

**BUTTE COUNTY PLANNING COMMISSION
AGENDA REPORT – November 30, 2006**

Applicant:	Baldwin Contracting Company (Rene Vercruyssen, representative)		
Owner:	Pacific Realty		
File #:	MIN 96-03	Parcel Size:	Lease Area: 627 acres Project Site: 235 acres Mined Area: 193 acres Equipment Area: 40 acres Topsoil Stockpile: 2 acres
General Plan:	Orchard and Field Crops	Supervisor District:	1
Zoning:	A-40 (Agricultural, 40-acre parcel)	Planners:	Pete Calarco Assistant Director Dan Breedon, AICP Principal Planner
APN:	039-530-019 & 020	Attachments:	
		A:	Reclamation Plan Discussion
		B:	Resolution Certifying EIR Exhibit 1 – Findings of Fact Exhibit 2 – Mitigation Monitoring Plan
		C:	Resolution Approving Mining Use Permit, Reclamation Plan, Financial Assurance Exhibit 1 - Statement of Overriding Considerations Exhibit 2 – Conditions of Approval
		D:	Public Works Nov. 20 2006 Memo regarding revised road condition
		Separate Transmittal	Draft EIR, Final EIR including updated response to the Williamson Act issue and Reclamation Plan

RECOMMENDATION

Adopt resolution certifying the Final Environmental Impact Report as consistent with the requirements of the California Environmental Quality Act (CEQA) including the Findings of Fact and Mitigation Monitoring Plan.

Adopt resolution approving the Mining Permit 96-03 including the reclamation plan, financial assurance cost estimate and a statement of overriding considerations

SUMMARY

The Mining Use Permit and the Reclamation Plan pertain to a 193-acre long-term off-channel mining operation to extract high quality construction aggregate over a 20-30 year period on the M & T Ranch property. The applicant has been in process since 1996. In 2005, the applicant filed an immediate cancellation request from the Williamson Act contract for a portion of the property.

This staff report and the attachments contain the information necessary to consider certification of the Final Environmental Impact Report under the California Environmental Quality Act and consider approving the project. Project approval can only occur after the Final Environmental Impact Report is certified. Certification does not constitute approval or endorsement of the project. The Final Environmental Impact Report reflects the independent judgment of the County.

The Final Environmental Impact Report identifies impacts from the project, mitigation measures to reduce the impacts to less than significant and lists those impacts that cannot be reduced to less than significant. There are two environmental impact categories that cannot be reduced to a level of less than significant: Air Quality and Traffic.

After certification of the Final EIR, the Planning Commission can consider action on the project. The project is a mining permit and a reclamation plan with a financial assurance estimate. The mining permit is the authorization to mine and the reclamation plan is the plan for preparing the site for the intended end use after mining ceases for each phase. If the County chooses to approve the project, then it must make certain findings that there is a public benefit that outweighs the impacts and therefore the Air Quality and Traffic impacts are considered acceptable. These findings are called the Statement of Overriding Considerations.

This application has been processed under a number of state and local codes including but not limited to the Butte County Code, the state Surface Mining and Reclamation Act, the California Land Conservation Act (Williamson Act) and the California Environmental Quality Act.

CEQA BACKGROUND

This item has been scheduled before the Planning Commission to consider certifying the Final Environmental Impact Report as consistent with the California Environmental Quality Act (CEQA) and to take action on the project. The first part of this discussion will focus on the CEQA process. The second will discuss the project with a lead in to the findings. The reason for this is that the Commission must first consider certifying the EIR before it can consider approving the project. Each of these actions requires certain findings.

The EIR process typically begins with a Notice of Preparation (NOP) circulated through the State Office of Planning and Research (OPR) from their State Clearinghouse (SCH). A Notice of Preparation is used as review process after the initial study to determine the impacts and issues that resource agencies would like addressed in the EIR in order to adequately analyze the project.

The lead agency compiles those written responses it has received from agencies and prepares the scope of study for the EIR. In the case of Butte County, staff then begins the consultant selection process to prepare the EIR. CEQA requires that the EIR reflect the independent judgment of the lead agency. The local guidelines require that the County select the consultant and prepare a contract for reimbursement of the applicant to the County for the costs associated with preparation of the EIR.

County staff works closely with selected consultant in preparing the Draft EIR for circulation and review. Again, the County sends copies of the Draft EIR through the State Clearinghouse with a Notice of Completion (NOC) and to local agencies for review. Additionally, a public notice is circulated and a hearing to receive comment on the adequacy of the Draft EIR is conducted by the Planning Commission.

