

WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-778-5900, TTY 800-833-6384
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Mark Personius, AICP
Director

Surface Mining Advisory Committee

LOCATION

**Hybrid Meeting: Zoom (details below) and
Northwest Annex Conference Room
Whatcom County Planning and Development Services
5280 Northwest Drive, Bellingham, WA 98226**

Date: May 22nd, 2024

Time: 3:00 PM Pacific Time (US and Canada)

Whatcom County PDS is inviting you to a scheduled Zoom meeting.

Individuals who require special assistance to participate in the meetings are asked to contact Lucas Clark Lclark@whatcomCounty.us at least 96 hours in advance.

Join Zoom Meeting

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Mark Personius, AICP
Director

TO: Surface Mining Advisory Committee
FROM: Lucas Clark, Planner
DATE: May 22, 2024
SUBJECT: Meeting Agenda

1. Roll call/Determination of Quorum
2. Agenda Review & Approval
3. Review/Approval of Summery from 4/24/2024
4. Open Public Session
5. Old Business
 - a. Review and vote on suggested changes to Chapter 8, Mineral Resource Lands section.
6. New Business
 - a. Discussion of Ag memo to the SMAC
7. Adjourn

Attachments:

1. Meeting Summary
2. Consolidated Changes Document
3. Ag Memo

Individuals who require special assistance to participate in the meetings are asked to contact us at least 96 hours in advance. The staff contact at Whatcom County Planning and Development Services is Lucas Clark, lclark@co.whatcom.wa.us, 360-778-5940

Whatcom County Surface Mining Area Committee (SMAC)

Meeting Summary

Date: April 24, 2024

Location: Zoom and Northwest Annex Conference Room @ Whatcom County Planning and Development Services office at 5280 Northwest Dr, Bellingham, WA 98226

Start Time: 3:05 p.m.

Quorum: Yes X No _____

Attendees – Members	Affiliation	Present	Absent (Excused?)
Vacant	Civil or geotechnical engineer with no direct or indirect financial business ties to the industry		
Ryan Devries (Chair)	Surface mining material user	√	
Vacant	Geologist		
Candice Leonard	Citizen who lives in close proximity to active mining or mineral overlay areas		√
Brent Cowden	Member of the surface mining industry	√	
Brad Davis (Vice Chair)	Member of the surface mining industry	√	
Kathleen Greenbaum	Forestry	√	
Carl Isom-McDaniel	Potable domestic groundwater supply	√	
Vacant	Ecologist		
Vacant	Environmental Consultant		
Vacant	Agriculture		
Quorum Present			
Electeds			
	County Council		
Staff			
Lucas Clark		√	
Andy Weiser		√	
Public			
Elli Harron		√	

Meeting Summary

I. Announcements, roll call and agenda.

Roll call was taken and a quorum was present.

II. Agenda Review

There were no proposed changes to the agenda.

II. Approval of Meeting Summary: March 27th, 2024

The committee approved the meeting summaries for March 27th, 2024.

IV. Open Public Comments and Member Announcements

Elli Herron made public comment regarding a letter that was sent to The Surface Mining Area Committee from the AAC. The letter invited the Surface Mining Area Committee (and other committees) to join the AAC in creating sub-committees for identifying shared priorities, leverage synergies, and develop comprehensive plan priority areas, all centered around the 2025 Comprehensive Plan Update.

V. Discussion, deliberation, and decision-making

a) Discussion was centered around comprehensive plan update processes. Lucas led the discussion centered on providing more general updates with an emphasis on voting on the general updates during the next meeting.

b) The committee reviewed the updates brought forward by Chair Devries and agreed on items to bring forward for decision making during the May meeting.

c) There was discussion of the work the committee had previously accomplished, and where those suggestions had ended up. The general process of the Planning Commission recommendations and Council Action was touched on.

d) The suggestions from other committee members were reviewed although review was not completed. Lucas said he would take the currently agree upon changes and place them into one document for review.

