said property from the conditions imposed thereon by the aforesaid Agreement.

NOW, THEREFORE, the County of Sacramento, acting by and through its governing  
body, the Board of Supervisors, hereby releases the following described property from the  
conditions and obligations imposed thereon by that certain Agreement adopted on January 12,  
2000, by Ordinance No. SZC 2000-0001 and recorded in Book 20000121 at Page 0604 *et seq.*, in  
the Office of the Recorder of Sacramento County:

All that certain real property situated in the County of Sacramento, State of California described as follows:

See Exhibit "A"

## EXHIBIT "A"

All that certain real property situated in the County of Sacramento, State of California, described as follows:

All that portion of Section 29 and all that portion of Section 30, Township 8 North, Range 6 East, M.D.M. situated in the County of Sacramento, State of California, described as follows:

Beginning at the South quarter corner of said Section 30 located at the intersection of Elder Creek Road and Hedge Road; thence from said point of beginning, westerly along the North-South centerline of said Section 30 3960 feet more or less to the southwest corner of Lot 4 as shown on the Plat of George W. Arie Subdivision filed in Book 9 of Maps, Map No. 45 in the Recorder's Office of Sacramento County; thence easterly 1320 feet more or less to the southeast corner of Lot 5 as shown on said Plat; thence northerly 1317.70 feet more or less to the northwest corner of said Lot 5; thence easterly 1322.29 feet more or less to the northeast corner of Lot 8 as shown on said Plat, thence southerly 1318.20 feet more or less to the southeast corner of said Lot 8 being the southeast corner of the North 1/2 of the Northeast 1/4 of said Section 30; thence southerly 660 feet more or less to the northwest corner of the West 1/2 of the South 1/2 of the Northwest 1/4 of said Section 29; thence easterly 612.1 feet more or less to a point located west 46.9 feet from the southeast corner of the West 1/2 of the South 1/2 of the Northwest 1/4 of said Section 29; thence southerly 660 feet more or less to a point located west 46.9 feet from the southeast corner of the West 1/2 of the South 1/2 of the Northwest 1/4 of said Section 29; thence easterly 415.70 feet more or less to the southeast corner of that certain 9.25 acre tract described in the deed to Henry C. Dixon, et al, recorded in Book 1905, Page 86 Official Records; thence along the southeastern bank of Elder Creek as described in said deed the following three courses and distances: (1) North 39°09'30" East 150.50 feet, (2) North 60°09'00" East 157.20 feet and (3) North 43°48'00" East 146.60 feet to a point located North 270.00 feet from the east-west quarter section line of said Section 29; thence, parallel to said east-west quarter section line, West 218.2 feet more or less, thence, parallel to the east line of the West 1/2 of the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of said Section 29, northerly 390 feet more or less to the north line of the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of said Section 29; thence easterly 1144 feet more or less to the northeast corner of the West 1/4 of the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of said Section 29; thence northerly 154 feet more or less; thence easterly 660.96 feet more or less to a point on the north-south centerline of said Section 29 also being on the centerline of Mayhew Road, thence southerly 2826.53 feet more or less to the southeast corner of the North 1/2 of the Southeast 1/4 of the Southwest 1/4 said Section 29; thence westerly 1320 feet more or less to the southwest corner of the North 1/2 of the Southeast 1/4 of the Southwest 1/4 said Section 29; thence northerly to the northeast corner of the property shown on that certain Record of Survey filed in Book 15 of Surveys, Page 22 in the Recorder's Office of said County; thence westerly 1320 feet more or less to a point on the section line common to said Sections 29 and 30; thence southerly to the southeast corner of said Section 30 on the centerline of Elder Creek Road; thence westerly 20.90 feet; thence northerly 660 feet more or less; thence westerly 970 feet more or less; thence southerly 660 feet more or less to the centerline of Elder Creek Road also being the south line of said Section 30; thence westerly 1631.08 feet more or less to the point of beginning.

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CHAIR OF THE BOARD OF SUPERVISORS  
OF SACRAMENTO COUNTY, CALIFORNIA

ATTEST: \_\_\_\_\_  
CLERK OF THE  
BOARD OF SUPERVISORS

**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SACRAMENTO**

Control No. 05-CZB-UPB-REB-ZGB-0062  
State Clearing House No. 1995102057

**Re: Granite Construction Company: )**  
**Vineyard Community Plan Amendment, )**  
**Rezone, Use Permit, Reclamation Plan )**  
**Amendment, and Zoning Agreement )**  
**Amendments )**  
\_\_\_\_\_ )

**CEQA  
FINDINGS OF FACT AND  
STATEMENT OF OVERRIDING  
CONSIDERATIONS**

**CEQA FINDINGS OF FACT AND  
STATEMENT OF OVERRIDING CONSIDERATIONS**

**I. INTRODUCTION**

The Final Supplemental Environmental Impact Report (FSEIR) prepared for the Granite Construction Company Vineyard I Community Plan Amendment, Rezone, Use Permit, Reclamation Plan Amendment, and Zoning Agreement Amendments (collectively the “Granite Project”) and Teichert Aggregate’s Aspen III South Reclamation Plan and Use Permit Amendments and Aspen IV South Reclamation Plan, Use Permit and Zoning Agreement Amendments (collectively the “Teichert Project”) address the environmental effects associated with the proposed changes to the Reclamation Plans for the Vineyard I, Aspen III and Aspen IV sites, as well as the inclusion of mining an additional 5.6 acres on the Vineyard I site. (The Granite Project and Teichert Project are referenced collectively herein as the “Project.”)

The Granite Project and the Teichert Project comprise separate applications, but are so closely related in geographic proximity that they have been incorporated together for purposes of the evaluation of environmental impacts. (FSEIR at 1-1) The Granite Project has a separate Findings of Fact and Statement of Overriding Considerations from the Teichert Project’s Findings of Fact (collectively the “Findings”) due to the identification of separate and distinct environmental impacts and mitigation measures for each project.

The existing Reclamation Plans for the Granite Project and the Teichert Project were each the subject of a previously certified Final Environmental Impact Report/Environmental Impact Statement (FEIR/FEIS) titled *Morrison Creek Mining Reach (South) of Jackson Highway* (Control Nos. 94-UPB-0484, 91-CZB-UPB-01118, 90-CZB-UPB-1607 and 94-CZB-UPB-0671) (State Clearinghouse No. 95102057) (the “Morrison Creek FEIR/FEIS”). The Morrison Creek

FEIR/FEIS considered the reach of Morrison Creek that included four mining and reclamation proposals (known as Vineyard I, Aspen III South, Aspen IV South and Aspen V South), as well as an on-site processing plant. The Aspen V South mining project is not included in this Project. (FSEIR at 1-1)

The FSEIR for this Project addresses environmental impacts and mitigation measures associated with the proposed Reclamation Plan Amendments, either resulting from proposed changes to the Vineyard I and Aspen mining permits and/or reclamation plans or from new impacts and/or mitigation measures that result from changed circumstances. The FSEIR also addresses environmental impacts and mitigation measures associated with the request for mining an additional 5.6 acres on the Vineyard I site (“Vineyard Expansion Site”).

These Findings of Fact and Statement of Overriding Considerations (“Findings”) for the Granite Project have been prepared to comply with the requirements of the California Environmental Quality Act (“CEQA”) (Public Resources Code section 21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs., tit. 14 section 15000 et seq.), -and are supported by information and analysis in the FSEIR, the Morrison Creek FEIR/FEIS, the responses to all public comments, and technical appendices, together comprising the FSEIR, and other evidence presented as part of the administrative record at the public hearings on the Project.

## **II. DEFINITIONS**

In addition to any and all definitions stated in the FSEIR, which are hereby incorporated by reference, the following definitions shall apply:

“Aspen” or “Aspen Project” refers to the Aspen III, Aspen IV and Aspen V mining and reclamation plan approved by the Board on December 15, 1999.

“Board” means Board of Supervisors of Sacramento County, California.

“CDFG” means the California Department of Fish and Game.

“CEQA” means the California Environmental Quality Act.

“CEQA Guidelines” means those administrative regulations contained in 14 California Code of Regulations, title 14, section 15000 et seq.

“CLUP” means the Sacramento County Airport Comprehensive Airport Land Use Master Plan.

“Corps” or “Army Corps” means the United States Army Corps of Engineers.

“CPAC” means Community Planning Advisory Council.

“DERA” means the Sacramento County Department of Environmental Review and Assessment, predecessor entity of the Department of Community Development Planning and Environmental Review Division.

“Draft SEIR” means the Draft Supplemental Environmental Impact Report for the Project.

“EIR” is a generic reference to an Environmental Impact Report.

“EMD” means Environmental Management Department.

“FEMA” means the Federal Emergency Management Agency.

“Findings” means these Findings of Fact and Statement of Overriding Considerations.

“FSEIR” means the Final Supplemental Environmental Impact Report for the Project.

“Granite Project” means the proposed Vineyard I Community Plan Amendment, Rezone, Use Permit, Reclamation Plan Amendment, and Zoning Agreement Amendments requested by Granite Construction Company.

“Morrison Creek FEIR/FEIS” means the previously certified Final Environmental Impact Report/Environmental Impact Statement titled *Morrison Creek Mining Reach (South) of Jackson Highway* (Control Nos. 94-UPB-0484, 91-CZB-UPB-01118, 90-CZB-UPB-1607 and 94-CZB-UPB-0671) (State Clearinghouse No. 95102057).

“Morrison Creek Realigned Channel” means the channel alignment depicted at Plate PD-3, FSEIR at 3.7.

“MSL” means Mean Sea Level.

“Project” means the combined applications by Granite Construction Company and Teichert, Inc. for the proposed Vineyard I Community Plan Amendment, Rezone, Use Permit, Reclamation Plan Amendment, and Zoning Agreement Amendments and the proposed Aspen III South Reclamation Plan and Use Permit Amendments and Aspen IV South Reclamation Plan, Use Permit and Zoning Agreement Amendments.

“Raised Bank Channel” means the raised bank flood control berms proposed to be constructed outside the floodway of Morrison Creek on the Aspen IV South mining site.

“Reclamation Plan Amendment” means the proposed Vineyard I, Aspen III South, and/or Aspen IV South Reclamation Plan Amendments.

“SMAQMD” means the Sacramento Air Quality Management District.

“Teichert Project” means the Aspen III South Reclamation Plan and Use Permit Amendments and Aspen IV South Reclamation Plan, Use Permit and Zoning Agreement Amendments requested by Teichert Aggregates.

“USFWS” means the United States Fish and Wildlife Service.

“Vineyard I” or “Vineyard I Project” includes the Granite Project, and the mining permit and reclamation plan approved by the Board on January 12, 2000.

“Vineyard Expansion Site” means the 5.6 acre site identified for additional mining on Plate PD-2 of the FSEIR at 3-6.

Any additional terms or phrases not defined herein shall have the definitions set forth in the FSEIR.

### **III. PROJECT DESCRIPTION**

#### **Project Location**

The Granite Project site is located within the Vineyard Community in the unincorporated area of Sacramento County, with the Vineyard I Project parcels located at the northeast corner of Hedge Road and Elder Creek Road, as identified on Plate PD-2 of the FSEIR at 3-6. The Granite Project parcels are part of a larger aggregate mining area, adjacent to properties mined by Teichert Aggregates.

Most of the entire Project site is disturbed from mining activities. The Assessor’s Parcel Numbers for all of the Granite Project parcels which are the subject of the identified entitlement requests are APNs 063-0080-010 through 013; 063-0090-001 through 003; 063-0090-006; 063-0090-009 through 011; 063-0090-015 through 019; 063-0110-001 through 006; 063-0110-012; 063-0110-028; and 063-0110-029.

#### **Project Setting**

As described in the Morrison Creek FEIR/FEIS, the Project site is located within the upper Morrison Creek watershed, in the reach between Jackson Highway and Hedge Road. Morrison Creek flows from the low foothills of eastern Sacramento County to the Sacramento River Delta at Snodgrass Slough. Elevations range between 170 feet above Mean Sea Level (“MSL”) in the headwaters to below MSL at Snodgrass Slough. The watershed terrain is characterized by low, rolling hills with an annual grassland cover, agricultural and urban development, vernal pools, and seasonal wetland swales. The Morrison Creek corridor occupies a shallow valley with sparse riparian vegetation. The lower water is highly urbanized and Morrison Creek has been channelized. The majority of the Project site is located within a federally designated floodplain.

The majority of the Granite Project site is located south of the existing Morrison Creek. This area has been partially mined and the area north of Morrison Creek has been mostly mined under existing entitlements and is proposed to be filled and reclaimed after mining is complete.

Downstream of the Project site, Morrison Creek flows westerly through the City of Sacramento before entering the Beach-Stone Lakes area at the Sacramento River. The proposed Reclamation Plan will create a natural low-flow channel on the Granite Project site and will construct raised channel banks outside the effective FEMA floodway on all Project mining sites.

The Applicants already have constructed a majority of the Morrison Creek Realigned Channel, and the channel has been vegetated with grasses and tree saplings have been planted throughout. A drainage channel has been cut in a meandering fashion throughout the constructed portion of this corridor. The stream corridor has been elevated back to nearly the original grade prior to mining consistent with the requested reclamation plan amendment.

The Vineyard Expansion Site consists of two small parcels, totaling 5.61 acres and identified as Assessor's Parcel Numbers 063-0090-009 and 063-0090-18, identified on Plate PD-2 at FSEIR 3-6, and Plate PD-4 at FSEIR 3-10. These two parcels are surrounded on all sides by other areas covered by the existing Vineyard I and Aspen III South mining entitlements.

A recreation trail is proposed through the Vineyard I, Aspen III South and Aspen IV South properties, along the proposed Morrison Creek Realigned Channel and Raised Bank Channel.

### **Project Description and Requested Entitlements**

The mining sites in this Project include Vineyard I, Aspen III South and Aspen IV South. The Project proposes to amend existing approved mining and reclamation plans to be consistent with the Applicants' amended federal stream restoration and mitigation plans. The Reclamation Plan Amendments for each of the three mining sites consists of eliminating the previously approved wetland mitigation plan/reclamation plan to construct instead a 600-foot wide riparian corridor/low-flow channel at the bottom of the mining pits in generally the same location as the existing creek. This replaces the previously approved drainage mitigation plan to construct an at-grade trapezoidal bypass channel around the perimeter of the mining permits.

Granite will construct an at-grade mitigation corridor (referred to as the Morrison Creek Realigned Channel) on the Vineyard I and Aspen III South mining properties. The Morrison Creek Realigned Channel has been designed to contain the 100-year flows and to be a self-sustaining stream corridor, and it will be constructed to mimic a natural meandering stream with varied slopes ranging from 3:1 to 7:1 (horizontal:vertical). In addition, a low flow channel with varying widths and depths (not less than ten feet wide), and a native riparian/upland buffer area with varying widths will be constructed. The area north of the corridor will be brought back to within five feet of original grade over time and the area south of the corridor will be reclaimed with available overburden and include a retention pond for storm water drainage from the surrounding areas. The Morrison Creek Realigned Channel will connect upstream with the

existing Morrison Creek on the Aspen IV South property and downstream at Hedge Road (on the Vineyard I property) at the boundary of the City of Sacramento and Sacramento County.

Additionally, Granite seeks to mine the Vineyard Expansion Site, which is enclosed on four sides by the existing mining operations. This property was not owned by Granite during the Vineyard I Project approval.

The following are the requested entitlements for the Granite Project:

1. A Community Plan Amendment and corresponding Rezone to change the designations from Industrial Reserve with Surface Mining Combining (IR (SM)) and Industrial Reserve with Flood combining (IR (F)) to Industrial Reserve with Surface Mining/Flood Combining (IR (SM)(F)) for 5.61 acres (i.e., APN: 063-0090-009 and -018) of the Project site.

2. A Use Permit Amendment for an aggregate mining operation known as Vineyard I, approved in 2000 (Control Number: 91-CZB-UPB-0118) to allow aggregate mining on an additional 5.61 acres, and to incorporate this new area into the previously approved mining plan.

3. A Reclamation Plan Amendment to the Vineyard I approval to allow:

- a. The additional 5.61 acre area proposed for mining to be incorporated into the previously approved reclamation plan.
- b. A revision to the drainage and wetland mitigation plans for the Project site that will include the construction of a new Morrison Creek Realigned Channel (mining of the creek bed was approved in 2000) that will be approximately 300 feet in width at or near original grade, and will include adjacent buffer lands for a total width of 650 feet. This new Morrison Creek Realigned Channel will accommodate 100-year flood flows and incorporate wetland/riparian habitat mitigation elements.
- c. The previously approved elevated bypass channel for Morrison Creek, and the 600-foot wide pit floor riparian corridor would be superseded with the construction of the new Morrison Creek Realigned Channel, as described above.
- d. Fill (overburden) will be added to portions of the pit floor to bring the areas north of the creek to within 5 feet of original grade.
- e. A storm water retention basin designed to accommodate 297-acre feet of water will be added to a portion of the pit floor.

