

EXHIBIT 1
Impact Statement, Mitigation Measures and
Findings of Fact for the M&T Chico Ranch Mine

Proposed Project Without Batch Plants Scenario		
<i>Impact Statement</i>	<i>Mitigation Measures</i>	<i>Finding of Fact</i>
LAND USE		
Impact 4.2-1: Land Use Incompatibility		
The proposed project will result in land uses that would be incompatible with the existing and planned land uses in the vicinity. This is a potentially significant impact.	Mitigation Measure 4.2-1a: Implementation of Mitigation Measures 4.6-1 through 4.6-9 for traffic impacts, 4.8-1a through 4.8-2b for noise impacts and 4.9-1a through 4.9-3 for impacts to aesthetics will reduce this impact to a less than significant level.	The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this mitigation measure will reduce the impact to a less-than-significant level.
Impact 4.2-2: Consistency with Butte County General Plan and with the Butte County Zoning and Mining Ordinance		
This scenario will be consistent with the policies of the Butte County General Plan and with the Butte County Zoning and Mining Ordinance. This is a less than significant impact.	No mitigation is required.	Less than significant impact. Findings not required.
Impact 4.2-3: Conversion of Agriculture		
This scenario will result in the permanent conversion of up to 193 acres of non-prime farmland to mining uses, and eventually to open space water and wildlife habitat uses. This is a less than significant impact.	No mitigation is required.	Less than significant impact. Findings are not required.
GEOLOGY		
Impact 4.3-1 Seismicity		
Expected seismic activity within the project vicinity could result in seismically induced ground shaking and damage to mine facilities or reclamation features. This is a less than significant impact.	Mitigation Measure 4.3-1: The Applicant has incorporated a 3H:1V slope for final slopes into the project design to provide an adequate safety factor. No additional mitigation is required.	The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this mitigation measure will reduce the impact to a less-than-significant level.
Impact 4.3-2: Slope Failure		
Seismic shaking at the project site could result in both ground and slope failure and damage to reclamation features of the excavation area. This is a less than significant impact.	Mitigation Measure 4.3-2: The Applicant has incorporated a 3H:1V slope for final slopes into the project design to provide an adequate safety factor. No additional mitigation is required.	The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this mitigation measure will reduce the impact to a less-than-significant level.

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Impact 4.3-3: Subsidence and/or Liquefaction		
Expected seismic activity at the project site could result in subsidence and/or liquefaction of the project site. This is a less than significant impact.	Mitigation Measure 4.3-3: Any structures proposed on-site including offices, and related facilities will shall be appropriately designed and constructed in accordance with the seismic safety requirements of the California Uniform Building Code and other requirements of the Butte County Building Division of the Development Services Department. Therefore, no mitigation is required.	The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this mitigation measure will reduce the impact to a less-than-significant level.
Impact 4.3-4: Topographic Modification, Compaction, and Disruptions of Soils		
The proposed project will result in a permanent modification of the site's topography, disruption of native soils, compaction of soils, and displacement of soils as a result of on-site excavation and processing activities. This is a less than significant impact.	No mitigation is required.	Less than significant impact. Findings are not required.
Impact 4.3-5: Soil Resources		
The proposed project will convert approximately 193 acres of non-prime farmland to a non-agricultural use. This is a less than significant impact.	No mitigation is required.	Less than significant impact. Findings are not required.
HYDROLOGY AND WATER QUALITY		
Impact 4.4-1: Groundwater Resources		
The proposed project will not result in significant impacts to groundwater resources.	No mitigation is required.	Less than significant impact. Findings are not required.
Impact 4.4-2: Groundwater Quality Associated with Facilities Operation		
Equipment servicing, refueling, and other operations in the processing area could result in contaminants being delivered to the water table directly beneath the processing area. This is a potentially significant impact.	Mitigation Measure 4.4-2a: Any sumps or detention ponds used to contain runoff from within the servicing and refueling area shall be located where there is a minimum of five feet of separation between the bottom of the sump and the seasonal high water table. If this criterion cannot be met because the proposed locations of sumps are in locations where the elevation difference between the	The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this mitigation measure will reduce the impact to a less-than-significant level.

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	<p>bottom of the sump and the seasonal high water table is less than five feet, then sumps shall be capped with either an impervious material or an 18-inch layer of compacted fines which have a permeability at 90 percent relative compaction of no greater than 1.0×10^{-8} cm/second.</p> <p>The above requirement is not extended to those sumps which will collect and recirculate process water.</p> <p>Mitigation Measure 4.4-2b: All equipment servicing and refueling shall be performed on impervious surfaces.</p> <p>Mitigation Measure 4.4-2c: Project proponent shall develop and implement a groundwater quality-monitoring plan acceptable to both Butte County and the Regional Water Quality Control Board.</p>	
Impact 4.4-3: Pit Water Quality		
<p>Exposure of the water table through mining activities could result in contaminants being discharged to groundwater. This is a potentially significant impact.</p>	<p>Mitigation Measure 4.4-3a: Runoff from the surfaces of the processing area shall be prevented from entering the pit by regrading the area between the pit and the processing area as necessary to ensure that runoff from the processing facilities will not flow to the proposed pit area.</p> <p>Mitigation Measure 4.4-3b: Flows in Little Chico Creek up to 2,000 cfs shall be prevented from entering the lake through construction of a low levee/weir and bypass channel, which will prevent flows from entering the distributary channel.</p> <p>This mitigation measure is the same as Mitigation Measure 4.4-7c, as described by NorthStar, 2002). The created lake will be protected from floodwater entry up to approximately a ten-year</p>	<p>The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this mitigation measure will reduce the impact to a less-than-significant level.</p>

