

## ATTACHMENT B

### RESOLUTION \_\_\_-\_\_\_

**A RESOLUTION OF THE BUTTE COUNTY BOARD OF SUPERVISORS APPROVING THE MINING USE PERMIT, RECLAMATION PLAN, AND FINANCIAL ASSURANCES FOR BALDWIN CONTRACTING COMPANY (MIN 96-03) CONSISTING OF THE FOLLOWING: A) MINING USE PERMIT ALLOWING THE ESTABLISHMENT AND OPERATION OF AN AGGREGATE MINE WITH ASSOCIATED STRUCTURES; B) RECLAMATION PLAN ESTABLISHING STANDARDS, TIMELINES AND PRACTICES FOR PHASED RECLAMATION; C) FINANCIAL ASSURANCES COST ESTIMATE ENSURING THE COMPLETION OF RECLAMATION ACTIVITIES; D) A STATEMENT OF OVERRIDING CONSIDERATIONS BASED UPON THE FINAL ENVIRONMENTAL IMPACT REPORT AND MITIGATION MONITORING PROGRAM; AND E) CONDITIONS OF APPROVAL**

The M&T Chico Ranch Mine (“Project”) proposed by Baldwin Contracting Company (“Applicant”) consists of a long-term, off-channel gravel mining operation approximately 5-miles southwest of the City of Chico. The mining would take place on 193-acres of a 235-acre site over an estimated 20 to 30-year period. The Project site would be reclaimed to high-quality, open-water, wetland wildlife habitat and agricultural uses. The mined aggregate would be processed (washed and screened) on a 40-acre area at the site.

The Mining Use Permit and Reclamation Plan (MIN 96-03) for the Project came on public hearing before the Planning Commission of the County of Butte (“County”) on October 23, 2003, January 22, 2004, March 11, 2004, April 8, 2004, August 26, 2004, November 30, 2006, December 14, 2006, and January 25, 2007. On February 22, 2007, the County Planning Commission approved the Use Permit, Reclamation Plan, Financial Assurances Cost Estimate, and adopted a Statement of Overriding Considerations and Conditions of Approval. The Project came on public hearing before the County Board of Supervisors on April 24, 2007. Having considered all the written and documentary information submitted, the staff reports, oral testimony, other evidence presented, and the administrative record as a whole, the Board of Supervisors hereby finds and decides as follows.

### RECITALS

1. The proposed operation is located on approximately 193 acres of the M&T Chico Ranch. The proposed quarry and processing facilities are approximately 1.5 miles east of the Sacramento River, and approximately 5 miles southwest of the City of Chico (Assessor's Parcel Numbers 416-039-530-015 & 018).
2. On August 30, 1997, Pacific Realty Associates, L.P. filed an application for a Mining Use Permit and Reclamation Plan (MIN 96-03) consisting of

the following: 1) Mining Use Permit to allow the development and operation of a new aggregate mine with an onsite processing operation and associated structures, and 2) Reclamation Plan establishing standards, timelines and practices for phased reclamation of the site to open space/wildlife habitat.

3. In 1996 the County prepared an Initial Study to evaluate the environmental impacts associated with the proposed Project and identified several potentially significant environmental effects that may occur with implementation of the project. Accordingly, a draft environmental impact report (“Draft EIR”) was prepared pursuant to section 15064(a) of the California Environmental Quality Act Guidelines (“Guidelines”).
4. On February 28, 1997, the County distributed a Notice of Preparation of the Draft EIR to the State Clearinghouse, responsible agencies and the public.
5. From May 12, 1998 to July 2, 1998, the Draft EIR was circulated for public review.
6. On June 11, 1998, the Planning Commission conducted a hearing on the Draft EIR. The Planning Commission took extensive public input. The Project was continued off the agenda to allow further Staff evaluation. Written comments received during this review period are on file at the Butte County Planning Division and are incorporate by reference in the revised Draft EIR/Final EIR.
7. Based on public comment and in order to maximize public participation in the environmental review of the Project, the County decided to recirculate the Draft EIR to update and supplement the underlying technical analyses.
8. The County hired a new consultant to prepare the recirculated Draft EIR (Resource Design Technology, Inc.)
9. In September 2002, the County issued the revised Draft EIR. On September 30, 2002, the County filed the Notice of Completion with the State of California Clearinghouse.
10. The County circulated the revised Draft EIR for a 45-day public review and comment period commencing October 12, 2002 through November 25, 2002.
11. On October 24, 2002, the Planning Commission held a public hearing on the revised Draft EIR in Oroville. The County provided public notice of this meeting. At the hearing, the Planning Commission heard and received all relevant oral and written testimony and evidence filed or presented

