

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 02037

A. P. # 424-101-012-000M

FINDINGS AND DECISION

In the matter of the application of
Union Asphalt, Inc. (PLN000348)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located approximately 1 mile northeast of the town of Bradley, within portions of Sections 3, 4, 9, and 10, Township 24 South, Range 11 East, Mt. Diablo Base and Meridian including portions of the Porter Estate (APN 424-101-013, 014, 015 and 017) and the Orradre Ranch (APN 424-101-012 and 018) and bounded by the Southern Pacific Railroad and Bradley Road to the south, Sargent's Road to the west and Hare Canyon Road to the east, came on regularly for hearing before the Planning Commission on June 12, 2002.

WHEREAS: Said proposal includes:

- 1) Use Permit and Reclamation Plan allowing the establishment of a rock, sand and gravel mine, with associated rock crushing and screening equipment; removal of up to 360,000 tons of aggregates in the first year and increase production by 5% annually over the projected 20 year lifespan of the mine. Maximum annual production allowed in year twenty would be 909,702 tons.

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. **FINDING:** The proposed surface mining operation, reclamation plan and the proposed end use of reclaimed land pursuant to the Plan are consistent with Chapter 16.04 of the Monterey County Code (Surface Mining and Reclamation Ordinance), General Plan, the South County Area Plan and Title 21, Zoning Ordinance Chapters 21.30 and 21.34, and with the Monterey County General Plan which designates the property as "Farmlands, 40 acre minimum, and Permanent Grazing, 160 acre minimum."

EVIDENCE: The text and policies of the South County Area Plan, the Monterey County General Plan and Title 21 have been evaluated during the course of the review of this application. The regulations of the Monterey County Surface Mining and Reclamation Ordinance (Chapter 16.04 of the Monterey County Code) have also been evaluated. No conflict or inconsistencies with the text or the policies were found to exist. No testimony, either written or oral, was received during the course of public hearing to indicate that there is any inconsistency with the Area Plan, General Plan or County Code.

2. **FINDING:** The Mining and Reclamation Plan consisting of the original submittal entitled Mining and Reclamation Plan Bradley Aggregate Mine, dated June 19, 2001, and an addendum, dated November 16, 2001, (Exhibit G) complies with Sections 2772 and 2773 and other applicable provisions of the State Surface Mining and Reclamation Act (SMARA) and with Sections 3500-3505 and 3700-3713 of the California Code of Regulations.

EVIDENCE: The Mining and Reclamation Plan, dated June 19, 2001, has been reviewed by the Planning and Building Inspection Department and the State Department of Conservation. Staff from both

offices performed site inspections to verify existing conditions and to evaluate the adequacy of the Mining and Reclamation Plan. The Department of Conservation submitted comments (Exhibit F). The applicant submitted a response to comments (Exhibit G) that addresses concerns raised by the Department of Conservation. All comments by the State have been adequately addressed and incorporated into the Plan.

3. **FINDING:** The proposed project, including all permits and approvals, will not have significant adverse impacts on the environment. A Mitigated Negative Declaration has been prepared and is on file (File PLN000348) in the Department of Planning and Building Inspection. All mitigation measures identified in the Initial Study and Mitigated Negative Declaration and all project changes required to avoid significant effects on the environment have been incorporated into the approved project or are made conditions of approval. A Program for Monitoring and/or Reporting on Conditions of Approval (hereafter "the Program") has been prepared pursuant to Public Resources Code 21081.6 and is made a condition of approval. The Program is attached hereto as Exhibit "E" and is incorporated herein by reference. Potential environmental effects have been studied, and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed, may have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and the testimony and information received, and scientific and factual data presented as evidence during the public review process. The Monterey County Planning and Building Inspection Department, located at 2620 First Avenue, Marina, is the custodian of the documents and the materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

EVIDENCE: County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. The Initial Study provided substantial evidence that the project would not have significant environmental impacts, that could not be avoided or mitigated to a less than significant level. A Mitigated Negative Declaration was filed with the County Clerk and the State Clearinghouse on May 10, 2002. It was also sent directly to, the California State Dept. of Conservation, U.S. Fish and Wildlife Service, U. S. Army Corp of Engineers and the California State Dept. of Fish and & Game for comments and was also noticed for public review. The following evidence has been received and considered: All comments on the Initial Study; evidence in the record that includes studies, data and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data and reports; application materials, and expert testimony. Among the studies, data and reports analyzed as part of the environmental determination are the following:

1. Project Application/Plans
2. Kohler- Antablin, Susan, 1999, Update of Mineral Land Classification: Aggregate Materials in the Monterey Bay Production-Consumption Region: Open-File Report 99-01, California Division of Mines and Geology, Sacramento, CA.
3. Higgins Associates. Bradley Quarry Traffic Analysis Report, May 11, 2001.
4. Kleinfelder Inc. Pavement Evaluation Study, Maintenance and Rehabilitation Strategy for Union Asphalt Bradley Quarry, California, August 16, 2001.
5. M. F. Strange and Associates, Air Quality Estimate: Bradley Aggregate Mine, October 18, 2001.
6. C. A. Singer and Associates, Inc, Cultural Resources Survey and Impact Assessment for the Orradre and Porter Estate Properties, January 4, 2001.
7. LSA Associates, 2000-2001 Wet Season Vernal Pool Shrimp Survey of the Orradre / Porter Estates Ranch Property, Bradley, Monterey County, California, May 4, 2001.
8. California State Department of Conservation, Farmland Mapping and Monitoring Program. 1998 Farmland Classification of Monterey County
9. Rosenberg, Lewis I., and County of Monterey, Environmental Resource Policy Department, 2001, Erosion hazards of Monterey County, California. Unpublished report to be incorporated into 2002 Monterey County Century General Plan Update.
10. Rosenberg, Lewis I., 2001, Relative earthquake-induced landslide susceptibility of Monterey County, California. Unpublished report to be incorporated into 2002 Monterey County Century General Plan Update, when adopted.
11. Rosenberg, Lewis I., 2001, Relative liquefaction susceptibility of Monterey County, California. Unpublished report to be incorporated into 2002 Monterey County General Plan Update, when adopted.
12. Rosenberg, Lewis I., 2001, Earthquake epicenters of Monterey County, California. Unpublished report to be incorporated into 2002 Monterey County General Plan, when adopted.
13. Rosenberg, Lewis I., 2001, Relative seismic shaking hazards of Monterey County, California. Unpublished report to be incorporated into 2002 Monterey County General Plan, when adopted.
14. Rosenberg, Lewis I., 2001, Faults of Monterey County, California.
15. Rosenberg, Lewis I., and Feeney, Martin B., 2001, Potential aquifer recharge areas of Monterey County, California.
16. U.S. Department of Agriculture, Natural Resources Conservation Service, 19990316, Soil Survey Geographic (SSURGO) database for Monterey County, California: U.S. Department of Agriculture, Natural Resources Conservation Service, Fort Worth, Texas

EVIDENCE: The Program for Monitoring and/or Reporting on Conditions of Approval, prepared and required pursuant to Section 21081.6 of the Public Resources Code, is designed to ensure compliance during project implementation.

EVIDENCE: No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts, have been submitted that refute the conclusions reached by these studies, data and reports. Nothing in the record alters the

environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data and reports.

EVIDENCE: Studies, data and reports prepared by staff from various County departments including Planning and Building Inspection, Public Works, Environmental Health and Monterey County Water Resources Agency support the adoption of the Mitigation Negative Declaration for the project.

6. **FINDING:** The land and/or resources contained within the land to be disturbed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources.

EVIDENCE: The Mining and Reclamation Plan submitted with the project application and other materials in the project file.

EVIDENCE: Site visits by the project planner.

7. **FINDING:** For purposes of the Fish and Game Code, the project will have a potential for changes to fish and wildlife resources upon which the wildlife depends.

EVIDENCE: Staff analysis contained in the Initial Study and the record as a whole indicate the project may or will result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations. It is anticipated that the project and alteration of the site will not have a significant adverse environmental impact due to project design, operating protocols and mitigation measures contained in the Mitigated Negative Declaration and incorporated into this permit as conditions of approval

8. **FINDING:** The site is suitable for the use proposed.

EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Health Department, Monterey Bay Unified Air Pollution Control District, California Department of Forestry (South County Fire Protection District) California State Dept. of Conservation, U.S. Fish and Wildlife Service, U. S. Army Corp of Engineers and the California State Dept. of Fish and Game . There are no significant physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

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

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Planning and Building Inspection, Health Department, Public Works Department, Water Resources Agency, California Department of Forestry (South County Fire Protection District). These departments have recommended conditions, where appropriate, to ensure that the project will not have adverse effects on the health, safety and general welfare of the residing or working in the neighborhood, or the County in general.

EVIDENCE: Initial Study dated May 8, 2002.

10. **FINDING:** That the subject property is in compliance with all rules and regulations pertaining to the use of the property, that no violations exist on the property and that all zoning abatement costs, if any have been paid.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

DECISION

THEREFORE, it is the decision of the Planning Commission of the County of Monterey that the Mitigated Negative Declaration and Program for Monitoring and/or Reporting on Conditions of Approval] be adopted and said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. This Combined Development Permit allows the extraction, processing and sale of up to **360,000** tons of aggregates in the first year of production; thereafter, maximum production will be allowed to increase at a rate of 5% per year to a maximum of 909,702 tons in the final year of this 20 year permit subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection Dept.)**

PRIOR TO COMMENCEMENT OF MINING OPERATIONS

2. The applicant shall record a notice which states: "A permit (Resolution #02037) was approved by the Planning Commission for Assessor's Parcel Numbers 424-101-012, 013, 014, 015, 017 and 018 on June 12, 2002. The permit was granted subject to 39 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection Dept.)**
3. The operator shall have and maintain a minimum of 10,000 gallons of water for fire protection. **(CDF, South County Fire Protection District)**
4. Hydrant location, tank location, and supply line shall comply with Monterey County Fire Protection water tank standards. **(CDF, South County Fire Protection District)**
5. The applicant shall provide proof that the appropriate local, state and federal permits have been applied for; for the maximum extraction of material anticipated. The agencies include but are not limited to: United States Army Corps of Engineers, California Department of Fish and Game, U. S. Fish & Wildlife Service, and the California

Regional Water Quality Control Board. **(Water Resources Agency)**

6. Prior to hauling aggregates offsite, the operator shall widen the pavement return radii at the Bradley Road intersection with Hare Canyon Road in order to accommodate quarry truck turning movements. **(Public Works Department, MM#15)**
7. Prior to hauling aggregates offsite, the operator shall widen the project driveway at Hare Canyon Road in order to accommodate simultaneous ingress and egress by quarry trucks. **(Public Works Department, MM#16)**
8. The operator shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the Reclamation Plan. Said statement shall be kept by the Planning and Building Inspection Department in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the Planning and Building Inspection Department. **(Planning and Building Inspection Dept.)**
9. Pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of **\$1,275. This fee shall be paid within 5 days of permit approval, before the filing of the Notice of Determination.** Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid. **(Planning and Building Inspection Dept.)**
10. The applicant shall pay a Mitigation Monitoring fee and enter into an agreement with the County to implement a Mitigation Monitoring Plan. **(Planning and Building Inspection Department)**

PRIOR TO COMMENCEMENT OF MINING OPERATIONS / CONTINUOUS

11. The operator shall be responsible for implementing a worker training program in order to provide onsite personnel with the necessary knowledge to identify the San Joaquin kit fox and their potential dens and how to avoid impacts that could be interpreted as a take under the Endangered Species Act. This training shall also include identification of the western burrowing owl and their potential nesting sites. All personnel shall receive this training prior to working onsite and thereafter on an annual basis. A copy of the Initial Study / Mitigated Negative Declaration shall be included in the training materials. **(Planning and Building Inspection Dept., MM#1)**
12. The operator shall retain a qualified biologist to conduct San Joaquin kit fox and western burrowing owl surveys. Surveys shall take place no more than 30 days prior to the initiation of mining activities in undisturbed areas that have not been surveyed within the previous 12 months. All burrows within the planned excavation area, of diameter and depth capable of providing escape cover for these species, shall be monitored as necessary to confirm that they are not present. The surveyed area will be clearly marked and mining equipment shall not be operated outside of the marked area. **(Planning and Building Inspection Dept., MM#5)**
13. If the San Joaquin kit fox is discovered onsite, all work shall be suspended and the operator shall enter into consultation with USFWS, CDF&G and the Planning and Building Inspection Dept. Further work shall not be undertaken until all requirements of the California Endangered Species Act and the Federal Endangered Species Act are met. **(Planning and Building Inspection Dept., MM#6)**
14. If western burrowing owls are discovered onsite, all work within 300 ft. of the nest shall be immediately halted and a qualified biologist shall determine the potential for negative impacts. If it is determined that the operation

could negatively impact the western burrowing owl, they may be passively relocated by a qualified biologist, subject to the requirements of the CDF&G. **(Planning and Building Inspection Dept., MM#7)**

15. Prior to commencing mining activities, the operator shall submit a reclamation cost estimate to the Planning and Building Inspection Department. The estimate shall be based on local equipment and labor rates and shall include all standard reclamation tasks and contingency costs recommended by the California Department of Conservation. Upon approval of the reclamation estimate by the Director of the Planning and Building Inspection Department, the operator shall provide financial assurance, in the form of a surety bond, certificate of deposit or other suitable mechanism, to the County prior to commencement of operations and shall maintain this financial assurance in effect for the duration of the permit and any additional period required until the Director of the Planning and Building Inspection Department determines that the site is fully reclaimed. **(Planning and Building Inspection Dept.)**
16. The operator shall be responsible for pavement overlay improvements in accordance with the recommendations outlined in the May 11, 2001, Traffic Analysis Report prepared by Higgins Associates and the August 16, 2001, Pavement Evaluation Study prepared by Kleinfelder, Inc. The level of improvements shall be proportionate to the project's impacts and shall use traffic index values approved by the Director of the Monterey County Public Works Department. The operator shall enter into a road maintenance agreement with the Public Works Department, prior to hauling aggregates offsite. (Public Works Department, MM#14)

CONTINUOUS PERMIT CONDITIONS

17. All aspects of the operation shall be conducted in compliance with the approved Mining and Reclamation Plan and other applicable requirements of the State Mining and Reclamation Act (SMARA) and conditions of this permit and shall be conducted only within the boundaries indicated in the approved Mining and Reclamation Plan, dated June 19 2001. **(Planning and Building Inspection Dept.)**
18. The Mining and Reclamation Plan shall be subject to formal review, by Planning and Building Inspection Dept. staff, ten years after the date of permit approval. The purpose of this review shall be to evaluate the adequacy of the Mining and Reclamation Plan based on changing background conditions and accepted reclamation practices. The operator may be required to submit additional information to facilitate the project review. Mining operations will be allowed to continue while the project is being reviewed by County staff. If the Mining and Reclamation Plan is found to be inadequate due to changing circumstances or documented failure to meet the reclamation performance standards contained in the approved Mining and Reclamation Plan, the Planning Director may require the applicant to submit an amended Mining and Reclamation Plan for approval by the Planning Commission. **(Planning and Building Inspection Dept.)**
19. Mining shall not be performed after dark. Evening activities shall be limited to aggregate processing within the established processing area and vehicles shall be limited to the mine access road paralleling the railroad tracks. **(Planning and Building Inspection Dept., MM#2)**
20. To avoid attracting kit fox or other predators to the site, all trash containing food shall be secured in tightly closed trash containers and regularly removed. **(Planning and Building Inspection Dept., MM#3)**
21. Any pipe of diameter between 4 and 36 inches will be stored with ends securely covered while on the site. Any trench or vertical walled pit more than three feet deep not backfilled the day it is dug will have one or more escape ramps dug in the side. **(Planning and Building Inspection Dept., MM#4)**
22. If at any time dust generated from mining and reclamation activities can be seen, with unaided vision, to be spreading beyond the property boundary, the operator shall cease operations until dust emissions are controlled

through the application of water or other palliatives, project modification or the problem is naturally abated due to a change in local weather conditions. The operator shall post a publicly visible and legible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The telephone number of the MBUAPCD and the Monterey County Planning and Building Inspection Department shall also be visible. **(Planning and Building Inspection Dept.)**

23. Fugitive dust emissions shall be controlled to the greatest extent feasible through implementation of accepted dust control practices which include the following:
 - a) Material handled shall contain sufficient natural or added moisture to prevent excessive dusting.
 - b) Spray water or use palliatives and other surface binding agents on access roads, process area, active mining level and dust prone stockpiles to reduce fugitive dust emissions as necessary.
 - c) Haul Trucks shall maintain at least 2 feet of freeboard or haul material shall be covered.
 - d) The operator shall obtain a "Permit to Operate" from either the State Air Resources Board or the Monterey Bay Unified Air Pollution Control District for the portable screening equipment and comply with all the conditions of said permit. **(Planning and Building Inspection Dept.)**
24. Material extraction and sales shall not exceed the maximum amount identified in the Mining and Reclamation Plan (360,000 tons in the initial twelve months of operation and thereafter to increase by 5% per year for a period of 20 years. Maximum allowed production in the final year of the permit will be 909,702 tons). Material extraction, regardless of gross tonnage shall be limited to the area and depth identified in the Mining and Reclamation Plan and associated project site plans. **(Planning and Building Inspection Dept.)**
25. The operator shall request and allow annual inspections of the mining operation by the Planning and Building Inspection Department during the duration of the permit as required by the State Surface Mining and Reclamation Act. The operator shall reimburse or pay to the County the full cost of the inspection services, including related administrative costs required pursuant to the Act. **(Planning and Building Inspection Dept.)**
26. Upon the sale or transfer of the operation, the new operator shall record a Notice stating that "The operator shall accept responsibility for operating and reclaiming the mined lands in accordance with the approved Reclamation Plan and shall operate the surface mining activity within the limits and according to the conditions of the Use Permit and Reclamation Plan." **(Planning and Building Inspection Dept.)**
27. Within 90 days of the mining operation becoming "idle" (to curtail surface mining operations for a period of one year or more, by more than 90% of the operation's previous maximum annual mineral production, with the intent to resume mining operations at a future date), the operator shall submit to the Planning and Building Inspection Department a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA and shall provide measures the operator will implement to maintain the site in a stable condition taking into consideration public health and safety. The IMP shall be subject to the review and approval by the Monterey County Planning Commission. **(Planning and Building Inspection Dept.)**
28. Mining operations shall not be conducted outside of the hours of 7:00 AM to 9:00 PM, unless the operator demonstrates that nearby residents will not be significantly impacted by evening operations. Non-mining work in the stockpile area, but not including operation of screening equipment or operations of similar noise intensity, may be conducted as early as 6 A.M. Prior to commencing evening operations, the operator shall retain a qualified consultant to assess potential noise impacts associated with this action. The consultant shall provide the Director of the Monterey County Planning and Building Inspection Department with substantial evidence, based on accepted modeling methodologies and actual noise measurements, that the proposed evening operations will not generate noise levels that exceed County noise standards, as contained in the General Plan, or cause a substantial increase in ambient noise levels that could adversely impact nearby residents. No exterior lighting shall be allowed

without prior approval by the Director of Planning and Building Inspection. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Evening operations shall be subject to approval by the Director. **(Planning and Building Inspection, MM#13)**

29. The exposed pit walls may be subject to periodic erosion, primarily in the winter months. If any erosion rills greater than 2 square inches in cross section and greater than 5 feet in length occur, at any time, the operator will install straw bales, silt fences or other appropriate erosion control measures and maintain these erosion control measures until the erosion problem has been abated. **(Planning and Building Inspection Dept.)**
30. The operator shall prevent runoff from exposed slopes, from entering directly into natural drainages or waterways, unless the water has first passed through an appropriately designed and maintained settling pond or other suitable structure to ensure that sediments are not carried offsite. **(Planning and Building Inspection Dept.)**
31. Pit walls shall be reclaimed on an ongoing basis. Final slope grading and seeding shall be completed as soon as feasibly possible after excavating activities are completed in an area. The operator shall retain a qualified botanist or restoration ecologist to monitor revegetation. The site shall not be deemed reclaimed until revegetation fully meets the success criteria contained in the mining and reclamation plan. **(Planning and Building Inspection Dept.)**
32. The operator shall, whenever feasible, avoid impacting wetlands and natural drainages. If impacts are unavoidable, the operator shall replace disturbed wetlands on a 1.5 to 1 basis. The compensatory wetlands shall be constructed as soon as possible, but no later than 90 days after the disturbance occurs unless a qualified biologist determines that this will not be feasible and proposes an acceptable alternative. **(Planning and Building Inspection Dept., MM#8)**
33. Prior to disturbing any wetlands, the operator shall retain a qualified biologist, who shall perform appropriate surveys to determine if any special status species are present. The results of these surveys along with all required permits from other agencies, including but not limited to the ACOE, CDF&G and USFWS, shall be submitted to the Director of the Monterey County Planning and Building Inspection Department. No wetlands shall be disturbed until authorized by the Planning Director. **(Planning and Building Inspection Dept., MM#9)**
34. If wetlands are filled or excavated, they shall be replaced in accordance with the approved mining and reclamation plan which requires replacement on a 1.5 to 1 basis with compensatory wetlands. Compensatory wetlands shall be constructed onsite and be similar in scope and complexity to the original wetlands. The design and construction of these wetlands shall be performed under the supervision of a qualified biologist. Compensatory wetlands shall be monitored by a qualified biologist for a period of 5 years or until said biologist determines that reclamation has been successful. The operator shall be responsible for all restoration and monitoring costs. **(Planning and Building Inspection Dept., MM#10)**
35. Previous surveys have not found evidence of vernal pool fairy shrimp on the site. The operator shall maintain a 100 ft. buffer between the vernal pool located in Phase III of the mining plan and shall not excavate, fill or otherwise disturb the vernal pool, until documentation has been submitted to the Director of the Planning and Building Inspection Department showing that the operator has met all requirements of the U. S. Fish and Wildlife Service and the California Department of Fish and Game. **(Planning and Building Inspection Dept., MM#11)**
36. The operator shall submit an annual report to the Monterey County Planning and Building Inspection Department. This report shall include the following:

- Current Biological Survey Reports.
- Copies of any new or updated permits granted by other agencies.
- A summary of mining and reclamation activities occurring during the previous 12 months. This shall include: identification of disturbed and reclaimed acreage; revegetation and wetlands monitoring results. Reclamation success shall be measured against the standards contained in the approved mining and reclamation plan and amendments.
- Tonnage of aggregate shipped offsite.
- Identification of maintenance and improvements performed and planned for Bradley Road and any other impacted road segments.

(Planning and Building Inspection Dept., Public Works, MM#12 and #17)

37. The operator shall ensure that all haul trucks use the haul route designated as "Option 3" in the Traffic Analysis Report prepared by Higgins & Associates, dated May 11, 2001, and as depicted in Figure 3 of the Initial Study prepared by staff. **(Public Works)**
38. If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**

Deleted: [Mitigation Measure 6]

39. The applicant shall replace any oak trees designated for removal at a ratio of 1:1. Replacement oaks shall be of at least 5-gallon container size and shall be planted and maintained on-site. The replacement trees shall be of local stock if possible. The trees shall be planted and maintained in a healthy manner. The health of the trees shall be addressed in the annual report to be submitted by the operator to the Planning and Building Inspection Department. The health of the trees shall be monitored for a minimum of five years, before reclamation will be deemed complete. Should any of the trees require replacement prior to that date due to poor health or death of any tree(s), the tree(s) shall be replaced as approved by the Department and a new five-year reporting period shall start with the replacement planting. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 12th day of June, 2002 by the following vote:

AYES: Errea, Sanchez, Hawkins, Pitt-derdivanis, Brennan, Diehl, Classen, Wilmot
 NOES: None
 ABSENT: Parsons, Hernandez

DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE

FILING FEE ON OR BEFORE

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.