

**Before the Zoning Administrator in and for the  
County of Monterey, State of California**

In the matter of the application of:

**State of California (PLN100166)**

**RESOLUTION NO. 11-011**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Adopt Negative Declaration per (CEQA) Guidelines Section 15070;
- 2) Approving a Combined Development Permit consisting of a; 1) a Coastal Administrative Permit to allow an upgrade of the existing Bird Island Trail and China Cove areas of Point Lobos State Park to comply with ADA (Americans with Disabilities Act) accessibility standards; 2) a Coastal Development Permit to allow development within 750 feet of a known archaeological resource; 3) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and; 4) a Coastal Development Permit to allow development within 50 feet of a Coastal Bluff and Design Approval.

(PLN100166, State of California, Highway 1 at Point Lobos State Park, Carmel, Carmel Land Use Plan (APN: 243-011-001-000)

**The State of California application (PLN100166) came on for public hearing before the Monterey County Zoning Administrator on February 24, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Hearing Body finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.  
**EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
  - the Monterey County General Plan,
  - Carmel Area Land Use Plan,
  - Monterey County Coastal Implementation Plan, Part 4 ,
  - Monterey County Zoning Ordinance (Title 20)No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.  
b) The property is located at Point Lobos State Reserve at Hwy 1 (Assessor's Parcel Number 243-011-001-000, Carmel Area Land Use Plan. The parcel is zoned RC-D (CZ), which allows recreational uses and trails. Therefore, the project is an allowed land use for this site.

- c) Pursuant to Chapter 20.44, Design Control Zoning Districts, the project requires design review of structures to make sure they are appropriate to assure protection of the public viewshed, neighborhood character, and ensure visual integrity. The project is for a trail re-alignment and the majority of the project is the replacement of existing trail infrastructure. Exterior work will include the construction of four ADA accessible picnic sites, a 161 linear feet of rock retaining walls (stair replacement), a new 50 foot viaduct at cliff area above Gibson Beach made of fiberglass to match the surrounding vegetation, a new overlook area at Pelican Point comprised of drystack rock retaining construction to emulate the surrounding rocks, replacement of an existing wood edging on downside of trail as needed, installation of a new split rail fence adjacent to trail near trailhead the same as the existing railing, replacement and relocation of three wood benches, de-compact and re-vegetate all abandoned trail segments, and replace portions and install new wire guides along trail. Colors and materials are largely replacements of existing infrastructure. Therefore, the project is consistent with the Design Control regulations.
- d) Pursuant to 20.36.040, low intensity recreational uses such as trails are an allowed use subject to a Coastal Administrative Permit. The Zoning Administrator finds the proposed trail re-alignment project will better meet with objectives of the Local Coastal Program (LCP) as the trail re-alignment will provide better public access (Specific Policy 5.3.3) and safer trails as some segments of the Bird Rock and Gibson Cove trails have eroded away making hiking unsafe for visitors. Replacement of existing parking benches and replacing portions of wire along the existing trail path will ensure access to sensitive resources will be controlled and limited (Specific Policy 5.3.3.7). Specific Policy 5.3.3.f, specifies stairways, ramps, rails, walks, and signs should be constructed of natural materials, if possible. The State Parks Department has designed the 161 linear feet of rock retaining walls (stair replacement), 50 foot viaduct at cliff area above Gibson Beach made of fiberglass to match the surrounding vegetation, new overlook area at Pelican Point comprised of drystack rock retaining construction to emulate the surrounding rocks, and replacement of the existing wood edging on downside of trail were made of natural materials.
- e) The project planner conducted a site inspection on October 13, 2010 to verify that the project on the subject parcel conforms to the plans listed above.
- f) The project is located in a high sensitivity archaeological resource area. The subject property is located within 750 feet of a known archaeological site. Pursuant to Section 20.147.080.A, a Coastal Development Permit, is required for the project. Pursuant to LUP Policy 20.144.110.A, 20.145.120.A, 20.146.090.A, and 20.147.080.A; an archaeological report was prepared. The report found that there was no evidence of potentially significant archaeological resources in the project area. However, as recommended by the project archaeologist, the standard condition requiring that an archaeological monitor be present on site during ground disturbance has been included (Condition #4) . See Evidence #2b.

