

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	ISSUES/OPPORTUNITIES/CONSTRAINTS.....	2
	Open Space	2
	Biological Resources.....	2
	Water Resources and Water Quality	3
	Agriculture, Grazing, and Timber	4
	Mineral Resources.....	5
	Energy Resources.....	5
	Geothermal Resources	5
	Hydroelectric Resources	6
	Solar and Wind Energy Resources.....	6
	Other Energy Sources	6
	Electrical Transmission and Fluid Conveyance Pipelines	6
	Energy Conservation	6
	Visual Resources.....	7
	Outdoor Recreation	7
	Cultural Resources	8
	Public Health and Safety	8
III.	POLICIES.....	10
	OPEN SPACE	10
	BIOLOGICAL RESOURCES	12
	WATER RESOURCES AND WATER QUALITY	18
	AGRICULTURE, GRAZING, AND TIMBER.....	27
	MINERAL RESOURCES.....	31
	ENERGY RESOURCES	37
	VISUAL RESOURCES.....	52
	OUTDOOR RECREATION	59
	CULTURAL RESOURCES	63
	PUBLIC HEALTH AND SAFETY	68
	APPENDIX A: Draft Resource Extraction Zoning District and Draft Reclamation Ordinance	71

I. INTRODUCTION

Mono County's Conservation/Open Space Element is a combination of mandatory General Plan Elements: the Conservation Element and the Open Space Element.

State law (Government Code § 65302 (d)) requires the Conservation Element to include policies for the conservation, development, and utilization of natural resources including water, forests, soils, rivers, lakes, fisheries, wildlife, minerals, and other natural resources. The Conservation Element may also address:

- 1 The reclamation of land and water;
- 1 Prevention and control of the pollution of streams and other waters;
- 1 Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan;
- 1 Prevention, control, and correction of the erosion of soils, beaches, and shores;
- 1 Protection of watersheds;
- 1 The location, quantity, and quality of the rock, sand, and gravel resources; and
- 1 Flood control.

The Open Space Element is the County's open space plan. Open space is defined in Government Code § 65560 as any parcel or area of land or water which is essentially unimproved and devoted to an open space use and which is designated in an open space plan for one or more of the following reasons:

- to provide outdoor recreation;
- to preserve natural resources;
- to manage production of resources; and
- to provide for public health and safety.

This element serves as the County's Open Space Plan and contains policies to designate lands for open space uses.

An inventory of the County's resources (the **Master Environmental Assessment** or **MEA**) is the foundation of the Conservation/Open Space Element. The goals, objectives, policies, and actions in this element are based upon information in the **MEA**. The Conservation/Open Space Element opens with an overall Open Space Goal which is followed by goals, objectives, policies, and actions for the following nine resource areas:

- | | |
|------------------------------------|---------------------------|
| Biological Resources; | Visual Resources; |
| Water Resources and Water Quality; | Outdoor Recreation; |
| Agriculture, Grazing, Timber; | Cultural Resources; and |
| Mineral Resources; | Public Health and Safety. |
| Energy Resources; | |

II. ISSUES/OPPORTUNITIES/CONSTRAINTS

Open Space

1. Approximately 94 percent of the land in Mono County is publicly owned; approximately 88 percent of the public land is federally owned. Public lands in the county are managed by the Forest Service, the Bureau of Land Management, the State Department of Fish and Game, the State Lands Commission, and the Los Angeles Department of Water and Power (DWP). Much of the federal land is managed as open space by the Toiyabe and Inyo National Forests and the Bureau of Land Management in order to provide outdoor recreation opportunities, grazing opportunities, and timber production areas, and to protect the natural resources. The County has no planning authority on those lands. Much of the land owned by the Los Angeles Department of Water and Power also remains open space in order to protect watershed values. DWP lands are used for grazing and outdoor recreation. The County does have planning authority on those lands.

2. Since such a great percentage of the land in the County remains open space and since the County has no direct authority over much of that land, one of Mono County's main concerns about open space is coordinating county policies with the land use policies of the agencies managing the public lands. The County is also concerned about the impacts of federal open space policies on county resources.

3. The open space value of lands owned by the DWP and the Walker River Irrigation District (WRID) is a major concern. Much of that land was acquired for watershed protection and remains essentially open space. It includes wetlands, riparian habitat, and land adjacent to and visible from scenic highways.

4. Open space within community areas for parks and recreational use is a concern. All of the communities in the County have existing park sites, but the extent and type of facilities at those sites vary. The Long Valley area also has a regional park facility at Whitmore which is shared with the Town of Mammoth Lakes. Existing facilities in some communities need to be expanded and/or improved to serve the existing population. Increased population throughout the County will require increased community recreational facilities. One facility that is not available in most communities is a trail system for walking, biking, equestrian, and cross-country ski use. Most communities in the county are interested in developing local trail systems.

5. Various areas in Mono County are subject to a variety of natural hazards, including floods, fire, avalanches, and geologic hazards. The protection of those areas as open space is a valuable method of protecting people and property from the potential impacts of those hazards.

Biological Resources

1. Mono County's fish and wildlife populations and plant communities contribute substantially to the tourist-based economy, to recreation, and to aesthetic enjoyment of the County's resources. These resources are important not only for their direct and indirect benefits to residents and visitors but also for their inherent ecological value.

2. The biological resources in the County contribute to the local economy in several ways. Fishing, hunting, sightseeing, numerous recreational activities, timber production, agriculture and grazing are all directly dependent on the natural resources in the County, including flora and fauna and water.

3. The protection and enhancement of natural habitats is a critical element in preserving and restoring the long-term existence of local wildlife. Riparian woodlands, wetlands, migration corridors, and wintering and summering grounds are recognized as critical, highly localized wildlife habitat. Increased recreational use in the County and increased development, particularly in areas outside of existing community areas, creates potential impacts to the long-term sustainability of fish and wildlife populations and plant communities through degradation of resources and increased conflicts between wildlife and humans.

4. The cumulative impacts of increased development and recreational usage on natural habitats and local wildlife is a major concern. The Forest Service is in the process of conducting a cumulative impact study in the area between Mammoth Lakes and June Lake to assess the potential impacts of future development in that area. The cumulative impacts of development on deer herds are a concern throughout the County.

5. Resource management agencies have given special status to a number of plant and animal species which are known or expected to occur in the County. In addition, a number of locally significant species have been identified. The protection of these species is a concern.

6. A number of agencies are involved in wildlife resource management in the County, including the Forest Service, the Bureau of Land Management, the California Department of Fish and Game, and the U.S. Fish and Wildlife Service. Each of these agencies has jurisdiction over certain aspects of the protection and enhancement of wildlife habitat and local wildlife populations. The County must work with these agencies and other agencies which are responsible for other areas of resource management, such as the Soil Conservation Service and the U.S. Army Corps of Engineers.

Water Resources and Water Quality

1. Water is a highly valued resource in Mono County. Rivers, streams, lakes, and aquifers supply water for domestic, agricultural, and recreational uses, support abundant wildlife and fisheries, and are an important aesthetic component of the local landscape. As an example, Crowley Lake serves as a reservoir for the City of Los Angeles, provides habitat for fish and wildlife, and provides a variety of recreational opportunities. Water resources in Mono County have been heavily impacted over the years by the export of large volumes of water for use outside the County, a practice that has been detrimental to local water users and the natural environment within the County. The potential for future export, particularly of groundwater, is a continuing concern.

2. Water for future development is a concern. Four communities have community water systems--Bridgeport, Mono City, Lee Vining, and June Lake. Other areas in the county are served by a variety of mutual water companies, small private systems, and wells. Existing water rights are in some cases inadequate for future expansion and additional surface water is becoming impossible to obtain due to concerns about in-

stream and water-dependent resources. Inadequate and insufficient data about many groundwater resources hinders projections on meeting future demand from those sources. ***Potential off-site impacts on natural resources as a result of groundwater extraction are also a concern.*** In addition, wells for existing development are running dry in some areas; pumping new and deeper wells is expensive.

3. The availability of water for future development is also affected by new requirements concerning water quality. Existing community water systems that do not meet the standards set by the Lahontan Regional Water Quality Control Board will have to update their systems. The cost of doing so may inhibit the ability of those systems to provide additional water for future development. In areas that do not currently have community systems, the Lahontan RWQCB will require a community system when a certain level of development is reached. The cost of installing and maintaining a system may preclude additional development in areas which are currently served by wells or small private systems.

4. Four communities have community sewer systems--Bridgeport, Lee Vining, June Lake, and Hilton Creek. Other areas are served by septic systems. Septic disposal requirements imposed by the Lahontan RWQCB affect the development potential in some areas. In areas that do not currently have sewer systems, the Lahontan RWQCB will require a community sewer system when a certain level of development is reached. The cost of installing and maintaining a system may preclude additional development in areas which are currently served by septic systems.

5. The County's current good water quality may be affected by land management practices, sewage disposal, construction practices, solid waste disposal, and road maintenance techniques. There is a concern in some areas about the potential impacts of increased stormwater runoff resulting from increased development. Potential impacts include increased streamflows, siltation, erosion, loss of aquatic habitat, and impacts to roads.

Agriculture, Grazing, and Timber

1. Livestock grazing (cattle and sheep) is an historic use in the County and one which contributes to the rural character of the area and to the area's scenic appeal. Much of the land used for grazing is federally owned. ***DWP lands are also leased for grazing. In July of 1992, approximately 500 acres on lower McGee and Convict Creeks were involved in a range and riparian fencing project aimed at enhancing and monitoring range and riparian habitat improvement.***

2. Agricultural land contributes to the area's scenic appeal as well as to the county's economy. Preservation of agricultural and grazing land can provide important open space, especially where there are pressures to develop intensively. Agricultural uses in the County include alfalfa production in Antelope Valley and Tri-Valley (mostly in Hammil Valley), a seed potato operation in Benton, and a virus-free strain of garlic. Land throughout the County is used for pastureland, including land in Antelope Valley, Bridgeport Valley, Long Valley, and Tri-Valley. Some areas, such as the Hammil Valley, are experiencing conflicts between agricultural uses and non-agricultural uses, primarily residential development. The desire for increased residential development and smaller lot sizes in those areas conflicts with the need to maintain larger lot sizes for viable agricultural operations. The continued viability of agricultural uses in the County is also endangered by the rising cost of pumping groundwater for irrigation.

3. The County has no Williamson Act contracts. The Mono County Zoning and Development Code provides for Exclusive Agricultural zoning which has the same effect as a Williamson Act contract. The use of this zoning district is limited to land in the Bridgeport Valley.

4 Except for fuelwood cutting, timber is rarely harvested commercially on private lands in the County and is a minor economic resource. Timber is harvested commercially on federal lands; that harvest is regulated by federal timber policies. Timber harvesting on private lands is regulated by the California Department of Forestry (CDF).

Mineral Resources

1. Mono County has significant mineral resources within its boundaries. While the extraction of mineral resources is essential to the needs of society and contributes to the economy of Mono County, there is continuing concern over whether mineral resources should be developed, and, if development does occur, how to ensure that it will not cause significant adverse environmental impacts. Mono County may be preempted from imposing land use regulations on State or Federal lands, however, mining activities on State or Federal lands must comply with County environmental regulations.

2. The Surface Mining and Reclamation Act of 1975 (SMARA) stipulates that local governments must plan for the conservation and development of identified significant mineral resource deposits and provide for the reclamation of mined lands. The intent of SMARA is to assure that "the production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment" (SMARA, Section 2712 (b)). While local jurisdictions are required to address the conservation and development of mineral resources as one factor in their land use planning, SMARA does not dictate land use policy. SMARA also requires the adoption of reclamation plans for active mining operations.

Energy Resources

1. Mono County has significant renewable energy resources within its boundaries. These include geothermal, hydro power, solar and wind energy. Issues have arisen and will continue to arise as to whether these resources should be developed, and, if development does occur, how assurances can be made that it will not cause significant adverse effects on the environment.

Geothermal Resources

The principal issues faced by Mono County regulatory authorities during the administrative proceedings accompanying the applications for existing geothermal permits involved the question of whether geothermal operations would affect the fumaroles and geothermally influenced pools, streams and springs in the Casa Diablo area, including Hot Creek Fish Hatchery and Hot Creek Gorge. These geothermal features are significant resources in their own right, independent of any economic value they may have. The thermally influenced springs are also factors in the productivity of the Hot Creek Fish Hatchery. Considerations of air quality impacts and public health

and safety are extremely important for the use of these resources, as well as potential impacts to visual, biologic, and water resources.

Hydroelectric Resources

Surface waters in Mono County provide valuable habitat for aquatic, terrestrial and insect species as well as enhancing the visual quality of the surrounding landscape. The protection of these waters is of paramount importance, both for the sustenance of the biota which are directly or indirectly dependent on such resources, and for the support of the recreational economy which is based on those resources. Certain streams in Mono County flowing east from the Sierra Nevada are already extensively diverted for hydroelectric power or to supply water for export. The environmental damage done by water diversions to riparian plant communities, wildlife, fisheries, and recreational and visual resources can be severe. County policies are directed toward restoring damage which has already occurred, preventing additional damage from occurring, and minimizing unacceptable change to stream environments.