4. A Use Permit Amendment and Zoning Agreement Amendment to the

Vineyard I approval to allow:

- a. Amendments to several of the conditions of the Vineyard I approval that reference an approved elevated bypass channel for Morrison Creek and a 600-foot wide pit floor riparian corridor, and instead reference the new Morrison Creek Realigned Channel, as described above.
  - b. An update of several conditions to reflect the 2011 Morrison Creek Hydrology and Hydraulic Analysis prepared for the Project.
  - c. An update of several conditions to reflect new wetland and oak woodland mitigation consistent with recent approvals by the U.S. Army Corps of Engineers.
  - d. A revision to conditions requiring the dedication of a public trail easement corresponding to the alignment of Morrison Creek.
5. A Release from the prior Zoning Ordinance, adopted by Ordinance No. SZC 2000-0001, to be replaced by an amended Zoning Ordinance.

The Project also proposes temporary diversions at Morrison Creek in order to construct the connections of existing Morrison Creek (offsite) with the recreated Morrison Creek Realigned Channel (on Vineyard I property). The temporary Morrison Creek diversions to convey dry season (summer) creek flows are proposed at Hedge Avenue and at Mayhew Road, as shown on Plate PD-7 in the FSEIR at 3-16. The temporary Morrison Creek diversion at Hedge Avenue is expected to occur in 2013 or 2014, and will divert a portion of Morrison Creek flows south of the proposed Hedge Connection Segment (as shown on Plate PD-3, FSEIR at 3-7). The diversion at Mayhew Road is also expected to occur in 2013 or 2014 and an earth berm or other diversion structure will be placed within Morrison Creek and dry season creek flows will be piped north and then west, or south and then west, into the proposed Morrison Creek Realigned Channel. This diversion is necessary so that the Mayhew Connection Segment (as shown on Plate PD-3, FSEIR at 3-7) can be mined and reclaimed consistent with the proposed realigned Morrison Creek.

### **Project Objectives**

The Granite Project will allow Granite to consolidate the currently approved pit floor mitigation corridor and enhanced bypass channel from the Vineyard I project into a single recreated creek channel that more closely mirrors Morrison Creek's natural condition. Approval of the Vineyard Expansion Site for mining will maximize the production of vital aggregate resources.

#### **IV. BACKGROUND**

##### **County Morrison Creek Mining Reach Drainage Plan.**

In 1989, prior to the original approval of any mining permits for Vineyard I or Aspen, the County determined to undertake and prepare a comprehensive drainage mitigation plan for Morrison Creek prior to approval by the County of any mining within the Morrison Creek floodplain. The purpose was to prepare a plan that would accurately assess the cumulative effects of mining projects within the 100-year floodplain. The intent of the drainage mitigation plan was and is to mitigate the drainage impacts of mining on the Morrison Creek 100-year floodplain, as required by the County floodplain management policies.

As a result, proposed mining projects at the time (including the original Vineyard I application) were placed on hold while the County prepared the *Morrison Creek Mining Reach Drainage Mitigation Plan*. The boundary of the drainage plan is the portion of Morrison Creek located between Mather Airport and Hedge Avenue (referred to as the “Morrison Creek Mining Reach”). The miners’ (i.e., Granite and Teichert) preferred alternative of the *Morrison Creek Mining Reach Drainage Mitigation Plan* was referred to as Part A which consisted of the construction of an unlined trapezoidal bypass channel. The bypass channel would be at-grade and convey the bulk of the flows of Morrison Creek through the reclaimed aggregate mining areas and lower pit. The bypass channel would begin/meet the natural Morrison Creek drainage on the Aspen IV South site. The bypass channel would be located along the alignment shown in Plate ALT -1, FSEIR at 4-2.

The bypass channel would be sized to contain the 100-year peak flows which would allow the majority of Morrison Creek to continue downstream through the project site with minimal disruption. When the drainage exceeded the capacity of the bypass channel, the excess flows would be diverted into one of the pit floor detention areas via a weir or outfall structure constructed in the bypass channel. The lower pit was proposed to provide 306 acre-feet of detention/storage volume. The upper pit (located at the upstream portion of the mining reach) would be substantially larger, providing 1,469 acre-feet of detention/storage volume. A small variable speed pump station was also proposed to be located on the Aspen V South mining site. The purpose of the pump station is to evacuate water that does not percolate, evaporate, or transpire from the ponding/detention area located north of Jackson Highway (the upstream portion of the mining reach). The bypass channel, pit floor detention and small pump station was to be fully financed and constructed by the mining companies which would relieve the County of any involvement in the operation and maintenance of the bypass channel. The drainage mitigation plan Part A was a component of the project evaluated in the Morrison Creek FEIR/FEIS.

##### **Vineyard I and Aspen Approvals**

After completion of the *Morrison Creek Mining Reach Drainage Mitigation Plan*, Granite and Teichert re-submitted applications, those applications underwent full environmental review and extensive public outreach and public hearing processes, and the Vineyard I

application was ultimately approved by the Board in February 1991. The *Morrison Creek FEIR/FEIS* imposed extensive mitigation measures, incorporated into the conditions of approval. Furthermore, following approval of the Vineyard I and Aspen entitlements, the Board later approved “protocols” to address neighborhood issues pertaining to landscaping, noise, dust and air quality.

### **Background of the Current Project**

This Project is a result of revisions to the previously approved reclamation plan consistent with permits received from the county, state and federal regulatory agencies on both the Vineyard I and Aspen projects. The prior approved reclamation plan was not favored by the state and federal agencies from a biological standpoint. The Applicants worked with the regulatory agencies in designing the proposed project so that it would have fewer biological impacts.

Granite’s Project history includes:

In February 1991, Granite submitted the original Vineyard I mining entitlement application. This application was revised and resubmitted in 1994 after the County’s preparation of the *Morrison Creek Mining Reach Drainage Mitigation Plan*.

On October 20, 1999, the Sacramento County Board of Supervisors certified the Morrison Creek FEIR/EIS. The Board approved the Aspen III South and Aspen IV South mining projects on December 15, 1999 and the Vineyard I mining project on January 12, 2000.

On November 7, 2001, the Sacramento County Board of Supervisors approved the following “Protocols” pertaining to the Vineyard Project: Ground Water Monitoring Protocol, Air Quality Monitoring Protocol, Landscaping Protocol, and Noise Monitoring Protocol.

On February 1, 2005, Granite submitted an application for a Community Plan Amendment, Rezone, Use Permit, Reclamation Plan Amendment, and Zoning Agreement Amendments and Release from Prior Zoning Ordinance provisions.

On May 22, 2009 the County issued a Notice of Preparation for the project <http://www.dera.saccounty.net/tabid/71/Default.aspx?ProjectID=33759>. The Notice of Preparation was circulated through the State Clearinghouse for a 30-day public review period, which ended on June 22, 2009.

Along with a Notice of Completion, the Draft SEIR was released to the Governor’s Office of Planning and Research to begin the public review period (Public Resources Code section 21161) on February 24, 2012. Concurrent with the Notice of Completion, the County also provided public notice of the availability of the Draft SEIR for public review through publication in a newspaper of general circulation, publication on the County Department of Environmental Review and Assessment (DERA) website, and with notices sent to individuals who had requested such notification. The public review and written comment period closed on

April 9, 2012. Four comment letters were received on the Project, with two of the four submitted by Granite and Teichert, respectively. The Response to Comments chapter of the FSEIR contains all the written comments received during the public comment period on the Draft SEIR (see FSEIR at 19-1 to 19-28).

On April 10, 2012, the Vineyard Community Planning Advisory Council ("CPAC") considered the Project. After hearing public comments on the Project, the three CPAC members present voted to recommend approval of the Project.

A public hearing on the Draft SEIR and project was held before the Sacramento County Planning Commission on May 21, 2012. The opportunity for oral comments on the Draft SEIR was provided during this hearing; however, none were made at which time the Planning Commission closed the public comment period on the Draft SEIR and directed DERA to prepare the Final SEIR.

On September 5, 2012, the FSEIR for the Project was published. (FSEIR Cover Letter.)

On December 4, 2012, the Board held a public hearing concerning the Project and the FSEIR, received oral comments from the applicants, one neighbor, and the Southgate Parks and Recreation District, and certified the FSEIR for the Project as adequate and complete, and tentatively approved the Project (including the Community Plan Amendment, the Rezone, the Amended Use Permit and the Reclamation Plan Amendment), with conditions.

On January 8, 2013, the Board formally approved the Project (including the Mitigation Monitoring and Reporting Program, Community Plan Amendment, Rezone, Use Permit, Reclamation Plan Amendment and a Rezone Agreement) with conditions and adopted these Findings.

## **V. RECORD OF PROCEEDINGS**

The Record of Proceedings for the Board's decision on the Granite Project consists of the following documents, at a minimum:

1. The Morrison Creek FEIR/FEIS, including all Findings of Fact and Statement of Overriding Considerations, the Mitigation and Monitoring Program approved by the Board in connection thereto, and all documents, exhibits, studies and/or written materials attached to any of these documents.
2. All conditions of approval on the Vineyard I Project.
3. All findings and resolutions of the Board in connection with the Vineyard I Project not otherwise specified in paragraph V-1, including all documents, exhibits, studies and/or written materials attached to any of these findings or resolutions, as well as the "Protocols" approved by the Board on November 7, 2001 pertaining to ground water monitoring, air quality monitoring, landscaping, and noise monitoring.

4. The Granite Project application package, including written documentation, maps and subsequent amendments and submittals.
5. Any and all portions of the Teichert Project application package, including written documentation, maps and subsequent amendments and submittals that relate or pertain to the Reclamation Plan Amendment.
6. All Notices of Preparation and other public notices issued by the County in conjunction with the Project.
7. The Draft SEIR for the Project, dated February 23, 2012 (Draft SEIR Cover Letter).
8. All comments submitted by agencies or members of the public during the comment period on the Draft SEIR and responses to those comments.
9. The Final SEIR prepared for the Project (September 5, 2012), including comments received on the Draft SEIR and responses to those comments.
10. All comments and correspondence submitted to the County with respect to the Project, in addition to the timely comments on the Draft SEIR.
11. The Mitigation, Monitoring and Reporting Program for the Project.
12. All findings and resolutions of the Board in connection with the Project, and all documents cited or referred to therein.
13. All reports, studies, memoranda, maps, staff reports or other planning documents relating to the Project prepared by the County, consultants to the County, or responsible or trustee agencies with respect to the County's compliance with the requirements of CEQA and with respect to the County's action on the Project.
14. Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the Project.
15. Any documentary or other evidence submitted to the County at such information sessions, public meetings and public hearings.
16. Matters of common knowledge to the Board, including but not limited to the following:
  - a. Federal, state and local laws and regulations
  - b. The County General Plan
  - c. The Zoning Code of Sacramento County
  - d. The Sacramento County Code

- e. Other formally adopted policies and ordinances
- 17. All documents expressly cited in these Findings, in addition to those cited above; and
- 18. Any other materials required for the record of proceedings by Public Resources Code section 21167.6(e) and applicable case law.

The official custodian of the record is the Clerk of the Sacramento County Board of Supervisors, 700 H Street, Sacramento, California 95814.

## **VI. FINDINGS REQUIRED UNDER CEQA**

### **Supplemental Environmental Impact Reports**

If circumstances change after the certification of an Environmental Impact Report, a “Supplemental” Environmental Impact Report may be prepared in order to allow the originally approved project to be modified to respond to those changed circumstances. See Public Resources Code section 21166; CEQA Guidelines section 15163. “The CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal.” *County of Inyo v. City of Los Angeles*, 71 Cal. App. 3d 185, 199 (1977).

A Supplement to an Environmental Impact Report “augments a previously certified EIR to the extent necessary to address the conditions described in [CEQA Guidelines] section 15162 and to examine mitigation and project alternatives accordingly. It is intended to revise the previous EIR through supplementation.” CEQA Guidelines section 15163 (discussion following). The Supplemental EIR is appropriate when “[o]nly minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.” CEQA Guidelines section 15163(a). The decision making body considers the Supplemental EIR in conjunction with the original project EIR, and a “finding under Section 15091 [of the CEQA Guidelines] must be made for each significant effect shown in the previous EIR as revised.” CEQA Guidelines section 15163(c).

The Supplemental Environmental Impact Report is appropriate for both the Project and the Granite Project (i.e., the inclusion of the Vineyard Expansion Site into the original mining application) because (a) the requested changes to the Reclamation Plan were not anticipated at the time of the original project approvals and (b) the addition of 5.61 acres of land for mining does not change the Vineyard I project impacts from those originally considered by the Board. Through negotiations with regulatory agencies, the Reclamation Plan Amendment results in enhanced mitigation to Morrison Creek that more closely aligns with the natural corridor. Given the limited amount of additional acreage and the short duration anticipated to complete the mining operations, this is considered a “minor change” as that phrase is interpreted in CEQA Guidelines section 15163(a).

## CEQA Findings

Pursuant to Sections 21002 and 20112.1 of the Public Resources Code, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (a) The public agency makes one or more of the following findings with respect to each significant effect:
  - (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
  - (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
  - (3) Specific economic, legal, social, technological or other considerations, including the considerations for provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that the specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

CEQA Guidelines section 15091 requires the following:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
  - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such agency.
  - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained

workers, making infeasible the mitigation measures or project alternatives identified in the final EIR.

Accordingly, for each significant impact identified herein, a finding has been made as to one or more of the following, as appropriate in accordance with Public Resources Code section 20181 and CEQA Guidelines section 15091:

- A. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FSEIR. Such changes or alterations reduce the significant environmental effect identified in the FSEIR to a level of less than significant;
- B. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the County. Such changes have been adopted by such other agency or can and should be adopted by such other agency; and/or
- C. Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or Project alternatives identified in the FSEIR.

A narrative of supporting facts follows the appropriate finding. For many of the impacts, one or more of the findings have been made. Finding (B) appears because, although the County is the lead agency, it has limitations on its power to require or enforce certain mitigation. Whenever finding (B) occurs, agencies with jurisdiction to impose certain mitigation measures have been identified. It is these agencies, within their respective scopes of authority, which would have the ultimate responsibilities to adopt, implement and enforce the mitigation discussed within each type of impact that could result from Project implementation.

Whenever finding (C) was made, the County has determined that there will be, even after mitigation, an unavoidable significant level of impact due to the Project, and sufficient mitigation is not feasible to reduce the impact to a level of less than significant. Such impacts are always specifically identified in the supporting discussions. The Statement of Overriding Considerations applies to all such unavoidable significant impacts, as required by sections 15092 and 15093 of the CEQA Guidelines.

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego*, 133 Cal. App. 3d 410, 417 (1982)). “Feasibility” under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Id.*; see also *Sequoyah Hills Homeowners Ass’n v. City of Oakland*, 23 Cal. App. 4<sup>th</sup> 704, 715 (1993)).

The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. The County must therefore glean the meaning of these terms from the other context in which the terms are used. Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term “mitigate” rather than “substantially lessen.” The CEQA Guidelines therefore equate “mitigating” with “substantially lessening.” Such an understanding of the statutory term is

consistent with the policies underlying CEQA, which include the policy that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” (Public Resources Code section 21002)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce the effect to a less than significant level. These interpretations appear to be mandated by a holding in *Laurel Hills Homeowners Ass’n v. City Council*, 83 Cal. App. 3d 515, 519-21 (1978), in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant.

Although CEQA Guidelines section 15091 requires only that the approving agencies specify that a particular significant effect is “avoid(ed) or substantially lessen(ed),” these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less than significant level, or has simply been substantially lessened but remains significant.

Additionally, although section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the FSEIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines section 15091(a), (b)).

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” the project’s “unavoidable adverse environmental effects.” (CEQA Guidelines sections 15043, 15093; see also Public Resources Code section 21080(b)). The California Supreme Court has stated “[t]he wisdom of approving...any development project, a delicate task which requires the balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal. 3d 553, 576 (1990).

These Findings constitute the Board’s best efforts to set forth the evidentiary and policy basis for its decision to approve both the Project as a whole and the Granite Project entitlements for the Vineyard Expansion Site in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various proposed mitigation measures outlined in the

FSEIR are feasible and have not been modified, superseded or withdrawn, the County hereby binds itself to implement these measures. These Findings, in other words, are not merely informational, but constitute a binding set of obligations that will come into effect when the Board adopts a resolution approving the Project and the Granite Project.

## **VII. MITIGATION AND MONITORING PROGRAM**

A Mitigation and Monitoring Program (“MMRP”) was prepared for the Project and was approved by the Board as required by Public Resources Code section 21081.6(a)(1) and CEQA Guidelines section 15097. The County will use the MMRP to track compliance with Project mitigation measures, and will remain available for public review during the compliance period.

## **VIII. SIGNIFICANT EFFECTS AND MITIGATION MEASURES**

Impacts that were identified in the prior Morrison Creek FEIR/FEIS as significant and unavoidable remain so for the Project. Impacts that are now identified as significant and reduced to less than significant for the Project, due to either completed mitigations or changed circumstances, are stated as such. Impacts identified as less than significant, remain so.

