



County of Santa Cruz

PLANNING DEPARTMENT

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MITIGATION MONITORING AND REPORTING PROGRAM for Application No. 28372

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
Biological Resources				
BIO-1	<p>Conduct monarch butterfly surveys. During each proposed construction year, a qualified biologist will conduct autumnal and winter roost surveys, if work is scheduled to occur during monarch roost season (September through March). Surveys will occur beginning September 1. If no monarchs are detected, surveys will occur on a weekly basis until construction concludes for the year or until November 30 (when stable winter aggregates will have formed). If autumnal or winter roosts are present, the biologist will determine the protective buffer necessary to avoid impacts to the roost and develop a site-specific monarch butterfly roost management plan following the guidelines described in Xerces Society 2017.</p>	Applicant	Compliance monitoring by the County Planning Department	Autumnal and winter roost surveys during each construction year
BIO-2	<p>Implement Construction Related Protective Measures for California Red Legged Frog. The following protective measures for CRLF will be implemented for the duration of construction activities:</p> <ul style="list-style-type: none"> • Prior to the initiation of construction activities, a USFWS- and CDFW-approved biologist will prepare a construction monitoring plan that identifies all areas to be protected with exclusion fencing on a 1:1500 scale map (or similar scale determined to be practicable), and all areas requiring monitoring by a USFWS- and CDFW-approved biologist. • Prior to the initiation of construction activities, a USFWS-approved biologist will conduct an environmental training for all construction personnel. The training will include a description of CRLF and its habitat, measures to protect CRLF, and other sensitive wildlife species known or with potential to occur in the Project area and surroundings (sensitive and native nesting bird species, potential roosting bats species, and potential San Francisco dusky-footed woodrat). • If it is determined through consultation with USFWS that exclusion fencing (solid silt fencing) is necessary for minimizing impacts to CRLF, prior to the initiation of construction activities, the construction contractor will install exclusion fencing in specified areas along the Project boundaries, 2 feet below grade and 3 feet above grade, with wooden stakes at intervals of no more than 5 feet. The fence will be maintained in working order for the duration of construction activities. The USFWS-approved biologist or designated trained construction monitor shall inspect the fence daily and notify the construction foreman when fence maintenance is required. The fence will allow for wildlife passage across the Project area at intervals to be determined in conjunction with USFWS and CDFW. • Construction activities will take place during the dry season and before the first rain of the season, especially vegetation removal and work in or near aquatic features, including ditch wetlands. Work shall not take place at night or during rain events when special-status amphibians are generally more active. The Project contractor will consult weather forecasts from the National Weather Service at least 72 hours prior to performing work. 	Applicant	Compliance monitoring by the County Planning Department	Issuance of Biological Opinion by USFWS, protective measures in place, and daily monitoring during construction activities in areas with regulated waters and habitats