Solar and Wind Energy Resources

Structures necessary to capture sufficient amounts of solar radiation or wind energy usually cover large areas. Wind mills and wind turbines must be relatively tall to function properly. Therefore, the major impacts of using solar and wind energy resources include visual resource degradation and the potential for increased soil erosion and sediment transport from those solar energy sites which require extensive grading and the removal of trees and other mature vegetation which results in habitat destruction for wildlife. Power generation facilities using wind energy can be very noisy as well.

Other Energy Sources

There are a variety of other energy sources used to generate electricity which could be proposed for development in Mono County. Although it is unlikely that such projects would be economically feasible, other energy sources used for power generation could include waste, nuclear energy, and fossil fuels such as coal and natural gas. Considerations of air quality impacts and public health and safety are extremely important for the use of these resources, as well as potential impacts to visual, biologic, and water resources.

Electrical Transmission and Fluid Conveyance Pipelines

Electrical transmission lines and fluid conveyance pipelines (including gas pipelines) can be highly visible elements in the landscape if they are not routed and constructed carefully. Because of their linear nature and the need for access, not only for construction but for routine maintenance, the placement of transmission lines and pipelines often is not only conspicuous, but can contribute to erosion, water quality degradation, and loss of wildlife habitat.

Energy Conservation

Energy conservation can save consumers money, reduce air pollution from fossil fuel generation and fuel burning, improve the use of resources, and reduce the need for energy production and transmission facilities. It is to the benefit of Mono County and its residents to pursue energy conservation and to use readily available alternative energy resources when such use is environmentally acceptable.

Visual Resources

1. Outstanding scenery is one of Mono County's significant attributes. The County's scenic beauty and dramatic vistas, relatively untouched by civilization, attract tourists and recreationists, and are valued by residents.
2. Mono County's landscape is highly sensitive to manmade changes. Major issues to be addressed in protecting and enhancing visual resources in Mono County are protecting views from major travel routes and recreation destinations; improving the opportunity for visitors to view spectacular scenery (e.g. by providing additional turnouts and scenic vista points); designing community and manmade structures to blend in and be compatible with the surrounding environment; and coordinating scenic policies of local and federal agencies so that they complement each other.
3. Mono County participates in the State Scenic Highways Program. Two areas in the County are state designated scenic highways and there are numerous roads designated as county scenic highways. The BLM and the Forest Service participate in the National Scenic Byways Program. ***State Route 120 West, Lee Vining Canyon, and Forest Road 4S01 to the Patriarch Grove of ancient bristlecone pines have both been designated as National Scenic Byways.***
4. The visual impacts of utility corridors and overhead utility lines have become an issue both in community areas and in undeveloped areas. The Public Utilities Commission (PUC) regulates transmission lines; the County has authority over some distribution lines. The Mono County Zoning and Development Code (MCZDC) currently requires underground utility lines unless certain findings can be made and a use permit is approved for overhead lines.
5. The MCZDC provides for design review in community areas through the implementation of a Design Review District. Currently, there is one Design Review District in the County in the Wheeler Crest Planning Area. The intent of this district is to maintain and enhance the aesthetic qualities of community areas. Similarly, the Scenic Combining zoning district is intended to minimize the visual impacts of development in scenic areas outside of communities, especially in areas adjacent to and visible from designated scenic highways and other important scenic areas.

Outdoor Recreation

1. ***Natural resource based*** outdoor recreation is and will continue to be the foundation of Mono County's economy. Maintaining the high quality of local recreation facilities and opportunities is a major goal ***requiring the preservation and enhancement of high quality natural resources.*** Recreation issues involve providing community recreation facilities for residents; providing sufficient recreation facilities outside of community areas for both residents and visitors; providing connections and trail links between communities and various recreation areas; using existing recreation areas and facilities more efficiently; and ensuring that the type of recreation use, where it is located, and when it is developed corresponds to the County's ability to support it with visitor accommodations and services.
2. Since much of the recreation in the County takes place on federal lands, it is the federal land management agencies (Forest Service and BLM) that develop policies and facilities for the recreational use of that land. The County needs to coordinate with federal recreational policies, in order to avoid duplication of services and to maximize

recreational opportunities in the County. Participation in CURES, the Coalition for Unified Recreation in the Eastern Sierra, offers an opportunity for coordination in providing recreational opportunities while protecting the environment.

Cultural Resources

1. Mono County's cultural heritage is a rich and valuable resource. Excellent examples of Native American, mining, ranching, and recreational settlements exist in the County and several sites are nationally known. ***In Mono County, cultural resources include buildings, sites, structures, objects and districts of interest to Mono County, the region, California and the nation. The term "cultural resources" includes both archaeological and historical resources.***

2. Despite cultural resource planning efforts at the federal, state, and local levels, a large number of cultural resources outside of settled communities remain uninventoried and without any type of preservation or protection. The chance that these resources will remain intact is diminishing rapidly. Ignorance, economic pressures, and increased development and recreational use contribute to the ongoing damage sustained by the County's cultural resources.

3. As is true for all of the County's resources, most of the cultural resources in the County are found on public lands. There are extensive federal and state laws governing the protection of cultural resources, both archaeological and historical. The Forest Service and the BLM have policies governing their implementation of these laws. The federal land management agencies also have inventories of cultural resources on their property.

4. There are several museums in the County, numerous historic sites, and numerous archaeological sites. The Native American groups in the area are active in cultural resource preservation, as are the museums, the Forest Service, and the BLM. There is an opportunity to coordinate these efforts.

Public Health and Safety

1. Public Health and Safety issues in Mono County focus on air quality, water quality, noise levels, protection from hazardous materials and waste, and protection from natural hazards. Air quality is addressed in this section of the Conservation/Open Space element; water quality is addressed in the Water Resources section of the Conservation/Open Space element; noise is addressed in the Noise Element; hazardous materials and waste are addressed in the Hazardous Waste Management Element; and protection from natural hazards is addressed in the Safety Element.

2. One of the County's most valuable resources is its good air quality. With the exception of suspended particulate (PM₁₀), ambient air quality standards established to protect the public from health effects are rarely exceeded. High ambient levels of PM₁₀ are the most severe air quality problem in the County; ambient standards are exceeded relatively frequently. While excesses of ambient ozone (O₃) standards are still infrequent, ambient O₃ levels appear to be increasing which raises the possibility of a greater number of excesses in the future. Geothermal resource development generates hydrogen sulfide (H₂S) and reactive organic compounds (ROC) emissions. The H₂S can

cause local health and odor problems while the ROC can contribute to regional O₃ levels.

3. The Great Basin Unified Air Pollution Control District (GBUAPCD) regulates air quality in the area and establishes standards for the area. Currently, the GBUAPCD is focusing its efforts in Mono County on Mammoth and the Mono Basin. Mammoth has established regulation to control woodburning emissions as part of its plan to meet the GBUAPCD's standards. Similar regulations may be applicable in other areas of the county, such as June Lake. There is also the potential in some areas such as June Lake for increased transit services to reduce emissions in order to meet the GBUAPCD's standards.

III. POLICIES

OPEN SPACE

GOAL

To preserve natural open space resources which contribute to the general welfare and quality of life for residents and visitors in Mono County and to the maintenance of the county's tourism economy.

OBJECTIVE A

Preserve existing open space.

Policy 1: Concentrate development in existing communities in order to preserve large expanses of open space.

Action 1.1: Implement policies in the Land Use Element that promote development in existing communities.

Policy 2: Outside of existing communities, cluster development in order to maximize open space.

Action 2.1: Implement policies in the Land Use Element that limit development outside of existing communities.

Policy 3: Maintain large lot sizes in agricultural areas in order to protect agricultural uses.

Action 3.1: Avoid conversion of lands currently used for agricultural production to non-agricultural use, unless such a conversion could enhance other critical resource values.

Policy 4: Designate undeveloped lands owned by out of county agencies such as the Los Angeles Department of Water and Power (DWP), and the Walker River Irrigation District (WRID), or by utility entities such as Sierra Pacific Power Company, and Southern California Edison (SCE) as "Open Space" ("OS") or "Agriculture" ("A") in the Land Use Element. Exceptions to this policy may include lands adjacent to community areas needed for community uses, or lands outside community areas needed for public purposes.

Policy 5: Restrict development in areas which are constrained by natural hazards, including but not limited to, flood, geologic hazards and avalanche hazards.

Action 5.1: Implement policies contained in the Safety Element.

Policy 6: Coordinate policies in the County General Plan with policies in the Forest Service's Land and Resource Management Plans for the Inyo and Toiyabe

National Forests and the BLM's Resource Management Plan in order to coordinate open space programs.

Policy 7: Implement policies in other sections of the general plan relating to preservation of open space.

OBJECTIVE B

Investigate methods of preserving additional open space.

Policy 1: Work with appropriate agencies, organizations, and individuals to preserve additional open space permanently.

Action 1.1: Keep current on land acquisition and disposal plans and activities of federal **and state** land management agencies and the DWP in order to achieve a coordinated effort to preserve and maintain open space.

Action 1.2: During the Specific Plan and subdivision processes, consider conditions of approval such as the use of open space, conservation, and scenic easements; the dedication of open space by project sponsors; the use of deed restrictions which require setbacks and the preservation of natural vegetation and wildlife habitat, **cultural resources and recreational values**; or other provisions which preserve the open space values of an area.

Action 1.3 Investigate the use or expansion of the Land Conservation Act of 1965 (the Williamson Act) to preserve open space and agricultural uses of land.

Action 1.4: Investigate the use of the County's power of eminent domain where appropriate for health and safety reasons.

Action 1.5: Consider full fee acquisition by the County through purchase at fair market value.

Action 1.6: Evaluate the use of taxes, including users fees and taxes, transient occupancy taxes, real estate transfer tax, and gasoline tax, for open space acquisition.

Action 1.7: Pursue state and federal funding, including funding available under the state Wildlife Protection Act of 1990, HUD open space grants, the Land and Water Conservation Fund, Wildlife Restoration Funds, and other sources.

Action 1.8: Consider the use of Transfer of Development Rights (TDR) or Purchase of Development Rights (PDR) to preserve additional open space.

Action 1.9: Investigate private funding, including conservation groups such as the Nature Conservancy or Trust for Public Lands.

Action 1.10: Promote the establishment of local land conservation organizations.

Action 1.11: Outside of community areas, consider land trades involving private lands in Mono County and federal lands elsewhere.

Action 1.12: Work with the County Assessor to encourage gifts of open space through tax incentive programs.

Action 1.13 Work with the County Assessor to preserve open space through the use of tax foreclosures where appropriate.

BIOLOGICAL RESOURCES

GOAL

To maintain an abundance and variety of vegetation, ***aquatic*** and wildlife types in Mono County for recreational use, natural diversity, scenic value, and economic benefits.

OBJECTIVE A

Maintain and restore botanical, ***aquatic*** and wildlife habitats in Mono County.

Policy 1: Future development projects shall avoid potential significant impacts to animal or plant habitats or mitigate impacts to a level of non-significance, unless a statement of overriding considerations is made through the EIR process.

Action 1.1: Future development projects with the potential to significantly impact animal or plant habitats shall assess site-specific resource values and potential impacts prior to project approval. Examples of potential significant impacts include:

- 1) substantially affecting a rare or endangered species of animal or plant or the habitat of the species; and/or
- 2) interfering substantially with the movement of any resident or migratory fish or wildlife species; and/or
- 3) substantially diminishing habitat for fish, wildlife, or plants.

The analysis shall:

- a) be funded by the applicant;
- b) be prepared by a qualified person under the direction of Mono County and in consultation with the Department of Fish and Game;
- c) assess existing conditions in the general project vicinity, including the identification of any listed or candidate threatened or endangered species or habitats of special concern;
- d) describe the impacts of the proposed development upon animal or plant habitat within the project site and on surrounding areas; and
- e) recommend project alternatives or measures to avoid or mitigate impacts to animal or plant habitat.

Mitigation measures and associated monitoring programs shall be included in the project plans and specifications, and shall be made a condition of approval for the project. The project sponsor shall fund the monitoring and shall be responsible for remedying deficiencies.