regarding the Draft EIR.

12. In October 2003, the County distributed the Final EIR to all commenting agencies, departments, individuals and organizations. The Final EIR is comprised of the Draft EIR and the Response to Comments Document (collectively, “Final EIR”).

13. The Final EIR does not contain significant new information, as defined in CEQA Guidelines Section 15088.5, which would require recirculation of the modified sections or entire document.

Final EIR Section 3.2 delineates the changes to the Draft EIR in response to comments received on the Draft EIR. The changes are not substantial, do not include significant new environmental impacts, do not show a substantial increase in the severity of an environmental impact, do not identify a feasible project alternative or mitigation measure considerably different from others previously identified, and the Draft EIR was not fundamentally inadequate.

Further, Section 3.2 does not contain significant new information that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect of the Project or a feasible way to mitigate or avoid such an effect. All of the information added to the Final EIR merely clarifies, amplifies, or makes insignificant modifications in the Draft EIR. Therefore, recirculation of the Draft EIR is not required. (See Guidelines Section 15088.5.)

14. The Planning Commission held hearings to solicit public comment on the Project (including the EIR, Mining Use Permit and Reclamation Plan) on January 22, 2004, March 11, 2004, April 8, 2004, August 26, 2004, November 30, 2006, December 14, 2006, and January 25, 2007. These Planning Commission hearings also addressed, in part, issues raised by the Department of Conservation (“DOC”) regarding the Williamson Act. On October 11 2005, the Applicant voluntarily filed a Petition for Partial Cancellation for a 106 acre area of the Project. (M&T Chico Ranch Mine Updated Response to Comments Regarding Williamson Act, p. 6.) Under State law, the Petition for Partial Cancellation is beyond the purview of the Planning Commission.

15. On February 22, 2007, in its capacity as lead agency for compliance with the requirements of the California Environmental Quality Act (Section 21000 et seq. of Public Resources Code), the Planning Commission adopted a resolution certifying the Final EIR (State Clearinghouse No. 97022080), and approving a Mitigation Monitoring and Reporting Program for the M&T Chico Ranch Mine Mining Use Permit and Reclamation Plan.

## FINDINGS OF FACT

**1. FINDING: LAND USE CONSISTENCY** – Based on its land use compatibility analysis, the County finds that the Project is consistent with the Project site’s General Plan designation (i.e., Orchard and Field Crops) as a secondary use, the Project’s zoning district (A-40), and with the County Mining Ordinance. Further, the proposed mining is an appropriate use under the Orchard and Field Crops General Plan Designation, and is also compatible in all agriculturally designated lands within Butte County where minerals are known to exist, pursuant to General Plan Policies 2.6.a, 2.6.b, and 6.1.a. (Butte County, 1997). In addition, the Project site also lies approximately two miles west on the agricultural side of the Chico Area Greenline designated on the Chico Area Land Use Plan. Land uses on the agricultural side of the Greenline are limited by the Butte County General Plan to agricultural uses, which are defined in the Land Use Element of the Butte County General Plan as "the ‘Primary Uses’ and the ‘Secondary Uses’ set forth in the ‘Orchard and Field Crops’ land use designation..." As stated above, the Project falls within the "Secondary Uses" category, which includes "resource extraction and processing," and "environmental preservation activities."