As noted in Section VI, these Findings do not address impacts that are considered less than significant or beneficial prior to mitigation. These Findings do not address the following impacts because they were determined to be less than significant in the FSEIR and therefore the FSEIR does not identify or require mitigation measures for these issues:

1. Surface Water Hydrology and Drainage (FSEIR p. 2-3, 5-1 to 5-19,18-5)
2. Groundwater Hydrology and Quality (the impact identified as less than significant at FSEIR p. 2-4, 6-1 to 6-6, 18-5)
3. Cultural Resources (the impact identified as less than significant at FSEIR 2-4, 7-1 to 7-16, 18-6)
4. Air Quality (the impact identified as less than significant at FSEIR 2-7, 8-1 to 8-17, 18-6)
5. Geology and Slope Stability (the impact identified as less than significant at FSEIR 2-9, 9-1 to 9-8, 18-6)
6. Biological Resources (the impacts identified as less than significant at FSEIR 2-14 to 2-15, 2-18, 10-1 to 10-51, 18-5)
7. Traffic and Circulation (the impacts identified as less than significant at FSEIR 2-19, 11-6 to 11-7, 18-7)
8. Noise (the impacts identified as less than significant at FSEIR 2-20, 13-4 to 13-6)

9. Land Use (the impact identified as less than significant at FSEIR 2-21, 12-9 to 12-10, 18-7)
10. Public Safety (the impact identified as less than significant at FSEIR 2-22, 14-1 to 14-4, 18-7)
11. Aesthetics and Visual Resources (the impact identified as less than significant at FSEIR 2-22, 15-1 to 15-6, 18-5)
12. Public Facilities and Services (FSEIR 2-23 to 2-24, 16-1 to 16-9, 18-7) (Note a mitigation measure that was identified in the FSEIR for impact to Park Services at 16-8 and for which Granite has voluntarily agreed to although the conclusion was that impacts were less than significant.)
13. Climate Change (FSEIR 2-24, 17-1 to 17-15, 18-6)

The FSEIR identified some significant or potentially significant environmental effects (or impacts) that the Project will or may cause. Some of these significant effects can be fully avoided through adoption of feasible mitigation measures. Other effects cannot be substantially lessened or avoided by the adoption of feasible mitigation measures and are, therefore, considered significant and unavoidable. However, for reasons set forth in Section XI, below, the Board has determined that such significant, unavoidable effects of the Granite Project are outweighed by overriding economic, social, environmental, and other considerations.

The Granite Project would result in significant or potentially significant environmental effects, prior to mitigation, with respect to the following issues or resources:

1. Groundwater Hydrology and Drainage: alteration of drainage and groundwater flow and quality (FSEIR 2-3, 6-4 to 6-5, 18-3)
2. Cultural Resources: mining of the Vineyard Expansion Site could uncover subsurface archaeological materials (FSEIR 2-4, 7-15 to 7-16, 18-3)
3. Geology and Slope Stability: reclaimed slopes subject to slope instability; mining pit slopes and recreated channel subject to erosion and slope instability; loss of existing natural vegetation communities (FSEIR 2-7 to 2-11, 9-3 to 9-8, 18-3 to 18-4)
4. Biological Resources: removal of native oak and walnut trees as a result of mining at Vineyard Expansion Site and connection of the Morrison Realigned Channel and the Raised Bank Channel; wetlands; wildlife; special status vernal pool invertebrates; Swainson's Hawk and other special status birds (FSEIR 2-10 to 2-14, 2-16 to 2-18, 10-16 to 10-51, 18-2 to 18-3)
5. Traffic and Circulation: haul trucks (FSEIR 2-19, 11-4 to 11-5, 18-4)

6. Land Use: disturbing farmland (FSEIR 2-21, 12-8 to 12-9 , 18-4); airport compatibility - bird airstrike hazard (FSEIR 2-21, 12-10 to 12-19, 18-4)
7. Public Safety: public access to pit (FSEIR 2-23, 14-2 to 14-3, 18-4)
8. Aesthetics and visual resources: light and glare from mining (FSEIR 2-22, 15-4 to 15-5, 18-2)

The FSEIR identified mitigation measures to reduce all of the above effects to a less than significant level. With respect to some of the foregoing impacts that are significant prior to mitigation, several of the mitigation measures of the Morrison Creek FEIR/FEIS as they pertain to mining activities remain applicable to the Vineyard I, Aspen III South and Aspen IV South mining sites. Mitigation measures of the Morrison Creek FEIR/FEIS as they pertain to mining and as applicable to the Vineyard Expansion Site are reiterated in FSEIR for this Project, and it is clearly specified that the mitigation measure is applicable to the Vineyard Expansion Site. Mitigation measures that apply to the Morrison Creek Realigned Channel or the Raised Bank Channel (the Reclamation Plan Amendments) are specified as such, and the responsible party (i.e., Granite or Teichert, or both) is identified within the measure. (FSEIR at 1-1 to 1-2)

Mitigation measures of the FEIR/EIS that remain applicable to the proposed Project are summarized in the Executive Summary of the FSEIR. A copy of the Morrison Creek FEIR/EIS is attached to the FSEIR in CD format (back cover) and is available online as Appendix A at:

<http://www.dera.saccounty.net/PublicNotices/SQLView/ProjectDetails/tabid/71/Default.aspx?ProjectID=33759>

The Project also would result in significant and unavoidable effects with respect to the following impacts:

1. Air Quality: increase of exhaust emissions for mining the Vineyard Expansion Site due to continued use of heavy off-road equipment for an additional 3-6 months (FSEIR 2-5 to 2-6, 8-14 to 8-15, 18-1)
2. Geology and Slope Stability: permanent alteration of the site's landform due to mining (FSEIR 2-7, 9-3 to 9-5, 18-1)
3. Land Use: potential conflict with on-site and nearby land uses (FSEIR 2-20, 12-7 to 12-8, 18-1)

## **A. GROUND WATER HYDROLOGY AND WATER QUALITY**

1. **Impact: Alter drainage and groundwater flow and affect groundwater quality.** The Vineyard I FEIR/FEIS concluded that gravel extraction may alter drainage and groundwater flow and quality which could affect surrounding properties and domestic septic leachfield systems on adjacent properties. Mitigation from the Morrison Creek FEIR/FEIS remains applicable to require the storage of contaminants in a manner that

will contain any spills and that any spills in the operating areas should be cleaned up immediately. (FSEIR 2-3, 6-4 to 6-5, 18-3)

**Finding:** Changes or alterations have been required or incorporated into the Project which avoid or substantially lessen the potentially significant environmental effect on drainage and groundwater flow and effects on groundwater quality as identified in the FSEIR.

**Mitigation:** Mitigation from the Morrison Creek FEIR/FEIS is incorporated into the Project as conditions of approval to reduce this impact to a less than significant level as follows:

*This mitigation is from the prior FEIR/EIS and is applicable to the Vineyard I mining expansion site of the proposed project:*

GW-1 The Vineyard I operator shall store contaminants in the gravel operation area in a manner that will contain any spills (i.e., containment berms). Any spills occurring in operational areas should be cleaned up immediately. (FSEIR 2-3, 6-5, 18-3)

**Level of Significance After Mitigation:** Less Than Significant (FSEIR 2-3, 6-5, 18-3)

## **B. CULTURAL RESOURCES**

- 1. Impact: Impact to Buried Resources on the Vineyard Expansion Site (Potentially Significant).** Although no additional cultural resources management is recommended for the Vineyard Expansion Site, there is a possibility of uncovering subsurface archaeological materials during the implementation phases of the Granite Project. Buried resources may consist of historic remains such as structural features (foundations, cellars, etc.) or buried trash deposits containing glass, ceramics and metal, or the resources may be of prehistoric origin containing chipped stone, shell, bone and other remains. (FSEIR 2-4 to 2-5, 7-15 to 7-16, 18-3)

**Finding:** Changes or alterations have been required in, or incorporated into, the Granite Project which avoid or substantially lessen the significant environmental effect regarding impact to buried resources on the Vineyard Expansion Site.

**Mitigation:** The following mitigation measure has been incorporated into the Granite Project as a condition of approval to reduce this potentially significant impact to a less than significant level:

CR-1 On the Vineyard I mining expansion site, if subsurface deposits believed to be cultural or human in origin are discovered during any mining and reclamation-related project activities, then all work must halt within a 200-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained at the

Vineyard I mining operator's expense to evaluate the significance of the find. If it is determined due to the types of deposits discovered that a Native American monitor is required, the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites as established by the Native American Heritage Commission shall be followed, and the monitor shall be retained at the mining operator's expense. Work cannot continue within the 200-foot radius of the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially eligible for listing on the National Register of Historic Places or California Register of Historical Resources. If a potentially-eligible resource is encountered, then the archaeologist, the Environmental Coordinator, and project proponent shall arrange for either 1) total avoidance of the resource, if possible; or 2) test excavations or total data recovery as mitigation. The determination shall be formally documented in writing and submitted to the Environmental Coordinator as verification that the provisions of CEQA for managing unanticipated discoveries have been met.

CR-2 Pursuant to Section 5097.98 of the State Public Resources Code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains on the Vineyard I mining expansion site, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains. (FSEIR 2-4 to 2-5, 7-15 to 7-16, 18-3)

**Level of Significance After Mitigation:** Less Than Significant. (FSEIR 2-4 to 2-5, 7-15, 18-3)

## C. AIR QUALITY

1. **Impact: Increase of Exhaust and Emissions.** The Reclamation Plan Amendment portion of the Project consists of a revised Morrison Creek Realigned Channel on the Vineyard and Aspen mining sites and a Raised Bank Channel on the Aspen IV South mining site. There are no new air quality impacts associated with this mitigation corridor since it is being constructed in phases and is occurring at the same time as the previously approved mining and reclamation activities and is consistent with the mass grading expected with the previously approved project. (FSEIR 8-11)

However, the Vineyard Expansion Site would have some air quality impacts associated with the use of heavy equipment on the new 5.6 acre site associated with the overburden removal and gravel extraction. (FSEIR 2-5 to 2-7, 8-11 to 18-15, 18-1). The Granite Project includes clearing/grubbing, overburden stripping, gravel extraction, and use of a move feeder and conveyor, resulting in NOx emissions that exceed the significance thresholds provided by staff of the Sacramento Air Quality Management District. (FSEIR 8-13)

**Finding:** There is no feasible mitigation measure to reduce this potentially significant impact to air quality. Regardless, the Board approves this project for the reasons set forth in Section XI.

**Mitigation:** The following mitigation measures have been incorporated into the Granite Project as conditions of approval to lessen this significant impact:

AQ-1 Category 1: Reducing NO<sub>x</sub> emissions from off-road diesel powered equipment. The Vineyard I mining expansion operator shall provide a plan, for approval of the lead agency and the Sacramento Metropolitan Air Quality Management District (SMAQMD), demonstrating that the heavy-duty (50 horsepower or more) off-road vehicles to be used in the project (mining of the Vineyard I expansion site), including owned or leased and subcontracted vehicles, will achieve a project wide fleet-average 20 percent NO<sub>x</sub> reduction and 45 percent particulate reduction<sup>1</sup> compared to the most recent California Air Resource Board (ARB) fleet average at time of each annual report; and

The mining operator shall submit to the lead agency and SMAQMD a comprehensive inventory of all off-road equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours per year during any portion of the project. The inventory shall include the horsepower rating, engine production year, and project hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted annually throughout the duration of the project. The mining operator shall provide SMAQMD with the name and phone number of the project manager and/or on-site foreman. Due to the long term nature of this project, the requirement for the emission reduction plan referenced herein will sunset on month/date/year<sup>2</sup> due to existing SMAQMD and ARB rules that will affect ARB fleet averages at that time.

And:

Category 2: Controlling visible diesel emissions from off-road diesel powered equipment.

Emissions from all off-road diesel powered equipment used on the project site shall not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and the lead agency and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this mitigation measure shall supersede other applicable SMAQMD or State rules or regulations.

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<sup>1</sup> Acceptable options for reducing emissions may include use of late model engines, low-emissions diesel products, alternative fuels, engine retrofit technology, after-treatment products and/or other options as they become available.

<sup>2</sup> Project proponent should contact SMAQMD staff to determine appropriate sunset period.

AQ-2 All vehicles utilized as part of the Vineyard I mining expansion shall be maintained in accordance with the manufacturers' recommendations, and all stationary equipment used on the site shall be maintained in compliance with emissions limitations established by a permit issued by the SMAQMD. The Vineyard I mining operator shall maintain records of equipment maintenance activities and records shall be provided to the County upon request.

AQ-3 Particulate filters and catalysts should be used where technically feasible to reduce NOx emissions from off-road heavy duty equipment associated with the Vineyard I mining expansion. The mining operator should contact SMAQMD and/or ARB for assistance in determining appropriate emission reducing technologies.

(FSEIR 2-5 to 2-7, 8-14 to 8-15)

**Level of Significance After Mitigation:** Significant and Unavoidable. (FSEIR 2-5 to 2-7, 8-15)

#### **D. GEOLOGY AND SLOPE STABILITY**

- 1. Impact: Permanently Alter the Landform.** The Vineyard Expansion Site will increase the land permanently altered by mining. The Morrison Creek FEIR/FEIS concluded that the permanent alteration to the land as a result of mining is a significant and unavoidable impact. This conclusion remains applicable to the Granite Project as there are no mitigation measures available to reduce impacts to less than significant. (FSEIR 9-3)

**Finding:** There is no feasible mitigation measure to reduce this significant impact to the landform. Regardless, the Board approves the Granite Project for the reasons set forth in Section XI.

**Mitigation:** There is no feasible mitigation measure to reduce this significant impact. (FSEIR 2-7, 9-3, 18-1)

**Level of Significance After Mitigation:** Significant and Unavoidable. (FSEIR 2-7, 9-3, 18-1)

- 2. Impact: Slope Stability.** The Morrison Creek FEIR/FEIS concluded that the Project's reclaimed slopes (ranging from 1.5:1 to 2:1) would potentially be subject to slope instability, including potential instability induced by earthquakes and/or ground shaking. This was considered a significant impact that could be reduced to less than significant with mitigation. (FSEIR 2-7 to 2-8, 9-3 to 9-6, 18-3 to 18-4)

The Morrison Creek FEIR/FEIS indicated that the mining pits were to have slopes of 1.5:1. However, the conditions placed on the use permit for the Vineyard mining site required that the finished side slopes of the mining pits must be 2:1 (horizontal:vertical)

or flatter. Therefore, the finished slopes for the mining pits specified in Mitigation Measure GS-1 have been updated to be 2:1 for the Vineyard Expansion Site as well as proper soil compaction. (FSEIR 2-7 to 2-8, 9-4, 18-3)

**Finding:** Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect from unstable slopes as identified in the FSEIR.

**Mitigation:** The following mitigation measures from the Morrison Creek FEIR/FEIS (as updated) have been incorporated into the Granite Project as conditions of approval to reduce the impact to a less than significant level:

GS-1 For the Vineyard I mining expansion site, the mining operator shall limit the finished side slopes of the Morrison Creek Realigned Channel and mining pit slopes to 2:1 (horizontal:vertical) to ensure stability for existing soil conditions. For the slopes of the Morrison Creek Realigned Channel, soils shall be placed and compacted to 90 percent of the maximum dry density, at or near optimum moisture conditions, in all finished slopes. Since local stability of the slope is critically dependent upon proper compaction of the overburden soils, a qualified soils engineer shall be regularly present throughout grading operations to determine compliance with job specifications.

GS-2 Prior to allowing re-directed stream flows to the Morrison Creek Realigned Channel, the Vineyard I mining operator, shall submit a report prepared by a California registered professional engineer certifying the channel and embankment engineering and foundation soils of the Morrison Creek Realigned Channel. The engineer's report shall address slope stability, soil compaction rates, foundation soils, potential failure mechanisms and contingences for repairing failures. The report shall be submitted to the Department of Community Development for approval. No flows shall be directed to the new channel until approval is granted by the Department of Community Development.

(FSEIR 2-7 to 2-8, 9-5 to 9-6)

**Level of Significance After Mitigation:** Less Than Significant. (FSEIR 2-7 to 2-8, 9-6, 18-3 to 18-4)

3. **Impact: Erosion.** The Morrison Creek FEIR/FEIS concluded that the project's reclaimed slopes would be subject to erosion if not adequately constructed and vegetated. It was determined that this was a significant impact that could be reduced to less than significant with mitigation. The Project will result in similar reclaimed slopes. Mitigation from the Morrison Creek FEIR/FEIS remains applicable to the Vineyard Expansion Site. (FSEIR 2-9, 9-6 to 9-7, 18-3 to 18-4)

**Finding:** The following mitigation measure has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect from unstable slopes as identified in the FSEIR.

**Mitigation:** The following mitigation measures have been incorporated in the project as conditions of approval to reduce this impact to a less than significant level:

GS-5 The Vineyard I mining expansion operator shall comply with the approved Erosion Control Plan to ensure that the side slopes of the pit are vegetated following final slope placement to prevent excessive erosion and enhance slope stability.

GS-6 The mining operator for Vineyard I shall submit to the Environmental Coordinator a ten-year monitoring plan that outlines monitoring requirements and identifies mitigating steps for any significant erosion that may occur at a specific location in the Morrison Creek Realigned Channel (flow channel). If significant erosion is identified during monitoring, the mining operator shall contact the Environmental Coordinator and submit proof of corrective actions. Appropriate mitigation includes, but is not limited to; strengthening of the channel, re-grading the channel, widening the channel to reduce scour velocities, or any other revision as approved by County staff to mitigate significant erosion.