Action 1.2: Examples of potential appropriate mitigation measures for projects identified by Action 1.1 as having significant impacts to animal and plant habitats include:

- 1 requiring cluster development and/or large acre minimum parcel sizes (e.g. in key deer habitat, at least 20 acres for winter range and migration corridors, and at least 40 acres for critical winter range and critical corridors);
- 1 encouraging future development to locate in less sensitive areas or on sites adjacent to previously developed areas;
- 1 encouraging fence designs that allow for the movement of wildlife;
- 1 where necessary, requiring leash laws as a condition of project approval, in order to control domestic animals in developments in key wildlife habitat. Encourage monitoring and reporting of dog/wildlife problems in developments in deer habitat;
- 1 requiring project designs to: a) protect important habitat features that are difficult or impossible to replace such as springs and seeps, large trees, old growth, relatively undisturbed caves, wetlands, water courses or water bodies; and b) protect or replace valuable habitat features such as snags, downed logs, manmade water sources, salt licks, spawning grounds, thermal cover, and other features where feasible;
- 1 ***requiring project designs to protect important cultural features which also function as wildlife habitat, such as, but not limited to, abandoned mine workings which function as habitat for bat species and small mammals, and as shelter for a variety of avian species;***
- 1 maintaining and enhancing cover to provide visual barriers to help maintain habitat use. For example, terrain features and vegetation can be utilized to reduce or avoid visual disturbance impacts in major deer use areas.

Action 1.3: If a project outside of existing communities proposes to introduce non-native vegetation for landscaping, erosion control, or other purposes, an assessment of the effects of the introduced species shall be included in the project analysis.

Action 1.4: Projects outside of community areas within identified deer habitat areas, including migration corridors or winter range (see the Biological Resources Section of the **Master Environmental Assessment**), which may have a significant effect on deer resources shall submit a site-specific deer study performed by a recognized and experienced deer biologist in accordance with Action 1.1.

Action 1.5: Projects with features which have the potential to be attractive nuisances to wildlife shall include an assessment of the potential impacts from those features in the project analysis and proposed mitigation measures.

Action 1.6: ***Mining development projects shall be required to submit a Reclamation Plan with the project application. Other types*** of projects (e.g. geothermal development) may be required to submit a Reclamation Plan with the project application. The Reclamation Plan must comply with the standards in the County's Reclamation Ordinance.

Action 1.7: Monitor the success and failure of adopted mitigation measures in order to refine future efforts.

Action 1.8: The County may initiate cumulative impact assessments for selected wildlife resources if it appears that the combined effects of multiple projects may be significant. Such assessments shall be funded from appropriate development fees.

Action 1.9: Limit road development in valuable habitat areas to the minimum required to achieve necessary access.

Action 1.10: Projects within the Hot Creek deer migration zone (see Figure 1) shall not be permitted unless a finding is made that potential impacts to deer have been avoided or mitigated to a level of non-significance.

Action 1.11: Projects within the Hot Creek deer migration zone may be prevented upon a finding that they will interfere with adopted regulations or herd plan goals of the California Department of Fish and Game.

Action 1.12: Where other mitigation measures cannot reduce impacts to a level of non-significance, a mitigation fee levied on proposed development may be used to enhance habitat elsewhere. In some crucial, non-replaceable habitats, this may not be a viable option.

Action 1.13: In coordination with the DFG and other appropriate agencies, provide information and educational programs to landowners and developers on how to improve wildlife habitat on their property.

Action 1.14: Work with the DFG, Caltrans, and other appropriate agencies to develop and implement a program to minimize deer roadkills.

Action 1.15: Coordinate policies in the General Plan with policies and goals of DFG deer herd management plans.

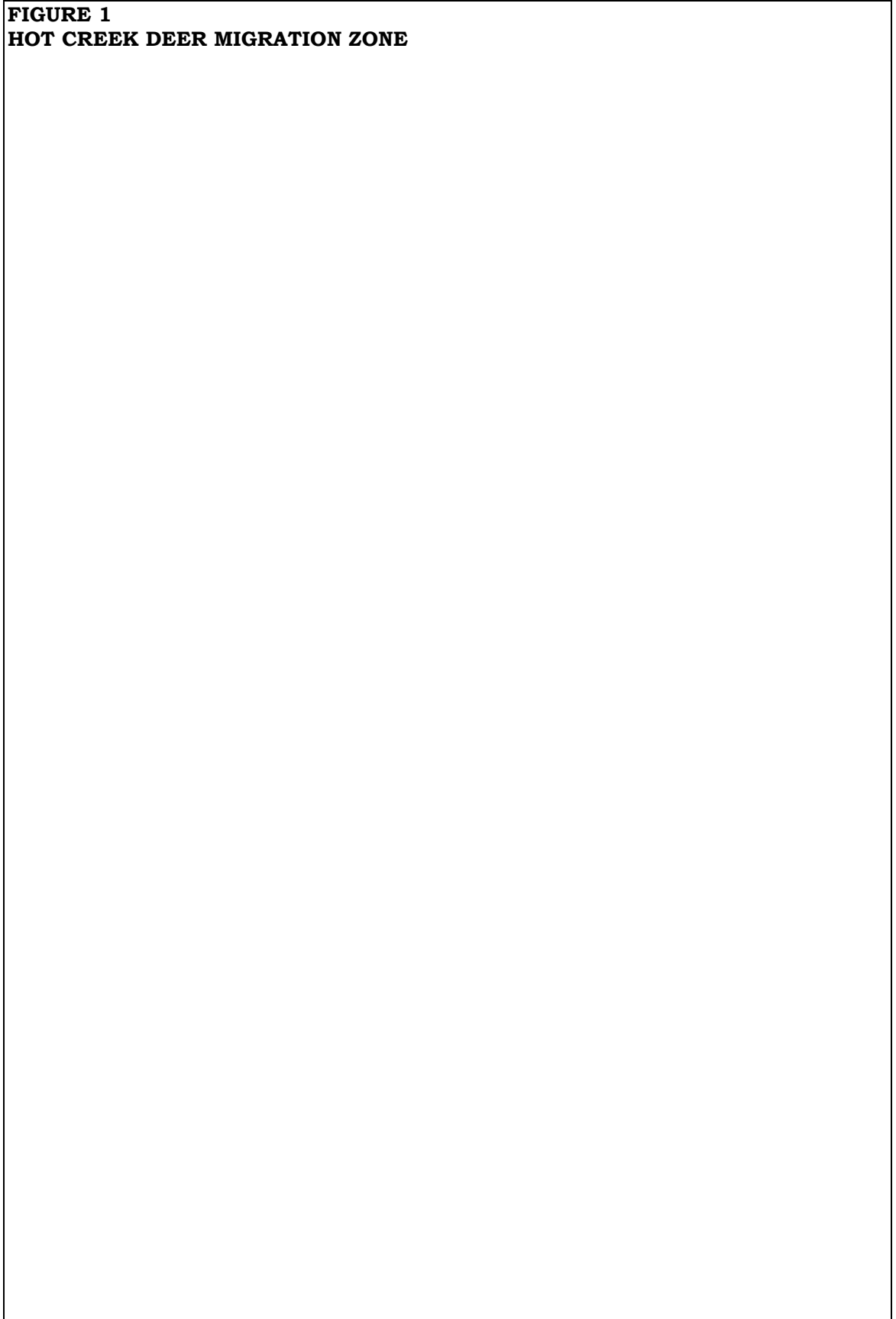
Policy 2: Protect and restore threatened and endangered plant and animal species **and their habitats**.

Action 2.1: If a project is likely to have significant impacts on any state or federally listed threatened or endangered species, the County will consult fully with appropriate agencies and organizations, such as the DFG, the USFWS, and the CNPS, concerning project alternatives and mitigation measures.

Action 2.2: Support the acquisition of areas with threatened or endangered species by federal **or state** land management agencies or land conservation organizations.

Action 2.3: Work with appropriate agencies and organizations to investigate the feasibility of establishing preservation areas to protect and restore threatened and endangered species.

FIGURE 1
HOT CREEK DEER MIGRATION ZONE



Policy 3: Protect and restore sensitive plants, native plants, and those species of exceptional scientific, ecological, or scenic value.

Action 3.1: Amend the Mono County Zoning and Development Code to include maximum site disturbance standards in appropriate zoning districts.

Action 3.2: Require landscape plans to incorporate the use of native vegetation when feasible. The transplanting of existing vegetation may be required in the landscape plan.

Action 3.3: In order to protect their special value to plant diversity and wildlife habitat, limit development in edge zones.

Action 3.4: Actions 3.2 and 3.3 above shall also apply to sensitive and native plants and those species of exceptional scientific, ecological, or scenic value.

Action 3.5: Limit development affecting riparian areas and wetland zones to protect the special values of those ecosystems.

Policy 4: Prohibit construction activities such as grading in sensitive habitats prior to environmental review in compliance with CEQA and the Mono County Grading Ordinance.

Policy 5: During construction, utilize soil conservation practices and management techniques to conserve naturally occurring soils.

Action 5.1: Projects requiring a Grading Permit shall prepare a plan for the protection, conservation, and future use of naturally occurring soils that are suitable as a plant growth medium. The plan shall ensure that stockpiled soils and graded materials are protected from contamination, chemical and physical degradation, and erosion throughout all stages of the project life.

Policy 6: Support the acquisition of valuable wildlife habitat by federal **or state** land management agencies or land conservation organizations.

Action 6.1: Support acquisition of important wildlife areas through outright purchase, land donations, trades, purchase of easements, and related options.

Action 6.2: In coordination with the County Assessor's Office, seek reductions of property taxes for areas preserved for wildlife.

Action 6.3: Work with appropriate agencies and organizations to investigate the feasibility of establishing habitat preservation areas to protect and improve significant habitat areas.

Action 6.4: Consider appointing a **Fish and** Wildlife Technical Advisory Committee to advise the County on **fish and** wildlife planning and mitigation measures and to seek funding for **fish and** wildlife protection and habitat acquisition.

Policy 7: Restrict OHV use in valuable habitat areas in order to protect those resources.

Policy 8: Maintain water quality for fishery habitat by enforcing the policies contained in the Water Quality and Agriculture / Grazing/ Timber sections of the Conservation/Open Space Element.

Policy 9: Support efforts to regulate in-stream flows and lake levels to maintain fishery and other wildlife values, including riparian habitat.

Action 9.1: Cooperate with the DFG to obtain adequate habitat protection in connection with Stream or Lake Alteration Agreements and in-stream flow agreements when required for developments.

Action 9.2: Study the feasibility of enlarging the Bridgeport Reservoir, **or implementing other alternatives** in order to enhance fishery **and wildlife** resources. **Various alternatives include improving water quality and waterbird nesting, and establishing minimum pools.**

Action 9.3: Encourage restoration of fishery and riparian habitat that has been degraded or lost.

Action 9.4: Work with the DFG and other appropriate agencies to prevent and remove unnatural blockages and other impediments to fish movement wherever appropriate.

Policy 10: In order to provide richer angling diversity, and to increase the wild trout population and stimulate tourism, support efforts to manage fisheries in accordance with their biological capabilities.

Action 10.1: Support the development and implementation of the Mono County Trout Enhancement Plan.

Action 10.2: Work with the DFG and other appropriate entities to enhance fishery resources. Potential projects include improving spawning areas, providing additional angler education and interpretive programs and facilities.

Action 10.3: Pursue grant funding for fisheries enhancement.

Policy 11: Promote the non-consumptive use of existing fisheries, where appropriate.

Action 11.1: Work with the DFG and other appropriate entities to identify appropriate areas for catch and release programs or other appropriate restrictions, and to implement such programs or restrictions.

Action 11.2: Work with the DFG and other appropriate entities to provide educational material on the non-consumptive use of fisheries, e.g. information on the proper technique for catch and release fishing.

Policy 12: Support state and federal efforts to reintroduce trout in appropriate remote locations.

Action 12.1: Provide recommendations to the DFG and USFWS regarding types of fish and appropriate locations for reintroduction.

Policy 13: When feasible, supplement DFG fish stocking efforts with a county-supported stocking program.

Action 13.1: As funding permits, continue the county's current fish stocking program.

Policy 14: Develop and implement programs to use County Fish and Game fine revenues to meet the objective of maintaining and restoring botanical, aquatic and wildlife habitats in the County. Possible programs could include measures to improve fish and wildlife habitat (e.g. placement of cattle fencing and fish screens), implementation of measures to reduce deer road kills, etc.

WATER RESOURCES AND WATER QUALITY

GOAL I

To ensure the availability of adequate surface and groundwater resources to meet existing and future domestic, agricultural, recreational, and natural resource needs in Mono County.

OBJECTIVE A

Develop a comprehensive countywide water resource database.

Policy 1: Compile baseline data on the basic components of hydrologic units within the County.

Action 1.1: Cooperate with relevant agencies and organizations to develop and maintain a comprehensive hydrologic record of local hydrologic units.

Action 1.2: Study the feasibility of utilizing the existing permitting system for new wells in Mono County as a method to gather information on the depth of the local water table and water use.

Action 1.3: Work with local water providers, LADWP, the Tri-Valley Groundwater Management District, and resource agencies to calculate water budgets¹ for each hydrologic unit in the County.

Action 1.4: Work with local water providers, LADWP, the Tri-Valley Groundwater Management District, and resource agencies to develop water management plans for hydrologic units in the County.

¹A water budget is a model of the relationship between the inputs and outputs of a particular hydrologic unit.