The public and agency comments are compiled for inclusion in what will be the Final EIR. The Final EIR contains the draft, comments on the draft and proposed responses to those comments. The EIR is not complete, however, until the lead agency determines that the Final EIR is consistent with CEQA with the certification. Only after certification, may the agency consider approval of the project.

An EIR includes a discussion of the project, discussion of impacts, the level of significance of the impact, mitigation measures and the level of significance after the mitigation measure. There are times when a mitigation measure cannot reduce an impact to a level of less than significant. The phrase, significant and unavoidable is used to describe such an impact. If the lead agency chooses to approve a project with significant unavoidable impacts, it must include a statement of overriding consideration. This is discussed further in the following sections.

THE M & T CEQA PROCESS

The applicant filed the mining permit and reclamation plan application in 1996 under case number MIN 96-03. As lead agency under CEQA, the County prepared an Initial Study and identified potentially significant environmental impacts that could result from the proposed project. On February 28, 1997, Butte County distributed a Notice of Preparation of the Draft EIR to the State Clearinghouse, Responsible Agencies, and the public. The County retained the services of a consultant firm to prepare the EIR under the standard county contract process.

The Draft EIR was circulated for public review from May 12, 1998 to July 2, 1998. A public hearing on the Draft EIR was held by the Butte County Planning Commission on June 11, 1998. Extensive comment was received. The Planning Commission continued the proposed project off agenda for further staff evaluation. Staff decided to update and recirculate certain sections of the Draft EIR (including the Traffic, Hydrology and Water Quality, and Noise sections) in order to update technical data. In addition, Staff required the completion of a pedestrian level archaeological survey at the Project site. Staff then decided to recirculate the entire Draft EIR to ensure consistency and accuracy between the new and old sections, and to maximize the opportunity for public comment on the Project and the Draft EIR. The County hired a new consultant, Resource Design Inc., to prepare the revised Draft EIR. The particular modifications to the original May 1998 Draft EIR are outlined on page 1-3 of the revised Draft EIR.

On September 30, 2002, the County filed a Notice of Completion for the revised Draft EIR with the State of California Clearinghouse and circulated it for a 45-day public review/comment period commencing October 12, 2002 through November 25, 2002. These comments are responded to within the Final EIR Response to Comments document. On October 24, 2002, the Planning Commission held a public hearing in Oroville to receive public comment on the Project. Public notice of this meeting was provided by the County. These comments are also responded to within the Final EIR Response to Comments document.

In October 2003, the County released a Final EIR, consisting of the revised Draft EIR and a Response to Comments Document, to the public. The County provided notice of the availability of the Final EIR to agencies, organizations, and the public. On October 23, 2003, the Planning Commission held a hearing to solicit public comment on the Final EIR. The Planning Commission held additional hearings to solicit public comment on the Project on January 22, 2004, March 11, 2004, April 8, 2004, and August 26, 2004.

A comment from the Department of Conservation was received during this process regarding the proposed project's Williamson Act compatibility and reclamation plan contents. Addressing the Williamson Act issue was, in a large

part, the reason for the more than two-year time period when the Final EIR was last presented to the Planning Commission. Baldwin responded to this issue by applying for immediate cancellation from the Williamson Act contract for a portion of the property. This issue is discussed further in the next section. Additionally, revisions to the reclamation plan were prepared for further review by the Office of Mine Reclamation, another division of the Department of Conservation. A phone conversation on November 16 between County staff and the Department of Conservation/Office of Mine Reclamation staff confirmed that the reclamation plan issues had been addressed.

An updated response has been prepared that discusses the Williamson Act issue. This has been inserted into the Final EIR for the Planning Commission's consideration to certify the Final EIR.

One of the purposes of an EIR under CEQA is to outline all of the impacts, mitigations and the level of impact after mitigation. As discussed in the previous section, there can be circumstances where impacts remain significant even after all feasible mitigation measures are applied. These are called significant unavoidable impacts. The Final EIR determined there would be significant and unavoidable environmental impacts in the following areas: Air Quality and Traffic.

CEQA allows for project approval with the adoption of overriding considerations for projects with significant and unavoidable impacts. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." In order to approve a statement of overriding considerations, the Planning Commission must state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations must be supported by substantial evidence in the record. Given the shortage of a local supply of aggregate, the property's status as a significant mineral resource (i.e., MRZ-2a), and other considerations, staff recommends the Planning Commission adopt the attached Statement of Overriding Considerations. These are outlined further in the attached resolution of approval including the Statement of Overriding Considerations.