(FSEIR 2-9, 9-7 to 9-8. 18-3 to 18-4)

**Level of Significance After Mitigation:** Less Than Significant. (FSEIR 2-9, 9-8, 18-3 to 18-4)

## **E. BIOLOGICAL RESOURCES**

- 1. Impact: Vegetation.** The Morrison Creek FEIR/FEIS concluded that the proposed project would result in loss of existing natural vegetation on approximately 881.7 acres of the 966.3 project site. Plant communities adversely affected would be riparian/forest riparian scrub habitat, wetland habitat and waters of the United States, ruderal habitats, pastures and cultivated areas. This was found to be a significant impact. (FSEIR 10-16 to 10-17)

The Morrison Creek FEIR/FEIS required implementation of a wetland mitigation plan. In consultation with the USFWS, the Corps, CDFG and the County, it was determined that flows were to be regulated and maintained within the mitigation corridor (now the Morrison Creek Realigned Channel). The proposed Morrison Creek Realigned Channel accomplishes this mitigation, and was created at the request of the regulatory agencies as well as environmental groups. (FSEIR 2-10 to 2-11, 10-16 to 10-19, 18-2 to 18-3)

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect loss of vegetation and impact on specified plant communities as identified in the FSEIR.

**Mitigation:** The following mitigation measures have been incorporated into the Project as conditions of approval to reduce this impact to a less than significant level:

BR-1 Granite Construction shall submit to the Department of Community Development the recorded Conservation Easements for the Morrison Creek Realigned Channel by the date set in the issued U.S. Army Corps of Engineers Section 404 permit (November 30, 2013). In the event that the U.S. Army Corps of Engineers changes the date for the permit, a copy of the recorded Conservation Easement shall be submitted within five (5) days of the new approved date. (FSEIR 2-10, 10-19)

BR-2 The mining operator for Vineyard I shall implement the *Wetland, Oak Woodland and Riparian Mitigation Monitoring Plan* (refer to Appendix D1) and submit to the Department of Community Development the annual monitoring reports as specified in the *Wetland, Oak Woodland and Riparian Mitigation Monitoring Plan*. The reports shall present the status of the creek, wetlands, drainage, oak woodland and riparian habitats, including individual wetland data, photo-documentation, status of the riparian and oak woodland plantings, and any recommended remediation. The reports shall also include an assessment of the monitoring results against the success criteria described in the *Wetland, Oak Woodland and Riparian Mitigation Monitoring Plan*.

The monitoring report shall be prepared and submitted to the Department of Community Development (and Corps and CDFG) for each of the monitoring years by December 31<sup>st</sup> of each monitoring year. The reports shall include:

- a. A map showing the Preserve including wetland locations, location of various monitoring activities, and photo points;
- b. Hydrology, vegetation, and photographic monitoring results as described in the *Wetland, Oak Woodland and Riparian Mitigation Monitoring Plan*;
- c. An assessment of the monitoring results against the established success criteria;
- d. A description of the overall site conditions and any management actions taken during that year; and
- e. Any recommended management or remediation actions to be conducted (if necessary, a contingency plan, as described in Section 8.2 of the *Wetland, Oak Woodland and Riparian Mitigation Monitoring Plan* will be prepared).

If any revisions to the construction plans for the Morrison Creek Realigned Channel occur during the first ten years, a letter indicating proposed changes shall be submitted to the Department of Community Development. If changes require approval by either the

Corps or CDFG, an approval letter from the respective agency shall be submitted to the Department of Community Development.

At the end of the ten-year monitoring periods, monitoring will cease if the Morrison Creek Realigned Channel is found by the Department of Community Development, Corps and CDFG to be in substantial compliance with the established success criteria. Monitoring will be extended beyond the ten-year period only for those habitats that are not meeting success criteria. (FSEIR 2-10 to 2-11, 10-19 to 10-20)

**Level of Significance After Mitigation:** Less Than Significant. (FSEIR 2-10 to 2-11, 10-20, 18-2 to 18-3)

2. **Impact: Native Trees.** Prior approval of mining of the Vineyard I site resulted in the loss of 3,562 inches of native oak and black walnut trees. This impact is fully mitigated with the incorporation oak tree planting plan within the Morrison Creek Realigned Channel across the Vineyard I and Aspen III South mining sites. The Vineyard Expansion Site also would result in an additional 40 inches of native oak and black walnut trees to be removed. (FSEIR 2-11 to 2-13, 10-20 to 10-26, 18-2 to 18-3)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect on removal of native trees.

**Mitigation:** The following mitigation measures have been incorporated into the Project as conditions of approval to reduce this impact to a less than significant level:

BR-3 The mining operators for Vineyard I and Aspen IV South shall implement Mitigation Measure BR-1 (submittal of recorded conservation easements) and BR-2 (implement the *Wetland, Oak Woodland, and Riparian Mitigation and Monitoring Plan for Vineyard I* [refer to Appendix D1] and the *Oak Tree Mitigation and Monitoring Plan for Aspen IV South* [refer to Appendix D2]). (FSEIR 2-11, 10-34 to 10-35)

BR-4 The removal of 40 inches of diameter breast height (dbh) of native oak trees by Granite for the Vineyard I expansion site shall be compensated by planting native oak trees (either valley oak/*Quercus lobata*, blue oak/*Quercus douglasii* and/or interior live oak/*Quercus wislizenii*) equivalent to the dbh inches lost, based on the ratios listed below, at locations that are authorized by the Environmental Coordinator. On-site preservation of native oak trees that are less than 6 inches (<6 inches) dbh, may also be used to meet this compensation requirement. A total of 40 inches will require compensation. Equivalent compensation based on the following ratio is required:

- One preserved native oak tree < 6 inches dbh on-site = 1 inch dbh
- One D-pot seedling (40 cubic inches or larger) = 1 inch dbh
- One 15-gallon tree = 1 inch dbh
- One 24-inch box tree = 2 inches dbh

- One 36-inch box tree = 3 inches dbh

Replacement tree planting shall be completed prior to tree removal or a bond shall be posted by the Vineyard I mining expansion operator in order to provide funding for purchase, planting, irrigation, and 3-year maintenance period, should the mining operator default on replacement tree mitigation. The bond shall be in an amount equal to the prevailing rate of the County Tree Preservation Fund and will be due within one year of posting the bond.

Prior to the issuance of a Work Authorization Permit for the Vineyard I expansion site, a Replacement Oak Tree Planting Plan shall be prepared by a certified arborist or licensed landscape architect and shall be submitted to the Environmental Coordinator for approval. The Replacement Oak Tree Planting Plan(s) shall include the following minimum elements:

1. Species, size and locations of all replacement plantings and < 6-inch dbh trees to be preserved;
2. Method of irrigation;
3. If planting in soils with a hardpan/duripan or claypan layer, include the Sacramento County Standard Tree Planting Detail L-1, including the 10-foot deep boring hole to provide for adequate drainage;
4. Planting, irrigation, and maintenance schedules;
5. Identification of the maintenance entity and a written agreement with that entity to provide care and irrigation of the trees for a 3-year establishment period, and to replace any of the replacement oak trees which do not survive during that period; and
6. Designation of 20 foot root zone radius and landscaping to occur within the radius of oak trees < 6-inches dbh to be preserved on-site.

No replacement tree shall be planted within 15 feet of the driplines of existing oak trees or landmark size trees that are retained on-site. The minimum spacing for replacement oak trees shall be 20 feet on-center.

If oak tree replacement plantings are demonstrated to the satisfaction of the Environmental Coordinator to be infeasible for any or all trees removed, then compensation shall be through payment into the County Tree Preservation Fund. Payment shall be made at a rate of \$325.00 per dbh inch removed but not otherwise compensated, or at the prevailing rate at the time payment into the fund is made.

(FSEIR 2-11 to 2-13, 10-34 to 10-36)

**Level of Significance After Mitigation:** Less Than Significant. (FSEIR 2-11 to 2-13, 10-36, 18-2 to 18-3)

4. **Impact: Wetlands.** The Morrison Creek FEIR/FEIS concluded that the project would result in the phased destruction of all waters/wetlands on the Vineyard I and Aspen IV South sites. Impacts as reported in the prior document to waters of the United States 19.0 acres. The revisions to the Project result in an overall decrease in impacts to the waters of the United States. Although impacts to the creek on the Aspen IV South site are eliminated, impacts to wetlands and drainage features have increased under the Project. This difference could be attributed to updated acreages of features since the last wetland delineation ten years ago. The impact to waters of the United States on the Aspen IV South site has decreased by 0.436 acres. (FSEIR 10-36 to 10-37)

To mitigate these impacts the Applicants have obtained a Streambed Alteration Permit from the CDFG, a Section 404 Permit from the Corps, and a Section 401 Water Quality Certification from the Regional Water Quality Control Board. (FSEIR 10-37)

The Reclamation Plan Amendment will change the previously approved corridor and bypass channel to what is now the proposed Morrison Creek Realigned Channel on the Vineyard I and Aspen III South sites, and the Morrison Creek Raised Bank Channel on the Aspen IV South site. The Morrison Creek Realigned Channel eliminates the bypass channel around the mining site and places the recreated stream corridor “at grade” rather than at the bottom of the mining pit (as previously proposed). The Morrison Creek Realigned Channel has been approved by the Corps as adequate compensation for impacts the waters of the United States. In addition, the Morrison Creek Realigned Channel has been designed to meet the requirements outlined in the Biological Opinion from the USFWS. (FSEIR 10-39)

In the wetland delineation prepared by Zeitner and Zeitner (1997) for the prior project, there were no wetlands identified on the Vineyard Expansion Site, therefore the current proposal to mine the Vineyard Expansion Site will not have any impacts to waters of the United States. (FSEIR 2-14, 10-39)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect from elimination of wetlands.

**Mitigation:** The following mitigation measures have been incorporated into the Project as conditions of approval to reduce this impact to a less than significant level:

BR-5 Implement Mitigation Measures BR-1 and BR-2. (FSEIR 2-14, 10-39)

**Level of Significance After Mitigation:** Less than Significant. (FSEIR 2-14, 10-39, 18-2 to 18-3)

5. **Impact: Wildlife.** The Morrison Creek FEIR/FEIS concluded that the mining the properties would result in habitat loss and wildlife displacement. Habitat destruction and disturbance would displace species into adjacent areas, which may result in increased mortality due to competition for limited resources. (FSEIR 2-14, 10-40)

Mining the Vineyard Expansion Site will not change the prior conclusion that mining activities would result in habitat loss and wildlife displacement. The Morrison Creek Realigned Channel will replace lost habitats. (FSEIR 2-14, 10-40, 18-2 to 18-3).

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect on habitat loss and wildlife displacement.

**Mitigation:** The following mitigation measures have been incorporated into the Project as conditions of approval to reduce this impact to a less than significant level:

BR-6 Implement Mitigation Measures BR-1 and BR-2 (FSEIR 2-14, 10-40)

**Level of Significance After Mitigation:** Less than Significant. (FSEIR 2-14, 10-40, 18-2 to 18-3)

6. **Special Status Vernal Pool Invertebrates.** The Morrison Creek FEIR/FEIS concluded that the previous project would eliminate some of the existing potential habitat for the federally listed threatened and endangered fairy shrimp and tadpole shrimp, and may result in the loss of individuals of these species. This was considered a significant impact. Under the Biological Opinion for Granite's Vineyard I site, the USFWS required Granite to purchase 1.06 acres of vernal pool preservation credits and 0.53 acres of vernal pool creation credits from a Service-approved conservation bank. Granite has complied with this requirement. (FSEIR 2-16, 10-45, 18-2 to 18-3)

In the wetland delineation prepared by Zeitner and Zeitner (1997) for the prior project, there were no wetlands on the proposed Vineyard Expansion Site, therefore mining the Vineyard Expansion Site will not have any impacts to vernal pool fairy shrimp or tadpole shrimp not previously identified. The proposed Granite Project will not have an impact to special status vernal pool invertebrates. (FSEIR 2-16, 10-45, 18-2 to 18-3)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect on special status vernal pool invertebrates.

**Mitigation:** The following mitigation measures have been incorporated into the Project as conditions of approval to reduce this impact to a less than significant level:

BR-7 Implement Mitigation Measures BR-1 and BR-2. (FSEIR 2-16, 10-46, 18-2 to 18-3)

**Level of Significance After Mitigation:** Less than Significant. (FSEIR 2-16, 10-46, 18-2 to 18-3)

7. **Impact: Swainson's Hawk and Other Special Status Birds.** Impacts to Swainson's Hawk and other special status birds (burrowing owl and tricolored blackbird) were found to be a potentially significant impact under the prior project. The Project does not change this impact; however the recreated Morrison Creek Realigned Channel will recreate suitable habitats for these birds/raptors in the post-reclamation condition and will, therefore, not result in an adverse impact to these birds/raptors. The Vineyard Expansion Site is surrounded by mining activities. A portion of Morrison Creek is located along the eastern boundary of the Vineyard Expansion Site (on APN 063-0090-009) and riparian habitat along this creek provides potential habitat for the tri-colored blackbird. This portion of Morrison Creek eventually will be mined; however, not until the recreated Morrison Creek Realigned Channel is in place. Mitigation requiring pre-construction surveys remains applicable to the Project. (FSEIR 2-16 to 2-18, 10-46, 18-3)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect on Swainson's Hawk and other Special Status Birds.

**Mitigation:** The following mitigation measures have been incorporated into the Project as conditions of approval to reduce this impact to a less than significant level:

BR-8 Prior to the issuance of a Work Authorization Permit, if mining the Vineyard expansion site is to occur between March 1 and September 15, a focused survey for Swainson's hawk nests on the site and on nearby trees shall take place within ½ mile for rural sites and ¼ mile for urban sites, and shall be conducted by a qualified biologist within 14 days prior to the start of construction work (including clearing and grubbing). If active nests are found, the California Department of Fish and Game (CDFG) shall be contacted to determine appropriate protective measures. If no active nests are found during the focused survey, no further mitigation will be required. (FSEIR 2-16, 10-47)

BR-9 Burrowing Owl Survey: Prior to mining activities on the Vineyard I Expansion Site, a focused survey shall be conducted by a qualified biologist for burrowing owls where suitable habitat is present in the project area. Suitable habitat includes agricultural field margins, drainage ditches and fallow fields. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities. Surveys shall be conducted in accordance with CDFG protocol (CDFG, 1995).

- a. If no occupied burrows are found in the survey area, a letter report documenting survey methods and findings shall be submitted to the County and no further mitigation is necessary.

- b. If an occupied burrow is found, the Vineyard I expansion mining operator shall contact the Environmental Coordinator and consult with CDFG, prior to construction or mining activities, to determine if avoidance is possible or if burrow relocation will be required.
- c. If owls are to remain on-site, a minimum of 6.5 acres of foraging habitat for each occupied burrow needs to be permanently preserved according to CDFG guidelines.
- d. In order to avoid direct impacts to owls, no activity shall take place within 160 feet of an active burrow from September 1 to January 31 (wintering season) or 250 feet from February 1 through August 31 (breeding season). Protective fencing shall be placed, at the distances above, around the active burrows and no activity shall occur within the protected buffer areas.
- e. Any impact to active owl burrows, relocation of owls or mitigation for habitat loss shall be done in accordance with CDFG guidelines. Written evidence from CDFG staff shall be provided to the Environmental Coordinator attesting to the permission to remove burrows, relocated owls, mitigate for lost habitat and provide a method for preservation habitat in perpetuity. (FSEIR 2-16 to 2-17, 10-47 to 10-48)

BR-10 Survey for Tricolored Blackbirds: If mining activities on the Vineyard I mining expansion site occur between March 1 and July 31, a pre-construction survey for nesting tricolored blackbird shall be performed by a qualified biologist. Surveys shall include the project site and areas of appropriate habitat within 300 feet of the site. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of mining activities. The biologist shall supply a brief written report (including date, time of survey, survey method, name of surveyor and survey results) to the Environmental Coordinator prior to ground disturbing activity. If no tricolored blackbirds are found during the preconstruction survey, no further mitigation will be required. If an active tricolored blackbird colony is found on-site or within 300 feet of the project site, the Vineyard I expansion mining operator project proponent shall do the following:

- a. Consult with the CDFG to determine if project activity will impact the tricolored blackbird colony(s). Provide to the Environmental Coordinator written evidence of the consult or a contact name and number from CDFG.
- b. With CDFG permission, the mining operator may avoid impacts to tricolored blackbirds by establishing a 300-foot temporary setback with fencing that prevents any project activity within 300 feet of the colony. A qualified biologist shall verify that setbacks and fencing are adequate and will determine when the colonies are no longer dependent on the nesting habitat (i.e., nestling have fledged and are no longer using habitat). The breeding season typically ends in July.

- c. If the tricolored blackbird habitat is permanently destroyed, follow CDFG procedure to mitigate for habitat loss. (FSEIR 2-17 to 2-18, 10-47 to 10-48)

**Level of Significance After Mitigation:** Less than Significant. (FSEIR 2-16 to 2-18, 10-48, 18-3)

## F. TRAFFIC AND CIRCULATION

1. **Impact: Additional Haul Trucks on the Roadway System.** The Morrison Creek FEIR/FEIS concluded that additional haul trucks on the roadway system would significantly degrade the existing level of service. Granite estimates that mining the Vineyard Expansion Site will take approximately 6 months. Due to that abbreviated time period, removal of the overburden from the Vineyard Expansion Site would not result in additional haul trucks on the roadway system, and would not result in a significant increase in worker trips. In order to ensure that there is not an increase in haul trucks on the roadways related to overburden removal and mined aggregate material, mitigation is recommended requiring that the mined material be transported to the processing plant by conveyor only. (FSEIR 2-19, 11-4, 18-4)

**Finding:** Changes or alterations have been require in, or incorporated into, the Granite Project which avoid or substantially lessen the potentially significant environmental effect from traffic and circulation at the Vineyard Expansion Site.