**2. FINDING: SITE SUITABILITY** - The site is suitable for the use proposed.

- (a) The Project has been reviewed for suitability by the County Planning Commission, County Agricultural Commissioner, County Public Works Department, County Air Quality Management District, Department of Conservation, County Office of Environmental Health, Central Valley Regional Water Quality Control Board, Department of Water Resources, City of Chico Department of Public Works and California State Clearinghouse.
- (b) Technical reports submitted by qualified consultants indicate that there are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats or similar areas that would indicate the site is not suitable for the use proposed. The following reports were submitted with the Mining Use Permit application, or subsequently submitted, and independently reviewed by County staff:

- 1 *AGRA Earth and Environmental, Inc. 1996. Aggregate Investigation Hallwood and M&T Properties. California. April.*
- 2 *AGRA Earth and Environmental, Inc. 1997. Excavation Stability M&T Chico Ranch Mine Reclamation, West of Dayton, California. August 22.*

- 3 *Hydroscience, Inc., Water Quality Report.*
- 4 *Kelley & Associates Environmental Sciences, Inc. 1997. Memorandum of Prime Farmland Soils Analysis for the M&T Chico Ranch. September 24.*
- 5 *Department of Water Resources, Northern District. 1993. M&T Chico Ranch Groundwater Investigation, Phase I, Memorandum Report, Red Bluff, California.*
- 6 *Deverel, S.J. 1996. Hydrology Report for Proposed Gravel Mining: M&T Chico Ranch.*
- 7 *Fehr & Peers Associates, Inc. 1997. Traffic Impact Analysis for the M&T Chico Ranch Project.*
- 8 *Kelley & Associates Environmental Sciences, Inc. 1996. M&T Chico Ranch Mine Use Permit, Mining Permit, and Reclamation Plan Application.*
- 9 *Kelley & Associates Environmental Sciences, Inc. 1996. Jurisdictional Wetlands Delineation: M&T Chico Ranch. November.*
- 10 *City of Chico. 1995. Draft Environmental Impact Report: Chico Water Pollution Control Plant Expansion. State Clearinghouse Number 94112054.*

(c) Final EIR prepared by Resource Design, dated October 2003.

- 3. FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance.
- 4. FINDING:** The Project, as conditioned, is consistent with the provisions of the County's surface mining ordinance (County Code, Chapter 13-101 et seq., *Surface Mining and Reclamation*), which establishes regulations for mining operations and reclamation.
- 5. FINDING:** The Project complies with the provisions of the Surface Mining and Reclamation Act of 1975, Public Resources Code, Section 2710 et seq ("SMARA"), which establishes state authority to regulate mining operations and reclamation, and other applicable State regulations, as those provisions may be amended from time to time.
- 6. FINDING:** Sections 2770 and 2773.1 of SMARA require surface mining operators to obtain lead agency (city or county) approved financial assurances for reclamation. The County will annually require the Applicant to update the existing financial assurances to ensure there are adequate financial assurances in place for all costs related to completing the reclamation. The current financial assurances cost estimate for the Project is \$103,526.93. (**Exhibit 1.**)

**7. FINDING: RECLAMATION STANDARDS** - The Reclamation Plan complies with applicable requirements of State regulations (CCR Sections 3500-3505, and Sections 3700-3713, as those provisions may be amended from time to time).