OBJECTIVE B

Identify and secure adequate water for future local domestic needs ***while maintaining natural resources.***

Policy 1: Assist and encourage the developed and developing areas of Mono County and local special districts to secure additional water rights within local water basins as necessary for the orderly growth of local communities.

Policy 2: Encourage the preparation of water management plans by local water providers.

Action 2.1: Assist special districts in securing available grant monies for water management planning.

Policy 3: Encourage the Forest Service and the BLM to assist local communities in securing the water resources necessary to accommodate community demands, particularly those demands that directly and indirectly result from increased activities on adjacent federal lands.

Action 3.1: Review and comment on development proposals on federal lands and require full environmental review on out-of-drainage transfers.

Policy 4: Encourage the consolidation of small water providers to increase operational and service efficiency.

Action 4.1: Require new developments to be served by existing water providers, where feasible, rather than creating new service entities.

Policy 5: Future development projects shall avoid potential significant impacts to local surface and groundwater resources or mitigate impacts to a level of non-significance, unless a statement of overriding considerations is made through the EIR process.

Action 5.1: Future development projects with the potential to significantly impact surface or groundwater resources shall assess any potential impacts prior to project approval. Examples of potential significant impacts include:

- 1) substantially degrading or depleting surface or groundwater resources; and/or
- 2) interfering substantially with groundwater recharge.

The analysis shall:

- a) be funded by the applicant;
- b) be prepared by a qualified person under the direction of Mono County;
- c) assess existing conditions in the general project vicinity;
- d) identify the quantity of water to be used by the project. Quantities shall be estimated for annual totals, monthly averages, and peak day/peak month usage;

- e) identify the source(s) of water for the project and provide proof of entitlement to that water. If the proposed source is to be a special district or mutual water system, a "will-serve" letter shall be required. If the proposed source is ground or surface water, the application shall indicate that the proponent has entitlement to the source and the quantity of water required;
- f) describe the impacts of the proposed development upon water resources within the project site and on surrounding areas; and
- g) recommend project alternatives or measures to avoid or mitigate impacts to water resources.

Mitigation measures and associated monitoring programs shall be included in the project plans and specifications and shall be made a condition of approval for the project.

Policy 6: Limit development to a level which can be reasonably supported by available local water resources.

Action 6.1: Require development projects to obtain "will serve" letters from applicable service agencies.

Action 6.2: For areas not served by an existing water system, require future development projects to demonstrate, prior to permit issuance, that sufficient water exists to serve both domestic and fireflow needs of the development and that use of that water will not deplete or degrade water supplies in the area, ***or adversely impact natural resources.***

Action 6.3: Deny development projects which have not demonstrated the availability or entitlement to a supply of water adequate to meet the needs of the proposed project.

OBJECTIVE C

Promote water conservation programs for Mono County's water resources.

Policy 1: Develop and implement water conservation programs for Mono County government operations.

Policy 2: Water intensive development proposals shall include water conservation measures as a condition of approval of the project.

Policy 3: Work with local water providers to implement water conservation programs in local communities.

Policy 4: Encourage effective water conservation programs for communities outside of Mono County that benefit from water resources originating in the County.

Policy 5: Support efforts by affected parties in the Mono Lake litigation to secure monies made available through AB 444 to provide replacement water supplies for Los Angeles and to permanently protect Mono Lake.

OBJECTIVE D

Protect the Public Trust values² of the water resources of Mono County.

Policy 1: Encourage **and support** agencies responsible for reviewing water rights applications to consider the effects of existing and proposed water diversions upon interests protected by the Public Trust.

Action 1.1: If necessary, file formal protests with the State Water Resources Control Board when the County determines that granting a water rights application would be harmful to Public Trust values.

Action 1.2: Require water projects which may impact Public Trust values to avoid or mitigate those potential adverse impacts.

Policy 2: Oppose any legislative or regulatory efforts to undermine or weaken protection afforded to County water resources by the Public Trust.

OBJECTIVE E

Protect local water users and biological resources from the adverse effects of out-of-basin water transfers.

Policy 1: Regulate out-of-basin water transfers **from private lands** in the unincorporated area of the County, in accordance with the following actions.

Action 1.1: Where not preempted by state law, require a water transfer permit from the Mono County Planning Commission for out-of-basin water transfers.

Action 1.2: Applications for permits for out-of-basin water transfers shall be submitted to the County Planning Department and shall include the following information:

- a) point of extraction;
- b) amount of extraction;
- c) nature and location of conveyance facilities.

Applications for water transfer permits shall include a processing fee, together with applicable environmental fees.

²The Public Trust recognizes that some types of natural resources are held in trust by government for the benefit of the public. Water resources have historically been recognized as a resource subject to the public trust.

Action 1.3: Applications for groundwater export projects shall assess the potential impacts of the project prior to project approval in accordance with CEQA. The analysis shall:

- a) be funded by the applicant;
- b) be prepared by a qualified person under the direction of Mono County;
- c) delineate and define the nature of the aquifer;
- d) define the safe yield of the aquifer;
- e) identify potential impacts to the aquifer that may result from the project; and
- f) propose project alternatives and mitigation measures.

Mitigation measures and associated monitoring programs shall be included in the project plans and specifications and shall be made a condition of approval for the project. Adverse impacts associated with water transfer proposals shall be mitigated to a level of non-significance, unless a statement of overriding considerations is made through the EIR process.

Action 1.4: In issuing a water transfer permit, the Planning Commission shall make the following findings:

- a) That the proposed project meets all reasonable beneficial water needs, including in-stream uses, within the basin of origin; and
- b) That the proposed project adequately protects water quality, in-stream flows, lake levels, and related resources. Projects that do not adequately protect these resources shall be denied.

Action 1.5: The Planning Commission shall review all water export projects in the unincorporated area for consistency with the County General Plan and any applicable Area Plans.

Policy 2: Establish local mechanisms to regulate groundwater exports.

Action 2.1: Initiate the process, via state legislation, to establish additional local Groundwater Management Districts (GWMDs) or to expand the existing GWMD to regulate out-of-basin groundwater transfers in appropriate areas of the County.

Policy 3: Oppose federal and state legislation and regulations which provide preferential status to out-of-county water appropriators, or which allow for increased water diversions from Mono County.

OBJECTIVE F

Promote the restoration and maintenance of Mono Lake, tributary streams, and downstream areas of the aqueduct system in Mono County, including Grant Lake, the Upper Owens River, Crowley Lake, and the Owens River Gorge.

Policy 1: Work with the appropriate agencies to develop and implement a comprehensive **water** management plan for Mono Basin and the downstream areas of the aqueduct system. The **water** management plan should ensure that Mono Lake and the local aqueduct system are managed in a manner that protects the ecological and fisheries values of the Mono Basin and downstream areas of the aqueduct system.

Action 1.1: **Support a minimum** lake level of 6,377 feet for Mono Lake. ***In addition, support a buffered range of water levels (from 6377 to 6390 feet) to provide protection for Mono Lake during climatic fluctuations.***

Action 1.2: **Support management of the aqueduct system that avoids drastic fluctuations in streamflows.**

Action 1.3: **Ensure that any comprehensive water management plan developed as per Policy 1, above, is consistent with the Forest Service's existing Comprehensive Management Plan for the Mono Basin National Forest Scenic Area.**

Action 1.4: Manage Crowley Reservoir to protect the fishery and recreational opportunities at the reservoir.

Action 1.5: Manage the Upper Owens River to protect the quality of the fishery.

OBJECTIVE G

Reestablish streams impacted by diversions in the Mono Basin and Long Valley hydrologic units with flows adequate to support fish populations, riparian habitat, and associated recreational and scenic values.

Policy 1: Support efforts to establish minimum flows in **all** streams impacted by water diversions. ***In establishing minimum stream flows, allow for appropriate flushing flows as needed.***

Action 1.1: Review technical documents prepared for the Mono Basin, Upper Owens, and Crowley Lake areas in order to provide input to the LADWP's water management plan on an annual basis.

Policy 2: Provide land use controls which **facilitate** the restoration of impacted stream channels and adjacent areas.

GOAL II

To protect the quality of surface and groundwater resources to meet existing and future domestic, agricultural, recreational, and natural resource needs in Mono County.

OBJECTIVE A

Preserve, maintain, and enhance surface and groundwater resources to protect Mono County's water quality and water dependent resources from the adverse effects of development **or degradation** water dependent resources.

Policy 1: Future development projects shall avoid potential significant impacts to water quality in Mono County, or mitigate impacts to a level of non-significance unless a statement of overriding considerations is made through the EIR process.

Action 1.1: Future development projects with the potential to significantly impact water quality shall assess the potential impact(s) prior to project approval. Examples of potential significant impacts include:

- 1) substantially degrading water quality; and/or
- 2) contaminating a public water supply; and/or
- 3) causing substantial flooding, erosion or siltation.

In areas determined by the County to be of special significance, such an analysis and associated mitigation measures may be required even if the proposed project conforms to water quality standards established by the Lahontan Regional Water Quality Control Board for the project area.

The analysis shall:

- a) be funded by the applicant;
- b) be prepared by a qualified person under the direction of Mono County;
- c) assess current water quality in the general project vicinity;
- d) describe the impacts of the proposed development upon water quality within the project site and on surrounding areas, including a quantification of potential runoff and sedimentation from erosion, contamination that could enter the surface or groundwater system, calculations or mapping related to flooding, and potential cumulative onsite and offsite hydrologic effects on water quality;
- e) for projects with the potential to significantly affect groundwater resources, the analysis may be required to include hydrologic mapping, studies of water flows, groundwater resources, aquifer properties, and baseline quality data; and
- f) recommend project alternatives or measures to avoid or mitigate impacts to water quality, including a plan for long-term monitoring of water quality.

Mitigation measures and associated monitoring programs shall be included in the project plans and specifications and shall be made a condition of approval for the project.

Policy 2: Control erosion at construction projects.

Action 2.1: Ensure that Lahontan Regional Water Quality Control Board (RWQCB) regulations for erosion control are met as a condition for County permit approvals.

Action 2.2: Work with the RWQCB to develop standards and regulations for specific areas of the unincorporated area. Reflect these standards in applicable county regulations, such as the Grading Ordinance (Chapter 13.08).

Action 2.3: Work with Lahontan RWQCB to enforce erosion control standards for development on private land.

Action 2.4: Require posting of a performance bond in compliance with the County Grading Ordinance.

Action 2.5: Work with Lahontan RWQCB in the development and revision of erosion control standards.

Policy 3: Adjust current practices which cause excessive erosion in order to avoid or mitigate such erosion.

Action 3.1: County staff and contractors shall follow County grading standards when maintaining County roads, rights-of-way, and property.

Action 3.2: Request that state and federal agencies enforce requirements to minimize erosion.

Action 3.3: Promote the use of cattle fences and fish screens in range areas next to streams and lakes where scientific data and management policies indicate the practice to be beneficial to wildlife and livestock.

Action 3.4: Consider amending the County Grading Ordinance to address water quality concerns.

Policy 4: Establish buffer zones where recharge occurs, including adjacent to surface waters and riparian areas.

Action 4.1: Amend the Zoning Code to specify uses and setback requirements from recharge, riparian, and wetland areas. Continue to enforce setback requirements from surface waters.

Action 4.2: Establish policies for the management of wetlands in Mono County.

Action 4.3: Develop Special Area Management Plans³ in cooperation with the U.S. Army Corp of Engineers for the Bridgeport and Long Valleys, as well as other wetland regions of the County.

Policy 5: Control the release of storm water so that runoff from sites in recharge zones does not increase in volume or leave the site more rapidly than it would under natural conditions.

Action 5.1: Update the County Grading Ordinance to specify that as part of the grading permit process, developers may be required to provide hydrologic studies assessing pre-development runoff and calculating project runoff.

Policy 6: Drill holes, such as those that are used for mining, geothermal development, and water development, shall be abandoned and plugged in

³A Special Area Management Plan is a set of policies developed cooperatively with the U.S. Corps of Engineers to address local wetland development issues.

conformance with state requirements for the protection of groundwater resources and public health and safety.

OBJECTIVE B

Protect water from chemical or bacterial contamination.

Policy 1: Sewage treatment facilities shall be adequate to protect beneficial uses of surface and groundwater.

Action 1.1: Cooperate with Lahontan RWQCB to monitor water quality.

Action 1.2: Encourage federal, state, and local agencies to maintain adequate sanitary treatment capacity at their facilities.

Policy 2: Degradation of water quality from livestock shall be minimized.

Action 2.1: As necessary, investigate the use of fencing, alternate grazing patterns, and/or reduction in the number of animals grazed, or other measures to protect stream water quality.

Action 2.2: Recommend that salt blocks, supplemental food supplies, or chemicals used in treating animals be located sufficiently far from surface water and used in such a manner as to protect water quality.

Policy 3: Chemicals used for road maintenance should be applied in a manner that does not cause degradation of water quality.

Action 3.1: County staff and contractors shall not use environmentally damaging methods for de-icing roads.