**Mitigation:** The following mitigation measures have been incorporated into the Granite Project as conditions of approval to reduce this potentially significant impact to a less than significant level:

TC-1 The Vineyard I expansion mining operator shall transport mined aggregate material to the processing plants only by conveyor and not by on-road trucks. (FSEIR 2-19, 11-5)

TC-2 If overburden from the Vineyard I mining expansion site is to be removed from the site, overburden transport shall be by conveyor and internal vehicles only and not by on-road haul trucks. (FSEIR 2-19, 11-5)

**Level of Significance After Mitigation:** Less than Significant. (FSEIR 2-19, 11-5, 18-4)

## G. LAND USE

1. **Impact: Conflict with Nearby Land Uses.** The Morrison Creek FEIR/FEIS concluded that the mining area would potentially conflict with on-site and nearby land uses and that this was considered a significant and unavoidable impact. The adjacent uses would be directly exposed to increased noise associated with the aggregate mining and processing,

increased heavy truck traffic and traffic noise during initial overburden removal and throughout the life of the project, windblown dust from mining operations and access roads, and adverse visual or aesthetic impacts resulting from changes in adjacent landform. (FSEIR 2-20, 12-7, 18-1)

The Vineyard Expansion Site request does not result in a conflict with onsite and nearby land uses since the expansion site is currently surrounded by mining operations. However, as the Vineyard Expansion Site will be added to the approved Vineyard I mining site, the prior conclusion remains valid. Although mitigation was recommended in the Morrison Creek FEIR/FEIS and is applicable to the Granite Project, the mitigation measure does not reduce impacts to less than significant. (FSEIR 2-20, 12-7, 18-1)

**Finding:** Although mitigation measures have been required for the Granite Project that substantially lessen the significant environmental effect on nearby land uses, there is no feasible mitigation measure to reduce this significant impact to nearby land uses. Regardless, the Board approves the Granite Project for the reasons set forth in Section XI.

**Mitigation:** The following mitigation measures have been incorporated into the Granite Project as conditions of approval to reduce this impact:

LU-1 In order to mitigate potential impacts to surrounding land uses, the Vineyard I expansion mining operator shall be required to comply fully with mitigation measures identified in the Noise; Traffic and Circulation; Air Quality; and Visual Resources sections of the prior FEIR/EIS and SEIR, unless otherwise amended by the conditions set forth herein.. These mitigation measures will employ appropriate state-of-the-art techniques for erosion control, reclamation, nuisance prevention, and environmental impact mitigation relative to surface mining operations. (FSEIR 2-20, 12-7, 18-1)

In addition, several protocols adopted by the Board in November 2001 provide additional opportunities to evaluate compatibility with adjacent land uses. See Protocols on Air Quality, Noise, Dust and Landscaping, approved by the Board of Supervisors on November 7, 2001, which remain in effect for the Granite Project.

**Level of Significance After Mitigation:** Significant and Unavoidable. (FSEIR 2-20, 12-7, 18-1)

2. **Impact: Conversion of Prime Farmland, Farmland of Statewide Importance, and Farmland of Local Importance.** The prior project was found to disturb 31 acres of Prime Farmland, 435 acres of Farmland of Statewide Importance, and 419 acres of Farmland of Local Importance. The Vineyard Expansion Site will disturb an additional 5.6 acres of Prime Farmland and Farmland of Statewide Importance. Mitigation to prepare/revise a plan for the preservation and salvage of topsoil resources suitable for sustaining economically viable agricultural uses has been recommended, consistent with the state Mining and Geology Board's Reclamation Regulations. (FSEIR 2-21, 12-8, 18-4)

**Finding:** Changes or alterations have been required in, or incorporated into, the Granite Project which avoid or substantially lessen the significant environmental effect on Prime Farmland, Farmland of Statewide Importance, and Farmland of Local Importance.

**Mitigation:** The following mitigation measure has been incorporated into the Granite Project as conditions of approval to reduce this impact to a less than significant level:

LU-2 In order to mitigate potential impacts to agricultural uses, prior to issuance of the work authorization permit for the Vineyard I mining expansion site, the mining operator shall revise/prepare a plan, that includes the Vineyard I mining expansion site (5.6 acres), for the preservation and salvage of topsoil resources suitable for sustaining economically viable agricultural uses, consistent with the performance standards set forth in Sections 3708 and 3711 of the State Mining and Geology Board Reclamation Regulations. (FSEIR 2-21, 12-8 to 12-9)

**Level of Significance After Mitigation:** Less Than Significant. (FSEIR 2-21, 12-9, 18-1)

3. **Impact: Post Project.** The Morrison Creek FEIR/FEIS found that the proposed mining activities would restrict the possibility of utilizing the project site for future (post-project) development, including recreational open space uses and recommended mitigation to reduce the impact to less than significant levels. The Project includes a Reclamation Plan Amendment for the Morrison Creek Realigned Channel that will be approximately 300 feet in width, at or near original grade (rather than at the bottom of the mining pit), and will include adjacent buffer lands for a total width of 650 feet (compared to the previously approved 600 foot wide pit floor riparian corridor). This Reclamation Plan Amendment and the new design better mirrors natural creek conditions and will not require the need of a pump system.

The Morrison Creek FEIR/FEIS required as a mitigation measure the dedication of a 600-foot wide open space easement so as to guarantee sufficient area to allow for regeneration of the riparian corridor and subsequent establishment of a public trail system when deemed appropriate by the County. As part of the permit received by the Applicants from the Corps, a trail is now required and the County is therefore no longer requesting the open space easement. The Applicants, the County and the Southgate Park and Recreation District have negotiated provisions regarding the trail construction that are incorporated as conditions of approval for the Project. With the addition of these requirements, impacts regarding post-project development are now considered less than significant. (FSEIR 2-21, 12-9 to 12-10, 18-7)

**Finding:** Although the impacts before mitigation were deemed Less Than Significant (FSEIR 2-21, 12-10), the Applicants have voluntarily agreed to mitigation measures and conditions of approval that require the dedication of land and installation of a trail in a

location approved by the Southgate Park and Recreation District. These mitigation measures and conditions of approval shall be incorporated into the Project.

**Mitigation:** The following mitigation measure (as amended by condition of approval 56) has been incorporated into the Project to maintain this impact at a less than significant level:

LU-3 Upon request by the SRPD, the Vineyard I mining operator agrees to provide a trail and setback easement (hereafter the “Trail Easement”), not to exceed 20 feet in width, so long as said easement does not conflict with any requirements or easements stemming from any permit issued, or that may be issued, by an agency of the State of California or the federal government. Said easement shall be located coincident with the maintenance road on the north levee within the Morrison Creek Preserve (as approved by the ACOE in an e-mail dated September 26, 2012) and shall be consistent with the attached Public Trail Map (Exhibit A).

- a. *Trail Improvements.* At the request of the SRPD and after acceptance of the Trail Easement by SRPD, the Operator shall improve the Trail Easement area by constructing a trail surface not exceeding 12-feet in width. Operator’s responsibilities with respect to improvement of the Trail Easement area shall be limited to the installation of a suitably compacted base rock foundation as the trail surface, the grade and slopes of which shall be designed to provide for safe use, entry and exit by members of the public. The cost of other improvements of the Trail Easement area, including the installation of asphalt or other overlay paving, shall be the responsibility of SRPD. SRPD shall also bear the cost of installing fencing around the Trail Easement area (hereafter “Trail Fencing”) and interpretive signage on said fencing (hereafter “Trail Signage”) to the satisfaction of ACOE.
- b. *Trail Maintenance.* As a condition of allowing the trail to be located within the Morrison Creek Preserve, the SRPD shall provide for funding necessary for the removal of trash from the Trail Easement area and all other maintenance of the Trail Easement area, Trail Fencing and Trail Signage required by ACOE to keep the trail in good repair.
- c. *Modification or Termination of Condition.* This condition shall cease to be binding in the event (a) the requirement for an easement dedication and/or trail installation is superseded by a condition of approval for a trail easement on a development application covering the same property; (b) the Operator and the SRPD enter into an agreement rendering all or part of this condition null and void or, (c) at the latest, upon expiration of the use permit and any extensions that may be granted thereto, unless SRPD has previously requested the dedication of a Trail Easement.

**Level of Significance After Mitigation:** Less Than Significant. (FSEIR 2-21, 12-10, 18-7)

4. **Impact: Consistency with Mather Airport Comprehensive Land Use Plan (CLUP). Potentially Significant.** The Project is consistent with the CLUP. A Bird Airstrike Hazard Analysis has been completed for the Project and the potential for bird airstrikes over the Project site is low. Mitigation that outlines design standards for the stormwater detention basin has been included to reduce this potentially significant impact to less than significant. (FSEIR 2-21, 12-10 to 12-18, 18-4)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant effect of the Project and consistency with the CLUP.

**Mitigation:** The following mitigation measures have been incorporated into the Project as conditions of approval to reduce this potentially significant impact to a less than significant level.

LU-4 The retention basin on Vineyard I shall include the following design criteria to the maximum extent practicable, while still adhering to the federal agency regulations:

- a. The basin shall incorporate steep side slopes (3:1 or greater)
- b. The basin shall be designed to remain clear of vegetation that may provide nesting, roosting or foraging opportunities for birds. Only herbaceous vegetation necessary for erosion control purposes will be allowed.

(FSEIR 2-21, 12-18)

**Level of Significance After Mitigation:** Less than Significant. (FSEIR 2-21, 12-18, 18-4)

## H. PUBLIC SAFETY

1. **Impact: Hazardous Conditions During Mining Activity.** The use of heavy equipment, the creation of a 25+/- foot deep, steep-sided pit and the inadvertent public entry to the mining site could create a public safety hazard. Mitigation from the prior project requiring fences and warning/trespass signs around the perimeter of the mining site has been completed. Mitigation requiring perimeter fencing until the post-reclamation development of future use of the site occurs remain applicable to the Project and would reduce the impact to less than significant. (FSEIR 2-22, 14-2 to 14-3, 18-4)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect from hazardous conditions during mining activity.

**Mitigation:** The following mitigation measure has been incorporated into the Project as conditions of approval to reduce the impact to a less than significant level:

PS-1 All perimeter fencing shall be retained until post-reclamation development/future use of the project site occurs. (FSEIR 2-22, 14-3)

**Level of Significance After Mitigation:** Less than Significant. (FSEIR 2-22, 14-3, 18-4)

## **I. AESTHETICS AND VISUAL RESOURCES**

- 1. Impact: Substantial Light or Glare Affecting Nighttime Views in the Area.** The Morrison Creek FEIR/FEIS concluded that the prior project would have a significant impact as a result of creating a new source of substantial light or glare affecting nighttime views in the area. The Reclamation Plan Amendment will not require any lighting and the Vineyard Expansion Site will be located in the existing Vineyard I mining site, which is currently being mined. There are lights currently associated with the mining activities, therefore there are no new impacts associated with the Project. However, mitigation measures included in the prior project approvals remain applicable to the Project. (FSEIR 2-22, 15-4 to 15-5, 18-2)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect of substantial light or glare affecting nighttime views in the area.

**Mitigation:** The following mitigation measure has been incorporated into the Project as conditions of approval to reduce this impact to a less than significant level:

With minor changes, the mitigation measure from the FEIR/EIS below is applicable to the Vineyard I mining expansion site the proposed Project.

AV-1 Any lighting shall be arranged and controlled so as not to illuminate public rights of way or adjacent properties. In order to reduce direct and reflected light pollution, lighting at the project site shall be equipped with shields that concentrate the illumination downward such that no direct light is cast off the site. Energy efficient lights shall be used, similar to the types used as residential outdoor security lights. The candle power of the illumination at ground level shall not exceed what is required by any safety or security regulations of any government agency with regulatory oversight of the mining operation. (FSEIR 2-22, 15-5)

**Level of Significance After Mitigation:** Less Than Significant. (FSEIR 2-22, 15-5, 18-2)

## **J. PUBLIC SERVICES**

- 1. Impact: Park Services.** The Project is within the boundaries of the Southgate Park and Recreation District. The Project will provide trails through the mitigation corridor for public use. The provision of trails and open space on the project site is addressed in the Land Use Chapter of the SFEIR. The use of the Project site as open space was found to not have a significant impact on the post development and use of the project site. The provision of park services to the project site is considered a less than significant impact. Although impacts are considered less than significant, mitigation consistent with the Land Use Chapter has been included. (FSEIR 2-23, 16-8, 18-7)

**Finding:** Although the impacts before mitigation were deemed Less Than Significant (FSEIR 2-23, 16-8, 18-7), the Applicants have voluntarily agreed to mitigation measures and conditions of approval that require the dedication of a trail easement in a location approved by the Southgate Park and Recreation District. These mitigation measures and conditions of approval shall be incorporated into the Project.

**Mitigation:** The following mitigation measure has been incorporated into the Project as conditions of approval to maintain this impact at a less than significant level: Implement Mitigation Measure LU-3. (FSEIR 2-23, 16-9)

**Level of Significant Before and After Mitigation:** Less Than Significant. (FSEIR 2-23, 16-9, 18-7)

## **IX. PROJECT ALTERNATIVES**

The Granite Project will cause unavoidable significant environmental effects to air quality, geology and slope stability and land use as discussed above. (FSEIR 2-5, 2-7, 2-20, 18-1). Thus the County must consider the feasibility of any environmentally superior alternatives to the Project, as proposed. The County must evaluate whether one or more of these alternatives could substantially lessen or avoid these unavoidable significant environmental effects. *Citizens for Quality Growth v. City of Mount Shasta*, 198 Cal. App. 3d 433, 443-45 (1988); see also Public Resources Code section 21002).

Under the CEQA Guidelines, an EIR must describe a reasonable range of alternatives to the project which would feasibly attain most of the basic project objectives but would avoid or substantially lessen any of the significant effects of the project. Under CEQA, “(f)feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” CEQA Guidelines section 15364.

The concept of feasibility permits agency decision-makers to consider the extent to which an alternative is able to meet some or all of the project’s objectives. In addition, the definition of feasibility encompasses “desirability” to the extent the agency’s determination of feasibility represents a reasonable balancing of competing economic, environmental, social and technological factors supported by substantial evidence. *City of Del Mar v. City of San Diego*,

133 Cal. App. 3d 410, 417 (1982); see also *Sequoyah Hills Homeowners Ass'n v. City of Oakland*, 23 Cal. App. 4th 704, 715 (1993).

## **A. PROJECT OBJECTIVES**

The Project is an amalgamation of the alternatives that were analyzed in the Morrison Creek FEIR/FEIS, and is a result of revisions to the previously approved reclamation plan consistent with permits received from the County, state and federal regulatory agencies. The prior approved reclamation plan was not favored by the State and federal agencies from a biological standpoint. The Applicants worked with regulatory agencies in designing the Project so that it would have fewer biological impacts. The FSEIR evaluated previously identified alternatives and compared the Project as proposed to those alternatives and the prior approved project. (FSEIR 4-1)

The objectives of the Granite Project are as follows:

1. Allow Granite to consolidate the currently approved pit floor mitigation corridor and enhanced bypass channel from the Vineyard I project into a single recreated creek channel that more closely mirrors Morrison Creek's natural condition.
2. Maximize the production of vital aggregate resources by allowing mining of the additional 5.61 acres identified as the Vineyard Expansion Site.