a) **Section 3703: Performance Standards for Wildlife Habitat** - The Reclamation Plan for the Project meets the requirements of Section 3703. Baseline conditions are described in Section 4.6 (Biological Resources) of the Draft EIR. (Reclamation Plan, Attachment 15.) As discussed in the revised Reclamation Plan dated September 2004 (“Reclamation Plan”), shallow wetlands will be established along the margins of a reclaimed lake. A combination of shallow and deep water habitat for a variety of wildlife species will be created using best management practices. Further, a nesting island will be constructed using excess overburden. (Reclamation Plan, pp. 18-19, Attachments 7, 13.) Native vegetation will be established on the reclaimed area by a combination of natural revegetation and plantings. Topsoil will be respread on the margins of the lake and in the shallow wetlands areas to enhance the establishment and growth of native vegetation. (Reclamation Plan, pp. 18-19, 22-23.) The Applicant will retain an expert in wildlife habitat reclamation to implement the revegetation plan and monitor success. Performance standards for the shallow wetlands and lake perimeter will be evaluated based on the effectiveness of the vegetation for wildlife habitat by comparing appropriate measures of cover, density, and species-richness for the reclaimed lands to similar parameters on reference areas and the baseline conditions put forth in the Draft EIR. Methods of monitoring and assessment will be based on guidelines provided in the Department of Conservation’s recently published manual on the rehabilitation process for disturbed lands (Newton and Claassen, 2003). (Reclamation Plan, pp. 22-23.)

b) **Section 3704: Performance Standards for Backfilling, Regrading, Slope Stability, and Recontouring** - The Reclamation Plan for the Project meets the requirements of Section 3704. A comprehensive slope stability study was prepared for the Project by AGRA Earth & Environmental, Inc., *Excavation Stability: M&T Chico Ranch Mine Reclamation* (Draft EIR, Appendix E; Reclamation Plan, Attachment 8.) The study concluded a 3:1 slope was an adequate factor or safety for final slopes. Based on this study, the Applicant has incorporated a 3:1 slope for all final slopes into the project design and Reclamation Plan. In addition, the design of any structures proposed onsite, including offices, and other ancillary facilities will be regulated by the Butte County Building Division of the Development Services Department. (Draft EIR, Section 4.3, p. 4.3-16.) No backfilling will

take place.

- c) **Section 3705: Performance Standards for Revegetation** - The Reclamation Plan for the Project meets the requirements of Section 3705. Section 3705 measures success of revegetation “based upon the effectiveness of the vegetation for the approved end use, and by comparing the quantified measures of vegetative cover, density, and species-richness of the reclaimed mined-lands to similar parameters of naturally occurring vegetation in the area.” (Cal. Code Regs., tit. 14, § 3705(m).) The Reclamation Plan’s revegetation standards track the statutory requirements mandated by SMARA and its associated regulations. For example, Section 3705(m) states the following:

Success of revegetation shall be judged based upon the effectiveness of the vegetation for the approved end use, and by comparing the quantified measures of vegetative cover, density, and species-richness of the reclaimed mined-lands to similar parameters of naturally occurring vegetation in the area. (Cal. Code Regs., tit. 14, § 3705(m).)

The Reclamation Plan tracks these requirements. The reclamation plan states “Performance standards . . . will be evaluated based on the effectiveness of the vegetation for wildlife habitat by comparing appropriate measures of cover, density and species-richness of the reclaimed lands to similar parameters on reference areas.” Further, the Reclamation Plan specifically provides that revegetation monitoring will take place for five years. During the five-year monitoring period, annual reports will be submitted to the Butte County Planning Division. The reports will describe the success of the revegetation plan and will include recommendations for how to improve, if possible, the plan’s success in the following year. In addition, the reclamation plan requires that “[m]ethods for monitoring and assessment will be based on guidelines provided in the Department of Conservation’s recently published manual on the rehabilitation process for disturbed lands (Newton and Claassen, 2003).”