THE PROJECT

The project is a request for a Mining Use Permit and Reclamation Plan for an aggregate mining operation on a 235-acre portion of the M&T Chico Ranch, approximately 1.5 acres east of the Sacramento River and 5 miles southwest of the City of Chico.

Due to a comment from the Department of Conservation regarding incompatibility with the Williamson Act, the project also includes a request for immediate cancellation from the Williamson Act contract. Consideration of the immediate cancellation is not under the authority of the Planning Commission as delegated the Board of Supervisors. It is important to discuss in the Final EIR for the purposes of the Board's decision on immediate cancellation consistent with the requirements of CEQA.

The project is located in the A-40 (Agricultural – 40-acre minimum parcel size) zone and is designated OFC (Orchard and Field Crops) by the Butte County General Plan. The proposed use is a conditionally permitted use in the A-40 zone (Section 24-90 (c) (5) of Butte County Code).

The Surface Mining and Reclamation Act (SMARA) is the state mining law that regulates mining activities. SMARA identifies three requirements prior to conducting mining activities: 1) Authorization/permit to mine; 2) An approved reclamation plan; and 3) A financial assurance mechanism. Attachment A gives a detailed discussion of the applicable requirements for the reclamation plan.

The applicant proposes to mine up to 250,000 cubic yards of aggregate material annually in phases over a 20 – 30 year period for a total removal of 5.5 million cubic yards over the life of the mine. At the conclusion of mining operations, the end use of the property will be reclaimed to open space/wildlife habitat uses. Surface mining and reclamation will be required to meet the requirements of Article II of Chapter II of Butte County Code (Surface Mining and Reclamation) and Public Resources Code Section 2710 *et seq.* (California Surface Mining and Reclamation Act of 1975 as amended).

Baldwin proposes to mine identified deposits of sand and gravel, and subsequently process the extracted materials onsite into high quality aggregate for road and building construction. The California State Geologist has designated the Project site as MRZ 2a (area where significant mineral resources are present). Land included in MRZ-2a is important because it contains known economic mineral deposits (e.g., construction aggregates). Total Project reserves are estimated at over 5.5 million yards. Improvements on the site would include an aggregate processing facility (rock crusher, screen, and aggregate washer), office, scales, diesel fuel storage tank, settling ponds, drainage system, and an improved road crossing over Little Chico Creek.

The project consists of a long-term, off-channel gravel mining operation. The mining would take place on 193-acres of a 235-acre site over a 20 to 30-year period. Reclamation would occur incrementally and would consist of the creation of open-water wetland wildlife habitat and agricultural uses. The aggregate would be processed (washed and screened) on a 40-acre area at the site. The project is located on a portion of the M&T Chico Ranch approximately 1.5 miles east of the Sacramento River and approximately 5-miles southwest of the City of

Chico in an area north of and adjacent to Ord Ferry Road, east of and partially adjacent to River Road. Access to the site would be provided by River Road. The project is located on County Assessor's Parcel numbers 039-530-019 and 039-530-020.

The Project site is located on a large ranch, surrounded by other agricultural uses. The site is approximately 1.5 miles south of the Chico Wastewater Plant. The Project site has been infrequently farmed for many years, sometimes grazed, other times fallowed. The site is unlevelled and unirrigated. The site topography is rolling, unlevelled agricultural land dissected by stream channels and swales. Little Chico Creek is the primary drainage feature on-site, flowing along the northern edge of the proposed mine site, and along the western edge of the proposed plant site. A total of six houses are located along River Road to the west of the Project site, and along Old Ferry Road to the south of the Project site. The closest house is located 300 feet west of the project site.

As mentioned previously in this report, staff had a conversation on November 16, 2006 with the Department of Conservation, Office of Mine Reclamation (OMR) staff regarding the changes to the reclamation plan that were made in response to OMR's comments. OMR staff indicated that their comments had been addressed in the current version of the reclamation plan.

As mentioned in the previous section, the Department of Conservation had indicated that the project was not compatible with the Williamson Act. There were a few options for the applicant in response to the Department of Conservation's position on compatibility with the Williamson Act: challenge the Department of Conservation, file for cancellation of a portion of the Williamson Act lands or withdraw the project. Baldwin decided to file for immediate cancellation from the Williamson Act contract. The chronology below shows the process relative to the Williamson Act issue.