(FSEIR 3-25)

## **B. PROJECT ALTERNATIVES**

The alternatives to mining the Vineyard Expansion Site are the same as the alternatives that were analyzed in the Morrison Creek FEIR/FEIS (pages 4-1 to 4-16) regarding the original mining application:

1. Proposed Project Without the Vineyard I Processing Plant. The Proposed Project Without the Vineyard I Processing Plant Alternative was included to allow for flexibility in land use decisions during the application review process and following the potential approval of entitlements. This alternative does not include processing facilities on the Vineyard I mining site; it was assumed that Granite would use a conveyor to transfer mined material from the site to an existing processing facility located off site. Subsequent to the release of the Draft EIR/EIS, Granite obtained conveyor access, thus this alternative became a part of the proposed project. (FSEIR 4-3)
2. Proposed Project with County Drainage Alternatives (Part B Options). The Proposed Project with County Drainage Alternative (Part B Options) was developed as part of the Sacramento County Water Resources Division's 1994

Morrison Creek Mining Reach Drainage Mitigation Plan which was developed to go beyond the minimum requirements for drainage mitigation, in order to provide additional flood control and stormwater detention benefits. However, it was stated in the FEIR/FEIS that following additional consideration and evaluation of the County Drainage Alternatives (Part B) subsequent to the release of the Draft EIR/EIS, the County of Sacramento determined that the incremental downstream flood control benefits would be minimal and decided to forego additional consideration of this alternative at the time of writing the Morrison Creek FEIR/FEIS. (FSEIR 4-3)

3. 100-Year Floodplain Protection Alternative. The Floodplain and Creek Protection Alternative was considered so as to minimize the cumulative effects of mining inside the 100-year floodplain. Under this alternative, the 100-year floodplain protection alternative, the natural character of the 100-year floodplain for the creek would be maintained by avoiding aggregate extraction within the floodplain. (FSEIR 4-4)
4. Creek Buffer Alternative. The Creek Buffer Alternative was included in the Morrison Creek FEIR/FEIS since during the comment period on the Draft EIR/EIS there were several comments requesting that a modified floodplain protection alternative be considered in the FEIR/FEIS. This alternative was to include a 150-foot buffer area on either side of Morrison Creek similar to the condition of approval placed on the north project by the U.S. Army Corps of Engineers. As a result of these comments, the “Creek Buffer Alternative” was incorporated into the Morrison Creek FEIR/FEIS. Under this alternative, the natural creek channel and associated riparian vegetation would be preserved by precluding mining activities within 150 feet of the lateral extent of Corps jurisdiction associated with the main stem of Morrison Creek. Mining and reclamation would occur up to the edge of the 150-foot buffer and the perimeter would be back filled with 2:1 slopes. The Morrison Creek channel would be retained at existing grade throughout the project site. Under this alternative, a 350-foot corridor of land, including the creek, would be preserved and surrounded on both sides by the proposed mining and reclamation areas. (FSEIR 4-4)
5. No Project Alternative. The No Project Alternative assumed that the project sites would not be mined for aggregate and that the sites would have remained in their present condition or be used consistent with existing zoning, which was general agricultural. (FSEIR 4-4)

The FEIR/FEIS also considered the following alternatives, but the alternatives were rejected due to not meeting the project objective or because they were infeasible:

- Recycling Alternative
- Off-site Alternative
- Mather Field Alternative

(FSEIR 4-4)

Detailed analysis of the considerations of each of the identified alternatives is found at the Morrison Creek FEIR/FEIS 4-1 to 4-16, and was incorporated by reference in the Project FSEIR. (FSEIR 4-1 to 4-4). The Board also adopted CEQA Findings and Statement of Overriding Considerations for the original Vineyard I mining permit (Control No. 91-CZB-0118) on or about January 12, 2000 to evaluate the various alternatives and to adopt a finding that the project as proposed was the Environmentally Superior Alternative. See Vineyard I CEQA Findings and Statement of Overriding Considerations at 67-72.

### **C. ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

The Morrison Creek FEIR/FEIS identified the following as the Environmentally Superior Alternative: (page 6-8 of FEIR/FEIS):

Based on the alternatives analysis in the individual sections in Chapter 5 (Affected Environment and Environmental Consequences), the 100-Year Floodplain Protection Alternative is the environmentally superior alternative. Under this alternative, the natural character of the 100-year floodplain for Morrison Creek would be maintained by avoiding aggregate extraction within the floodplain. Unlike the other mining alternatives, this alternative would not require reconstruction of the floodplain, would not alter flows downstream, and would not result in hydrologic and landform changes to the existing floodplain. Thus, impacts to biological resources, open space, and aesthetic values inherently associated with the streambed, floodplain and uplands under natural conditions would be avoided.

None of the alternatives were chosen over the proposed project; accordingly, the project, as proposed, was approved. Approval of the prior project allowed for mining operations through Morrison Creek and the construction of the at-grade trapezoidal bypass channel, pump station and a riparian/low-flow corridor at the bottom of the mining pit. (FSEIR 4-5)

### **D. PROPOSED PROJECT**

The Project is mostly consistent with the identified environmentally superior alternative of the Morrison Creek FEIR/FEIS. (FSEIR 4-6), and makes changes requested through consultation with regulatory agencies that reduces biological impacts. (FSEIR 4-1)

The Project eliminates the previously approved bypass channel around the perimeter of the Aspen IV South, Aspen III South and Vineyard I mining sites. The previously approved 600-foot wide riparian corridor/ low-flow channel at the bottom of the mining pit has been revised to be an at-grade Morrison Creek Realigned Channel on the Aspen III South and Vineyard I mining sites. As the Morrison Creek Realigned Channel does not require a pump station, it will maintain the hydroconnectivity of Morrison Creek, compared to an at-pit-bottom channel. The Morrison Creek Realigned Channel has also been designed to contain the 100-year flows of Morrison Creek, and will mirror a meandering creek; therefore, biological functions of this design are

superior to the prior approved bypass channel and pit-bottom creek corridor. (FSEIR 4-5 and 10- to 10-14).

Morrison Creek on the Aspen IV South site will not be impacted under the Project. A flood control channel (Raised Bank Channel) will be constructed outside the effective floodway of Morrison Creek on the Aspen IV South site. The Raised Bank Channel on Aspen IV South portion of the Project is very similar to the 100-year Floodplain Protection Alternative and the Creek Buffer Alternative, both previously proposed in the Morrison Creek FEIR/FEIS. This component of the proposed project will not mine through the existing Morrison Creek (similar to the Creek Buffer Alternative) and will not mine through the Morrison Creek floodplain since the Raised Bank Channel will be constructed outside the floodplain which will preclude mining within the channel (similar to the 100-year floodplain protection alternative). (FSEIR 4-5 to 4-6)

**Finding:** Incorporating by reference the findings adopted by the Board in support of the original project approval, the Board finds that the identified alternatives (a) do not meet the Project objectives, (b) would not substantially lessen any identified environmental effects, and (c) are not environmentally superior to the Project as proposed. The Project is the environmentally superior alternative. (FSEIR 4-5 to 4-6)

#### **X. GROWTH INDUCING AND CUMULATIVE IMPACTS**

The FSEIR evaluated growth-inducing and cumulative impacts of the Project as required under CEQA Guidelines sections 15126(g) and 15130. The FSEIR concludes that although located in close proximity to urban growth areas, [t]he contribution of growth to the region resulting from the project is considered minimal and since extension of urban infrastructure would not be necessary to facilitate the project, growth-inducing impacts would be considered less than significant. In addition, there would not be a growth-inducing impact associated with the Reclamation Plan amendment....” FSEIR 18-7 to 18-8. Similarly, the FSEIR concluded that there were no significant cumulative impacts from the Project. FSEIR 18-8 to 18-11.

#### **XI. STATEMENT OF OVERRIDING CONSIDERATIONS**

As set forth in the preceding sections, the Board’s approval of the Vineyard Expansion Site as part of the Granite Project will result in significant adverse environmental effects on air quality, geology and slope stability and land use that cannot be avoided even with the adoption of all feasible mitigation measures. In addition, there is no feasible alternative to the approval of the Vineyard Expansion Site that could avoid or substantially lessen those three impacts, none of which is different from the significant, unmitigated impacts identified in the Morrison Creek FEIR/FEIS for the Vineyard I mining site. The Board chooses to approve the Vineyard Expansion Site as part of the Granite Project because, in the Board’s view, the economic, social, and other benefits that the Project will produce render the significant effects acceptable.

The following statement identifies the reasons why, in the Board’s judgment, the benefits of the Project, as approved, outweigh the significant and unavoidable effects from the expansion of mining to the additional 5.61 acres. Any one of these reasons is sufficient to justify approval

of the Granite Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Board would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding Findings, which are incorporated by reference into this Section XI, in the evidence and testimony presented at the public hearings on this matter, and in the documents found in the Record of Proceedings as defined in Section V.

The Board finds that the Granite Project would have the following economic, social, and environmental benefits:

**A. The Granite Project (Vineyard Expansion Site) will implement the County General Plan Policies for Providing Local Sources of High Quality Aggregate.**

By amending the mining permit to include the additional 5.61 acres in the Vineyard Expansion Site, an area adjacent to other areas already mined or that will be mined as a result of the original project, the Granite Project (Vineyard Expansion Site) will continue to provide a much needed local source of high-quality aggregate. A portion of the 5.61 acres is presently designated as an Aggregate Resource Area within the “Surface Mining Combining Zone,” which means it is designated as suitable for mining. See County General Plan, Conservation Element at p. 15. The County’s General Plan identifies as an “Objective” that “Known mineral resources [be] protected from land uses which would preclude or inhibit timely mineral extraction to meet market demand.” County 2011 General Plan, Conservation Element, p. 15, and also “Sequential timing for mining of aggregate areas linked to the timing of urban development.” County 2011 General Plan, Conservation Element, p. 18. The mining of 5.61 acres that is surrounded by other mining operations achieves these General Plan Objectives.

The Granite Project (Vineyard Expansion Site) also serves to meet County General Plan Policy CO-44, which states that “[d]ue to predicted shortages of aggregate in Sacramento County, mining of mineral resources within the Urban Services Boundary (USB) is encouraged where consistent with Habitat Conservation Plans or other County initiated conservation programs and where such mining does not preclude successful completion of these plans, to avoid the potential loss of these mineral resources as a result of potential urban development.” County 2011 General Plan, Conservation Element, Policy CO-48, p. 18. The Vineyard Expansion Site is within the Urban Services Boundary (see General Plan, Land Use Element, p. 21), and as a result furthers General Plan Policy CO-48.

The Granite Project (Vineyard Expansion Site) also contains high quality sand and gravel aggregates that are suitable for the production of a full-range of construction products, including but not limited to road base, crushed products, PCC aggregates used in the production of concrete, and asphaltic concrete.

**B. The Project will implement the County General Plan Policies related to extraction of minerals and reclamation activities.**

The County General Plan identifies as an objective the “orderly extraction of materials and subsequent reclamation of mined areas with minimal adverse impacts on aquifers, streams, scenic values, and surrounding residential uses.” County 2011 General Plan Conservation Element, p. 16. Granite incorporated all applicable prior mitigation measures from the Morrison Creek FEIR/FEIS, plus additional mitigation measures specific to the Project as a whole and the Granite Project (Vineyard Expansion Site), contained in the 84 Conditions of Approval for the Amended Reclamation Plan and Vineyard Expansion Site. These mitigation measures significantly reduced the majority of the Granite Project’s environmental impacts to a less than significant level. (FSEIR 18-1 to 18-11)

**C. The Project’s Amended Reclamation Plan will implement the County General Plan Policies for Habitat Preservation, Open Space Preservation and Trails.**

The Project also helps to meet the General Plan goals related to habitat preservation, open space preservation and trails. The prior approved reclamation plan resulted in a separation of habitat restoration and hydrologic functions, and was not favored from a biological standpoint. (FSEIR 4-1) The Morrison Creek Realigned Channel in the Amended Reclamation Plan maintains the hydro-connectivity of Morrison Creek in an at-grade channel and has been designed to contain 100-year flows of Morrison Creek and will mirror a meandering creek, with biological functions of this design superior to the prior approved trapezoidal bypass channel. (FSEIR 4-5) Additionally, the Project provides for the dedication of a trail easement to Southgate Recreation and Park District, which will ultimately provide public access to a trail adjacent to Morrison Creek and the designated preserve area.

The 2011 County General Plan includes the following relevant policies:

“Goal: Preserve and manage natural habitats and their ecological functions throughout Sacramento County.” (Conservation Element, Habitat Protection and Management, p. 34)

“Objective: Mitigate and restore for natural habitat and special status species loss.” (Conservation Element, Habitat Mitigation, p. 34)

“Policy CO-62: Permanently protect land required as mitigation.” (Conservation Element, Policies, p. 35)

“Objective: Establishment of trails and greenbelts to provide for recreational opportunities and community separators.” (Open Space Element, Trails and Greenbelts, p. 19)

The Project is consistent with and achieves each of these goals, objectives and policies of the County’s 2011 General Plan.

**D. The Granite Project (Vineyard Expansion Site) would maintain and create jobs for the County.**

By allowing the additional mining of 5.61 acres at the Vineyard Expansion Site, the Granite Project would maintain existing company employment associated with Granite's current aggregate extraction on site for the additional time period associated with this increased mining activity. In addition to providing direct employment, the mining of the additional 5.61 acres will continue to contribute to the jobs associated with the County's construction industry. Although the additional area proposed for mining activity in the Vineyard Expansion Site is relatively small in comparison to the area approved for mining in the original project approval, in the current economic recession it is critically important to sustain employment opportunities and support business expansion.

In the Sacramento Region, Granite employs more than 70 construction/materials operations personnel and an additional ~200 skilled craft personnel. Granite's most significant aggregate operation in Sacramento County is the Bradshaw facility, where raw materials are fed from the Vineyard I mine site. Mining reserves that support the Bradshaw operation are anticipated to be depleted within the next 5 to 10 years. Granite's aggregate operations in the Sacramento region also include the White Rock Road Plant, which is a small sand and gravel operation located on Aerojet property in the City of Rancho Cordova. Granite continues to see the Sacramento region as a prime resource area for aggregate resource development.

**E. The Granite Project (Vineyard Expansion Site) is an enhancement to the originally improved reclamation plan, will continue to preserve open space in perpetuity and will provide the opportunity for a recreational trail amenity along Morrison Creek.**

The Granite Project (Vineyard Expansion Site), as part of the overall Project and subject to the Amended Reclamation Plan, will increase the preserved acreage at Morrison Creek from approximately 49.24 acres to approximately 89 acres (FSEIR at 10-16, Plate BR-1). The Morrison Creek Realigned Channel more closely parallels the natural drainage patterns and is an enhanced mitigation corridor that was preferred by County, state and federal regulatory agencies. FSEIR at 10-17 to 10-19. In addition, although not required to mitigate any identified environmental impacts, the Applicants negotiated with and agreed to the dedication of a trail easement along the Morrison Creek preserve area as more specifically identified in the conditions of approval. FSEIR at 12-10.

**F. The Granite Project (Vineyard Expansion Site) would continue to provide a reliable stream of tax revenue to the County.**

The Granite Project (Vineyard Expansion Site) would maintain a reliable source of County tax revenue over the period of time required to mine this site. There is no current planned use of the 5.61 acre site and without the entitlements there likely would be no additional tax revenue to the County in the near-term.

**G. Additional Findings from the Vineyard I Project approval are incorporated by reference.**

In the original Vineyard I Project approval, the Board adopted CEQA Findings and Statement of Overriding Considerations after evaluating the environmental impacts, as well as

the economic, social and environmental benefits of the project. Those factors remain applicable to the Vineyard Expansion Site and are hereby incorporated by reference as additional Findings in support of the Granite Project. See Vineyard I CEQA Findings and Statement of Overriding Considerations (Control No. 91-CZB-UPB-0118) adopted by the Board on or about January 12, 2000 at 78-80.

**ADOPTION OF FINDINGS**

The Board hereby recognizes and adopts the Findings of Fact and Statement of Overriding Considerations for the Granite Project.

**DATE:** January \_\_, 2013

**BY:** \_\_\_\_\_  
**CHAIR OF THE BOARD OF SUPERVISORS**  
**COUNTY OF SACRAMENTO**  
**STATE OF CALIFORNIA**

**RECORDING REQUESTED BY  
AND WHEN RECORDED  
MAIL TO:**

**NAME: Department of  
Community Development,  
Planning and Environmental  
Review Division**

**COUNTY MAIL CODE: 01-220**

**No Fee--For the Benefit of  
Sacramento County (Code  
6103)**

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SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

COUNTY OF SACRAMENTO  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING AND ENVIRONMENTAL REVIEW DIVISION

MITIGATION MONITORING AND REPORTING PROGRAM

**CONTROL NUMBER: 2005-CZB-UPB-REB-ZGB-0062**

**NAME:** Vineyard I Community Plan Amendment, Rezone, Use Permit, Reclamation Plan Amendment and Zoning Agreement Amendments

**LOCATION:** The Vineyard I project site is located at the northeast corner of Hedge Road and Elder Creek Road, in the unincorporated Vineyard community planning area of Sacramento County.

**ASSESSOR'S PARCEL NUMBER: 063-0080-010, 011, 012, 013; 063-0090-001, 002, 003, 006, 009, 010, 011, 015, 016, 017, 018, 019; 063-0110-001, 002, 003, 004, 005, 006, 012, 028, 029**

**OWNER/APPLICANT:**

Granite Construction Company  
Attn: Yasha Saber

**REPRESENTATIVE:**

David Temblador  
Harrison Temblador Hungerford &  
Johnson

**PROJECT DESCRIPTION:**

1. A **Community Plan Amendment** and corresponding **Rezone** to change the designations from Industrial Reserve with Surface Mining Combining (IR(SM)) and Industrial Reserve with Flood Combining (IR(F)) to Industrial Reserve with Surface Mining/Flood Combining (IR(SM)(F)) for 5.61 acres (i.e., APN: 063-0090-009 and 018) of the project site.
2. A **Use Permit Amendment** for an aggregate mining operation known as Vineyard I approved in 2000 (control no. 91-CZB-UPB-0118) to allow aggregate mining on an additional 5.61 acres, and to incorporate this new area into the previously approved mining plan.
3. A **Reclamation Plan Amendment** to the Vineyard I approval to allow:
  - a. The additional 5.61 acres proposed for mining to be incorporated into the previously approved reclamation plan.
  - b. A revision to the drainage and wetland mitigations plans for the project site that will include the construction of a Morrison Creek Realigned Channel (mining of the creek bed was approved in 2000) that will be approximately 300 feet in width at or near original grade, and will include adjacent buffer lands for a total width of 650 feet. This new Morrison Creek Realigned Channel will accommodate 100-year flood flows and incorporate wetland/riparian habitat mitigation elements.
  - c. The previously approved elevated bypass channel for Morrison Creek, and the 600-foot wide pit floor riparian corridor would be superseded with the construction of the new Morrison Creek Realigned Channel, as described above.
  - d. Fill (overburden) will be added to portions of the pit floor to bring the areas north of the creek to within 5 feet of original grade.
  - e. A stormwater detention basin designed to accommodate 297-acre of water will be added to a portion of the pit floor.
4. A **Use Permit Amendment** and **Zoning Agreement Amendment** to the Vineyard I approval to allow:
  - a. Amendments to several of the conditions of the original approval that reference an approved elevated bypass channel for Morrison Creek and a 600-foot wide pit floor riparian corridor, and instead reference the new Morrison Creek Realigned Channel, as described above.
  - b. An update of several conditions to reflect the 2011 Morrison Creek Hydrology and Hydraulic Analysis prepared for the project.