- d) **Section 3706: Performance Standards for Drainage, Diversion Structures, Waterways, and Erosion Control** - The Reclamation Plan meets the requirements of Section 3706. The Applicant will obtain coverage under a general stormwater control permit from the Regional Water Quality Control Board before initiating onsite activities. The stormwater permit will require the development and implementation of a stormwater pollution prevention plan (“SWPPP”). By complying with the requirements of the stormwater permit and SWPPP, the Applicant will necessarily control runoff to ensure that discharge of surface flows from the site meet stormwater pollution

control permit requirements, and comply with applicable erosion control and sediment control requirements. Further, as indicated in the excavation stability study (Reclamation Plan, Attachment 8), the 3:1 final slopes incorporated into the final Project design will stabilize the reclaimed area, allowing most onsite runoff to remain onsite, thereby minimizing contribution of sediment to nearby streams and limiting erosion. The streambed and streambanks of Little Chico Creek will not be disturbed except for road and conveyor crossings. Stanchions supporting the conveyor will be footed in nonsensitive areas, and the road crossing of the stream will be improvements on an already existing crossing thus resulting in no increased impact. There will be no in-stream mining. (Reclamation Plan, p. 13.)

- e) **Section 3707: Performance Standards for Prime Agricultural Land Reclamation** - This performance standard does not apply to the Project because it is not located on Prime Agricultural Land. (See Final EIR, pp. 4.0-30 – 4.0-31.)
  
- f) **Section 3708: Performance Standards for Other Agricultural Land** - The Reclamation Plan meets the requirements of Section 3708. As discussed in Section 4.2 of the Draft EIR, the Project's end use will be reclamation to agricultural uses for the plant area (40 acres) while the mining area (193 acres) will be reclaimed as open water and wetlands. The revegetation scientist that the Applicant will retain for the Project will set up appropriate reference areas for both the plant site agricultural reclaimed area as well as the perimeter of the lake/wetland area. Productivity of the irrigated agricultural land at the reclaimed plant site will be compared to that of adjacent irrigated agricultural land on the M&T Ranch. The plant site will revert to become a part of a larger field on the M&T Ranch, and will be managed the same as the rest of the land in that field. Performance standards for the shallow wetlands and lake perimeter will be evaluated based on the effectiveness of the vegetation for wildlife habitat by comparing appropriate measures of cover, density and species richness of the reclaimed lands to similar parameters on reference areas approved by County staff.
  
- g) **Section 3709: Performance Standards for Building, Structure and Equipment Removal** - There are currently no buildings or structures within the proposed Project area. Buildings and structures associated with the aggregate processing plant will be removed when mining is completed.
  
- h) **Section 3710: Performance Standards for Stream Protection, Including Surface and Groundwater** - The Reclamation Plan meets

the requirements of Section 3710. Section 4.4 (Hydrology and Water Quality) of the Draft EIR describes the potential impacts of the Project. The only surface water stream, Little Chico Creek, will not be disturbed. There will no in-stream mining. Other surface water bodies include wetlands which will be mitigated as required by the U.S. Army Corps of Engineers and other state and federal agencies. During mining operations, industrial stormwater and process water will be collected in onsite recycle ponds. In addition, the Applicant will operate the Project in accordance with a California Regional Water Quality Control Board stormwater control permit and SWPPP. As discussed in *Hydrology Report for Proposed Gravel Mining – M&T Chico Ranch* (Reclamation Plan, Attachment 9; Draft EIR, Appendix D.1), the Project will not have a significant impact on groundwater resources. (See Draft EIR, section 4.4). The proposed lake will actually result in enhanced groundwater recharge from precipitation and evaporation from the shallow groundwater. Further, although there is recharge to the water table, which occurs as result of percolation losses from Little Chico Creek, the Project is not expected to alter that process. (Draft EIR, p. 4.4-38.) The groundwater quality study prepared for the Draft EIR by Monarch Laboratory concluded that there is no groundwater problem associated with the existing pit. (Reclamation Plan, Attachment 11; Draft EIR, Appendix D-3). Following reclamation, as part of the approved Mitigation and Monitoring Plan for the Project, the Applicant will develop a groundwater monitoring program to be approved by the Central Valley Regional Water Quality Control Board and Butte County to measure recharge and water quality following reclamation. (Draft EIR, pp. 4.4-64 - 4.4-78.)