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	<p>recurrence interval flood from Little Chico Creek. The level of flood protection afforded by this measure by Sacramento River floodwaters is unknown, however, it is rational to expect that flood protection from that source will approximate a ten-year recurrence interval since it would be unusual for large floods from the Sacramento River, which is regulated, to more frequently overflow the new levee and bypass channel that floodwaters from Little Chico Creek. Typically, regional flooding is correlated with local flooding.</p> <p>Mitigation Measure 4.4-3c: The existing drainage ditch at the southern limit of the proposed pit, and all drainage ditches along the east side of the pit up to 1,000 feet beyond the project area shall be improved as necessary to increase their peak flow capacity to carry a 10-year recurrence interval peak flow. Similarly, a ditch of similar capacity shall be constructed along the western property boundary through any reaches where the local topography slopes toward the proposed pit.</p> <p>The western ditch depending on the design, may be the same as the Little Chico Creek overflow diversion described above. All ditch construction within the 100-year floodplain shall be performed without side casting, and all other ditch improvements must be performed so as not to increase the heights of any existing berms alongside these ditches. Mining shall cease when the edge of the proposed pit is within 50 feet of the ditch along the southern boundary.</p> <p>This measure will eliminate runoff in contact with agricultural lands generated from local storms from entering the created lake at a frequency, on</p>	

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	<p>average, of greater than ten years. Since no side casting is allowed, these agricultural drainage ditches cannot prevent the entry of floodwaters backing into the area from the Sacramento River.</p> <p>The exception is the ditch to be constructed along the western property boundary, which is specifically designed to give the proposed pit flood protection from Little Chico Creek.</p> <p>Mitigation Measure 4.4-3d: Mining shall not be performed with the use of a dredge boat without prior review by Butte County. All motorized mining equipment, when not in use, shall be parked more than 50 feet from the edge of the pit during normal operations. When no mining occurs for more than a 14-day period, all motorized equipment must be removed to areas which do not drain into the proposed pit. All refueling will be conducted at a distance greater than 50 feet from the edge of the pit. Any soil contaminated by fuel or hydraulic fluid must be removed in accordance with measures to be specified as required by the Central Valley Regional Water Quality Control Board.</p> <p>Mitigation Measure 4.4-3e: Applicant shall develop a ground- water monitoring program to be approved by the Central Valley Regional Water Quality Control Board and Butte County. If monitoring shows that drinking water standards (Title 22 of the California State Code of Regulations) are not being met either at the property boundary nearest the proposed pit in a downgradient direction or at the Jones domestic well, due to degradation caused by the project, then Butte County, in Consultation with the Central Valley Regional Water Quality Control Board, shall rescind their operating permits, and</p>	

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	<p>no permit shall be re-issued until such time as a groundwater remediation plan has been implemented, groundwater at the property boundary once again meets drinking water standards, and additional measures, as approved by Butte County, have been implemented to prevent future degradation. The term "caused by the project" shall be interpreted as any increase in contaminant concentrations between the upgradient baseline monitoring well above the proposed operations area and the downgradient monitoring locations which exceed drinking water standards.</p> <p>Monitoring, at a minimum shall consist of monitoring of <u>two</u> wells. One located up-gradient of the proposed pit and operating area, and another approximately 1,000 feet south from the northwest corner of the pit. As mining proceeds additional wells shall be installed; one located mid-way between the north and south edges of the pit near the western property boundary, and the other 25 feet from the ultimate southwest corner of the pit. Figure 4.4-13, Proposed Monitoring Well Locations, shows suggested locations for the monitoring wells proposed under this mitigation measure <u>and</u> Mitigation Measure 4.4-2c. The wells shall be monitored four times a year each year during the life of operations within the first week of April, July, August, and September. Once the edge of pit progresses to within 500 feet of the next down-gradient well, that well shall be monitored and monitoring of the upslope well shall cease. Samples shall be composites formed by sampling within two feet below the water table, and combining with an equal volume of water 20 feet below the water</p>	

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	<p>table. Samples will be analyzed for turbidity, fecal coliform, diesel and BTEX compounds. Additionally, pesticides commonly used in the vicinity shall be sampled annually. The selection of pesticides to be analyzed shall be approved by the Central Valley Regional Water Quality Control Board and Butte County. Additionally, Applicant shall monitor the domestic well on what is referred to as the Jones' parcel if the property owners grant permission for monitoring. Monitoring shall consist of drawing tapwater samples.</p> <p>Samples shall be analyzed for turbidity, fecal coliforms, benzene, and atrazine. Prior to the onset of mining, at least three samples, taken on a monthly interval, shall be taken from the Jones' domestic water supply to establish a baseline from which subsequent samples shall be compared. Following the baseline sampling, monitoring shall consist of two phases; an intensive Phase A, and a routine Phase B. During Phase A samples shall be taken weekly for 12 consecutive weeks beginning June 1. Phase A shall take place during the first irrigation season after mining operations have commenced, and, at the discretion of Butte County, the second irrigation season after mining begins. Additionally, Phase A sampling shall occur the first irrigation season following a flood where floodwaters enter the proposed pit. Phase B sampling shall take place whenever Phase A sampling is not taking place and shall consist of sampling on the first week of April, July, August, and September. Phase B monitoring will continue for at least four years after all Phase A monitoring is completed. After that, all monitoring of the Jones' parcel water supply may be discontinued if</p>	