Action 3.2: Work cooperatively with other agencies such as Caltrans and the Town of Mammoth Lakes to achieve the most environmentally sound methods of de-icing roads.

Action 3.3: Request further study of proposed de-icing methods before their widespread use.

Action 3.4: Enforce Lahontan's standards for road maintenance and weed control; work with other agencies to do the same.

Policy 4: Use of fertilizer, pesticide, and other chemicals on vegetation or soil in recharge zones should be minimized.

Action 4.1: Work with the County Agricultural Commissioner and the Soil Conservation Service to institute controls to protect water quality.

Action 4.2: Work with the County Agricultural Commissioner and the Soil Conservation Service to promote effective and minimal use of chemicals in landscaping and agriculture.

Policy 5: Assist in the management and control of toxic chemicals or other substances from extractive, industrial, manufacturing, household or commercial uses.

Action 5.1: Assist appropriate agencies, such as Lahontan Regional Water Quality Control Board and EPA, in enforcing regulations pertaining to hazardous waste management.

Action 5.2: Implement policies in the Hazardous Waste Management Element of the county's General Plan.

AGRICULTURE, GRAZING, AND TIMBER

GOAL I

To preserve and protect agricultural and grazing lands in order to promote both the economic and open space values of those lands.

OBJECTIVE A

Encourage the retention of agricultural and grazing lands.

Policy 1: Discourage the conversion of agricultural lands to non-agricultural uses.

Action 1.1: Future development projects with the potential to convert prime agricultural land to non-agricultural use or to impair the productivity of prime agricultural land (as defined in Government Code Section 56064) shall assess the potential impact(s) prior to project approval. The analysis shall:

- a) be funded by the applicant;
- b) be prepared by a qualified person under the direction of Mono County;
- c) assess existing conditions in the general project vicinity;
- d) describe the impacts of the proposed development upon prime agricultural lands within the project site and on surrounding areas; and
- e) recommend project alternatives or measures to avoid or mitigate impacts to prime agricultural land to a level of non-significance, unless a statement of overriding considerations is made through the EIR process.

Mitigation measures and associated monitoring programs shall be included in the project plans and specifications and shall be made a condition of approval for the project.

Action 1.2: Establish adequate minimum parcel sizes for viable agricultural lands and encourage consolidation of undersized parcels. Consider amending the Zoning Code to address minimum parcel sizes in appropriate zoning districts. An exception to this policy may occur when it is proposed to parcel a farmhouse from the remaining agricultural lands.

Action 1.3: Limit extension of urban services, such as sewer, beyond existing Special District sphere of influence boundaries.

Action 1.4: Consider the availability and financing of public services and utilities in any decision to convert an area from agricultural to non-agricultural uses. Applicants for projects that have the potential to convert prime agricultural land to a non-agricultural use shall, as part of the required impact analysis, provide a fiscal impact section that documents anticipated service and fiscal impacts on Mono County and other local agencies.

Action 1.5: Require the preparation of a Specific Plan for proposed subdivisions in agricultural areas, as determined by Planning Staff. A Specific Plan may be required if any of the following conditions applies:

- a) The proposed subdivision would substantially change the use in the area;
- b) The proposed subdivision would be growth-inducing;
- c) The proposed subdivision would result in a mix of uses in the area; or
- d) The proposed subdivision would affect prime agricultural land.

Policy 2: Develop adequate amounts of farmworker and farm family housing in agricultural areas in order to support the efficient management of local agricultural production activities.

Action 2.1: Encourage farm operators to provide sufficient housing for permanent and seasonal agricultural employees and family members in addition to the housing permitted by the applicable density.

Action 2.2: Locate agricultural employee housing where it promotes efficiency of the farming operation and has minimal impact on productive farmland.

Action 2.3: Allow clustering of employee housing.

Policy 3: Encourage the development of programs which offer financial incentives to farm owners to reduce reliance on subdivision and sale of land to raise operating capital.

Action 3.1: Use voluntary purchase or transfer of development rights programs to limit intrusion of residential development in agricultural lands. If TDR or PDR is used, amendments of the land use map or rezonings shall not be used to lower density in anticipation of conferring transfer or purchase rights.

Action 3.2: Support property and estate tax relief measures which assess long-term agriculture at farm use value.

Action 3.3: Support the use and expansion of Williamson Act contracts over County designated agricultural lands.

Policy 4: Provide for the raising, harvesting and production of fish in the same manner as the harvesting and production of agricultural products.

Action 4.1: Allow aquaculture and its related facilities and activities in all agricultural areas.

Policy 5: Establish a countywide standing agricultural committee to address issues affecting agricultural landowners in the county. The committee shall be integrated with the county's existing regional and community planning advisory committees.

OBJECTIVE B

Mitigate conflicts between agricultural and non-agricultural uses in designated agricultural areas.

Policy 1: Limit land uses within viable agricultural areas to those which are compatible with agricultural uses.

Action 1.1: Maintain, in those agricultural land use categories where small parcels may be permitted, the largest land area for agricultural use. Limit the number of clustered lots in any one area to avoid the potential conflicts associated with residential intrusion.

Action 1.2: Where clustered subdivision is permitted, separate clusters on one site from those on another site unless it is clearly demonstrated that the resulting lots will not create the appearance of, or conflicts associated with, residential intrusion. Any subdivision which proposes to cluster parcels of 10 acres or less, shall locate those lots around existing residences on the parcel being subdivided. The intent of this policy is to minimize the impact of residential parcels on adjacent agricultural operations.

Action 1.3: Wherever practical, where clustered subdivision is permitted, use natural features such as ridge tops, creeks, and substantial tree stands to separate the small parcels from the farming areas.

Action 1.4: Where clustered subdivision is permitted, to the extent allowed by law, place an agricultural easement in perpetuity, or other appropriate mechanism, on the residual farming parcel(s) at the time that the subdivision occurs. The easement shall be conveyed to the County or other appropriate non-profit organizations.

Policy 2: The primary use of any parcel within an agricultural land use category shall be agricultural production and related processing, support services and visitor serving services. Residential uses in these areas shall recognize that the primary use of the land may create agricultural "nuisance" situations such as flies, noise, odors, and spraying of chemicals.

Action 2.1: Facilitate agricultural production by permitting limited agricultural support service uses that support local agricultural activities and are not harmful to the long-term agricultural use in the area.

Policy 3: Ensure access to irrigation facilities.

Action 3.1: As a condition of approval for subdivisions and other applicable development projects, require easements or other appropriate mechanisms to ensure access to irrigation facilities.

Action 3.2: Amend the subdivision ordinance to include measures for the protection of access to irrigation facilities by applicable entities.

OBJECTIVE C

Promote sound grazing management practices to preserve ***and enhance*** the economic and open space values of the land, ***as well as natural resources, water resources and other public trust values.***

Policy 1: Determine the environmental impacts associated with grazing activities in the Long Valley Caldera and on other private lands and DWP lands in the County.

Action 1.1: Provide input to the Lahontan Regional Water Quality Control Board's investigation of grazing impacts on Crowley Lake.

Action 1.2: Consider designating sensitive portions of the Long Valley Caldera ***and other appropriate areas in Mono County*** for Natural Habitat Protection; restrict or prohibit grazing in areas so designated.

Action 1.3: Promote the restoration of private lands degraded by grazing.

Action 1.4: Encourage use of federal land management agency procedures for grazing management practices on private and DWP lands, e.g. Toiyabe National Forest grazing standards.

Action 1.5: Consider cooperative management, monetary assistance by the county and/or public purchase in areas where it is determined that grazing conflicts with fishery uses.

Action 1.6: Adopt RMAC (Range Management Advisory Committee) and/or Lahontan Regional Water Quality Control Board guidelines for grazing management as they evolve.

GOAL II

To allow timber harvesting and fuelwood cutting on private lands consistent with the maintenance of recreational, scenic, and natural resource values.

OBJECTIVE A

Regulate timber harvesting and fuelwood cutting on private and DWP lands.

Policy 1: During the permit review process, require compliance with California Department of Forestry timber harvesting regulations for private lands.

OBJECTIVE B

Ensure a healthy forest resource.

Policy 1: Work with CDF and federal land management agencies to minimize the impacts of new development on forest resources.

Action 1.1: Limit the size of new forest openings, including roadways.

Action 1.2: Discourage disturbance or removal of forest litter, to maintain the natural catchment and cycling of nutrients.

MINERAL RESOURCES

GOAL

Provide for the conservation and development of mineral resources in a manner that minimizes land use conflicts and maintains a quality environment.

OBJECTIVE A

Locate and identify significant mineral resource deposits.

Policy 1: Pursue methods that will elevate Mono County's status from a "Low" priority to a "Very High" or "High" priority with respect to the California Department of Conservation, Division of Mines and Geology, priority schedule for *Mineral Land Classification Studies*.

Policy 2: The *State Mineral Land Classification Reports*, as completed and transmitted to Mono County by the State Geologist, shall be utilized to locate and identify:

- a) Areas containing little or no mineral deposits.
- b) Areas containing significant mineral deposits.
- c) Areas containing mineral deposits, the significance of which requires further evaluation.

Action 2.1: The detailed maps and text associated with *State Mineral Land Classification Reports* and/or *State Board of Mines and Geology Designations* shall be kept on file with the Planning Department and made available for public review upon request (See Table 2).

Policy 3: Until the State Geologist finalizes and transmits *State Mineral Land Classification Reports* for all areas of Mono County, pursue other methods and

funding sources which could be utilized to identify where locally important and/or potentially significant mineral resource deposits may exist.

Action 3.1: In cases where conflicts may arise between *State Mineral Land Classification Reports* and Mineral Resource Mapping in the **MEA**, the *State Mineral Land Classification Reports* shall take precedence or, if necessary, cases shall be decided on a case-by-case basis in consultation with representatives from the State Division of Mines and Geology.

Action 3.2: The **MEA** Mineral Resource Mapping is intended to be utilized as resource material only and should not be construed, in and of itself, as dictating land use policy. The accuracy of the **MEA** Mineral Resource Mapping is not sanctioned by the County.

Action 3.3: The Planning Department shall update and incorporate changes to the **MEA** Mineral Resource Mapping as new information becomes available.

Action 3.4: **MEA** Mineral Resource Mapping and all reference materials associated with the development and/or modification thereof shall be kept on file with the Planning Department and made available for public review upon request.

OBJECTIVE B

Conserve and protect areas containing significant mineral deposits in a manner that avoids or minimizes land use conflicts.

Policy 1: Significant mineral resource deposits identified in *State Mineral Land Classification Reports* shall be assigned to a "DMG" classification on the **MEA** Mineral Resource Maps. The purpose of this assignment shall be to:

- a) Recognize mineral information classified by the State Geologist and transmitted by the State Mining and Geology Board.
- b) Assist in the management of land uses which may affect areas of statewide and regional significance.
- c) Emphasize the conservation and potential for development of the identified mineral deposit.

Action 1.1: Prior to permitting a use that would threaten the potential to extract minerals in an area classified by the State Geologist as an "area containing significant mineral deposits", the applicant shall provide a report in conformance with applicable provisions of SMARA. The report shall be funded by the applicant and at a minimum shall:

- a) be prepared by a qualified professional under the direction of Mono County;
- b) assess the significance of the mineral resource and describe the impacts of the proposed development upon future mineral resource development ;
- c) specify the reasons why the proposed use should be permitted; and

- d) propose project alternatives and/or mitigation measures to avoid or reduce potential project impacts with respect to the resource.

Action 1.2 Land use decisions involving areas designated by the State Mining and Geology Board as "areas of regional and/or statewide significance" shall also consider the importance of the minerals to their market region, the state, and the nation as a whole and not just the importance to the County's area of jurisdiction.

Action 1.3: Prior to permitting a use that would threaten the potential to extract minerals in an area classified by the State Geologist as an "area containing mineral deposits the significance of which requires further evaluation", the County may require the applicant to provide a report prepared in conformance with the specifications in Action 1.1 above. The report shall be submitted to the State Geologist for review and comment.

Action 1.4: *State Mineral Land Classification Reports* shall be reviewed by the Planning Department. Areas designated by the State Geologist as "areas containing significant mineral resource deposits " shall be assigned to an appropriate land use designation which shall emphasize the conservation and potential for development of the resource.

Action 1.5 Prior to permitting a use that would threaten the potential to extract "locally important and/or potentially significant mineral resource deposits", the County may require the applicant to provide a report prepared in conformance with the specifications in Action 1.1 above. The report shall be submitted to the State Geologist for review and comment.

Policy 2: The possible existence of a mineral deposit should not preclude use of land for a higher and better use.

OBJECTIVE C

Manage all mineral resource development activities in a manner that adequately protects the public health, safety, and welfare **as well as** environmental and socio-economic values.

Policy 1: Mineral resource development projects shall **meet or exceed** applicable provisions of CEQA, NEPA, **SMARA**, and the Mono County Environmental Handbook.