VI. Future Agenda Topics

Vote on Future Memo: List of Recommendations to provide to the consultant for 2025 Comprehensive Plan Update

VII. Adjourn

5:05pm

2025 Comprehensive Plan Periodic Update

Surface Mining Advisory Committee Recommendations

General Comments

Need a paragraph on Naturally Occurring Asbestos (NOA), the 1969 DNR Moen report, the 1997 DNR Dragovich, et al, report and the Swift Creek landslide and NOA abatement efforts/costs. [Link to the Comprehensive Plan section on NOA and where will that reside? Climate Change and Shoreline Chapters are mentioned in the Comp Plan Public Participation Plan, but NOA is not. In the County Executive directions it was mentioned that NOA would be addressed, along with Climate Change and this was addressed in the Scoping phase. What is happening with NOA? Where will it be addressed? In Mineral Resources or in its own chapter?](#)

Specific Comments

Mineral Resources

Purpose

Sections 8K thru 8S balances the positives of mining resources with the impacts on people, quality of life, agriculture, forestry, and riverines. Designation of mineral resources is currently limited to a half mile extension of existing designation perimeters. The 2014 Aggregate Study estimates rock reserves in Whatcom County are available thru 2065. Aggregate supplies are more limited. Section 8S addresses that mining mineral resources will have no adverse impact to fish and wildlife. [Background Summary](#)

Background Summary

Mining activities in Whatcom County have taken place since the 1850s, though the nature, scope and extent of such activities has changed considerably through time. These changes have reflected the economics involved at each point in time at least as much as they reflect the geologic character of Whatcom County. Historically, the more important mineral commodities of Whatcom County have been coal, gold (placer and lode), sandstone, clay, peat, limestone, [serpentine](#), olivine, and sand and gravel aggregate, with the latter [three-four](#) being especially important at present.

In Whatcom County, sand and gravel mining has been historically concentrated mainly to the east of Interstate-5 and north of Bellingham, with some exceptions. The more important historic aggregate mining areas from east to west include: (1) the Siper and Hopewell Road area two miles north of Nugent's Corner; (2) the Breckenridge Road area just east of Nooksack; (3) the Pangborn and Van Buren Road area two and one half miles southwest of Sumas; (4) the Pole and EversonGoshen Road area to the southwest of Everson; (5) the Axton Road area one mile east of Laurel; and (6) the Valley View Road area three miles to the east of Blaine.

Commented [KG1]: Add to the existing sentence.

Commented [KG2]: Details of mining serpentine need to be considered, since serpentine is known to contain Chrysotile. In the data chart cover serpentine stats (along with other mineral products, and link to the section dealing with Naturally Occurring Asbestos (NOA), where DNR and DOE reports address serpentine, asbestos and Swift Creek abatement.

Commented [KG3]: Reference to the 2003 GeoEngineering report removed. Why? Is this info better placed in the Issues, Goals & Policy Section? Include 2003 & 2014 aggregate studies & provide a short relevant summary. State difference between aggregate and rock. Compare actual cubic yards of aggregate and of rock mined to the estimated reserves of aggregate and rock.

[Serpentine paragraph here - provide link to the NOA verbiage being added to the 2023 Comp. Plan Update.](#)

Commented [KG4]: Where will NOA and Climate Change sit in the Comp Plan?

Issues, Goals and Policies

General Issues

While development creates demand for sand and gravel resources, it may also encroach upon or build over those same resources, rendering them inaccessible. Strong community opposition to mining near residential, agricultural, or sensitive environmental areas may also limit extractive opportunities. Adequate resource protection could help to ensure a competitive market and to guard against inflated land prices by allowing the supply of minerals to respond to the demand of a free market. Helping the aggregate industry and the associated businesses, trades, and export markets also creates jobs and stimulates the economy, to the benefit of the county. [However, export of aggregate needs to be balanced with the need of aggregate within Whatcom County.](#)

[Mining impacts, such as blasting and traffic, can affect a larger area or community, where mining activity is not disclosed pursuant to WCC 14.06.010. There are also instances where homesteads are pre-existing to 1990 or later MRO designation. Surface mining can create conflicts with other land uses. Those impacts may include increased noise, dust, scenic impacts, traffic, road wear, and neighboring property devaluation.](#) Mines can affect property values while at the same time nearby residents may use the area for shooting, dirt bike riding, and other activities. Controlling trespassing to surface mining can be a significant safety issue for mine operators. Adjacent land use issues range from the right to mine and use the value of mineral resource land to the right to live in an area with a high quality of life and retain home values. Citizens may be generally unaware of the county zoning of surrounding property and the mining uses that are allowed. Trespassing and various other activities that may conflict with other land uses are generally illegal and can cause liability for mine owners/operators. Numerous federal, state, and local regulations also mitigate impacts of noise, dust, traffic, and environmental issues. These and other factors may contribute to a climate of distrust and hostility between the aggregate industry and property owners in the vicinity.