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	<p>Butte County determines that contaminant concentrations at the Jones' parcel well never exceed those at the project monitoring well(s).</p> <p>In lieu of monitoring the Jones' domestic water supply as specified above, applicant may undertake one of two alternatives if requested by the Jones' parcel owners prior to discontinuing the monitoring described above. It shall be at the discretion of the Jones' parcel owners which of the two alternatives they wish to accept, if any. The alternatives consist of either replacing the existing domestic well with a new well of equivalent capacity which draws water only from the lower aquifer, or installing a filter system capable of reliably furnishing water meeting drinking water standards.</p> <p>Applicant shall pay for all costs associated with replacing the existing well and increased pumping costs, or the costs of installing and maintaining, in perpetuity, a filter system.</p>	
Impact 4.4-4: Stormwater Discharges		
Stormwater discharges from the processing facilities could enter Little Chico Creek. This is a less than significant impact.	No mitigation is required.	Less than significant impact. Findings not required.

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Impact 4.4-5: Erosion of Buffer Between Little Chico Creek and the Proposed Pit		
Floodwaters could flow over the 50-foot wide buffer between Little Chico Creek and the northern edge of the pit, thereby linking surface flows from Little Chico Creek to the groundwater in the pit. This is a potentially significant impact.	<p>Mitigation Measure 4.4-5: The slope between the buffer strip and the actively mined area shall be designed by a licensed civil engineer to prevent erosion. Suitable measures may include both structural and vegetative, if it can be demonstrated that a combination of a gentle slope, in conjunction with vegetation can prevent erosion from Little Chico Creek overflows.</p> <p>The design shall consider the potential concentration of floodwaters, the lowest expected antecedent water surface elevation in the proposed pit, and scour/undermining of the toe of the slope. Butte County must approve the design prior to initiation of the project. A design report shall be submitted along with plans.</p>	The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this mitigation measure will reduce the impact to a less-than-significant level.
Impact 4.4-6: Creek Migration		
Little Chico Creek could migrate laterally through the proposed 50-foot buffer strip separating the creek from the pit edge along the northern boundary of the proposed pit. This could result in a direct linking of surface and groundwater, and a possible abandonment of the existing channel alignment, diminishing existing riparian habitat. This is a potentially significant impact.	<p>Mitigation Measure 4.4-6: No excavation or grading shall occur within 100 feet from the bank of Little Chico Creek. Mitigation wetlands proposed within this zone may be relocated. The mine pit excavation area shall maintain a minimum setback of 100 feet from the bank of Little Chico Creek to avoid potential lateral migration of the creek.</p>	The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this mitigation measure will reduce the impact to a less-than-significant level.
Impact 4.4-7: Flooding		
Placement of dikes or fill within the processing area to raise it above the 100-year floodplain elevation could result in some increase in the frequency of flooding of River Road. Elimination of the existing distributary at the north end of the proposed pit for groundwater quality protection could result in increased flooding of the Jones' parcel. These are potentially significant impacts	<p>Mitigation Measure 4.4-7a: Applicant shall remove the existing levee on the east side of Little Chico Creek and replace it with setback levees at the same elevation. A by-pass channel will be constructed to convey flows overtopping the new setback levees back to the creek through new, larger culverts. Plans shall be approved by Butte County prior to construction.</p>	The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this mitigation measure will reduce the impact to a less-than-significant level.

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	<p>This measure will increase the floodway width which will decrease the 50-year flood depth by 0.6 feet (NorthStar Engineering, 2002) and with its implementation, it is expected that there will be no impact on flooding in the Sacramento River floodplain.</p> <p>Mitigation Measure 4.4-7b: Applicant shall enter into an agreement with Butte County to either construct or fund the costs of raising the existing low water crossing on River Road near the gas well site by up to three feet and installing larger culverts within three years of use permit approval. Plans shall be approved by Butte County Public Works Department prior to construction.</p> <p>Mitigation Measure 4.4-7c: Applicant shall install a bypass channel to convey flows formerly conveyed by the distributary channel around the proposed pit area. The overflow weir and adjoining bypass channel will be designed such that elimination of the distributary will not result in increased flooding depths or duration on the Jones' parcel. The bypass channel shall maximize, to the extent possible, use of native plant materials in the design to control erosion. Plans shall be approved by Butte County prior to construction.</p>	
Impact 4.4-8: Flooding Storage and Groundwater Recharge		
Creation of the proposed pit will result, at the end of operations, in approximately 1,000 acre-feet of available floodwater storage and the same amount of potential groundwater recharge. This will be a beneficial impact.	No mitigation is required as this is a beneficial impact.	Less than significant impact. Findings not required.
AIR QUALITY		
Impact 4.5-1: Fugitive Dust Emissions		