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	<ul style="list-style-type: none"> • Ground-disturbing activities in upland areas including clearing, grubbing, and grading shall not occur between November 1 and March 31, unless authorized by the USFWS, because that is the time period when CRLF are most likely to be moving through upland areas. • If the project seeks and obtains winter grading approval from the County and disturbance of upland areas between November 1 and March 31 is authorized by USFWS, measures to prevent CRLF from entering the Project area shall be implemented. These measures shall include installation of exclusion fencing and all other recommendations and conditions provided through consultation with USFWS. • Prior to commencement of construction, a Service-approved biologist(s) will identify suitable relocation sites for CRLF. If it is determined that individual CRLF must be relocated to avoid harm, a plan shall be developed in consultation with USFWS to relocate individual CRLF prior to initiation of disturbance in aquatic habitat. The biologist shall be given enough time to move the animals from the work site before ground disturbance is initiated. • A Service-approved biologist(s) shall be onsite during all activities that may result in take of the CRLF, to be determined at the discretion of the Service-approved biologist in consultation with USFWS. The approved biologist shall have the authority to stop work that may result in the "take" of a special-status species. If a CRLF is encountered during Project construction, the approved biologist shall be given enough time to move the animals from the work site to a designated relocation site. • The approved biologist will have the authority to stop work that may result in the "take" of a special-status species. • Capturing and handling CRLF is not permitted unless a project-specific Take Permit has been obtained from USFWS. • Only USFWS-approved biologists shall participate in activities associated with surveying, capturing, handling, and monitoring of CRLF. • The USFWS-approved biologist or construction monitor will check under all equipment for wildlife before use. If any special-status wildlife is observed under equipment or within the work area, the approved biologist will be permitted to handle and relocate it. • At the end of each work day, excavations will be secured with a cover, or a ramp installed to prevent wildlife entrapment. • All trenches, pipes, culverts or similar structures will be inspected for animals prior to burying, capping, moving, or filling the structures. 			
BIO-3	<p>Conduct Preconstruction Surveys and Construction Related Protective Measures for Avian Species. The following protective measures for avian species will be implemented for the duration of construction activities:</p> <ul style="list-style-type: none"> • The avian breeding season occurs between February 1 and September 15. To the greatest extent practicable, initiate non-native tree and ruderal vegetation removal activities outside of the breeding bird season to avoid direct harm or mortality to potential nesting bird species and other sensitive biological resources. • For all Project activities initiated during the breeding bird season, or if construction activities lapse for a period of two weeks or more during breeding bird season, a qualified biologist will conduct a breeding bird survey for nesting birds, including raptors. Surveys will be conducted within 15 days 	Applicant	Compliance monitoring by the County Planning Department	Prior to initiation of any phase of construction activity or two-week lapse in construction between February 1 and September 15

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	<p>prior to beginning Project activities and will include all work, staging, and access areas and a minimum buffer radius of 150 meters (or more as determined by the resource agencies). The survey will include potential habitat for raptors and sensitive and common nesting avian species known to occur within the Biological Study Area [arroyo willow riparian scrub, coastal scrub, eucalyptus grove (adjacent to the Seasonal Ponds), other non-native forest (adjacent to the Retention Pond), large cypress/eucalyptus groves, non-native grassland, and the Pre-heater Tower and Coal Mill buildings].</p> <ul style="list-style-type: none"> • If no nesting sensitive or common avian species are observed during breeding bird surveys no additional measures will be required. • If nesting birds are observed within vegetation proposed for removal, postpone vegetation removal activities until young have fledged to avoid direct harm or mortality of nesting birds. • Sensitive bird species, if nesting in or near the Project area, will be given special consideration and may require additional protective measures as determined through consultation with the relevant agency (USFWS or CDFW), such as protective buffers recommended in PG&E et al. 2015: <ul style="list-style-type: none"> ○ American peregrine falcon: 150 meters (500 feet) ○ Northern harrier, white-tailed kite, and other raptors: 90 meters (300 feet). ○ Olive-sided flycatcher and grasshopper sparrow: 25 meters (75 feet) ○ Allen's hummingbird: 15 meters (50 feet). • If the biologist determines that a smaller avoidance buffer will provide adequate protection for nesting birds, a proposal for alternative avoidance/protective measures, potentially including a smaller avoidance buffer and construction monitoring, may be submitted to USFWS and CDFW for review and approval prior to removal of vegetation, grading activity, or other use of heavy equipment. • If removal of vegetation, grading activity, or other use of heavy equipment stops for more than two weeks during the nesting season (February 1st - August 31st) a new survey shall be conducted prior to re-commencement of construction. 			
BIO-4	<p>Implement Construction Related Protective Measures for San Francisco dusky-footed woodrat. The following protective measures for San Francisco dusky-footed woodrat will be implemented for the duration of construction activities:</p> <ul style="list-style-type: none"> • Within one month prior to the onset of construction activities, a CDFW qualified biologist will conduct a preconstruction survey for woodrat houses, and clearly flag all houses within the construction impact area and immediate surroundings. • The construction contractor will avoid woodrat houses to the greatest extent feasible by installing a minimum 10-foot (preferably 25-foot) buffer with silt fencing or other material that will prohibit encroachment. If this buffer and avoidance is not feasible, the qualified biologist will allow encroachment into the buffer, but preserve microhabitat conditions such as shade, cover and adjacent food sources. • If avoidance of woodrat houses is not possible, in coordination with CDFW and County Environmental Planning staff, a qualified biologist will develop and implement a San Francisco dusky-footed woodrat Relocation Plan and the following conditions or conditions of a CDFW agreement shall be adhered to: <ul style="list-style-type: none"> ○ Prior to house disturbance, the biologist shall obtain from CDFW a scientific collection permit for the trapping of the dusky-footed wood rats. 	Applicant	Compliance monitoring by the County Planning Department	Prior to initiation of construction activities