- c. An update of several conditions to reflect new wetland and oak woodland mitigation consistent with recent approvals by the U.S. Army Corps of Engineers.
  - d. A revision to conditions requiring the dedication of a public trail easement corresponding to the alignment of Morrison Creek.
5. A **Release** from the prior Zoning Ordinance, adopted by Ordinance No. SZC 2000-0001, to be replaced by an amended Zoning Ordinance.

**TYPE OF ENVIRONMENTAL DOCUMENT:**

- |  |  |
|--|--|
| <input type="checkbox"/> Negative Declaration                                | <input type="checkbox"/> Prior Negative Declaration        |
| <input type="checkbox"/> Environmental Impact Report                         | <input type="checkbox"/> Prior Environmental Impact Report |
| <input checked="" type="checkbox"/> Supplemental Environmental Impact Report |  |

**PREPARED BY:** Sacramento County Department of Community Development  
Planning and Environmental Review Division  
827 7<sup>th</sup> Street, Room 220  
Sacramento, CA 95814

**PHONE:** (916) 874-7914

**MITIGATION MONITORING AND REPORTING PROGRAM**

**ADOPTED BY:**

**DATE:**

**ATTEST:** \_\_\_\_\_

**SECRETARY/CLERK**

**State of California**  
**County of Sacramento**

On \_\_\_\_\_ before me, \_\_\_\_\_(name, title of officer),  
personally appeared:

\_\_\_\_\_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_

*Signature*

DECLARATION OF AGREEMENT

This Mitigation Monitoring and Reporting Program applies to certain real property, a Legal Description of which is attached as Exhibit A. I (We) the undersigned agree that this Mitigation Monitoring and Reporting Program applies to the real property described in Exhibit A. I (We) the undersigned am (are) the legal owner(s) of that property, and agree to comply with the requirements of this Mitigation Monitoring and Reporting Program (Summary and Mitigation Measures attached).

IN WITNESS WHEREOF, this declaration is hereby executed by the undersigned named legal owner(s) of the subject property on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

OWNER(S):

(Print company, corporation, or organization name, if applicable)

(Print name and/or title above)

(Signature above)

ALL PURPOSE ACKNOWLEDGEMENT

Form containing acknowledgment text, witness seal, and capacity options (Individual, Corporate, Partner, Attorney-in-Fact, Trustee, Other).

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## PURPOSE AND PROCEDURES

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Pursuant to Section 21081.6 of the Public Resources Code and Chapter 20.02 of the Sacramento County Code, a Mitigation Monitoring and Reporting Program has been established for the project entitled Vineyard I Community Plan Amendment, Rezone, Use Permit, Reclamation Plan Amendment and Zoning Agreement Amendments (**Control Number: 2005-CZB-UPB-REB-ZGB-0062**).

### PURPOSE

The purpose of this program is to assure diligent and good faith compliance with the Mitigation Measures which have been recommended in the environmental document, and adopted as part of the project or made conditions of project approval, in order to avoid or mitigate potentially significant effects on the environment.

### NOTIFICATION AND COMPLIANCE

It shall be the responsibility of the project applicant to provide written notification to the Environmental Coordinator, in a timely manner, of the completion of each Mitigation Measure as identified on the following pages. The Environmental Coordinator will verify that the project is in compliance with the adopted Mitigation Monitoring and Reporting Program (MMRP). Any non-compliance will be reported to the project applicant/owner, and it shall be the project applicant's/owner's responsibility to rectify the situation by bringing the project into compliance and re-notifying the Environmental Coordinator. Any indication that the project is proceeding without good-faith compliance could result in the imposition of administrative, civil and/or criminal penalties upon the project applicant in accordance with Chapter 20.02 of the Sacramento County Code.

### PAYMENT

It shall be the responsibility of the project applicant/property owner to reimburse the County for all expenses incurred in the implementation of the Mitigation Monitoring and Reporting Program (MMRP), including any necessary enforcement actions. The applicant/property owner shall pay an initial deposit of **\$5,000.00**. This deposit includes administrative costs of **\$800.00**, which must be paid to the Department of Community Development, Planning and Environmental Review Division **prior to recordation of the MMRP and prior to recordation of any final parcel or subdivision map. The remaining balance will be due prior to review of any plans by the Environmental Coordinator or issuance of any building or grading permits.** Over the course of the project, Department of Community Development, Planning and Environmental Review Division will regularly conduct cost accountings and submit invoices to the applicant/property owner when the County monitoring costs exceed the initial deposit.

## RECORDATION

In order to record the adopted Mitigation Monitoring and Reporting Program with the County Recorder as required by Section 20.02.050(b)(2) of the Sacramento County Code, the project applicant/owner shall provide to the Department of Community Development, Planning and Environmental Review Division a Legal Description for the real property that is the subject of the project.

## COMPLETION

Pursuant to Section 20.02.060 of the Sacramento County Code, upon the determination of the Environmental Coordinator that compliance with the terms of the approved Mitigation Monitoring and Reporting Program has been achieved, and that there has been full payment of all fees for the project, the Environmental Coordinator shall record and issue a Program Completion Certificate for the project.

## PROPERTY TRANSFER

The requirements of this adopted Program run with the real property that is the subject of the project, as described in Exhibit A. Successive owners, heirs and assigns of this real property are bound to comply with all of the requirements of the adopted Program.

Prior to any lease, sale, transfer or conveyance of any portion of the real property that is the subject of the project, the record owner(s) at the time of the application for the project, or his or her successor's in interest, shall provide a copy of the adopted Program to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.

## PENALTIES

Chapter 20.02 of the Sacramento County Code permits civil remedies and criminal penalties to be imposed in the event of non-compliance with an adopted Mitigation Monitoring and Reporting Program. The civil remedies, which are found in Section 20.02.090 of the Sacramento County Code, include injunctive relief, stop work orders, revocation of any special permit granted concurrently with the approval of a Program, and the abatement of any resulting nuisance. The criminal penalties, which are found in Section 20.02.080 of the Sacramento County Code, include a fine not to exceed five hundred dollars or imprisonment in the County jail not to exceed six months, or both.

Plans that are inconsistent with the adopted Mitigation Measures will not be approved.

In the event of an ongoing, serious non-compliance issue, the Environmental Coordinator may call for a "stop work order" on the project.

## STANDARD PROVISIONS

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**Page one of all Project Plans must include the following statement in a conspicuous location:**

**“All Plans associated with this project are subject to the conditions of Mitigation Monitoring and Reporting Program 2005-CZB-UPB-REB-ZGB-0062 . For any questions regarding compliance with the MMRP document, contact MMRP staff at (916) 874-7914.”**

All Project Plans and any revisions to those Plans shall be in full compliance with the adopted Mitigation Monitoring and Reporting Program (MMRP). The project applicant/owner shall submit one copy of all such Plans and any revisions to the Environmental Coordinator prior to final approval by the Sacramento County Building Permits and Inspection Division (BPID) or Site Improvement and Permit Section (SIPS). If the Environmental Coordinator determines that the Plans are not in full compliance with the adopted MMRP, the Plans shall be returned to the project applicant/owner with a letter specifying the items of non-compliance, and instructing the applicant/owner to revise the Plans, and then resubmit one copy of the revised Plans to the Environmental Coordinator, for determination of compliance, prior to final approval by BPID or SIPS.

Additionally, the project applicant/owner shall notify the Environmental Coordinator **no later than 48 hours** prior to the start of construction and no later than 24 hours after its completion. The applicant/owner shall notify the Environmental Coordinator no later than 48 hours prior to any/all Final Inspection(s) by the County of Sacramento.

MITIGATION MEASURE GW-1: GROUNDWATER HYDROLOGY –  
GROUNDWATER QUALITY

This mitigation is from the prior FEIR/EIS and remains applicable to the Vineyard I mining expansion site of the proposed project:

GW-1. The proponents shall store contaminants in the gravel operation area in a manner that will contain any spills (i.e., containment berms). Any spills occurring in operational areas should be cleaned up immediately.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all applicable Plans and Specifications for the project, and submit one copy to the Environmental Coordinator for review and approval prior to the start of any construction work (including clearing and grubbing).

**Verification (Action by the Environmental Coordinator):**

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MITIGATION MEASURE CR-1: CULTURAL RESOURCES – SUBSURFACE  
ARCHAEOLOGICAL REMAINS

- CR-1. On the Vineyard I mining site, if subsurface deposits believed to be cultural or human in origin are discovered during construction, then all work must halt within a 200-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained at the Vineyard I mining operator's expense to evaluate the significance of the find. If it is determined due to the types of deposits discovered that a Native American monitor is required, the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites as established by the Native American Heritage Commission shall be followed, and the monitor shall be retained at the mining operator's expense.

Work cannot continue within the 200-foot radius of the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially eligible for listing on the National Register of Historic Places or California Register of Historical Resources.

If a potentially-eligible resource is encountered, then the archaeologist, the Environmental Coordinator, and project proponent shall arrange for either 1) total avoidance of the resource, if possible; or 2) test excavations or total data recovery as mitigation. The determination shall be formally documented in writing and submitted to the Environmental Coordinator as verification that the provisions of CEQA for managing unanticipated discoveries have been met.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Environmental Coordinator for review and approval prior to the start of any construction work (including clearing and grubbing).

**Verification (Action by the Environmental Coordinator):**

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Coordinate with mining operator and Native American Monitor if necessary.
3. Monitor compliance during periodic site inspections of the construction work.

4. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MITIGATION MEASURE CR-2: CULTURAL RESOURCES – HUMAN REMAINS

CR-2. Pursuant to Section 5097.98 of the State Public Resources Code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all applicable Plans and Specifications for the project, and submit one copy to the Environmental Coordinator for review and approval prior to the start of any construction work (including clearing and grubbing).

**Verification (Action by the Environmental Coordinator):**

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Coordinate with mining operator, Native American Heritage Commission and County Coroner if necessary.
3. Monitor compliance during periodic site inspections of the construction work.
4. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MITIGATION MEASURE AQ-1: AIR QUALITY – EXHAUST EMISSIONS

AQ-1 Category 1: Reducing NO<sub>x</sub> emissions from off-road diesel powered equipment

The Vineyard I mining operator shall provide a plan, for approval of the lead agency and the Sacramento Metropolitan Air Quality Management District (SMAQMD), demonstrating that the heavy-duty (50 horsepower or more) off-road vehicles to be used in the project (mining of the Vineyard I site), including owned or leased and subcontracted vehicles, will achieve a project wide fleet-average 20 percent NO<sub>x</sub> reduction and 45 percent particulate reduction<sup>1</sup> compared to the most recent California Air Resource Board (ARB) fleet average at time of each annual report; and

The mining operator shall submit to the lead agency and SMAQMD a comprehensive inventory of all off-road equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours per year during any portion of the project. The inventory shall include the horsepower rating, engine production year, and project hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted annually throughout the duration of the project. The mining operator shall provide SMAQMD with the name and phone number of the project manager and/or on-site foreman.

Due to the long term nature of this project, the requirement for the emission reduction plan referenced herein will sunset on Month/date/year<sup>2</sup> due to existing SMAQMD and ARB rules that will affect ARB fleet averages at that time.

AND:

Category 2: Controlling visible diesel emissions from off-road diesel powered equipment

Emissions from all off-road diesel powered equipment used on the project site shall not exceed 40 percent opacity for more than three minutes in any one-hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and the lead agency and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. The SMAQMD and/or other officials may conduct periodic site inspections to

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<sup>1</sup> Acceptable options for reducing emissions may include use of late model engines, low-emissions diesel products, alternative fuels, engine retrofit technology, after-treatment products and/or other options as they become available.

<sup>2</sup> Project proponent should contact SMAQMD staff to determine appropriate sunset period.

determine compliance. Nothing in this mitigation measure shall supersede other SMAQMD or State rules or regulations.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all applicable Plans and Specifications for the project, and submit one copy to the Environmental Coordinator for review and approval prior to the start of any construction work (including clearing and grubbing).

**Verification (Action by the Environmental Coordinator):**

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MITIGATION MEASURE AQ-2: AIR QUALITY -

AQ-2 All vehicles utilized as part of the Vineyard I mining shall be maintained in accordance with the manufacturers' recommendations, and all stationary equipment used on the site shall be maintained in compliance with emissions limitations established by a permit issued by the SMAQMD. The Vineyard I mining operator shall maintain records of equipment maintenance activities and records shall be provided to the County upon request.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.
2. At the County's request, provide records of equipment maintenance.

**Verification (Action by the Environmental Coordinator):**

1. Review equipment maintenance records.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MITIGATION MEASURE AQ-3: AIR QUALITY – EMISSION REDUCTION  
TECHNOLOGIES

AQ-3 Particulate filters and catalysts should be used where technically feasible to reduce NO<sub>x</sub> emissions from off-road heavy duty equipment associated with the Vineyard I mining. The mining operator should contact SMAQMD and/or ARB for assistance in determining appropriate emission reducing technologies.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.

**Verification (Action by the Environmental Coordinator):**

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MITIGATION MEASURE GS-1: GEOLOGY AND SLOPE STABILITY – SLOPE STABILITY OF MINING PIT AND MORRISON CREEK REALIGNED CHANNEL

GS-1 For the Vineyard I mining site, the mining operator shall limit the finished side slopes of the Morrison Creek Realigned Channel and mining pit slopes at the Vineyard I mining site to 2:1 (horizontal:vertical) to ensure stability for existing soil conditions. For the slopes of the Morrison Creek Realigned Channel, soils shall be placed and compacted to 90 percent of the maximum dry density, at or near optimum moisture conditions, in all finished slopes. Since local stability of the slope is critically dependent upon proper compaction of the overburden soils, a qualified soils engineer shall be regularly present throughout grading operations to determine compliance with job specifications.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Environmental Coordinator for review and approval prior to the start of any construction work (including clearing and grubbing).

**Verification (Action by the Environmental Coordinator):**

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MITIGATION MEASURE GS-2: GEOLOGY AND SLOPE STABILITY –  
STABILITY OF MORRISON CREEK REALIGNED CHANNEL

GS-2 Prior to allowing re-directed stream flows to the Morrison Creek Realigned Channel, the Vineyard I mining operator shall submit a report prepared by a California registered professional engineer certifying the channel and embankment engineering and foundation soils of the Morrison Creek Realigned Channel. The engineer's report shall address slope stability, soil compaction rates, foundation soils, potential failure mechanisms and contingencies for repairing failures. The report shall be submitted to the Department of Community Development for approval. No flows shall be directed to the new channel until approval is granted by the Department of Community Development.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.
2. Submit Engineer Report to the Department of Community Development.

**Verification (Action by the Environmental Coordinator):**

1. Review the Engineer Report.
2. Approve the Engineer Report.
3. Monitor compliance during periodic site inspections of the construction work.
4. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MITIGATION MEASURE GS-5: EROSION

GS-5 The Vineyard I operator shall comply with the approved Erosion Control Plan to ensure that the side slopes of the pit are vegetated following final slope placement to prevent excessive erosion and enhance slope stability.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.

**Verification (Action by the Environmental Coordinator):**

1. Monitor compliance during periodic site inspections of the construction work.
2. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MITIGATION MEASURE GS-6: EROSION IN FLOW CHANNEL

GS-6 The mining operator for Vineyard I shall submit to the Environmental Coordinator, a ten-year monitoring plan that outlines monitoring requirements and identifies mitigating steps for any significant erosion that may occur at a specific location in the Morrison Creek Realigned Channel (flow channel). If significant erosion is identified during monitoring, the mining operator shall contact the Environmental Coordinator and submit proof of corrective actions. Appropriate mitigation includes, but is not limited to; strengthening of the channel, re-grading the channel, widening the channel to reduce scour velocities, or any other revision as approved by County staff to mitigate significant erosion.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.
2. Submit the ten-year monitoring plan to the Environmental Coordinator.

**Verification (Action by the Environmental Coordinator):**

1. Review and Approve the monitoring plan.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Division of Environmental Review and Assessment**

**Signature: \_\_\_\_\_ Date: \_\_\_\_\_**

MITIGATION MEASURE BR-1: BIOLOGICAL RESOURCES – MORRISON  
CREEK REALIGNED CHANNEL

BR-1 Granite Construction shall submit to the Department of Community Development the recorded Conservation Easements for the Morrison Creek Realigned Channel by the date set in the issued U.S. Army Corps of Engineers Section 404 Permit (November 30, 2013). In the event that the U.S. Army Corps of Engineers changes the date for the permit, a copy of the recorded Conservation Easement shall be submitted within five (5) days of the new approved date.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.
2. Submit recorded Conservation Easement.