On April 22, 1996 Baldwin Contracting Company and the owner of the M&T Chico Ranch, Pacific Realty Associates, L.P. executed a lease for a portion of the property on the M&T Chico Ranch.

On August 30, 1996 Baldwin filed a use permit and reclamation plan application.

In 2000, the State Mining and Geology Board (SMGB) approved a petition by KRC Holdings, Inc., and ordered the Department of Mines and Geology (DMG) to assess and classify mineral resources on the M&T Chico Ranch, including the land to be cancelled.

In September 2002 the County released the Draft EIR and received the November 18, 2002 comments from the Department of Conservation

(DOC) stating that the proposed mining project was incompatible with the Williamson Act.

On October 11, 2005 Pac Trust filed a Notice of Partial Nonrenewal for the 106 acres to be cancelled and voluntarily submitted a Petition of Partial Cancellation.

On November 28, 2005 DOC commented on the applicant's Petition for Partial Cancellation and concurred that the "consistency" findings required for cancellation could be met.

February 21, 2006 the Butte County Land Conservation Act (Williamson Act) Committee (also known as the LCA Committee) met and the applicant was directed to work with staff to research and provide additional support for the cancellation findings.

April 18, 2006 the LCA Committee met again on this continued item and made the recommendation to the Board of Supervisors for denial of the tentative contract cancellation, with the Committee unanimously agreeing that Findings 1-4 could be met, and the majority unable to support Finding 5.

While it is not the role of the Planning Commission to take action on the cancellation request, it is a required component of CEQA review. An additional response has been prepared for inclusion in the response to comment section of the final EIR. This response discusses the applicant's decision to file an immediate cancellation request and the review required for that cancellation. Under the requirements of Butte County, Williamson Act immediate cancellations are reviewed by the Land Conservation Act Committee (LCA) serving in an advisory capacity to the Board of Supervisors. Immediate cancellations are consideration by the Board after the LCA review. Consideration of immediate cancellation is a discretionary action by the Board of Supervisors.

The Planning Commission is required to certify the Final EIR is in compliance with CEQA and that it has been reviewed before consideration of the project. The Commission also must certify that the Final EIR, including responses to comments, reflects the independent judgment of the County.

To support a decision approving the project, CEQA requires that the County must make findings for each significant environmental impact that the project has been: (1) changed or altered, including adoption of mitigation measures, to avoid or substantially lessen the significant impact as identified in the Final EIR. The County may make findings that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR. Required findings must be supported by substantial

evidence in the record. In making findings on the significant impacts identified in the Final EIR, the Planning Commission must also adopt a program for reporting on the changes and mitigation measures that it has required. CEQA Guidelines Section 15091 is shown below:

15091. Findings

(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 other agency.

(3) 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 final EIR.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

CEQA requires the Planning Commission to balance the economic, legal, social, technological or other benefits of the proposed project against its unavoidable environmental risks in considering its approval. If the project is approved, the Commission must adopt a Statement of Overriding Considerations that states the specific reasons to support its action based on the Final EIR or other information in the record. CEQA Guidelines Section 15093 is provided below. The attached project approval resolution to this report contains findings for project approval including the Statement of Overriding Considerations.

15093. Statement of Overriding Considerations

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Statement of Overriding Considerations that is included in the attached resolution includes the findings necessary to approve the project with significant unavoidable impacts. The key project benefits related to CEQA section 15093 are summarized below and detailed in the attached resolution (Attachment C, Exhibit 1).

- 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. 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.
- C. 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.
- D. 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.

- E. 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 Baldwin to contribute a fair share contribution to reconstruct the Ord Ferry Road at Little Chico Creek. Mitigation Measure 4.6-2 requires Baldwin 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 Baldwin 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.
- F. 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.

- G. 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 Baldwin), 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.
- H. Extraction of a known valuable aggregate resource consistent with local and state policy.
- I. 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.
- J. 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.
- K. 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.
- L. 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.

- M. 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 Baldwin develop a groundwater monitoring program, approved by the Central Valley Regional Water Quality Control Board and by Butte County.
- N. Avoidance and reduction in reliance upon highly disturbing in-stream mining and related environmental concerns associated with in-stream mining. Baldwin Contracting Company'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.
- O. Generation of property and sales tax revenues.

The above discussion and the attachments to the report have been prepared in support of staff's recommendation to certify the Final EIR and approve the project.