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	<ul style="list-style-type: none"> ○ Houses shall be disturbed/dismantled only during the non-breeding season, generally between late summer and early fall, as determined in consultation with the project biologist and CDFW.. ○ If trapping is utilized as part of the relocation plan, prior to house disturbance, wood rats shall be trapped at dusk of the night set for relocation of the nest(s). ○ Any existing house that may be disturbed by construction activities shall be mostly dismantled and the material spread in the vicinity of identified house relocation site(s). ○ In order to avoid the potential health effects associated with handling rodents and their milieu, all workers involved in the handling of the wood rats or the house materials should wear protective gear to prevent inhalation of contaminant particulates, contact with conjunctiva (eyes), and protection against flea bites; a respirator, eye protection and skin protection should all be used. ○ Dismantling shall be done by hand, allowing any animals not trapped to escape either along existing woodrat trails or toward other available habitat. ○ If a litter of young is found or suspected, house and nest material shall be replaced, and the house left alone for 2-3 weeks before a recheck to verify that young are capable of independent survival before proceeding with house dismantling. ○ Woody debris shall be collected from the area and relocated houses shall be partially constructed in an area determined by the qualified biologist to be both suitable for the wood rats and far enough away from the construction activities that they will not be impacted. ○ If trapping is utilized as part of the relocation plan, rats that were collected at dusk shall be released hours before dawn near the newly constructed nests to allow time for rats to find refuge. 			
BIO-5	<p>Implement Construction Related Protective Measures for Bats. The following protective measures for bats will be implemented throughout the duration of construction activities.</p> <ul style="list-style-type: none"> ● To the greatest extent feasible, conduct limbing/tree removal operations between September 15 and November 1 to avoid bat maternity roosts and winter hibernacula, as well as other sensitive biological resources. ● To avoid impacts to potential roosting bats, a qualified biologist shall conduct a pre-construction survey for bats during all months as follows: <ul style="list-style-type: none"> ○ A qualified biologist will determine if bats are utilizing the Project area where construction activities would occur, or adjacent trees/snags/buildings for roosting. For any trees/snags/buildings that could provide roosting space for cavity or foliage-roosting bats, potential bat roost features will be thoroughly evaluated to determine if bats are present. Visual inspection and/or acoustic surveys will be utilized as initial techniques. If roosting bats are found, the biologist will develop and implement acceptable passive exclusion methods in coordination with or based on CDFW recommendations. If feasible, exclusion will take place during the appropriate windows (September 15 and November 1) to avoid harming bat maternity roosts and/or winter hibernacula. (Authorization from CDFW is required to evict winter hibernacula for bats). ○ If established maternity colonies are found, in coordination with CDFW, a buffer will be established around the colony to protect pre-volant young from construction disturbances until the young can fly; or implement other measures acceptable to CDFW. 	Applicant	Compliance monitoring by the County Planning Department	Prior to initiation of any phase of construction