Commented [KG5]: "Citizens may be generally unaware of the county zoning of surrounding property and the mining uses that are allowed." This conflicts with existing WCC, when buying a home, the seller needs to disclose mining activity. Suggest: remove sentence. Replace with: "Mining impacts, such as blasting and traffic, can affect a larger area or community, where mining activity is not disclosed pursuant to WCC XX. There are also instances where homesteads are pre-existing to 1990 or later MRO designation."

[Land Use Conflict...](#)

[Many profitable agricultural operations are located on land outside of predominantly agricultural areas. Although these operations may not be entirely compatible with neighboring urban and suburban developments, they are important contributors to the agricultural base in Whatcom County.](#)

Commented [KG6]:

Commented [KG7]: Next to the last paragraph. Need a paragraph on Naturally Occurring Asbestos (NOA), the 1969 DNR Moen report, the 1997 DNR Dragovich, et al, report and the Swift Creek landslide and NOA abatement efforts/costs.

Commented [KG8]: Specifics. State the percentage of ag operations located outside of Ag zoning.

Policy 8D-5:

Designate mineral resource lands in or near agriculture zones only after Whatcom County has determined, through the advisory committee and Planning Commission processes, the designation is in the best interests of the community.

Accommodate the location of designated mineral resource lands in or near agriculture zones when determined by Whatcom County to be in the best interests of the community.

Goal 8L:

Ensure mineral extraction industries do not adversely affect the people and other properties in the vicinity. Appropriately designate MROs by implementing resource conservation policies, state code and county codes. Recognize the rights of all property owners.

, by establishing appropriate and beneficial designation and resource conservation policies, while recognizing the rights of all property owners.

Policy 8L-3:

Ground and surface water quality, aquifers and recharge zones are to be protected and have precedence over surface mining. Mining permits may be issued if best management practices and project design are determined, per WCC, to adequately protect surrounding water courses.

Avoid adversely impacting ground and surface water quality. The protection of aquifers and recharge zones should have precedence over surface mining in the event it is determined by the county that adverse impacts cannot be avoided through the standard use of best management practices.
Avoid contamination of aquifers by using best management practices for reclamation or on-site storage.

Policy 8L-7:

Designate site-specific mineral resource lands overlays (MROs) only after mineral extraction impacts have been anticipated, analyzed, and evaluated. Address adverse environmental impacts through scientifically accepted mitigation and alternatives.

, and potential adverse environmental impacts have been addressed through appropriate mitigation and/or reasonable alternatives.

Policy 8M-4:

Buffer mineral resource areas adjacent to existing residential areas. Buffers could consist of berms and vegetation to minimize impacts to adjacent property owners. Buffers should be reduced for a limited period of time during reclamation if quality minerals are contained therein.

Commented [LC9]: Ensure mineral extraction does not adversely affect people/properties thru designation & conservation policies, while recognizing the rights of all property owners for KG

Commented [KG10]: What statistics are available on reclamation actions, by permit, in Whatcom Co? Before reclamation can be used to help approve a permit being granted, County needs to review data to determine a success rate. If reclamation effort commitments are not kept to a reasonable percentage, then the "promise" of reclamation cannot be counted on to justify granting a permit, within this process.