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<p>The topsoil removal, aggregate processing, and truck and equipment travel on-site will produce a net increase of fugitive PM₁₀. Compliance with BCAQMD rules will reduce impacts by controlling emissions to within Action Level A thresholds for PM₁₀. This is a less than significant impact.</p>	<p>Mitigation Measure 4.5-1a: Unpaved haul roads, service roads, and plants areas shall be treated with water or chemical stabilizers in sufficient quantity and frequency as necessary to meet the following standards:</p> <ul style="list-style-type: none"> • No visible emissions extending beyond the property line (BCAPCD Rule 207); and • No visible emissions as dark or darker than Ringlemann 2 or 40% opacity for a period or periods aggregating more than three minutes in one hour determined using EPA Method 9. (BCAPCD Rule 202); or <p>Any future standard respecting fugitive dust or visible emissions that is more stringent than the standards in paragraphs a and b that is adopted or amended by the Butte County APCD subsequent to the approval of the project.</p> <p>Mitigation Measure 4.5-1b: Truck and mobile equipment speeds on interior haul roads shall not exceed 15 miles per hour. Speed limits shall be posted.</p> <p>Mitigation Measure 4.5-1c: Excavation areas shall be treated with water during topsoil removal phases. As excavation areas are completed and final depths are reached, revegetation shall be implemented as stipulated in the Reclamation Plan.</p> <p>Mitigation Measure 4.5-1d: Permanent roads from public streets to the processing or loading facilities shall be graveled or paved to reduce the use of unpaved roads.</p> <p>Mitigation Measure 4.5-1e: Wet sweeping shall be performed on heavily-used on-site paved roads and within 500 feet of the access roads for</p>	<p>The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this mitigation measure will reduce the impact to a less-than-significant level.</p>

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	<p>the aggregate plants as necessary to control on-site and track-out dust.</p> <p>Mitigation Measure 4.5-1f: A truck spraying facility shall be constructed and operated near the exit of the aggregate plants.</p> <p>Mitigation Measure 4.5-1g: The aggregate Operator shall set up a 24-hour anemometer at the plant site to monitor wind speeds. If wind gusts exceed 20 miles per hour as defined by the BCAQMD, the Operator shall terminate topsoil removal and hauling on-site until the high wind abates. Times that the above water table mining operations are shut down shall be logged and included in the annual mine inspection report required by SMARA.</p> <p>Mitigation Measure 4.5-1h: Topsoil storage piles shall be covered with gravel/rock or seeded with an erosion control seed mix to prevent wind-blown dust.</p>	
Impact 4.5-2: Increases in Air Contaminant Emissions from Vehicles and Equipment		
Engine exhaust emissions from excavation equipment will contribute to a net increase of criteria pollutants including NO _x , CO, and ROG. This is a less than significant impact.	No mitigation is required.	Less than significant impact. Findings not required.
Impact 4.5-3: Increases in Air Contaminant Emissions from Plant Operations		
Emissions from the operation of an asphalt batch plant at a currently permitted location contributes to a net increase of criteria pollutants including NO _x , CO, and ROG within the NSVAB. This is a less than significant impact.	No mitigation is required.	Less than significant impact. Findings not required.
Impact 4.5-4: Increases in Toxic Air Contaminant Emissions from Transportation and Batch Plant Operations		
Emissions from diesel-fueled vehicles and equipment, and from asphalt manufacturing will result in an increase in toxic air contaminant emissions. The estimated health risk from these	No mitigation is required.	Less than significant impact. Findings not required.

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emissions is less than one-in one million. These emissions are less than the BCAQMD threshold of significance and are therefore considered less than significant.		
Impact 4.5-5: Addition to CO Hot Spots		
Certain intersections in vicinity of the project will experience congestion under cumulative conditions. Carbon monoxide emissions from vehicle traffic will increase at congested intersections due to increased idling time. Under BCAQMD thresholds of significance, the creation of a CO hot spot is a significant impact.	There are no feasible mitigation measures to reduce traffic congestion at the impacted intersections. The air quality impacts are a direct result of traffic congestion. Therefore, there are no feasible mitigation measures for the air quality impacts. This is a significant, unavoidable impact.	The Planning Commission finds that there are no additional feasible mitigation measures or alternatives that the Planning Commission Could adopt at this time which would reduce this impact to an acceptable (less-than-significant) level. The impact, therefore, remains <u>significant and unavoidable</u>. To the extent that this adverse impact will not be eliminated or lessened to an acceptable level, the Planning Commission finds that specific economic, social, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable significant impacts.
TRAFFIC		
Impact 4.6-1: Ord Ferry / Little Chico Creek Bridge		
The proposed project will add 10 or more trips per day to the bridge on Ord Ferry Road at Little Chico Creek under existing and future conditions. This bridge is 20 feet wide, which is less than the 24-foot minimum standard. This is considered a significant impact.	Mitigation Measure 4.6-1: The project Applicant shall contribute a fair share contribution to improve reconstruct the bridge on Ord Ferry Road at Little Chico Creek. The fair share contribution amount should be based upon the relative proportion of project vehicles traveling on the bridge. The implementation of this mitigation measure shall occur before building permits are granted.	The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this mitigation measure will reduce the impact to a less-than-significant level.
Impact 4.6-2: River Road between Chico River Road and Ord Ferry Road		
The proposed project will add 25 or more truck trips, which cause an increase in the Traffic Index (TI) of 0.5 or greater on a County maintained	The project Applicant shall contribute its fair share of the costs to improve the pavement on River Road between Chico River Road and Ord Ferry	The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this