- i) **Section 3711: Performance Standards for Topsoil Salvage, Maintenance, and Redistribution** – The Reclamation Plan meets the requirements of Section 3711. The Reclamation Plan describes how topsoil and subsoil (growth medium) will be saved and stockpiled for reclamation uses as shown in Attachment 7 of the Revegetation Plan. (Reclamation Plan, p. 8; Attachment 3, Item 6, p. 5; Attachment 5.)
- j) **Section 3712: Performance Standards for Tailing and Mine Waste Management** – The Reclamation Plan meets the requirements of Section 3712. Under the Reclamation Plan, the Project will not generate any mine wastes because all mine products will be sold or used in reclamation. (Reclamation Plan, Attachment 3, Item 5, p. 5.)
- k) **Section 3713: Performance Standards for Closure of Surface Openings** – The Reclamation Plan meets the requirements of Section 3713. There are no drill holes, portals, shaft or tunnels associated with the mining operations proposed for the site that would require

abandonment.

**8. FINDING: HEALTH AND SAFETY** – The establishment, maintenance or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.

**9. FINDING: WILLIAMSON ACT COMPATIBILITY** - The proposed M&T Chico Ranch Mine lies in an area which is included within Williamson Act contracted land. Exhibit A to the subject Williamson Act Contract, executed on December 11, 1975 between M&T Incorporated and the County of Butte (“M&T Williamson Act Contract”), provides a list of the permitted uses on the subject property. Section 7.a. provides: “sand and gravel operation subject to the securing of a use permit approved by the County.” Although Government Code Sections 51238.1 and 51283.2 restricts surface mining on Williamson Act contracted land, Section 51238.3(c)(1) provides that the requirements of 51238.1 and 51283.2 do not apply to uses that are expressly specified within the contract itself prior to June 7, 1994. The M&T Williamson Act Contract, meets the requirements of Government Code Section 51238.3(c)(1) because: (1) excavation activities are defined as compatible and (2) the contract was executed prior to June 7, 1994. In addition, the Project is also a compatible use under County Resolution No. 68-7: *Resolution Establishing Administrative Procedures and Uniform Rules Including Compatible Uses for Agricultural Reserves* (“County Uniform Rules”). Section D.7.a of the County Uniform Rules specifically permits sand and gravel operations on lands under Williamson Act contract provided a use permit is approved by the County. Thus, both the County Uniform Rules, and the M&T Williamson Act Contract allow the Board of Supervisors to approve the Project and the proposed end land use of open water/wildlife habitat/agriculture. In addition, the Draft EIR contains an extensive analysis of the Project’s potential impacts to agricultural land. This analysis included a determination of the Project’s consistency with the County Uniform Rules and the M&T Williamson Act Contract. The County concluded in the Draft EIR that the Project is consistent with the County’s Uniform Rules and the applicable LCA contract, stating that both the County Uniform Rules and the LCA contract expressly allow “sand and gravel operation[s] subject to securing of a use permit approved by the County as a permitted use on the land while it is under Williamson Act contract.” (DEIR, p. 4.2-6.) Accordingly, the Board of Supervisors finds that the Project (and the proposed end use) is compatible with the M&T Williamson Act Contract, and thus consistent with the Williamson Act.

## **Findings Regarding Statement of Overriding Considerations**

In determining whether to approve the project, CEQA requires a public agency to balance the benefits of a Project against its unavoidable environmental risks. (CEQA Guideline section 15093). Implementation of the Mitigation Measures discussed in the Final EIR will avoid or substantially lessen the Project's significant impacts to a less than significant level, with the only exception being project-level and cumulative air quality impacts, and traffic. The County cannot state with certainty that these impacts will be fully mitigated and therefore has found that these impacts are significant and unavoidable. The County has weighed the economic, legal, social, technological, and other benefits of the Project against these impacts, and has determined that the adverse environmental impacts are acceptable for the reasons outlined herein.