- g) The project is within 100 feet of environmentally sensitive habitat. Policy 4.4.3.A-1 specifies that the minimum level of facilities essential to the support of recreational, educational, or scientific use of Resource Conservation areas shall be permitted. Facilities shall be sited so as to avoid adverse impacts to environmentally sensitive habitats and wildlife. The trail will traverse through three communities: Monterey pine forest, northern coastal scrub, and coastal bluff scrub. Two biological reports were conducted to determine the extent of disturbance. Prior to applying for entitlements with Monterey County the Parks Department worked with their staff biologist to design the project ensuring that re-vegetation and restoration of any impacted habitats was included in the project design. Plans for restoration shall be submitted to the Director of the RMA - Planning Department prior to commencement of use.
- h) The trail re-alignment will travel within 50 feet of a Coastal Bluff. Pursuant to 20.70.120 development within 50 feet of a coastal bluff requires a Coastal Development Permit. The proposed project is to provide public access to the shoreline. There will be no fill on waterways or on any coastal bluffs. General Policy 5.3.2 specifies that bluff-top access and lateral access along or near the shoreline is appropriate along the coast. These types of access shall be protected for long-term public use, subject to adequate management programs. The trail re-alignment will enhance and make accessible portions of existing trails which have eroded away. The erosion on portions of the trail has made unsafe hiking conditions for visitors.
- i) The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application warranted referral to the LUAC because there was environmental review on the trail re-alignment. The Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) recommended approval (5-3 vote) to approve the plans as submitted. The LUAC wanted to be sure that the improvements blended in with the natural rugged look of the Reserve. They recommended the viaduct to be wood with materials that are rustic and some members did not support the expansion of the trail system. The LUAC also wanted to review the restroom replacement for design review. The viaduct will match the surrounding vegetation and State Parks Department is required pursuant to a Consent decree (Tucker vs. California) to provide accessible trails and the Point Lobos China Cove/Gibson Beach sector was a candidate for ADA upgrades. The restroom building was a replacement of an existing building processed with an Administrative Design Approval not subject to review by the Zoning Administrator.
- j) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100166.

2. **FINDING: SITE SUITABILITY** – The site is physically suitable for the use

proposed.

- EVIDENCE:** a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Carmel Highlands Fire Protection District, Parks, Public Works, Environmental Health Bureau, California Coastal Commission and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
- b) Staff identified potential impacts to Biological Resources, Archaeological Resources, and Soil/Slope Stability. Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
- *“Report on the Presence /Absence Survey in 2009 of the Smith’s Blue Butterfly”, (LIB100207), Entomological Consulting Services, dated August 26, 2009.*
  - *“Botanical Survey, Bird Island Accessibility Trail Improvements, Point Lobos State Reserve”, (LIB100206), Biotic Resources Group, dated June 17, 2010.*
  - *“Interim Summary Report test and recovery excavations Bird Island Trail, Point Lobos State Park”, (LIB100205), Far Western Archeological Research Group, dated March 2010.*
- c) Staff conducted a site inspection on October 13, 2010 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100166.

3. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this 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 improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:** a) The project was reviewed by RMA - Planning Department, Carmel Highlands Fire Protection District, Parks, Public Works, Environmental Health Bureau, California Coastal Commission and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) Necessary public facilities are available. Water at Point Lobos State reserve is provided by Cal Am and the property is on a septic system.
- c) Preceding findings and supporting evidence for PLN100166.

4. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all

rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
  - b) Staff conducted a site inspection on October 13, 2010 and researched County records to assess if any violation exists on the subject property.
  - c) There are no known violations on the subject parcel.
  - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100166.

5. **FINDING:** **CEQA (Negative Declaration)** - On the basis of the whole record before the Monterey County Zoning Administrator, there is no substantial evidence that the proposed project as designed and conditioned will have a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
  - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN100166).
  - c) The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a Negative Declaration. The Initial Study is on file in the RMA-Planning Department and is hereby incorporated by reference (PLN100166).
  - d) Issues that were analyzed in the Negative Declaration include: aesthetic resources, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards/hazardous materials, hydrology/water-quality, land-use and planning, mineral resources, noise, population and housing, public services, recreation, traffic and transportation, utilities and service systems.
  - e) Aesthetic Resources - Specific policy 4.4.3, of the Carmel Land Use Plan states that areas designated as Resource Conservation and Scenic and Natural Resource Recreation on the plan map shall be limited to passive and low-intensity day-use recreational and educational activities. Because of the delicate resources on the property a limitation of the number of visitors was implemented. The number of visitors will not increase as a result of the trail re-alignment, therefore additional disturbance to the aesthetic resources of Point Lobos will not occur as a result of the re-alignment. In order to stabilize and level portions of the re-routing, rock retaining walls and a viaduct/bridge will be placed over a failing bluff. Because the re-routing will take place in existing, already disturbed areas, there will be no impacts to the scenic vistas of

Point Lobos.