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roadway.	<p>Road with a two-inch asphalt concrete overlay. The fair share amount shall be based on the increase in ESALs, which is 51%. Butte County Public Works estimates the cost of this improvement to be approximately \$1,200,000. Therefore, the Applicant's fair share cost would be about \$40,000 per year. The Public Works Department has indicated that the fee shall be submitted annually based on the tonnage of material that is hauled from the project site and shall be relative to an inflation index. Based on the information contained in Table 4.6-9, the cost per ton of material hauled from the project site would be approximately \$0.08.</p> <p>The project applicant shall contribute its fair share of the cost to maintain the asphalt concrete pavement on the following roads over the 30 year life of the project:</p> <ul style="list-style-type: none"> • River Road; between Chico River Road and Ord Ferry Road; • Ord Ferry Road; between County Line and Dayton Road; • Durham Dayton Road; between Dayton Road and SR 99; • Dayton Road; between Ord Ferry Road and Chico City Limit; • Hegan Lane; between Dayton Road and Midway; and • Chico River Road; between River Road and Chico City Limit. <p>Road Maintenance shall include a chip seal surface treatment every 10 years with M & T Chico Ranch Mine project's fair share contribution based on the projected net increase in ESALs as shown in the attached Table A. Based on the information</p>	mitigation measure will reduce the impact to a less-than-significant level.

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	<p>contained in Table A, the cost per ton of material hauled from the project site would be approximately \$0.06 and shall be relative to an inflation index.</p> <p>If maintenance costs are rolled into a single fee per ton of material extracted, the mitigation fee shall be made up of \$0.08 per ton for the overlay on River Road, plus \$0.01 per ton for the improvements to the Ord Ferry Bridge, and the installation of a signal at Midway and Durham Dayton highway, for a total of \$0.09 per ton of material removed from the site. The amount intended to compensate for the extra maintenance required due to the increased truck traffic, shall be \$0.06 per ton of material extracted. These fees shall be deposited by the operator into the Butte County Road Fund, and shall be adjusted for inflation based upon the change in the Construction Cost Index for San Francisco, during the month of January of each year. These fees shall cease to be collected should the County impose a countywide tax or fee for road maintenance based upon weight of materials moved over the roads.</p>	

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Impact 4.6-3: Dayton Road and Durham/Dayton Highway		
The proposed project will add 10 or more trips per day to the intersection of Dayton Road/Durham-Dayton Hwy. This intersection has been identified as a location having 4 or more accidents in a 12-month period over the last three years. This location also had more than one accident over a 12-month period, which involved heavy vehicles.	Recent improvements to this intersection include implementation of four-way stop-sign control. This improvement will likely reduce the impact at this location. No mitigation measure can eliminate the occurrence of accidents at this location. However, with the identified improvements, this is no longer considered a significant impact by Public Works and no mitigation is required for this project.	Less than significant impact. Findings not required.
Impact 4.6-4: SR32/West 5th Street		
The proposed project will add 10 or more trips per day to the intersection of SR 32/West 5 th Street. This intersection has been identified as a location having 4 or more accidents in a 12-month period over the last three years. This location also had more than one accident over a 12-month period, which involved heavy vehicles. This is considered a significant impact.	Mitigation Measure 4.6-4: The project Applicant shall contribute a fair share contribution to improve the intersection of SR 32/West 5 th Street by modifying the existing traffic signal to provide split phase timing, including three seconds of yellow time and one second of all-red time per phase. The fair share contribution amount should be based upon the relative proportion of project vehicles traveling through the impacted intersection.	The Planning Commission finds that there are no additional feasible mitigation measures or alternatives that the Planning Commission Could adopt at this time which would reduce this impact to an acceptable (less-than-significant) level. The impact, therefore, remains <u>significant and unavoidable</u>. To the extent that this adverse impact will not be eliminated or lessened to an acceptable level, the Planning Commission finds that specific economic, social, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable significant impacts.

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Impact 4.6-5: Park Avenue/East 20th Street/East Park Avenue		
The proposed project will exacerbate LOS F operating conditions on Park Avenue from East 20 th Street to East Park Avenue under cumulative conditions.	No feasible mitigation measure will reduce the level of impact to this roadway segment. This is considered a significant, unavoidable impact.	The Planning Commission finds that there are no additional feasible mitigation measures or alternatives that the Planning Commission Could adopt at this time which would reduce this impact to an acceptable (less-than-significant) level. The impact, therefore, remains <u>significant and unavoidable</u>. To the extent that this adverse impact will not be eliminated or lessened to an acceptable level, the Planning Commission finds that specific economic, social, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable significant impacts.
Impact 4.6-6: East Park Avenue/Park Avenue/Highway 99		
The proposed project will exacerbate LOS F operating conditions on East Park Avenue from Park Avenue to Highway 99 under cumulative conditions.	No feasible mitigation measure will reduce the level of impact to this roadway segment. This is considered a significant, unavoidable impact.	The Planning Commission finds that there are no additional feasible mitigation measures or alternatives that the Planning Commission Could adopt at this time which would reduce this impact to an acceptable (less-than-significant) level. The impact, therefore, remains <u>significant and unavoidable</u>. To the extent that this adverse impact will not be eliminated or lessened to an acceptable level, the Planning Commission finds that specific economic, social, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable significant impacts.