Commented [LC11]: This could be a point of contention. Goal 8L to not adversely affect the people/properties in the vicinity of a mine. 8L-7 - Ryan's comment to move addressing enviro impacts into the permitting process waters down the original intent of the language. I have explicit examples of how the CUP process/code was not enforced. I oppose. From KM

Commented [KG12]: I question this policy. Reads like a major exception to existing code. A berm MAY address a line of sight issue, in some cases. However, air quality, noise, dust and water quality/wells cannot be addressed with a berm. This language needs to be removed & replaced with a specific minimum distance between MRO and residences. (for exampl 1/4 of a mile.) The rights of long standing homesteads need to be protected.

Policy 8M-5: Encourage mineral extraction operators in the county to voluntarily provide resource use information to nearby landowners, and to develop a good neighbor policy by sharing mine management plans, annual DNR inspection reports, reports to the County detailing product extraction and by conducting educational forums.

, such as voluntary mine management plans and community and educational forums.

Policy 8L-7: Designate site-specific mineral resource lands. As part of the mining permit process, anticipate and evaluate only after mineral extraction impacts have been anticipated and evaluated, and address potential adverse environmental impacts have been addressed through appropriate mitigation and/or reasonable alternatives.

Policy 8N-2: Avoid the use of designated "high quality" agricultural land for mineral or soil mining purposes unless the soils can be restored to their original productive capabilities as soon as possible after mining occurs. What is "high quality" define PRIME #1 or etc include all prime farm defs

*From WCC Comp Plan Chapter 8 page 8.3.
Map 8-1 shows prime agricultural soils, and the Agricultural Comprehensive Plan designation. Those lands designated as Agriculture in the comprehensive plan are designated as Agricultural Lands of Long-Term Commercial Significance as defined by GMA as agricultural lands that have the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land." (RCW 36.70A.030(10). Prime farmland, as defined by the Natural Resources Conservation Service (NRCS), "is the land that is best suited to food, feed, forage, fiber, and oilseed crops." Categories of prime soils depicted on Map 8-1 are described as follows: Category I: All areas are prime farmland. Category II: Prime farmland if drained. Category IV: Prime farmland if irrigated. Category V: Prime if drained and protected from flooding or not frequently flooded during the growing season. Category VII: Prime if irrigated and either protected from flooding or not frequently flooded during the growing season. Category VII: Prime if subsoiled, completely removing the root inhibiting soil layer.*

Policy 8N-3: Allow accessory uses such as washing and/or screening of material to locate near or on the site of the mineral extraction source when appropriate. Within MRL designations, authorize application for mineral processing facilities such as rock crushers, asphalt plants and concrete plants through the conditional use process.

Commented [SH13]: If there is a definition for various grades of agriculture, should lean on that, otherwise we should push for co-designation of the mining/agricultural lands. Whatcom has a lot of subaqueous mining which would preclude a lot of that land from being returned to agg land.

Commented [LC14]: 8N-2 - Putting a qualifier on agricultural lands to "prime" undercuts the intent of the original language. Does designation of Ag zoning already mean the land is "Prime". Is this a moot issue? (per Categories I thru VII) Does WCC currently prohibit vs. discourage MR designation on Ag zoned parcels? This is also something that the Ag AC will stand firm on. I oppose. KG comment

Commented [LC15]: 8N-3 - I don't know what impact adding "asphalt plants" to extraction & rock crushing on MROs. Before adding asphalt plants onto MROs, the eniromental impacts of asphalt plants need to be assessed. Oppose until fully analyzed. KG comment

Mineral Resource Lands (MRL) – Designation Criteria
Non-Metallic Mineral Deposits

General Criteria

(...)

10. Site-specific MRL designations shall only be approved after mineral extraction impacts have been anticipated and evaluated, and potential adverse environmental impacts have been addressed through appropriate mitigation and/or reasonable alternatives. [Connect to 8L7](#)

Additional Criteria for Designated Agricultural Areas

15. Prohibit MRL designations in areas designated Agriculture by the Whatcom County Comprehensive Plan that contain "Prime Farmland Soils" determined by the Natural Resource Conservation Service.

Commented [SH16]: This should be edited to reflect language in Policy 8L-7. Advice would be to scratch this completely or and replace with "As part of the mining permit process, anticipate and evaluate mineral extraction impacts, and address potential adverse environmental impacts through appropriate mitigation and/or reasonable alternatives."