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	<ul style="list-style-type: none"> ○ If a tree is determined not to be an active roost site for roosting bats, it may be immediately limbed or removed as follows: <ul style="list-style-type: none"> ● If foliage roosting bats are determined to be present, limbs will be lowered, inspected for bats by a bat biologist, and chipped immediately or moved to a dump site. Alternately, limbs may be lowered and left on the ground until the following day, when they can be chipped or moved to a dump site. No logs or tree sections will be dropped on downed limbs or limb piles that have not been in place since the previous day. ○ If the tree is not limbed or removed within four days of the survey, the survey efforts shall be repeated. 			
BIO-6	<p>Implement Construction Related Protective And Replacement Measures For Coastal Scrub Habitat. The following protective and replacement measures for coastal scrub habitat will be implemented throughout the duration of construction activities.</p> <ul style="list-style-type: none"> ● Construction equipment will be staged in ruderal and developed areas only and, to the greatest extent feasible, equipment will access the ditch system from the south side in ruderal and developed habitat. ● Coastal scrub habitat will be fenced off to prevent encroachment from construction related equipment and materials, and the construction footprint adjacent to this habitat will be minimized to the greatest extent practicable. ● Permanent impacts to coastal scrub will be mitigated through replacement at a 3:1 ratio in suitable upland locations east of the Seasonal Ponds, east of the North Pond, and along the top of the embankment to No-Name Creek where poison hemlock currently dominates the area. Plantings will consist of locally-sourced native coastal scrub plantings (such as coastal sage brush, coffeeberry, coyote bush, California blackberry, California wild rose, and lizard tail) in accordance with the Mitigation and Management Plan required by Mitigation Measure BIO-8. ● Where temporary impacts to coastal scrub occur, the area will be allowed to resprout from stumps and roots and will be re-vegetated, as needed, with locally-sourced native coastal scrub plantings (as listed above for permanent impacts) in accordance with the Mitigation and Management Plan required by Mitigation Measure BIO-8. Adjacent non- native grassland and ruderal habitats may also be planted with coastal scrub vegetation, where appropriate, to support the revegetation of this habitat. 	Applicant	Compliance monitoring by the County Planning Department	Approval of Mitigation and Management Plan, and protective measures in place prior to initiation of construction activities in areas with regulated waters and habitats; Revegetation prior to project completion; Post project monitoring

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BIO-7	<p>Implement Construction Related Protective and Replacement Measures for Arroyo Willow Scrub Habitat. The following protective and replacement measures for arroyo scrub habitat will be implemented throughout the duration of construction activities.</p> <ul style="list-style-type: none"> To the greatest extent feasible, minimize removal of arroyo willow scrub and protect the remaining habitat from construction activities through installation of protective fencing. At a minimum, the Project will result in no net loss of arroyo willow scrub habitat. Replace arroyo willow scrub at a ratio to be determined by the County and other state and federal agencies in accordance with the Mitigation and Management Plan required by Mitigation Measure BIO-8. To mitigate for permanent impacts, arroyo willow pole cuttings will be planted in other suitable locations within and immediately adjacent to the Project area as described in the Mitigation and Management Plan: along the southwestern corner of the North Pond, at the outfall structure from the North Pond bypass pipe to No-Name Creek, on the northern side of the proposed mitigation seasonal willow pond in the remediated coal storage area, and along the western edge of the “frog swale”, a feature located west of the wastewater treatment pond immediately west of the Project boundary area within CEMEX property. . Where temporary impacts to arroyo willow scrub occur, the area will be allowed to resprout from stumps and roots, through natural recruitment, and will be re-vegetated, as needed, with locally-sourced willow pole cuttings in accordance with the Mitigation and Management Plan required by Mitigation Measure BIO-8. 	Applicant	Compliance monitoring by the County Planning Department	Approval of Mitigation and Management Plan, and protective measures in place prior to initiation of construction activities in areas with regulated waters and habitats; Revegetation prior to project completion; Post project monitoring
BIO-8	<p>Implement Protective and Replacement Actions for Jurisdictional Wetlands And Waters of The U.S. Implementation of the following measures would minimize potential temporary and permanent impacts on jurisdictional wetlands and waters of the U.S.</p> <ul style="list-style-type: none"> Avoid or minimize disturbance to wetlands, aquatic features (ponds), as well as to other sensitive habitats (coastal scrub, arroyo willow scrub, and edge habitats) through the installation of construction fencing around staging and work areas, and access routes, outside of which no activities would occur and no materials would be stored. The construction fencing will be placed in accordance with the stages of work being implemented in specific areas throughout the Biological Study Area, as feasible, to allow a corridor for wildlife movement along the southern boundary of the Project area. Where feasible, avoid grubbing and construction within 100 feet of the edge of wetlands, ponds, and No-Name Creek, per the County of Santa Cruz General Plan/LCP and Sensitive Habitats Ordinance. Restrict access roads that must enter into aquatic features to one location, and minimize the area of impact that results from these access roads to the greatest extent feasible. Construct a replacement seasonal wetland at a ratio of 3:1, as included in the Closure Plan. A shallow mitigation feature of approximately 0.7 acre would be excavated along (outside of) the eastern fringe of the Seasonal Ponds, planted with locally sourced native wetland vegetation, including, but not limited to, a seed mix composed of California oat grass, Mediterranean barley, and seep monkey flower; plugs of spreading rush and Pacific rush; and stakes of arroyo willow, where applicable. 	Applicant	Compliance monitoring by the County Planning Department	Authorization by USACE, approval of Mitigation and Management Plan, and protective measures in place prior to initiation of construction activities in areas with regulated waters and habitats; Wetland mitigation and revegetation prior to project completion; Post project monitoring