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Impact 4.6-7: Bruce Road/SR 32/Skyway		
The proposed project will exacerbate LOS E operating conditions on Bruce Road from SR 32 to Skyway under cumulative conditions.	No feasible mitigation measure will reduce the level of impact to this roadway segment. This is considered a significant, unavoidable impact.	The Planning Commission finds that there are no additional feasible mitigation measures or alternatives that the Planning Commission Could adopt at this time which would reduce this impact to an acceptable (less-than-significant) level. The impact, therefore, remains <u>significant and unavoidable</u>. To the extent that this adverse impact will not be eliminated or lessened to an acceptable level, the Planning Commission finds that specific economic, social, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable significant impacts.
Impact 4.6-8: Baldwin Plant Driveway/Skyway		
The proposed project will exacerbate LOS F operating conditions in the a.m. peak hour and LOS D in the p.m. peak hour at the intersection of the Baldwin Plant Driveway and Skyway under cumulative conditions.	Mitigation Measure 4.6-8: Improvements to the median crossing, acceleration/deceleration lanes, improved signing and striping, and channelization of the driveway approach could improve the safety characteristics of this intersection. In addition, signalization of the Skyway /Honey Run Road (anticipated by 2005) may provide sufficient gaps in through traffic on Skyway to improve egress from the driveway. However, no feasible mitigation measure will reduce the level of impact to this roadway segment. This is considered a significant unavoidable impact.	The Planning Commission finds that there are no additional feasible mitigation measures or alternatives that the Planning Commission Could adopt at this time which would reduce this impact to an acceptable (less-than-significant) level. The impact, therefore, remains <u>significant and unavoidable</u>. To the extent that this adverse impact will not be eliminated or lessened to an acceptable level, the Planning Commission finds that specific economic, social, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable significant impacts.
Impact 4.6-9: Durham-Dayton Highway/Midway		
The proposed project will exacerbate LOS F operating conditions in the a.m. peak hour and p.m. peak hour at the intersection of the Durham-	Mitigation Measure 4.6-9: The project Applicant shall contribute a fair share contribution to install	The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this

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Dayton Highway and Midway under cumulative conditions.	a traffic signal and improve lane configurations with a left-turn lane and shared through/right-turn lane on each approach of the Durham-Dayton Highway and Midway intersection. With this improvement this intersection will operate at LOS C under cumulative project conditions. The fair share contribution amount shall be based upon the relative proportion of project vehicles traveling through the impacted intersection.	mitigation measure will reduce the impact to a less-than-significant level.
BIOLOGICAL RESOURCES		
Impact 4.7-1: Loss of Non-Native Grassland and Dryland Agriculture Habitat		
The proposed project would result in the permanent loss of approximately 193 acres of annually tilled, non-native grassland and dryland agriculture to open water and wetland habitat. This is a potentially significant impact.	Mitigation Measure 4.7-1: Slopes along the perimeter of the created lake shall be actively revegetated, where necessary, to supplement natural colonization of plant species as part of site reclamation to meet the performance standards specified by SMARA. Specific areas for supplemental revegetation will be identified using collected data following one year of monitoring natural colonization. Additional requirements specified by state or federal agencies shall be incorporated into the final revegetation plan. The revegetation program shall specify planting and maintenance techniques, with a detailed monitoring program to evaluate restoration success.	The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this mitigation measure will reduce the impact to a less-than-significant level.
Impact 4.7-2: Loss of Habitat, Disruption of Movement Patterns, and Noise		
The proposed project would disturb existing wildlife through loss of habitat, disruption of natural movement patterns, and noise. This is a less than significant impact.	No mitigation is required.	Less than significant impact. Findings not required.

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Impact 4.7-3: Swainson's Hawk Habitat Loss		
The proposed project will result in the loss of foraging habitat for Swainson's hawk. Disturbance to Swainson's hawk during nesting may also occur. This is a potentially significant impact.	Mitigation Measure 4.7-3: The Applicant shall be required to obtain a Take Permit, pursuant to Section 2081 of the CDFG Code, prior to mining. The Section 2081 Permit will provide mitigation for the effects of mining on Swainson's hawk foraging and potential nesting habitat.	The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this mitigation measure will reduce the impact to a less-than-significant level.
Impact 4.7-4: Loss of Foraging and Nesting Habitat for Other Special-Status Species		
The proposed project will result in the loss of foraging and, possibly, nesting habitat for other special-status species. Mining activities could also disturb nesting for California black rail, if present, in adjacent Angel Slough. This is a potentially significant impact.	Mitigation Measure 4.7-4: The Applicant shall consult with CDFG to determine an appropriate buffer distance or other conditions to mining for allowable mining activities during the nesting period of any special-status species. When these requirements have been established a qualified biologist should conduct a pre-construction survey in spring to determine the presence of active nests for special-status birds and to determine the presence of northwestern pond turtles. If survey results are positive for raptor nests, California black rails or turtles, the best protection measures relative to mining in potential nesting habitat will be determined in consultation with CDFG.	The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this mitigation measure will reduce the impact to a less-than-significant level.

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Impact 4.7-5: Bank Swallows		
The proposed project could result in the creation of temporary nesting sites for bank swallows. This is a potentially significant impact.	Mitigation Measure 4.7-5: Slopes on stockpiled soils shall be graded to 2:1 for long-term storage to prevent use by bank swallows. At no time during the active breeding season (May 1 through July 31) shall slopes on stockpiles exceed 1:1, even on a temporary basis. Stockpiles shall be graded to a minimum 1:1 slope at the end of each workday where stockpiles have been disturbed during the active breeding season. If any vertical slopes are inadvertently created, these slopes shall be destroyed immediately following verification by a designated Environmental Monitor that no bank swallows have begun nesting there. If bank swallows have begun nesting, CDFG will be consulted as to the best strategy.	The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this mitigation measure will reduce the impact to a less-than-significant level.
Impact 4.7-6: Native Oaks and Mature Trees		
The proposed project will affect native oak trees and several mature Fremont cottonwood and red willow. This is a potentially significant impact.	Mitigation Measure 4.7-6: The oak grove scheduled for preservation will be protected during mining by the placement of temporary fencing or flagging along the dripline of each of the trees to prevent mining related damage. The operator will place temporary fencing prior to pit development with potential for equipment to be within 50 feet of protected plants. Fencing need not be maintained once operations are beyond 50 feet.	The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this mitigation measure will reduce the impact to a less-than-significant level.
Impact 4.7-7: Modifications to Jurisdictional Wetlands		
The proposed project will impact jurisdictional wetlands. This is a potentially significant impact.	Mitigation Measure 4.7-7: Potential impacts to jurisdictional wetlands shall be coordinated with the COE prior to project development to determine whether a permit is required.	The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this mitigation measure will reduce the impact to a less-than-significant level.
NOISE		
Impact 4.8-1: Excavation Noise		

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<p>The proposed project will result in average equipment noise levels up to 65 dBA, Leq, at the closest residence. This is a potentially significant impact.</p>	<p>Mitigation Measure 4.8-1a: Construction of an Earthen Berm: The project Applicant has proposed construction of an earthen berm between the proposed mining activities and the nearest residence (Residence A) to mitigate this noise impact. The location of this berm is generally shown by Figure 4.8-7.</p> <p>Barrier effectiveness is dependant on the relative heights of the noise source and receiver, the frequency content of the noise source, as well as the distances from the noise source and receiver to the top of the barrier. Given the geometry of the proposed berm (approximate height 18 feet, approximately width 475 feet) relative to the mining area and nearest residence, this berm is predicted to reduce excavation noise levels by approximately 15 dB. The degree of attenuation is predicted to reduce excavation-related noise to approximately 50 dB Leq and 60 dB Lmax, which would comply with the project's standards of significance.</p> <p>Because the proposed berm is predicted to reduce mining-related noise levels to a state of compliance with the project's standards of significance, no additional mining-related noise mitigation measures are identified for this project. However, because there is no margin of safety built into these calculations, follow-up noise level measurements shall be conducted as part of the mitigation monitoring program to ensure that the berm is providing the required degree of sound attenuation. In the event that those follow-up noise measurements indicate that the project's standards of significance are being exceeded, Mitigation Measure 4.8-1b shall be implemented.</p>	<p>The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this mitigation measure will reduce the impact to a less-than-significant level.</p>

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	<p>Mitigation Measure 4.8-1b: Creation of Additional Setbacks</p> <p>from Mining Areas: Because the proposed berm is projected to provide sufficient attenuation of mining-related noise, additional mining setbacks are not recommended at this time. However, if the follow-up noise level measurements required in Mitigation Measure 4.8-1a indicate that the project's standards of significance are being exceeded even with the proposed berm, this measure should be implemented.</p> <p>As a general rule, sound decreases at a rate of about 6 dB per doubling of distance from the noise source for a noise source which generally operates from a fixed location, such as an excavator or drag line. For example, if the mining setback from the nearest residence were increased from 300 feet to 600 feet, excavation-related noise levels would be approximately 6 dB lower than those expected with the 300-foot setback. The specific setback distances, if required, will depend on the effectiveness of the proposed berm in reducing the excavation-related noise levels at the nearest residence (Residence A).</p>	
Impact 4.8-2: Screening/Crushing Noise		
<p>Maximum and average noise levels generated by the crushing and screening plant equipment at the project site will be approximately 58 dB L_{max} and 53 dB L_{eq} at the nearest residence. The average noise level would be approximately 3 dB over the recommended 50 dB threshold. This is a potentially significant impact.</p>	<p>Mitigation Measure 4.8-2a: Shielding by Aggregate Stockpiles: Figure 4.8-1 shows that the proposed aggregate stockpile location is north of the proposed processing equipment. As a result, those stockpiles would provide shielding of the optional asphalt and concrete plants, but not of the processing equipment, in the direction of the nearest residence to the south. Consideration should be given to locating one or more stockpiles between the noisiest processing</p>	<p>The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this mitigation measure will reduce the impact to a less-than-significant level.</p>

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	<p>equipment (crushers and screens) and that residence to the south. If stockpiles can be erected to intercept line of sight between that equipment and residence, a 5 dB attenuation can be expected. This degree of attenuation would reduce processing equipment noise to a state of compliance with the recommended standards of significance.</p> <p>Mitigation Measure 4.8-2b: Additional Processing Equipment Noise Control Measures: If stockpiles cannot be utilized to achieve compliance with the standards of significance, or if processing equipment noise levels still exceed those standards following construction of stockpiles, additional noise control measures shall be required. Specific noise control measures which could be implemented include, but are not limited to, lining hoppers and chutes with heavy urethane sheets, utilizing urethane screen decks (rather than steel), and suspending acoustic curtains around specific equipment which is found to be the source of the noise level exceedance.</p>	
Impact 4.8-3: Asphalt and Concrete Plant Noise		
No batch plant noise would be generated under this scenario. Therefore, no impacts relating to batch plant noise levels have been identified.	No mitigation is required	Less than significant
Impact 4.8-4: Off-site Traffic Noise		
Increases in traffic noise will range from 0 to 2 dBA. This is a less than significant impact.	No mitigation is required.	Less than significant impact. Findings not required.
AESTHETICS, LIGHT AND GLARE		
Impact 4.9-1: Initial Mine and Plant Construction		
Initial construction of the proposed project would reduce the visual quality of the project site. This is a potentially significant impact.	Mitigation Measure 4.9-1a: The Applicant shall prepare and implement a screen tree-planting program to block views of the proposed mining	The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this

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<i>Impact Statement</i>	<i>Mitigation Measures</i>	<i>Finding of Fact</i>
	<p>operation for travelers along River Road and from the closest residence. These trees shall be planted along portions of River Road, and along lines of sight from the closest residence. The species of trees shall be selected based on viability in that particular location, screening potential, and compatibility with other local and regional vegetation. These trees shall block views of the construction of the stationary facilities and provide additional screening of the completed facilities for the duration of the mining project.</p> <p>Mitigation Measure 4.9-1b: As described in Section 4.8, Noise, an earthen berm shall be constructed to shield the dragline and dredging operations from the adjacent residence. This berm will also screen views from the adjacent residence. The berm shall be placed in the direct line-of-site between the residence and dragline or dredge operation. The berm shall be temporary and shall be revegetated with grasses for erosion control purposes and to be aesthetically pleasing. The constructed berm shall minimize nearby views of the stationary equipment and the dredge and dragline. The berm shall be removed during final reclamation.</p>	mitigation measure will reduce the impact to a less-than-significant level.
Impact 4.9-2: Mining and Processing Operations		
The proposed project Without Batch Plants Scenario would result in both temporary and permanent alteration of the visual quality of the site. This is a potentially significant impact.	Mitigation Measure 4.9-2: Temporary stockpiles and/or berms shall be placed around stationary equipment to block line-of-sight views between processing equipment and the closest residence and along River Road near the northeastern portion of the site. As the processing facilities will be raised above the 100-year floodplain these temporary berms and/or stockpiles would not displace any floodwaters.	The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this mitigation measure will reduce the impact to a less-than-significant level.

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Impact 4.9-3: Light and Glare		
The proposed project could result in extended lighting for occasional nighttime mining operations. This is a potentially significant impact.	Mitigation Measure 4.9-3: Should night operations occur, directional lighting and shields shall be used to minimize the distance at which light emanating from the project is visible.	The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this mitigation measure will reduce the impact to a less-than-significant level.
Impact 4.9-4: Site Reclamation		
The proposed project would alter the visual character of the site following reclamation. This is a less than significant impact.	No mitigation is required.	Less than significant

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CULTURAL RESOURCES		
Impact 4.10-1: Disturbance of Subsurface Archaeological, Historic, or Cultural Resources		
The proposed project has the potential to result in the disturbance of subsurface archaeological, historic, or cultural resources. This is a potentially significant impact.	<p>Mitigation Measure 4.10-1a: The specific study is based on the findings of an inventory-level surface survey only. There is always the possibility that potentially significant unidentified cultural materials could inadvertently be encountered on or below the surface during the course of proposed future development or construction activities. In such a situation, archaeological consultation shall be sought immediately.</p> <p>Mitigation Measure 4.10-1b: In order to ensure proper identification of any cultural materials that might inadvertently be encountered during future development, construction, or gravel extraction work, the County's use permit shall include a provision for training of field personnel in identification procedures, prior to implementing the quarry construction operation. The training shall take the form of a 1/2 day seminar in which a professional archaeologist shall review with operations personnel the natural and cultural history of the project area, archaeological sensitivity, the most likely locations of buried cultural materials, and what kinds of cultural materials would be seen if prehistoric cultural materials are in fact unearthed. The seminar shall conclude with specific instructions on how to address such discoveries and what immediate actions to take.</p>	The Planning Commission hereby directs the mitigation measure (s) to be a condition (s) of the project. The Planning Commission finds that this mitigation measure will reduce the impact to a less-than-significant level.
Impact 4.10-2: Disturbance of Cultural Resources		
The proposed project will not disturb any listed cultural resources. This is a less than significant impact.	No mitigation is required.	Less than significant impact. Findings not required.
Impact 4.10-3: Unique Cultural Values or Religious or Sacred Uses		

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The proposed project is not known to be the site of any unique cultural values or existing religious or sacred uses that would be affected or restricted by the project. This is considered a less than significant impact.	No mitigation is required.	Less than significant impact. Findings not required.