Action 1.1: Mineral resource development projects shall strive to avoid or mitigate potentially significant adverse environmental impacts. Significant adverse impacts that cannot be mitigated to a level of non-significance shall require findings of overriding consideration in conformance with CEQA.

Action 1.2 Require an Environmental Impact Report (EIR), **with appropriate mitigation**, for all open pit mining operations that are subject to permit requirements as specified in SMARA and which propose to utilize a cyanide heap leaching process.

Action 1.3 . Encourage project proponents to meet with County personnel and responsible/trustee agencies as early as possible, prior to submitting an application, in order to identify the scope and magnitude of issues which may be considered environmentally significant.

Action 1.4: Encourage the public, through appropriate public notice, to participate in the scoping process for all mineral resource development projects.

Policy 2: Mineral resource development projects shall comply with all applicable provisions of the County's General and Area Plans, along with requirements set forth in the California Surface Mining and Reclamation Act (SMARA); the California Code of Regulations, Title 14, "Mining and Geology"; and County ordinances.

Action 2.1: Amend the County Zoning and Development Code to provide for a Resource Extraction (RE) District. The Resource Extraction District shall provide appropriate regulations with respect to mineral resource development.

Action 2.2: Mineral resource development activities may be permitted only in those areas designated for Resource **Management** and zoned Resource Extraction. Extraction of saleable materials/aggregates (e.g. sand or gravel) may also be permitted in areas designated Agriculture and zoned Resource Extraction.

Action 2.3: Recreational mining⁴ shall be permitted in all districts.

Action 2.4: Surface and subsurface mining operations shall obtain a mining use permit, including approval of a reclamation plan, prior to commencing surface disturbance activities.

Action 2.5: Develop appropriate application forms to expedite the application and processing of mineral resource exploration, development, and reclamation projects. Update these forms as necessary to reflect applicable federal, state, and county regulatory changes.

Policy 3: Surface mining operations located on federal lands shall conform with applicable provisions of SMARA.

Action 3.1: Administration and coordination of surface mining activities on lands administered through the Bureau of Land Management (BLM) shall be in conformance with the Memorandum of Understanding (MOU) between the BLM and the County.

Action 3.2: Pursue methods, such as a MOU or Joint Powers Agreement, to address the administration and coordination of surface mining activities on lands administered through the U.S. Forest Service.

⁴"Recreational mining" means the extraction of minerals that does not require a County, State, or Federal permit of any type, and does not utilize mechanized earth moving equipment.

Policy 4: Explore methods to implement a countywide mineral extraction fee or tax. The purpose of this fee or tax shall be to compensate the County for the depletion of its non-renewable mineral resources.

Policy 5: Periodically review filing, processing, and inspection procedures to ensure that staff time allocated to mineral resource development is adequately reimbursed through the assessment of appropriate fees.

Policy 6: Periodically review and where necessary propose amendments to the Mineral Resource Management Policies. All such amendments shall be submitted to the State Board of Mines and Geology for review and comment prior to adoption.

TABLE 1

**MONO COUNTY
MINERAL RESOURCE CLASSIFICATIONS**

Mineral Resource Area 1 (MRA-1): Areas where adequate information indicates that no significant mineral deposits are present, or where it can be judged that there is little likelihood for their presence. This area shall be applied where well developed lines of reasoning, based upon economic geologic principles and adequate data, demonstrate that the likelihood for occurrence of significant mineral deposits is nil or slight.

Mineral Resource Area 2 (MRA-2): Areas where adequate information indicates that mineral deposits are present or where it is judged that there is a high likelihood for their presence. This area shall be applied to known mineral deposits or where well developed lines of reasoning based upon economic geologic principles and adequate data demonstrate that the likelihood for occurrence of significant mineral deposits is high.

Mineral Resource Area 3 (MRA-3): Areas containing mineral deposits the significance of which cannot be evaluated from available data.

Mineral Resource Area 4 (MRA-4): Areas where available information is inadequate for assignment to any other Mineral Resource Area classification.

Scientific Resource Area (SRA): Areas containing unique or rare occurrences of rocks, minerals, or fossils that are of outstanding scientific significance shall be classified in this zone.

Department of Mines and Geology (DMG): Areas that have been classified by the State Geologist and/or designated by the State Board of Mines and Geology.

TABLE 2**DIVISION OF MINES AND GEOLOGY CLASSIFICATION/DESIGNATION REPORTS
AND PERTINENT MRMP RESEARCH DOCUMENTS⁵**

MINERAL LAND CLASSIFICATION OF THE EUREKA, SALINE VALLEY AREA, INYO AND MONO COUNTIES. Sacramento: California Department of Conservation, Division of Mines and Geology, Open File Report 88-2 (Desert Conservation Area, 1988). This is the first Mineral Land Classification study that has been prepared by the State.

MONO COUNTY MINING DATABASE AND RELATED NARRATIVE. Susan K. Flynn, Editor. Sutter Creek, California: Geotechnical Research and Development, May 1990. The data contained in this document provided the basis from which the (MEA) mineral resource maps were prepared, in addition to compiling a comprehensive bibliography of geologic and mineral resource documents about the County.

ENERGY RESOURCES**GOAL I**

To establish a regulatory process with respect to both geothermal exploration and development which ensures that permitted projects are carried out with minimal or no adverse environmental impacts.

OBJECTIVE A

Establish separate permit processes for geothermal exploration and for geothermal development.

Policy 1: Mono County ordinances, rules and regulations shall establish a phased permit process for geothermal development in accordance with the provisions of this element.

Action 1.1: The permit for the first phase (exploration) shall regulate geothermal exploration and reservoir characterization activities. It shall be called the "geothermal exploration permit." The primary purpose of this exploratory phase is to determine hydrologic, geologic and other relevant physical characteristics of the geothermal resource which might be developed.

⁵The Board of Supervisors of the County of Mono hereby incorporates Table 2 for reference purposes only. Finding that Table 2 is not intended to provide policy direction only sources of information that may be referenced by interested parties. Therefore, the Board of Supervisors hereby authorizes the Planning Director to make additions or deletions to Table 2 without requiring a General Plan amendment. With the further understanding that any modifications made to Table 2 shall be reported to the Board of Supervisors, at a regularly scheduled meeting, by means of a written memorandum.

Action 1.2: During the exploratory phase, the permittee shall develop sufficient data to determine whether there is a geothermal resource adequate to sustain the proposed development project.

Action 1.3: The permit for the second phase (development) shall regulate geothermal development and operations. It shall be called the "geothermal development permit." The purpose of the development phase is to regulate all geothermal development, including the siting and construction of facilities, conditions of operation, and the maintenance of roads and equipment, and to assure the protection of the environment. This phase also includes the termination of operations and reclamation of the site.

Action 1.4: The implementing ordinances, rules and regulations shall provide for the use of common environmental documentation for both permit stages when consistent with the California Environmental Quality Act (CEQA).

Action 1.5: Whether an activity is exploratory or developmental shall be determined by reference to regulations of the California Division of Oil and Gas.

OBJECTIVE B

Establish procedures for project review which comply with, and, where determined to be necessary by the Board of Supervisors, exceed existing environmental protection laws.

Policy 1: Mono County, through its permitting process, shall assure compliance with existing law and the carrying out of policies relating to restricted development zones.

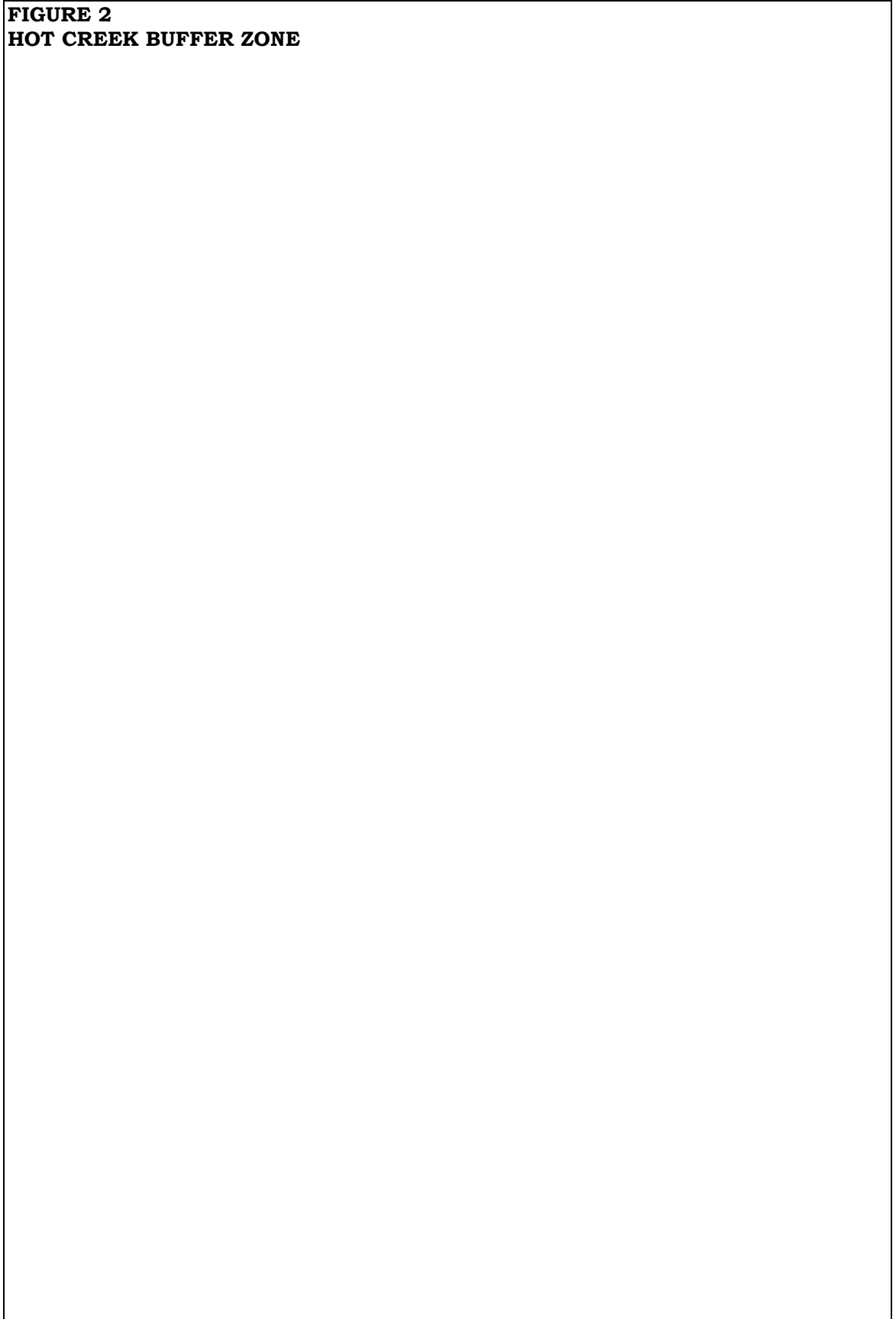
Action 1.1: Permits for both geothermal exploration and development shall contain conditions which assure compliance with CEQA, and with applicable laws and regulations of Mono County and other agencies with jurisdiction.

Action 1.2: Except for projects in the vicinity of Casa Diablo and associated monitoring or mitigation wells or other facilities, a proposed geothermal project within the Hot Creek Buffer Zone (see Figure 2) and the Deer Migration Zones (see Figure 1), or either of them, identified in this element shall not be permitted, notwithstanding the provisions of CEQA or the County guidelines, unless a finding is made that all the identified environmental impacts of the proposed project are reduced to less than significant levels by the permit conditions.

OBJECTIVE C

Establish procedures which assure that the cumulative impacts of geothermal and other projects on hydrologic and biologic resources are mitigated to less than significant levels.

FIGURE 2
HOT CREEK BUFFER ZONE



Policy 1: Geothermal development projects shall be phased so that the operational impacts of a permitted project can be assessed before a subsequent project is permitted within an area which may be affected by the permitted project.

Action 1.1: After a permit for geothermal development has been issued by Mono County, no subsequent application for a permit for geothermal development within an area which may be affected by the permitted project shall be accepted until hydrologic and biologic monitoring data relating to the permitted development has been collected for a period of not less than two years. If an area in which a new permit for geothermal development is sought has been previously developed and hydrologic and biologic monitoring data has been collected in the area for in excess of two years, it shall be not less than six months before the new application is accepted.

Action 1.2: Geothermal exploration and development operations shall be monitored, and the monitoring data shall be evaluated by the Mono County Energy Management Department (MCEMD) and the Long Valley Hydrologic Advisory Committee (LVHAC), or other appropriate regional hydrologic committees, and the California Department of Fish and Game. The purpose of the monitoring is to determine whether there are or may be adverse hydrologic or biologic impacts. The data and evaluations, to the extent they are not proprietary, shall become a part of the record of any proceeding to consider subsequent geothermal exploration or development permit applications within the Hot Creek Buffer Zone, the deer migration zones, or any other regions which may be affected by the existing projects.