**Verification (Action by the Environmental Coordinator):**

1. Review the submitted recorded Conservation Easement.
2. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MITIGATION MEASURE BR-2: WETLAND, OAK WOODLAND AND RIPARIAN MITIGATION MONITORING PLAN

BR-2 The mining operator for Vineyard I shall implement the *Wetland, Oak Woodland and Riparian Mitigation Monitoring Plan* (refer to Appendix D1 of the SEIR) and submit to the Department of Community Development the annual monitoring reports as specified in the *Wetland, Oak Woodland and Riparian Mitigation Monitoring Plan*. The report shall present the status of the creek, wetlands, drainage, oak woodland and riparian habitats, including individual wetland data, photo-documentation, status of the riparian and oak woodland plantings, and any recommended remediation. The report shall also include an assessment of the monitoring results against the success criteria described in the *Wetland, Oak Woodland and Riparian Mitigation Monitoring Plan*.

The monitoring report shall be prepared and submitted to the Department of Community Development (and Corps and CDFG) for each of the monitoring years by December 31<sup>st</sup> of each monitoring year. The report shall include:

- a. A map showing the Preserve including wetland locations, location of various monitoring activities and photo points;
- b. Hydrology, vegetation and photographic monitoring results as described in the *Wetland, Oak Woodland and Riparian Mitigation Monitoring Plan*;
- c. An assessment of the monitoring results against the established success criteria;
- d. A description of the overall site conditions and any management actions taken during that year; and
- e. Any recommended management or remediation actions to be conducted (if necessary, a contingency plan, as described in Section 8.2 of the *Wetland, Oak Woodland and Riparian Mitigation Monitoring Plan* will be prepared).

If any revisions to the construction plans for the Morrison Creek Realigned Channel occur during the first ten years, a letter indicating proposed changes shall be submitted to the Department of Community Development. If changes require approval by either the Corps or CDFG an approval letter from the respective agency shall be submitted to the Department of Community Development.

At the end of the ten-year monitoring period, monitoring will cease if the Morrison Creek Realigned Channel is found by the Department of Community Development, Corps and CDFG to be in substantial compliance with the established success criteria. Monitoring will be extended beyond the ten-year period for those habitats that are not meeting success criteria.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.
2. Submit annual monitoring reports.

**Verification (Action by the Environmental Coordinator):**

1. Review the annual monitoring reports.
2. Coordinate with mining operator (and Corps and CDFG) if additional monitoring is necessary.
3. Monitor compliance during periodic site inspections of the construction work.
4. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MITIGATION MEASURE BR-4: BIOLOGICAL RESOURCES – NATIVE TREE COMPENSATION

BR-4 The removal of 40 inches of diameter breast height (dbh) of native oak trees for the Vineyard I expansion site shall be compensated by planting native oak trees (either valley oak/ *Quercus lobata*, blue oak/ *Quercus douglasii* and/or interior live oak/ *Quercus wislizenii*) equivalent to the dbh inches lost, based on the ratios listed below, at locations that are authorized by the Environmental Coordinator. On-site preservation of native oak trees that are less than 6 inches (<6inches) dbh, may also be used to meet this compensation requirement. A total of 40 inches will require compensation.

Equivalent compensation based on the following ratio is required:

- One preserved native oak tree <6 inches dbh on-site = 1 inch dbh
- One D-pot seedling (40 cubic inches or larger) = 1 inch dbh
- One 15-gallon tree = 1 inch dbh
- One 24-inch box tree = 2 inches dbh
- One 36-inch box tree = 3 inches dbh

Replacement tree plantings shall be completed prior to tree removal or a bond shall be posted by the Vineyard I mining expansion operator in order to provide funding for purchase, planting, irrigation, and 3-year maintenance period should the mining operator default on replacement tree mitigation. The bond shall be in an amount equal to the prevailing rate of the County Tree Preservation Fund and will be due within one year of posting the bond.

Prior to the issuance of a Work Authorization Permit for the Vineyard I expansion site, a Replacement Oak Tree Planting Plan shall be prepared by a certified arborist or licensed landscape architect and shall be submitted to the Environmental Coordinator for approval. The Replacement Oak Tree Planting Plan(s) shall include the following minimum elements:

1. Species, size and locations of all replacement plantings and <6 inch dbh trees to be preserved;
2. Method of irrigation;
3. If planting in soils with a hardpan/duripan or claypan layer, include the Sacramento County Standard Tree Planting Detail L-1, including the 10-foot deep boring hole to provide for adequate drainage;
4. Planting, irrigation and maintenance schedules;

5. Identification of the maintenance entity and a written agreement with that entity to provide care and irrigation of the trees for a 3-year establishment period, and to replace any of the replacement oak trees which do not survive during that period; and
6. Designation of a 20-foot root zone radius and landscaping to occur within the radius of oak trees <6 inches dbh to be preserved on-site.

No replacement trees shall be planted within 15 feet of the driplines of existing oak trees or landmark size trees that are retained on-site. The minimum spacing for replacement oak trees shall be 20 feet on-center.

If oak tree replacement plantings are demonstrated to the satisfaction of the Environmental Coordinator to be infeasible for any or all trees removed, the compensation shall be through payment into the County Tree Preservation Fund. Payment shall be made at a rate of \$325.00 per dbh inch removed but not otherwise compensated, or at the prevailing rate at the time payment into the fund is made.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Environmental Coordinator for review and approval prior to the start of any construction work (including clearing and grubbing).
3. Submit the Replacement Oak Tree Planting Plan

**Verification (Action by the Environmental Coordinator):**

1. Review the Replacement Oak Tree Planting Plan prior to the start of construction.
2. Approve Project Plans that are determined to be in compliance with all required mitigation.
3. Monitor compliance during periodic site inspections of the construction work.
4. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MITIGATION MEASURE BR-8: BIOLOGICAL RESOURCES – SWAINSON’S HAWK

BR-8 Prior to the issuance of a Work Authorization Permit, if mining the Vineyard I expansion site is to occur between March 1 and September 15, a focused survey for Swainson’s hawk nests on the site and on nearby trees shall take place within ½ mile for rural site and ¼ mile for urban sites, and shall be conducted by a qualified biologist within 14 days prior to the start of any mining and reclamation-related project activities (including clearing and grubbing). If active nests are found, the California Department of Fish and Game (CDFG) shall be contacted to determine the appropriate protective measures. If no active nests are found during the focused survey, no further mitigation will be required.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.
2. Submit Swainson’s hawk nest survey to Environmental Coordinator prior to the start of mining or reclamation-related activities.
3. Coordinate with CDFG if necessary.

**Verification (Action by the Environmental Coordinator):**

1. Review and approve the submitted Swainson’s hawk nest survey prior to the start of mining or reclamation-related project activities. .
2. Coordinate with Vineyard I mining operator and CDFG if necessary.
3. Monitor compliance during periodic site inspections of the construction work.
4. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MITIGATION MEASURE BR-9: BIOLOGICAL RESOURCES – BURROWING OWL

BR-9 Prior to mining activities on the Vineyard I mining expansion site, a focused survey shall be conducted by a qualified biologist for burrowing owls where suitable habitat is present in the project area. Suitable habitat includes agricultural field margins, drainage ditches and fallow fields. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities. Surveys shall be conducted in accordance with CDFG protocol (CDFG, 1995).

- a. If no occupied burrows are found in the survey area, a letter report documenting survey methods and findings shall be submitted to the County and no further mitigation is necessary.
- b. If an occupied burrow is found, the Vineyard I expansion mining operator shall contact the Environmental Coordinator and consult with the CDFG prior to construction or mining activities, to determine if avoidance is possible or if burrow relocation will be required.
- c. If owls are to remain on-site, a minimum of 6.5 acres of foraging habitat for each occupied burrow needs to be permanently preserved according to CDFG guidelines.
- d. In order to avoid direct impacts to owls, no activity shall take place within 160 feet of an active burrow from September 1 to January 31 (wintering season) or 250 feet from February 1 through August 31 (breeding season). Protective fencing shall be placed, at the distances above, around the active burrows and no activity shall occur within the protected buffer areas.
- e. Any impact to active owl burrows, relocation of owls or mitigation for habitat loss shall be done in accordance with CDFG guidelines. Written evidence from CDFG staff shall be provided to the Environmental Coordinator attesting to the permission to remove burrows, relocated owls, mitigate for lost habitat and provide a method for preservation habitat in perpetuity.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.
2. Submit burrowing owl focused survey to Environmental Coordinator prior to mining or reclamation-related activities.
3. Coordinate with CDFG if necessary.

**Verification (Action by the Environmental Coordinator):**

1. Review and approve the submitted burrowing owl focused survey prior to the start of mining or reclamation-related activities.
2. Coordinate with Vineyard I mining operator and CDFG if necessary.
3. Monitor compliance during periodic site inspections of the construction work.
4. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MITIGATION MEASURE BR-10: BIOLOGICAL RESOURCES – TRICOLORED BLACKBIRDS

BR-10 If mining activities on the Vineyard I mining expansion site occur between March 1 and July 31, a pre-construction survey for nesting tricolored blackbird shall be performed by a qualified biologist. Surveys shall include the project site and areas of appropriate habitat within 300 feet of the site. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of mining activities. The biologist shall supply a brief written report (including date, time of survey, survey method, name of surveyor and survey results) to the Environmental Coordinator prior to ground disturbing activities. If no tricolored blackbirds are found during the pre-construction survey, no further mitigation will be required. If an active tricolored blackbird colony is found on-site or within 300 feet of the project site, the Vineyard I expansion mining operator shall do the following:

- a. Consult with CDFG to determine if project activity will impact the tricolored blackbird colony(s). Provide to the Environmental Coordinator with written evidence of the consult or a contact name and number from CDFG.
- b. With CDFG permission, the mining operator may avoid impacts to tricolored blackbird by establishing a 300-foot temporary setback with fencing that prevents any project activity within 300 feet of the colony. A qualified biologist shall verify that setbacks and fencing are adequate and will determine when the colonies are no longer dependent on the nesting habitat (i.e., nestling have fledged and are no longer using habitat). The breeding season typically ends in July.
- c. If the tricolored blackbird habitat is permanently destroyed, follow CDFG procedure to mitigate for habitat loss.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.
2. Submit pre-construction survey report to the Environmental Coordinator prior to commencement of mining activities.
3. Coordinate with CDFG if necessary.

**Verification (Action by the Environmental Coordinator):**

1. Review and approve the submitted survey report prior to commencement of mining activities. .

2. Coordinate with mining operator and CDFG if necessary.
3. Monitor compliance during periodic site inspections of the construction work.
4. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MITIGATION MEASURE TC-1: TRAFFIC AND CIRCULATION – HAUL TRUCKS

TC-1 The Vineyard I expansion mining operator shall transport mined aggregate material to the processing plants only by conveyor and not by trucks.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all applicable Plans and Specifications for the project, and submit one copy to the Environmental Coordinator for review and approval prior to the start of any mining activities (including clearing and grubbing).

**Verification (Action by the Environmental Coordinator):**

1. Review the Project Plans prior to the start of mining activities. Approve applicable Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MITIGATION MEASURE TC-2: TRAFFIC AND CIRCULATION – HAUL TRUCKS

TC-2 If overburden from the Vineyard I mining expansion site is to be removed from the site, overburden transport shall be by conveyor and internal vehicles only and not by on-road haul trucks.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all applicable Plans and Specifications for the project, and submit one copy to the Environmental Coordinator for review and approval prior to the start of any mining activities (including clearing and grubbing).

**Verification (Action by the Environmental Coordinator):**

1. Review the Project Plans prior to the start of mining activities. Approve applicable Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MITIGATION MEASURE LU-1: LAND USE

LU-1 In order to mitigate potential impacts to surrounding land uses, the proponent shall be required to comply fully with mitigation measures identified in the Noise, Traffic and Circulation; Air Quality; and Visual Impacts sections of the EIR/EIS and SEIR, unless otherwise amended by the conditions set forth herein. These mitigation measures will employ appropriate state-of-the-art techniques for erosion control, reclamation, nuisance prevention, and environmental impact mitigation relative to surface mining operations

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all applicable Plans and Specifications for the project, and submit one copy to the Environmental Coordinator for review and approval prior to the start of any mining activities (including clearing and grubbing).

**Verification (Action by the Environmental Coordinator):**

1. Review the Project Plans prior to the start of mining activities. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MITIGATION MEASURE LU-2: LAND USE – FARMLANDS

LU-2 In order to mitigate potential impacts to agricultural uses, prior to the issuance of the work authorization permit for the Vineyard I mining expansion site, the mining operator shall revise/prepare a plan, that includes the Vineyard I mining expansion site (5.6 acres), for the preservation and salvage of topsoil resources suitable for sustaining economically viable agricultural uses, consistent with the performance standards set forth in Sections 3708 and 3711 of the State Mining and Geology Board Reclamation Regulations.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all applicable Plans and Specifications for the project, and submit one copy to the Environmental Coordinator for review and approval prior to the start of any mining activities (including clearing and grubbing).
3. Submit the required farmland plan

**Verification (Action by the Environmental Coordinator):**

1. Review the Project Plans (including farmland plan) prior to the start of mining activities. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MITIGATION MEASURE LU-3: LAND USE – POST DEVELOPMENT

LU-3 Upon request by the SRPD, the Vineyard I mining operator agrees to provide a trail and setback easement (hereafter the “Trail Easement”), not to exceed 20 feet in width, so long as said easement does not conflict with any requirements or easements stemming from any permit issued, or that may be issued, by an agency of the State of California or the federal government. Said easement shall be located coincident with the maintenance road on the north levee within the Morrison Creek Preserve (as approved by the ACOE in an e-mail dated September 26, 2012) and shall be consistent with the attached Public Trail Map (Exhibit A).

- a. *Trail Improvements:* At the request of the SRPD and after acceptance of the Trail Easement by SRPD, the Operator shall improve the Trail Easement area by constructing a trail surface not exceeding 12-feet in width. Operator’s responsibilities with respect to improvement of the Trail Easement area shall be limited to the installation of a suitably compacted base rock foundation as the trail surface, the grade and slopes of which shall be designed to provide for safe use, entry and exit by members of the public. The cost of other improvements of the Trail Easement area, including the installation of asphalt or other overlay paving, shall be the responsibility of SRPD. SRPD shall also bear the cost of installing fencing around the Trail Easement area (hereafter “Trail Fencing”) and interpretive signage on said fencing (hereafter “Trail Signage”) to the satisfaction of ACOE.
- b. *Trail Maintenance:* As a condition of allowing the trail to be located within the Morrison Creek Preserve, the SRPD shall provide for funding necessary for the removal of trash from the Trail Easement area and all other maintenance of the Trail Easement area, Trail Fencing and Trail Signage required by ACOE to keep the trail in good repair.
- c. *Modification or Termination of Condition:* This condition shall cease to be binding in the event (a) the requirement for an easement dedication and/or trail installation is superseded by a condition of approval for a trail easement on a development application covering the same property; (b) the Operator and the SRPD enter into an agreement rendering all or part of this condition null and void or, (c) at the latest, upon expiration of the use permit and any extensions that may be granted thereto, unless SRPD has previously requested the dedication of a Trail Easement.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.
2. Submit copy of Trail Easement to Environmental Coordinator.

**Verification (Action by the Environmental Coordinator):**

1. Coordinate with mining operator and SRPD as necessary.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MITIGATION MEASURE LU-4: LAND USE – AIRPORT COMPATIBILITY

LU-4 The retention basin on Vineyard I shall include the following design criteria to the maximum extent practicable, while still adhering to the federal agency regulations:

- a. The basin shall incorporate steep side slopes (3:1 or greater).
- b. The basin shall be designed to remain clear of vegetation that may provide nesting, roosting or foraging opportunities for birds. Only herbaceous vegetation necessary for erosion control purposes will be allowed.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all applicable Plans and Specifications for the project, and submit one copy to the Environmental Coordinator for review and approval prior to the start of any construction work (including clearing and grubbing).

**Verification (Action by the Environmental Coordinator):**

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MITIGATION MEASURE PS-1: PUBLIC SAFETY

PS-1 All perimeter fencing shall be retained until post-reclamation development of the project site occurs.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.

**Verification (Action by the Environmental Coordinator):**

1. Monitor compliance during periodic site inspections of the construction work.
2. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MITIGATION MEASURE AV-1: AESTHETICS

AV-1 Any lighting shall be arranged and controlled so as not to illuminate public rights-of-way or adjacent properties. In order to reduce direct and reflected light pollution, lighting at the project site shall be equipped with shields that concentrate the illumination downward such that no direct light is cast off the site. Energy efficient lights shall be used, similar to the types used as residential outdoor security lights. The candle power of the illumination at ground level shall not exceed what is required by any safety or security regulations of any government agency with regulatory oversight of the mining operation.

**Implementation and Notification (Action by Project Applicant):**

1. Comply fully with the above measure.
2. Incorporate the above measure into all applicable Plans and Specifications for the project, and submit one copy to the Environmental Coordinator for review and approval prior to the start of any construction work (including clearing and grubbing).

**Verification (Action by the Environmental Coordinator):**

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

**Comments:**

**Completion of Mitigation Verified:**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_