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	<ul style="list-style-type: none"> • As detailed in the Mitigation and Management Plan, to mitigate for permanent impacts to aquatic habitat in the Seasonal Ponds, develop a replacement seasonal willow pond in the coal storage area north of Retention Pond. To mitigate for permanent impacts to riparian and poison oak wetlands, the northern portion of the mitigation pond will be planted with riparian wetland plantings and willow pole cuttings. Container plants and/or willow pole cuttings will also be planted along the northern margin of the Retention Pond, in the wetland fringe east of the Seasonal Ponds, along the southwestern corner of the North Pond, at the outfall structure from the North Pond Bypass Pipe to No-Name Creek, and along the western edge of the "frog swale", a feature located west of the wastewater treatment pond immediately west of the project boundary area within CEMEX property. In addition to arroyo willow pole cuttings, plantings will consist of locally-sourced native riparian plantings including red elderberry, beaked hazelnut, California blackberry, and coffeeberry, as well as those wetland species listed above. Develop and implement a Mitigation and Management Plan that will include the following: <ul style="list-style-type: none"> ○ Planning mitigation strategies with regulatory agencies, including the County of Santa Cruz, CDFW, the Water Board, and USFWS. ○ Developing a description of the Project, including acreages of temporary and permanent impacts to palustrine emergent wetlands, Coastal Act wetlands (arroyo willow scrub), and aquatic features (ponds), as identified in the formal delineation of jurisdictional wetlands and other waters of the U.S. ○ Goals of the compensatory mitigation project, including types and areas of wetland and aquatic habitat to be created, restored, and/or enhanced, and mitigation ratios (created/restored/enhanced : impacted). ○ Disturbed areas of coastal scrub habitat and arroyo willow riparian scrub habitat shall be restored at a 3:1 ratio. ○ Identifying the location and acreage of wetland and riparian mitigation areas, including size and ownership status. ○ Detailing wetland and aquatic construction and planting techniques. ○ Species, size, and locations of all restoration plantings. These plantings shall occur at sizes and ratios determined by the restoration specialist to adequately restore native habitat while maximizing plant health and survivability of individual trees and shrubs. ○ Information regarding the methods of irrigation for restoration plantings. ○ Replacing all non-native tree and shrub vegetation with native, locally-sourced vegetation. ○ Describing and designing of habitat requirements for special-status wildlife, including CRLF, potentially occupying wetland and aquatic habitats. ○ Identifying maintenance activities that will occur during the monitoring period, including replanting native wetland and riparian vegetation and weed removal that will not result in take of CRLF. ○ Producing long-term quantitative and qualitative monitoring and reporting, and documenting the ability of the areas to meet or surpass performance 			