Action 1.3: Prior to the issuance of any permit for either geothermal exploration or development within the Hot Creek Buffer Zone, the MCEMD shall prepare a written analysis of the cumulative hydrologic and biologic impacts of the proposed project and other development projects of any kind or nature which may individually or cumulatively affect springs, streams, fumaroles, or significant biologic resources within the Zone. The analysis shall be a part of the record.

Action 1.4: Except for projects in the vicinity of Casa Diablo and associated monitoring or mitigation wells or other facilities, and notwithstanding the provisions of CEQA or the County guidelines, where there is credible scientific evidence contained in the foregoing cumulative impact analysis which shows that the project for which a permit is sought, taken together with other development and development projects, may substantially adversely affect springs, streams, or fumaroles within the Hot Creek Buffer Zone, the permit shall not be granted.

OBJECTIVE D

The permit holder shall establish data collection for hydrologic and biologic mitigation and monitoring programs to serve as the basis for assuring protection of hydrologic and biologic resources and water quality and quantity. These programs shall be approved by the MCEMD, after consultation with the LVHAC or another appropriate regional hydrologic advisory committee, and the California Department of Fish and Game, prior to implementation.

Policy 1: Geothermal exploration and development projects shall be sited, carried out and maintained by the permit holder in a manner which best protects hydrologic resources and water quality and quantity.

Action 1.1: During the permit processing period, the applicant for a geothermal development permit shall submit draft hydrologic and biologic monitoring plans to the MCEMD. The plans and proposed mitigation measures, as modified and as accepted by the County or its officers, boards and commissions, shall be approved as part of the initial use permit conditions, if a permit is granted.

The operator under a geothermal development permit shall implement the hydrologic resource monitoring plan to monitor baseline conditions and detect changes in the existing hydrothermal reservoir pressures and shallow aquifer water levels, as well as the discharge (flow) rate and temperatures of selected thermal springs in the project area, if any exist.

Action 1.2: The monitoring plans shall include a formula to calculate the appropriate portion of costs to be repaid to the County by the permit holder in the event that the County expends monies to collect baseline data for the plans.

Action 1.3: Upon the basis of relevant scientific evidence and the recommendation of the LVHAC or another appropriate hydrologic review committee, the monitoring plans may be amended during operations upon prior written approval of the MCEMD or the Planning Commission.

Action 1.4: The hydrologic and biologic resource monitoring plans shall include:

- (a) A schedule for periodically collecting and submitting data to the MCEMD;
- (b) A schedule for preparing a periodic monitoring report to the MCEMD; and
- (c) Provisions for periodic review and assessment of the monitoring data by qualified consultants.

Action 1.5: The applicant for a geothermal development permit shall prepare a baseline data report to be included as part of the hydrologic and biologic resource monitoring plans which identifies all significant hydrologic and biologic baseline information available for the project area. Permit conditions shall require that the permit holder or operator continually collect and submit production data to the MCEMD. The frequency and manner of data collection must be approved by the MCEMD, after consultation with the LVHAC or another appropriate hydrologic advisory committee, and the California Department of Fish and Game.

Action 1.6: If scientific evidence indicates that geothermal exploration or development is significantly threatening, or causing, pressure or temperature changes to springs, streams or fumaroles within the areas of the Hot Creek Gorge or Hot Creek Hatchery which are beyond the natural variations determined through baseline data collection, the permit holder shall implement such mitigation measures as are required by the MCEMD, including, but not limited to, the following:

- (a) Drilling and monitoring new observation wells, or otherwise amending the hydrologic resource monitoring plan;
- (b) Reorienting existing exploration, production or injection operations, or any of them, to increase or decrease hydrologic reservoir temperatures or pressures at the appropriate locations;
- (c) Injecting hot geothermal fluid from the production area directly into injection wells at the appropriate locations to compensate for pressure or temperature changes in the direction of Hot Creek Gorge springs and Hot Creek Hatchery springs, if either group of springs has been shown to be adversely affected by the permit holder's operations;
- (d) Drilling new injection wells in the vicinity of the project area and injecting hot geothermal fluid from the production area to compensate for temperature and pressure decreases in the direction of Hot Creek Gorge springs and Hot Creek Hatchery springs, if either group of springs has been shown to be adversely affected by project operations; and
- (e) Curtailing or entirely discontinuing geothermal operations.

Action 1.7: In order to minimize hydrothermal reservoir pressure declines, and provided the conditions do not conflict with regulations of the California Division of Oil and Gas, development permit conditions shall require the reinjection of substantially all extracted geothermal fluids. Incidental uses of the produced geothermal fluids (i.e., well drilling, well testing, emergency fire water makeup) are exempted from this injection requirement.

Action 1.8: The permit holder shall prepare and submit to the MCEMD, prior to commencement of construction, a detailed blowout contingency plan, which includes a description of blowout prevention equipment required during drilling. Sufficient cold water shall be stored by the permit holder at each well site to quench the well should a blowout occur during drilling.

Water used for this purpose shall not be extracted from surface water sources in a manner which would harm aquatic vertebrate species dependent upon the surface water source. The plan shall provide for regular maintenance and testing of equipment. It shall be approved by the MCEMD prior to operations as condition of the permit.

Action 1.9: If biologic monitoring indicates that permitted geothermal exploration, development and operations, or any of them, have significant adverse effects, then the County shall take such action as is necessary to reduce the effects to less than significant levels, including curtailing or entirely discontinuing geothermal operations.

Action 1.10: Binary working fluids shall be air cooled.

Action 1.11: The consumptive use of surface water and groundwater, consistent with the reasonable needs (as determined by the MCEMD) of project operations and personnel, shall not decrease the natural flow of surface waters nor the perennial yield of groundwater.

Action 1.12: Appropriate measures shall be taken to confine fluid spills. The capacity of the containment facilities shall be equal to at least twice the volume of the entire fluid contents of the facility, including pipeline capacity and the amount which would flow until automatic shutdown devices would stop the flow.

Action 1.13 No geothermal development located within the Hot Creek Buffer Zone shall occur within five hundred (500) feet on either side of a surface watercourse (as indicated by a solid or broken blue line on U.S. Geological Survey 7.5 or 15-minute series topographic maps).

Action 1.14: Permit conditions for both geothermal exploration and development shall assure that required reclamation is completed within one year after a project is completed. Reclamation plans shall contain provisions which assure the protection of springs, streams, and fumaroles from erosion, sediment transport, and similar adverse effects. Plan provisions shall also assure that project sites are restored as closely as reasonably possible to natural conditions, as determined by the MCEMD, in consultation with the Visual Review Committee.

Action 1.15: All geothermal permit applications, environmental documentation and proposed project conditions shall be referred to the appropriate hydrologic advisory committee and the California Department of Fish and Game prior to final action on the permit applications.

Action 1.16: The County shall cooperate with the California Department of Fish and Game in promptly referring documentation on proposed geothermal projects to it.

Action 1.17: Permits for both geothermal exploration and development shall incorporate by reference and require compliance with all applicable rules and regulations of other governmental agencies meant to protect the environment, including the California Department of Fish and Game, the California Division of Oil and Gas, the Lahontan Regional Water Quality Control Board, and the Great Basin Unified Air Pollution Control Board.

Action 1.18: All geothermal pipelines potentially visible in scenic highway corridors or important visual areas shall be obscured from view by fences, natural terrain, vegetation, or constructed berms, or they shall be placed in stabilized or lined trenches.

OBJECTIVE E

Permit conditions for geothermal exploration or development projects shall minimize impacts on deer migration within the deer migration zones identified in this element.

Policy 1: Deer are an important natural, biological, and recreational resource. Geothermal exploration, development and operations shall be undertaken in a manner which minimizes or prevents adverse effects on deer population and migration within the deer migration zones.

Action 1.1: All policies and actions applicable to geothermal development generally that do not conflict with policies specifically applicable to deer migration zones shall be enforced by appropriate permit conditions.

Action 1.2: Development may be prevented in any part of a deer migration zone upon a finding that it will interfere with adopted regulations of the California Department of Fish and Game ***and the goals of the DFG deer herd management plans.***

Action 1.3: The County shall cooperate with the Department of Fish and Game in devising conditions meant to carry out this policy.

OBJECTIVE F

Geothermal exploration and development projects shall be carried out with the fewest visual intrusions reasonably possible.

Policy 1: Permit conditions shall require compliance with all applicable policies and actions of the Conservation/Open Space Element.

OBJECTIVE G

The permit holder shall establish procedures which ensure that neither geothermal exploration nor development will cause violations of state or federal ambient air quality standards or the rules and regulations of the Great Basin Unified Air Pollution Control District (GBUAPCD).

Policy 1: Permit conditions shall require compliance with all requirements of the regional air pollution control district, and with all other applicable provisions of the Conservation/Open Space Element.

Action 1.1: Air quality shall be monitored by a representative of the MCEMD, or the regional air pollution control district with jurisdiction. The costs of such monitoring shall be funded by the permit holder or project operator.

OBJECTIVE H

Mono County shall establish procedures which assure that neither geothermal exploration nor development creates unacceptable noise.

Policy 1: Project conditions shall require compliance with all applicable provisions of the Noise Element and the County Noise Ordinance.

GOAL II

To permit the productive and beneficial development of alternative energy sources, including geothermal resources, consistent with the objectives of Goal I and national and local interests.

OBJECTIVE A

Provided that the environment is protected in the manner required by the policies and actions of Goal I of this section of the Conservation/Open Space Element, County policy shall ensure the orderly and sound economic development of geothermal resources under the appropriate circumstances.

Policy 1: Decisions on applications for geothermal development permits may take into account evidence of national needs for alternative energy development.

Policy 2: Decisions on applications for geothermal development permits should be relatively more favorable during times of scarcities of other energy sources.

Action 2.1: Applicants for permits for geothermal exploration and development may be required to submit information showing the benefits of geothermal energy during the proposed period of geothermal operations. Benefit may be established by showing a contract for the sale of geothermal power to a utility engaged in the business of providing electrical power to the general public.

Policy 3: Mono County's geothermal resources shall be managed in a manner which assures reasonable economic benefits to the citizens and businesses of the County.

Action 3.1: Applicants for permits for geothermal development shall be required to submit information showing the economic benefits or detriments of the proposed development during the proposed period of operation.

Action 3.2: Decisions on applications for development permits should not be made in the absence of information showing the economic benefit or detriment of such development to the citizens and businesses of Mono County, including impacts on natural resources.

Action 3.3: Geothermal development permits should not be granted in the absence of a reasonable showing of economic benefit to the community, unless findings are made that there are overriding state or national energy needs.

GOAL III

To protect the natural resources of Mono County from the potentially damaging effects of water storage and diversions for hydroelectric power generation.

OBJECTIVE A

To prevent conflict between the environment and hydroelectric power generation uses.

Policy 1: All hydroelectric power generation projects located on land under Mono County jurisdiction shall require a use permit.⁶

OBJECTIVE B

Water diversions for hydroelectric power generation shall not occur on any stream which already has more than 20 percent of its length which is not contained in a wilderness area affected by water diversions or in a watershed which already has more than 25 percent of its average annual inflow diverted.

Policy 1: Mono County shall cooperate with the California Department of Fish and Game, State Water Resources Control Board, the BLM, the Forest Service, and the Federal Energy Regulatory Commission, in assessing impacts to streams from existing and proposed hydroelectric power generation, diversion for consumptive use, or other uses.

Action 1.1: Mono County shall develop, as part of its hydrologic database, information on water diversions (see the Water Resources Section of this Element).

Policy 2: The County shall consult with those federal and state decision-making bodies having the authority to grant permits for hydroelectric plants.

OBJECTIVE C

Water diversions for hydroelectric power generation shall not be permitted to occur on any stream that provides habitat for listed or candidate threatened or endangered species, is an important spawning stream or other fishery resource, is used extensively as a recreational resource, or is used extensively for stream research purposes.

Policy 1: Mono County shall cooperate with the California Department of Fish and Game, U.S. Fish and Wildlife Service, the BLM, and the Forest Service in assessing potentially sensitive surface water resources.

Action 1.1: Mono County shall develop, as part of its hydrologic database, information on water resources and areas that should be protected (see the Water Resources Section of this Element).

Policy 2: The County shall provide input to those federal and state decision-making bodies having the authority to grant permits for hydroelectric plants regarding criteria to be evaluated prior to issuing or denying permission to develop further the hydroelectric potential of already impacted streams and watersheds.

⁶Only those retrofit projects which entail major revisions to or replacement of the primary components of the system (i.e. penstock, generator, diversion structure, etc.) shall require a use permit.

OBJECTIVE D

Hydroelectric facilities shall be sited so that they are not easily visible from scenic highways or important visual areas.

Policy 1: Project conditions shall require compliance with all applicable provisions of the Conservation/Open Space Element.