The Board of Supervisors finds that the proposed Project will create the following benefits for the County of Butte and County residents (in no relative order):

- A. Continued supply of readily available high quality aggregate for use in local public and private construction projects. At present, the County only has approximately 40 percent of its 50-year demand for aggregate permitted. The State Geologist/Division of Mines and Geology conducted a Mineral Land Classification Study for the Project site in 2000 and determined the land was a significant mineral deposit and classified the land at MRZ-2a (Draft EIR, section 4.2.2, p. 4-2.1).
- B. Protection and development of a significant aggregate resource designated under the Mineral Land Classification system by the California Department of Conservation as a MRZ-2a. As explained in Draft EIR Section 3.4.3, the M&T Chico Ranch Site has been classified by the State Geologist. This report classifies the site as MRZ-2a for construction aggregates. Mineral Resource Zone 2a is specifically defined as:

“Areas underlain by mineral deposits where geologic data indicate that significant measured or indicated resources are present. MRZ-2 is divided into MRZ-2a and MRZ-2b on the basis of degree of knowledge and economic factors. Areas classified MRZ-2a contain discovered mineral deposits that are either measured or indicated reserves as determined by such evidence as drilling records, sample analysis, surface exposure, and mine information. Land included in MRZ-2a is of prime importance because it contains known economic mineral deposits.”

Total Project reserves are estimated at over 5.5 million cubic yards (approximately 8.25 million tons). The resources identified on the Project site are considered by the State to be excellent potential aggregate sources for use in both ready-mix concrete and asphaltic concrete product. There is no other

land, proximate or otherwise, in Butte County that the State Geologist has classified as a significant mineral resource.

- C. The Project will include fair share monetary contributions to improve and maintain transportation facilities in the area including road pavement, intersection safety, and Little Chico Creek Bridge reconstruction. Mitigation Measure 4.6-1 requires the Applicant to contribute a fair share contribution to reconstruct the Ord Ferry Road at Little Chico Creek. Mitigation Measure 4.6-2 requires the Applicant to contribute a fair share of the cost to improve the pavement on River Road between Chico River Road and the Project access with a two-inch asphalt overlay. Mitigation Measure 4.6-9 requires the Applicant to contribute a fair share of the cost to install a traffic signal and improve lane configurations at the Durham-Dayton Highway and Midway intersection.
  
- D. Potential decrease in the use of fuels and transportation costs for trucking aggregate to markets in Butte County and Chico compared with the current Baldwin Contracting Company aggregate source on Stony Creek. Section 4.3.2 of the Final EIR cites that transportation costs are a significant part of aggregate prices. In areas lacking nearby aggregate sources, delivery charges may be greater than the sale price of the material at the plant site. Transportation is a key factor in underscoring the economic importance of maintaining local aggregate sources. In many cases, for each 30 miles of haul distance, the price per ton of delivered aggregate doubles. Since much of the statewide use of aggregate is for public works projects (see Figure 4.0-1) each doubling of the price of the construction aggregate means less public improvements (e.g., roadway maintenance projects, public building construction) can be accomplished for each public dollar.
  
- E. Maintenance of adequate aggregate reserves available for future use in Butte County to account for population growth. Final EIR Section 4.3 provides a collective response concerning comments received regarding the necessity of additional aggregate resources in Butte County. In the next 30 years (the maximum permit time frame requested by the Applicant), the City of Chico will consume over 20 million tons of aggregates (four times the total reserves at the M&T Chico Ranch Mine site) while the County as a whole will consume over 60 million tons. Over the next 50 years, Chico will require more than 45 million tons, and the County will need nearly 130 million tons. When compared to the current estimates of supply, the County may currently have approximately 40 percent of its 50-year demand and, without permitting of additional reserves for development, could exhaust aggregate supplies before 2030. While actual conditions will vary based on a number of factors, including actual unreported supplies and production levels (which vary in response to the economy and local growth), it is clear that the County will need new aggregate production if demand is to be met.