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	<p>criteria.</p> <ul style="list-style-type: none"> ○ 5-year management plan for maintenance and monitoring of restored areas to maintain 100% survival of installed container stock in year 1, 90% survival rate in year 2, and at least 80% survival in years 3-5. Replacement plants shall be installed as needed during the monitoring period to meet survival rates. Annual reports shall be submitted to the County Planning Department by December 31 of each monitoring year. ○ Developing adaptive management strategies to ensure the long-term viability of mitigation areas. ○ Developing strategies to protect remaining wetland and aquatic/riverine habitats. 			
Cultural Resources				
CR-1	<p>Conduct Awareness Training and Stop Work in the Event of Unexpected Occurrence of Cultural or Historic Resources During Construction. Prior to the onset of construction activities at the Cement Plant, a qualified archaeologist (who meets the Secretary of the Interior's Professional Qualifications Standards as promulgated in 36 CFR 61 and who has experience with precontact, historic period, and tribal resources) shall be present at the construction site to conduct awareness training. The aware training will inform the construction crew of historic activities that may result in the presence of cultural or historic resources throughout the Project area, and will provide photographic examples of the types of resources that may be found.</p> <p>Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed. If previously unknown cultural or historic resources are encountered, an archaeological report must be prepared by a qualified professional archaeologist and no further excavation or development may take place except as authorized by an archaeological site development approval. The archaeologist will work to determine the extent of the materials encountered and develop an appropriate course of action. Such actions may include identifying alternative construction methodologies or the placement of Project materials/structures in alternative locations, with the ultimate goal of providing the ability for the project to move forward while protecting the resources in place.</p>	Applicant	Compliance monitoring by the County Planning Department	Prior to initiation of construction activities and if cultural or historic resource discovered during construction
CR-2	<p>Stop Work in the Event of Unexpected Occurrence of Human Remains During Construction. If human remains and/or associated/or unassociated funerary objects are discovered during ground disturbing activities, construction crews will stop work and immediately notify the Santa Cruz County Coroner, the Planning Director, and a qualified archeologist, in accordance with applicable local and State laws. In the event that the Coroner determines that the human remains are Native American, the County will notify the Native American Heritage Commission (NAHC) according to the requirements in PRC Section 5097.98. NAHC will appoint a Most Likely Descendent (MLD). A qualified archeologist, County and MLD will make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]). The agreement will take into consideration the appropriate preservation measures, with the</p>	Applicant	Compliance monitoring by the County Planning Department	If human remains discovered during construction

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	<p>preference to preserve all resources intact and in place. The County will work with RMC Pacific Materials, LLC to develop an alternative pipeline route, or excavate, remove, record, analyze, take custody of, and finally respectfully dispose of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters.</p>			

Geology and Soils

<p>GEO-1</p>	<p>Stop Work in the Event of Unexpected Paleontological Resources or Unique Geological Features During Construction. If paleontological resources or unique geologic features are discovered during soil-disturbing activities, the construction crew will stop work and immediately notify the County Planning Director and a qualified paleontologist. The procedures established in Santa Cruz County Code Section 16.44.070, shall be observed. A paleontological resource or fossil is any evidence of ancient life preserved in a geologic context (e.g., leaves, bones, teeth, shells). A paleontologist will inspect the discovery and determine whether further investigation is required. If the discovery can be avoided, no further mitigation will be required. If the resource cannot be avoided, the qualified paleontologist will evaluate the resource and determine whether it meets the definition of “unique”. If the resource is determined to not be unique, work may continue in the area. If the resource is determined to be unique, work will remain halted, and a preservation or recovery plan will be prepared. Preservation in place is the preferred protective measure. If preservation in place is not possible, resources and/or fossils will be recovered, prepared, identified, catalogued and analyzed according to current professional standards under the direction of the qualified paleontologist. Work may commence at the time of completion of the treatment. A final summary report will be completed and submitted to the County. The report will include a discussion of the methods used, stratigraphy exposed, fossils collected, and the significance of the recovered fossils. The report will also include an itemized inventory of all the collected and catalogued fossil specimens.</p>	<p>Applicant</p>	<p>Compliance monitoring by the County Planning Department</p>	<p>If paleontological resources or unique geological features discovered during construction</p>
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