- f) Biological Resources - The trail improvement project will travel through three plant community types: Monterey pine forest, northern coastal scrub, and coastal bluff scrub. No trees will be removed with the trail re-alignment and there will be no fill on waterways or on any coastal bluffs. The Smith's blue butterfly has been collected at the Point Lobos State Preserve and is listed by the U.S. Fish and Wildlife Service as an endangered species however no life stages of Smiths Blue butterfly were observed in the project area. The applicant has worked with their biologist to facilitate a restoration and re-vegetation plan which will replace all of the removed plants on a 3:1 ratio. A standard condition of approval will include the Monterey paintbrush plants occurring within the work area (near viaduct/bridge area) be salvaged and/or their seed collected prior to construction. Plans for restoration shall be submitted to the Director of the RMA - Planning Department prior to commencement of use. With a standard condition of approval, the project will not have a substantial adverse effect, either directly or through habitat modifications.
- g) Cultural Resources - The current Bird Island Trail runs through two recorded archaeological sites, CA-MNT-216 and -217 and MNT-263. Carmel Land Use Plan discusses the importance of maintaining and designing projects so as not to impact any cultural resources (Key Policy 2.8.2). The trail re-alignment is in accordance with Specific Policy 2.8.4, which limits public access to or over archeological sites. The trail was designed to not trasverse potential resources. An archeological report was conducted and no cultural resources were believed to be impacted as a result of the project. As a condition of approval, an archeological monitor must be present during all work.
- h) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated by reference as **Exhibit 1**.
- i) The Draft Negative Declaration ("ND") for PLN100166 was prepared in accordance with CEQA and circulated for public review from January 11, 2011 through February 11, 2011 (SCH#: 2011011023).
- j) See preceding and following findings and supporting evidence.

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

**EVIDENCE:** a) Public access is required and no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan will be impacted as a result of the trail re-alignment. Specific policy 5.3.2.7. of the Carmel LUP states that public access to and within Point Lobos Reserve and Carmel River State Beach should be improved and

managed according to the management policies set forth in the Carmel Land Use Plan and in this plan.

- b) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100166.
- c) The project planner conducted a site inspection on October 13, 2010.

7. **FINDING:** **ESHA** – The subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

- EVIDENCE:**
- a) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Carmel Land Use Plan and the Monterey County Zoning Ordinance (Title 20), an Coastal Development Permit is required and the authority to grant said permit has been met.
  - b) Carmel Land Use Plan policy 20.146.120 requires a Coastal Development Permit for development within 100 feet of an environmentally sensitive habitat area. Only the minimum level of facilities essential to the support of recreational, educational, or scientific use of Resource Conservation areas shall be permitted in these areas and facilities shall be sited so as to avoid adverse impacts to environmentally sensitive habitats and wildlife. The Parks Department worked with their staff biologist to design the trail segments so as to avoid sensitive habitats and facilitate a restoration and re-vegetation plan which will replace all of the removed Monterey Paintbrush plants on a 3:1 ratio. A standard condition of approval will include the protection of Monterey paintbrush plants occurring within the work area (near viaduct/bridge area) and/or their seed collected prior to construction. Plans for restoration shall be submitted to the Director of the RMA - Planning Department prior to commencement of use.
  - c) The project planner conducted a site inspection on October 13, 2010 to verify ESHA locations and potential project impacts to ESHA.
  - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100166.

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8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

- EVIDENCE:** a) Section 20.86.080 Monterey County Zoning Ordinance.

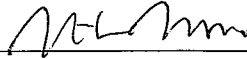
### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Adopt Negative Declaration per (CEQA) Guidelines Section 15070;
- B. Approve a Combined Development Permit consisting of: Combined Development Permit consisting of; 1) a Coastal Administrative Permit to allow an upgrade of the existing Bird Island Trail and China Cove areas of Point Lobos State Park to comply with ADA (Americans with Disabilities Act) accessibility standards; 2) a Coastal Development Permit to allow development within 750 feet of a known archaeological resource; 3) a

Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat: and; 4) a Coastal Development Permit to allow development within 50 feet of a Coastal Bluff and Design Approval, in general conformance with the attached sketch and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 24 day of February, 2011.

  
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Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON **MAR 11 2011**

THIS APPLICATION IS APPEALABLE TO THE CALIFORNIA COASTAL COMMISSION.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **MAR 21 2011**

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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 Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.



**RESOLUTION 11-011 - EXHIBIT 1**  
**Monterey County Resource Management Agency**  
**Planning Department**  
**Condition Compliance and/or Mitigation Monitoring**  
**Reporting Plan**

Project Name: State of California Parks Department

File No: PLN100166

APNs: 243-011-001-000

Approved by: Zoning Administrator

Date: February 24, 2011

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

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
<b>RMA – Planning Department</b>						
1.		<p><b>PD001 - SPECIFIC USES ONLY</b>            This Combined Development Permit (PLN100166) allows Coastal Administrative Permit to allow an upgrade of the existing Bird Island Trail and China Cove areas of Point Lobos State Park to comply with ADA (Americans with Disabilities Act) accessibility standards; 2) a Coastal Development Permit to allow development within 750 feet of a known archaeological resource; 3) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and; 4) a Coastal Development Permit to allow development within 50 feet of a Coastal Bluff and Design Approval. The property is located at Point Lobos State Reserve on Highway 1 (Assessor's Parcel Number APN 243-011-001-000), Carmel Area Land Sue Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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. (RMA-Planning Department)</p>	<p>Adhere to conditions and uses specified in the permit.</p> <p>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 the RMA - Planning Department.</p>	<p>Owner/ Applicant</p> <p>RMA - Planning</p>	<p>Ongoing unless otherwise stated</p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
2.		<p><b>PD002 - NOTICE-PERMIT APPROVAL</b></p> <p>The applicant shall record a notice which states: "A permit (Resolution 11-011) was approved by the <b>Zoning Administrator</b> for Assessor's Parcel Number 243-011-001-000 on February 24, 2011. The permit was granted subject to <u>5</u> conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (<b>RMA-Planning Department</b>)</p>	<p>Obtain appropriate form from the RMA-Planning Department.</p> <p>The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.</p>	<p>Owner/ Applicant</p> <p>RMA- Planning</p>	<p>Prior to the issuance of grading and building permits or commencement of use.</p>	
3.		<p><b>PD003(B) – CULTURAL RESOURCES – POSITIVE ARCHAEOLOGICAL REPORT</b></p> <p>If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:</p> <ul style="list-style-type: none"> <li>• There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</li> <li>• The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and</li> <li>• If the coroner determines the remains to be Native American: <ul style="list-style-type: none"> <li>- The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours.</li> <li>- The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.</li> <li>- 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</li> </ul> </li> </ul>	<p>The applicant shall submit the contract with a Registered Professional Archaeologist to the Director of the RMA – Planning Department.</p> <p>The requirements of this condition shall be included as a note on all grading and building plans</p>	<p>Owner/ Applicant per archaeolo- gist or anthropol- ogist</p>	<p>Prior to the issuance of grading or building permits or approval of Sub. Improvement Plans, whichever occurs first.</p>	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>as provided in Public Resources Code Section 5097.9 and 5097.993, or</p> <ul style="list-style-type: none"> <li>- Where the following conditions occur, the landowner or his authorized representatives 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"> <li>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.</li> <li>2. The descendent identified fails to make a recommendation; or</li> <li>3. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</li> </ol> </li> </ul> <p><b>(RMA - Planning Department)</b></p>				
4.		<p><b>PD005 - FISH AND GAME FEE-NEG DEC/EIR</b> Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. <b>(RMA - Planning Department)</b></p>	<p>The applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p> <p>If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department</p>	Owner/ Applicant	Within 5 working days of project approval.	
5.		<p><b>PD033 - RESTORATION OF NATURAL MATERIALS</b> Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area, plans shall include the salvaging and/or collecting of seeds of Monterey paintbrush plants</p>	Submit restoration plans to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to commencement of use.	