- F. Extraction of a known valuable aggregate resource consistent with local and state policy.
- G. Potential to reduce impacts on transportation systems and reduce air quality impacts if Baldwin Contracting Company's Stony Creek operation is replaced by this facility, since the aggregate resource will be closer to the Chico and Butte County markets.
- H. Highly regulated, responsible mining under carefully controlled conditions, with the ability to revoke the individual permit at any time after due process, for failure to comply with the terms and conditions of the permit.
- I. Creation of an opportunity for open space and new wildlife habitat areas after Reclamation Plan implementation. The end use of the mine site will include an over-wintering pond for waterfowl and associated aquatic and wetland fauna. The pond area shall become a managed wildlife preserve. Shallow cuts along the perimeter of the pond will result in the creation of wetland areas along the pond.
- J. Maintenance of 100-year flood plain, increased storage of floodwaters and improved flood protection. As discussed under Final EIR 4.7.-4 and Impact 4.4-8 (Page 4.4-76 of the Draft EIR), the creation of the proposed pond/pit will result, at the end of operations, in approximately 1,000 acre-feet of available floodwater storage and the same amount of groundwater recharge. This will be a sustained beneficial impact of the Project. Mitigation Measures 4.4-7a, b, and c provide approximately ten-year flood protection for the created lake from overflows of Little Chico Creek and from local agricultural runoff. For flows in Little Chico Creek exceeding approximately 2,000 cfs, or for flooding from the Sacramento River which yields equivalent flood stages, floodwaters will flow into the pond/lake, serving to reduce flood depths.
- K. Protection of adjacent wells and generation of data relevant to groundwater quality and quantity over a period of up to 30 years (life of operation) for use by the State and County in gaining a greater understanding of groundwater resources in the area. Mitigation Measures 4.4-3e and 4.4-2c require that The Applicant develop a groundwater monitoring program, approved by the Central Valley Regional Water Quality Control Board and by Butte County.
- L. Avoidance and reduction in reliance upon highly disturbing in-stream mining and related environmental concerns associated with in-stream mining. The Applicant's closest available source of aggregate is its mining operation at Stony Creek near Hamilton City in Glenn County (located on SR-32). This site is nearing depletion and is considered an in-stream mining operation. The proposed M&T Chico Ranch Mine is considered an "off channel" mine, meaning that it is not located within a stream. The M&T Chico Ranch Mine is instead located on alluvial terraces away from environmentally sensitive in-

stream mine sites.

- M. Generation of employment opportunities associated with mining of aggregates, required monitoring and reporting, construction associated with on site facilities and improving and maintaining roadway facilities, and restoration of wildlife areas.
- N. Generation of employment opportunities for a locally based company Baldwin Contracting, which employs approximately 200 people during peak construction season (approximately 80 employees are employed year round) and has an annual payroll of more than 9 million dollars.
- O. Generation of property and sales tax revenues.

The County finds that all of these benefits outweigh the risks associated with the identified unmitigated impacts. Accordingly, the County approves the attached Statement of Overriding Considerations (**Exhibit 2**), allowing the Project to move forward.

**DECISION**

**IN VIEW OF THE ABOVE FINDINGS, EVIDENCE, AND THE RECORD AS A WHOLE**, the Butte County Board of Supervisors hereby approves the M&T Chico Ranch Mining Use Permit, Reclamation Plan (MIN 96-03, and Financial Assurances Cost Estimate (attached as **Exhibit 1** and incorporated by reference herein), adopts the attached Statement of Overriding Considerations (attached as **Exhibit 2**), and approves the attached Conditions of Approval (**Exhibit 3** and incorporated by reference herein).

**PASSED AND ADOPTED** by the Board of Supervisors, of the County of Butte, State of California, at regular meeting of said Board, held on the        day of        , 2007, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**NOT VOTING:**

\_\_\_\_\_

**JANE DOLAN**, Chair  
Butte County Board of Supervisors

**ATTEST:**

**PAUL MCINTOSH**, Chief Administrative Officer  
and Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy