

**Monterey County Planning & Building Inspection
Program for Monitoring or Reporting* on
Conditions of Approval**

Project Name: Swift Tectonics, Brinan Pit

File No: PLN990292

APN: 422-111-015, 017, 030

Approval by: Planning Commission **Date:** January 8, 2003

LEGEND

PBI Planning & Building Inspection **WRA** Water Resources Agency **EH** Environmental Health **AG** Ag Commissioner
FD Fire District **PW** Public Works **RA** Redevelopment Agency **PD** Parks Department
CC County Counsel **MMR** Mitigation Monitoring Reporting Team **CE** Code Enforcement **Other** State which agency

*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.

Mitigation Measures

<i>Mit. Mon. No.</i>	<i>Final Signoff Date</i>	<i>Mitigation Measures</i>	<i>Orig. Dept. or Agency</i>	<i>Schedule (Prior to/Continuous) (Report due?) Fill in timeframe</i> ↓	<i>Person/Agency responsible for Inspection/Monitoring/Review What is to be reviewed? Who is the preparer?</i>
1		The operator shall spray water or use palliatives and other surface binding agents on access roads, processing area, active mining area and dust-prone stockpiles in order to reduce potential fugitive dust impacts to nearby sensitive receptors to a less than significant level. Water shall be applied twice daily or as needed to prevent dust, visible with unaided vision, from leaving the site and impacting nearby sensitive receptors.	PBI	Twice per day or as needed.	Operator is responsible to ensure compliance. County will inspect on an occasional basis. Air District will inspect upon receipt of any complaints.
2		Haul Trucks shall maintain at least 2 feet of freeboard or haul material shall be covered. A sign stating this requirement shall be posted at the project entrance/exit.	PBI	Sign shall be installed prior to operation. Requirement is continuous.	PBI will ensure that sign is posted. Operator is responsible to ensure compliance. County will inspect on an occasional basis.
3		The project's permit shall be subject to review by Planning and Building Inspection Dept. staff every five years for the 20-year life of the permit. This review shall take place concurrently with the renewal of the CDFG Streambed Alteration Agreement. The applicant shall submit copies of the Streambed Alteration Agreement application to the County, prior to the renewal date. Based on changing circumstances or requirements of the Streambed Alteration Agreement, the Planning Director may require the applicant to submit an amended Mining and Reclamation Plan for approval in order to maintain consistency.	PBI/CDFG	Every five years after approval date.	PBI responsible to review copies of the applications submitted to other agencies. Applicant is responsible to prepare the applications, send copies to PBI, and ensure compliance with revised permits.
4		Due to concerns over potential impacts to the San Joaquin kit fox and in accordance with condition # 15 of California Department of Fish and Game (CDFG) Streambed Alteration Agreement # R3-2000-0361, no expansion into the area designated as Section E on Figure 3a of the mining and reclamation plan will be allowed until a qualified biologist conducts a survey for San Joaquin kit fox in this area. Survey protocols are to be determined in consultation with CDFG and USFWS. The results of the survey shall be submitted to CDFG and	PBI/CDFG	Prior to expansion into the designated area.	Operator shall have biologist conduct survey and submit report to PBI and CDFG (and USFWS, if necessary). PBI and CDFG will determine if mining is authorized in the expansion area.

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		the Monterey County Planning and Building Inspection Department. If CDFG determines that due to changing circumstances this survey is no longer necessary, the County will not require that this survey be conducted. If evidence of kit fox is observed, the operator shall contact CDFG and USFWS. No mining shall be conducted within the expansion area until the requirements of CDFG and USFWS are fully met.			
5		To prevent damage to native trees and in accordance with conditions # 18 and #19 of CDFG Streambed Alteration Agreement # R3-2000-0361, no mining activities will be allowed within a distance equal to twice the radius of the canopies of any native trees, greater than 6 inches diameter at breast height. If either of the two sycamore trees, identified in condition #19, of pending Streambed Alteration Agreement #R3-2000, are lost due to mining activities the operator shall replace them on a 5 to 1 basis.	PBI/CDFG	Ongoing.	PBI staff will monitor on at least an annual basis. If the trees are lost, PBI will contact CDFG.
6		To ensure that streambanks and associated riparian vegetation are not adversely impacted by mining operations, Condition #14 of Streambed Alteration Agreement # R3-2000-0361 establishes these setbacks: 25 ft. from banks less than 20 ft. in height and 50 ft. from banks greater than 20 ft. in height. Prior to initiating annual mining activities, the operator shall stake the proposed excavation area. The operator shall notify the Monterey County Planning and Building Inspection Department and CDFG when staking is complete. Staff from these agencies will be provided the opportunity to review the proposed excavation setbacks prior to the commencement of excavation activities. Cross section locations shall have permanent monuments set to establish elevations from which annual measurements shall be taken to ensure that mining does not exceed depth requirements.	PBI/CDFG	Staking done annually prior to mining in stream. Cross sections submitted by Nov. 1 of each year.	Operator will notify staff that staking is in place. Staff will monitor that setbacks are maintained. Cross sections shall be prepared by the applicant, submitted annually, and reviewed by PBI staff.
7		If 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. If the find is determined to be a unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation shall be available. Work can continue on other parts of the site while resource mitigation takes place. The mitigation measures shall include the following steps if human remains are discovered: a) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human	PBI	Ongoing.	Operator will notify staff should any resources be found. Review would then be done by planner and by archaeologist hired by operator. A coroner would be called in should any human remains be discovered.

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		<p>remains until:</p> <ol style="list-style-type: none"> 1) The coroner of the county must be contacted to determine that no investigation of the cause of death is required, and 2) If the coroner determines the remains to be Native American: <ol style="list-style-type: none"> i) The coroner shall contact the Native American Heritage Commission within 24 hours. ii) The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American. iii) The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, <u>OR</u> b) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance: <ol style="list-style-type: none"> 1) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission. 2) The descendent identified fails to make a recommendation, or 3) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. 				
8		<p>Within 120 days of approval of this permit, the operator shall enter into a road maintenance agreement with the Monterey County Public Works Department. The road maintenance agreement will ensure that the operator contributes a fair share towards the ongoing maintenance of roads negatively impacted by project-generated traffic and will include a timetable for fair share payments. Potentially impacted road segments, quantification of impacts and recommended mitigation measures are contained in the Revised Traffic Analysis Report, dated July 29, 2002, prepared by Higgins & Associates. Based on the proposed maximum</p>	PW	<p>Within 120 days of permit approval.</p> <p>Prior to annual inspections.</p>		<p>Road Maintenance Agreement prepared by Public Works and applicant. PW reviews and approves agreement.</p> <p>Operator submits production shipping records to PW and PBI.</p>

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		annual production (60,000 cubic yards / 90,000 tons), the Higgins study recommends that the operator's contribution towards total ongoing maintenance of impacted road segments should be: Sargent's Road, 25.7%, Railroad Street, 15.7%, and Cattleman Road, 8.1%. Prior to the required annual site inspection, the operator shall provide production / shipping records to the Monterey County Planning and Building Inspection Department and the Monterey County Public Works Department. The operator's contribution towards road maintenance shall be based on actual tonnage shipped. The required contribution shall be adjusted to reflect fluctuations in annual production as well as inflation.		By December 31 of each year.		Applicant shall pay fair share contribution to PW.