Commented [SH17]: Shoot for co-designation but if not, determine how much is considered "Prime Farmland Soils" to see how much that takes off the map. Co-designation is the route we were successful in during the Thurston County MRL update.

MEMORANDUM

TO: Whatcom County Advisory Committees Interfacing with Agriculture
FROM: Alan Chapman, Chair, Agricultural Advisory Committee (AAC)
DATE: April 22, 2024
SUBJECT: Invitation for Collaboration around Comprehensive Plan Update

The Whatcom County Agriculture Advisory Committee (AAC) invites you to join a subcommittee of the AAC to discuss our suggested 2025 Comprehensive Plan update goals and explore how they might intersect with your committee's suggested update goals. As stewards of agriculture and related sectors within our communities, we understand the importance of holistic planning that considers the broader social, economic and environmental landscape. By convening together, we can identify shared priorities, leverage synergies, and develop comprehensive plan priority areas that reflect the interconnected needs of our region. Let us come together to shape a future that is inclusive, sustainable, and prosperous for all. Common goals will have more of an impact than separate committee goals on the updated 2025 Comprehensive Plan

Attached to this invitation are the comments forwarded to Planning and Development Services by the AAC, that can serve as a starting point for discussions. Our initial suggestion is to have sub-committees of all interested parties meet between official committee meetings to ensure that full committees participate and develop supportive ideas as they emerge, but we are open to your suggestions on how to move forward.

Please reach out to me or the AAC staff support for further discussion and collaboration opportunities. We value your input and are eager to work together to ensure the comprehensive plan meets the needs of our communities.

Respectfully submitted:



Alan Chapman, Chair
Agricultural Advisory Committee
alanchapman398@gmail.com

Dakota Stranik, AAC Staff Support
Planning & Development Services
dstranik@whatcomcounty.us
360-778-5911

Signed on behalf of the other Agricultural Advisory Committee Members:

Roger Kubalek Matthew McDermott Gurjit Singh Elli Harron Chantel Welch
Fred Likkel Clay Pehl Roger Hawley

2025 CompPlan Update

Agricultural Advisory Committee Recommendations

General Comments

- Ag zoning ought to be expanded to cover more lands:
 - The AAC has determined that the Rural Study Areas meet the Agricultural Lands of Long-Term Commercial Significance criteria and therefore recommends that the Council rezone these areas to Agricultural zoning contingent on pursuing/providing compensatory funding to property owners for lost development rights.
 - The AAC recommends evaluating and eliminating nonconforming lots (combine nonconforming plots under same ownership) located in Agricultural Zones. Parcelization of existing agricultural zoned land has occurred and is relatively widespread in the Ag Zone, with an average parcel size of 17 acres.
 - Change the Agriculture Protection Overlay to apply to clusters of land 10 acres or larger, rather than 20 acres.
- The AAC supports recommendations from the Housing Advisory Committee that encourage options for urban infill to reduce UGA expansion.
- Regarding climate change:
 - There is a noticeable lack of climate-related language in here, an acknowledgement of the effects of a changing climate and strategies to maintain agricultural viability would be useful.
 - We need to more clearly integrate climate change, equity, and economic security throughout the CompPlan.
 - Support a thriving local agriculture and food system economy and food security, considering the impacts of climate change on agriculture as well as equity and housing needs of farmworkers.
- Regarding land/infrastructure preservation:
 - Continue to protect ag lands through existing County programs
 - Explore new ways to support ag-land succession that keeps ownership local.
 - Develop new strategies to reduce urban sprawl and preserve rural characteristics of urban edge development
 - Incentivize agricultural operations and work cooperatively to improve existing and install new state of the art infrastructure.
- Regarding water rights and use:
 - Protect agriculture as an allowed use for permit exempt wells.
 - Support efficient application process for new water rights.
 - Throughout the document strengthen the need to address water security for farms. Note the Council's goals in goal 6 of their priorities resolution: Work to provide secure and legal access to water for all farmers with an end goal of water use efficiency to drive profitability for a diverse agriculture economy, recognizing that the "use it or lose it doctrine" of water rights does not promote water use efficiency.
- Update the ag descriptive language and charts using the 2022 Ag Census

- While the goals are useful in indicating a policy direction to protect agricultural lands, the policies lack adequate specificity to be able measure progress toward achieving those goals.
 - There are no metrics to measure the effectiveness of the identified actions. The policies are full of relative terms like involve, support, encourage, assist, work cooperatively, discourage.
 - Few of the stated policies identify who will be responsible for implementing them, and several policies have been worked on by other organizations.
 - There is a question whether advisory committees are supported sufficiently to have the information to evaluate options to discharge their responsibilities.
 - Several of the policies are under the authority of State agencies, though land use is the cause of most water quality and quantity issues are under the authority of the City and County Governments.
 - There should be a restriction on putting people on land that cannot support the needs for water and waste treatment, rather than developing infrastructure to provide those services.
- Regarding conflicting goals:
 - When there are competing goals, there should be guidance on how to balance them (e.g., ag vs. mining vs. fish and wildlife habitat).
 - The conflicting policies within the Natural Resources Chapter 8 are not adequately addressed. How do you choose which resource is of greater value?
 - It is important to look at both the Mineral Resource section and Agriculture section on Chapter 8 as to the conflicting codes and policies.
- The relative coordination between the County and Cities on actions that impact viable agriculture should be made more transparent in the goal statements. The UGAs are still under County authority.
- Replace the term "agriculture industry" "agriculture community."
- We're all aware that flooding has become a major issue, but what most don't know (yet) is that the river has lost 30% of its capacity above Everson since the 90's. This is where the nexus of salmon habitat and farming becomes a bit challenging, but it is our job as an Ag Committee to advocate strongly for drainage to be maintained if farming is going to survive. Again, the Council priorities under goal 6: Enhance flood control and drainage vitally important to protecting people, farm families, and infrastructure. If agricultural land is used for "overflow areas," the County should also plan to facilitate drainage to enable the ability of the land to be productively farmed. Manage drainage areas, including wildlife control, to protect land intended to produce food and fiber, except where they have been placed in the conservation programs.
- Can including educating the public and involving them in the struggles farmers, farmland, and agriculture face be dispersed throughout the plan?
- The Food Systems Plan has some Goals and Action plans that I thought were clearer and may be a model to look at.
- The Co. should better support value-added processing facilities and services (e.g., meat processing, etc.) so as to better support ag viability.

Specific Comments

- Policy 8A-3, 3.d: It is mentioned in the background that diversity of agriculture has increased. If the diversity of crops has increased and some commodities that have been growing for longer have decreased in production, are there newer agriculture practices and commodities that

would have a longer-term commercial significance than other commodities that have been operating before 1985?

- 8D-4 & 5 Surface Mining and Mineral Resource Extraction: The language suggests accommodating these activities in the Ag zone, which are currently not permitted. Concerning, given this topic has previously been discussed and determined to not be conducive to ag and/or the returning of soils to productive ag activities after surface mining/extraction activities.
- Policy 8C-4: Are there programs to help small farms that are struggling, not just new farmers?
- Policy 8E-3: Instead of just encouraging the use of these practices to protect water quality, is there a way to help these farmers perform these practices?
- Policy 8A-1 Conserve productive agricultural lands and agricultural resource lands, including areas with prime soils that are not now zoned agriculture. With a 20 – 100-year plan.
 - ADD Give high priority to these lands over MRL that could contribute to the degradation of these rural lands with prime soils.
- Chapter 8 page 12, Mining activities, such as the extraction of sand and gravel, are often an alternative use of land zoned agriculture. Such activities may limit options for later agricultural use, depending upon the intensity of the activity and the extent of soil rehabilitation efforts.
- Policy 2 DD-2 Protect the character of the rural area through the County's development regulations. What are the county's development regulations that address this? These regulations should be addressed herein, stated with clarification on how that goal will be met.
- 8M-2. Protect areas where existing residential uses predominate against intrusion of mineral extraction and processing.
 - What is the density that makes an area residential instead of rural? Why protect residential areas and not rural areas from intrusion of mineral extraction?
 - This needs to be expanded to state: Protect areas where existing residential and rural uses predominate against intrusion of mineral extraction and processing.