GOAL IV

To permit development of wind and solar energy resources where the resource is adequate and visual impacts and impacts to fish and wildlife resources are minimal.

OBJECTIVE A

The environmental feasibility of large-scale solar and wind energy facilities shall be evaluated before a use permit is granted.

Policy 1: The Mono County Energy Management Department shall solicit assistance from the California Energy Commission for purposes of reviewing the adequacy of the resource from wind and solar power generation projects.

GOAL V

To permit development of wind and solar energy resources if environmental impacts are minimal and where it is compatible with existing and planned land uses.

OBJECTIVE A

Large-scale solar and wind energy facilities shall not adversely impact the visual, recreational, and wildlife habitat resources, and noise environment in Mono County.

Policy 1: Project conditions shall require compliance with all applicable provisions of the Conservation/Open Space Element and the Noise Element.

Policy 2: Wind energy facilities shall not adversely affect wildlife.

Action 2.1: Wind energy facilities shall be sited so as to avoid flight paths of migratory birds.

GOAL VI

To permit use of other energy resources for power generation if environmental impacts and impacts to public health and safety are minimal.

OBJECTIVE A

During the course of evaluating any power generation project under the jurisdiction of Mono County, the California Energy Commission shall be consulted.

Policy 1: The Mono County Energy Management Department shall solicit assistance from the CEC for the purposes of reviewing proposed power generation facilities.

OBJECTIVE B

Power generation facilities shall not adversely impact the visual resources, recreational resources, and noise environment in Mono County.

Policy 1: Project conditions shall require compliance with all applicable provisions of the Conservation/Open Space Element and the Noise Element.

OBJECTIVE C

Emissions from the operation of power plants shall not adversely impact wildlife habitat, residents, or visitors and shall not constitute a hazard to public health and safety.

Policy 1: Project conditions shall require compliance with all applicable provisions of the Conservation/Open Space Element and the Safety Element.

GOAL VII

To minimize the visual and environmental impacts of electrical transmission lines and fluid conveyance pipelines.

OBJECTIVE A

Electrical transmission and distribution lines and fluid conveyance pipelines shall meet the utility needs of the public and be designed to minimize disruption of aesthetic quality.

Policy 1: New major steel-tower electrical transmission facilities shall be consolidated with existing steel-tower transmission facilities except where there are technical or overload constraints or where there are social, aesthetic, significant economic, or other overriding concerns.

Action 1.1: Require selection of rights-of-way to preserve the natural landscape and minimize conflict with present and planned uses of land on which they are to be located.

Action 1.2: Encourage the joint use of transmission and pipeline corridors to reduce the total number of corridors and service and access roads required.

Action 1.3: Require the coordination of siting efforts so that other comparable utility uses can share rights-of-way in a common corridor where feasible.

Action 1.4: The County shall adopt a proactive position in the future siting of transmission and pipeline corridors by working with utilities and project proponents to specify those locations where transmission corridors are acceptable.

Action 1.5: Cooperate with the Forest Service and BLM in planning the use of utility corridors.

Policy 2: At the expense of the project proponent, comprehensive and detailed planning studies, including review of all feasible alternatives, shall demonstrate a clear need for new transmission lines or fluid conveyance pipelines, prior to the siting of these facilities.

Policy 3: New transmission or distribution lines or fluid pipelines shall be buried when such burial does not create unacceptable environmental impacts or the potential to contaminate shallow groundwater resources.

Policy 4: Where burial is not possible, transmission facilities and fluid pipelines shall be located in relation to existing slopes such that topography and/or natural cover provide a background where possible.

Policy 5: Transmission line rights-of-way shall avoid crossing hills or other high points at the crests. To avoid placing a transmission tower at the crest of a ridge or hill, space towers below the crest or in a saddle to carry the line over the ridge or hill. The profiles of facilities should not be silhouetted against the sky.

Policy 6: Where transmission line rights-of-way cross major highways or rivers, the transmission line towers shall be carefully placed for minimum visibility.

Policy 7: Avoid diagonal alignments of transmission lines through agricultural fields to minimize their visibility.

Policy 8: Require location of access and construction roads so that natural features are preserved and erosion is minimized. Use existing roads to the extent possible.

Policy 9: Require that materials used to construct transmission towers harmonize with the natural surroundings. Self-protecting bare steel and other types of non-reflective surfaces are appropriate in many areas. Towers constructed of material other than steel, such as concrete, aluminum, or wood should be considered. Coloring of transmission line towers to blend with the landscape should be considered.

Policy 10: Above ground transmission lines shall be non-specular wire construction.

OBJECTIVE B

Transmission and distribution lines shall not adversely impact wildlife or fisheries.

Policy 1: New transmission or distribution lines shall avoid open expanses of water and wetland, particularly those heavily used by birds. They shall also avoid nesting and rearing areas.

Policy 2: Avoid the placement of transmission or distribution lines through crucial wildlife habitats, such as deer fawning and migration areas.

Policy 3: Design transmission lines to minimize hazards to raptors and other large birds.

GOAL VIII

To encourage the prudent use of energy and to allow substitution of alternative energy sources for conventional energy when such substitution would result in minimal environmental impacts.

OBJECTIVE A

Allow the direct use of geothermal heat provided that such use does not conflict with recreational uses and does not create unmitigatable environmental impacts.

Policy 1: Support the use of direct heat from geothermal fluids in Mammoth Lakes, Bridgeport, and other communities where a geothermal resource may be utilized.

Action 1.1: Identify applications for the direct use of geothermal heat, in addition to space heating, which could support environmentally compatible light industry (such as greenhouses, aquaculture, vegetable dehydration, etc.).

Action 1.2: Cooperate with the Town of Mammoth Lakes/CEC Project on direct use of geothermal heat.

Policy 2: Through participation in the LVHAC Hydrologic Monitoring Program, ensure the implementation of adequate geothermal reservoir monitoring for those direct use projects that have the potential to affect Hot Creek Hatchery springs or Hot Creek Gorge springs.

OBJECTIVE B

Allow the use of alternative energy sources, such as waste-to-energy or solar in the new construction of residential and commercial buildings.

Policy 1: Encourage the implementation of solar water and space heating systems.

Action 1.1: Provide for density bonuses for residential and commercial projects using passive or active solar heating. A 10 percent density bonus may be allowed for each 25 percent reduction in space and water heating demand.

Action 1.2: Enact a solar access ordinance requiring that structures be located and sized so as not to obstruct the solar access of adjoining existing structures unless owners of the affected structures are equitably compensated by the project proponent for the loss of solar access.

Policy 2: Encourage the implementation of alternative forms of space heating when a nearby geothermal source is not available.

Action 2.1: Require that large-scale housing, commercial, and industrial development projects evaluate the potential for using waste-to-energy trash incineration systems and passive solar space heating.

OBJECTIVE C

Encourage energy conservation.

Policy 1: Promote energy conservation within the community.

Action 1.1: Encourage that an energy audit be conducted of new and existing structures prior to sale or resale. All cost-effective energy conservation measures identified in the audit should be completed prior to close of sale.

Action 1.2: Discourage the use of wood-burning for space heating in areas where air quality is adversely affected by woodsmoke.

Action 1.3: Require the use of EPA certified, low-emission wood-burning stoves and fireplace inserts in new construction.

Action 1.4: Discourage the installation of wood-burning fireplaces by allowing a density bonus for the use of gas-fired decorative fireplaces.

Policy 2: Develop land use policies and development standards which foster energy conservation.

Action 2.1: Develop and encourage the use of a voluntary energy efficiency rating system in residential real estate transactions. Implement an ordinance requiring such energy efficiency disclosures in all residential transactions.

Action 2.2: Encourage that all existing residential buildings and motels/hotels be equipped with the following energy conservation measures at the time of sale: weatherstripping at all doors, windows, and utility outlets; water heater insulation wrap; insulation of all exposed water pipes and heating ducts; double/triple pane windows; and automatic thermostat setback control devices.

Action 2.3: Encourage that all built-in heating systems and electrical appliances sold in conjunction with new residential and commercial buildings be evaluated and rated for energy efficiency.

Action 2.4: Enforce the energy conservation provisions of the Uniform, Plumbing, and Mechanical Codes, as well as those in the California Code of Regulations, Title 22, Part 6.

Action 2.5: Ensure that future applicable codes and ordinances reflect energy efficiency in land use matters.

VISUAL RESOURCES

GOAL

Protect and enhance the visual resources and landscapes of Mono County.

OBJECTIVE A

Maintain and enhance visual resources in the County.

Policy 1: In order to protect and enhance important scenic resources and scenic highway corridors as identified in the **MEA**, designate such areas throughout the County for Open Space, Agriculture, Resource Management, or similar low intensity uses.

Action 1.1: Identify important scenic resources, including scenic highway corridors, in the **MEA**.

Policy 2: Coordinate county visual resource policies with federal and state visual policies and objectives.

Action 2.1: Work with federal, state, local, and other appropriate organizations to review and coordinate the protection and enhancement of the County's scenic resources.

Policy 3: Preserve the visual identity of areas outside communities.

Action 3.1: Concentrate future development in or adjacent to existing communities.

Action 3.2: Retain the rural character of areas outside existing communities by restricting development to low intensity uses; high intensity uses outside communities may be permitted only through the Specific Plan or PUD process.

Action 3.3: Avoid the inclusion of scenic areas within spheres of influence for urban service providers.

Action 3.4: Provide opportunities for consideration of additional development in scenic areas in exchange for permanent open space preservation.

Policy 4: Protect significant scenic areas by maintaining land in those areas in public ownership.

Action 4.1: Encourage the use of federal and state designations that recognize significant scenic areas.

Action 4.2: Encourage the transfer of ownership of visually significant private land to public land management agencies or land conservation organizations for the purpose of preserving scenic resources.

Action 4.3: Encourage private landowners with visually significant property to grant or sell a conservation easement to a land conservation organization to protect the land as open space.

Action 4.4: Continue to use zoning and subdivision regulations to preserve open space for scenic purposes.

Action 4.5: Conserve scenic highway corridors by maintaining and expanding large lot zoning designations in areas within view of scenic highways.

Policy 5: Restore visually degraded areas when possible.

Action 5.1: Promote reclamation of existing quarry sites to natural conditions following exhaustion of the mineral resource.

Action 5.2: Work with existing uses to mitigate the adverse visual impacts of those uses, e.g. by painting, landscaping, or otherwise screening the use.

Action 5.3: Encourage private restoration of disturbed sites.

Action 5.4: Consider visual impacts during the Grading Permit Process.

Action 5.5: Require the restoration of disturbed sites following construction, but prior to issuance of a Certificate of Occupancy.

Policy 6: Restore abandoned scenic highways.

Action 6.1: Require the governmental entity responsible for the scenic highway abandonment to restore the roadway and adjacent area to a condition comparable to surrounding lands.

OBJECTIVE B

Maintain a countywide system of state and county designated scenic highways⁷.

Policy 1: Maintain existing state designated scenic highways.

Action 1.1: Enforce required regulations for protection of roadways designated as state scenic highways.

⁷**Scenic Highway** - Any freeway, highway, road, street, boulevard, or other public right-of-way which traverses an area of unusual scenic quality and has been designated as a Scenic Highway by the County Board of Supervisors and/or the State of California.

Action 1.2: Work with appropriate agencies to protect visual resources within existing designated scenic highway corridors⁸.

Action 1.3: Work with Caltrans to ensure that state scenic highways are properly signed.

Policy 2: Seek state scenic highways designation for additional mileage in Mono County.

Action 2.1: Apply to Caltrans for designation of additional Mono County roadways as state scenic highways.

Policy 3: Maintain existing county adopted scenic highways.

Action 3.1: Study the feasibility and desirability of a county signing program for county adopted scenic highways.

Policy 4: Designate additional mileage for the county adopted scenic highway system.

Action 4.1: Designate Rock Creek Road as a county scenic highway.

Policy 5: Seek state designation of county adopted scenic highways as official county scenic highways.

Action 5.1: Apply to Caltrans for designation of county adopted scenic highways as official county scenic highways.

Policy 6: **Support** designation of appropriate highways as National Scenic Byways.

OBJECTIVE C

Ensure that development is visually compatible with the surrounding community, ***adjacent cultural resources***, and/or natural environment.

Policy 1: Future development projects shall avoid potential significant visual impacts or mitigate impacts to a level of non-significance, unless a statement of overriding considerations is made through the EIR process.

⁸**Scenic Highway Corridor** - The area of land generally adjacent to (within 1000 feet) and visible from the highway, which requires protective measures to insure perpetuation of its scenic qualities. Scenic Highway Routes consist of both the public right-of-way and the scenic corridor.

Action 1.1: Future development projects with the potential to have a substantial, demonstrable negative aesthetic effect shall provide a visual impact analysis prior to project approval. Examples of a substantial, demonstrable negative aesthetic effect include:

- 1) Reflective materials;
- 2) Excessive height and/or bulk;
- 3) Standardized designs which are utilized to promote specific commercial activities and which are not in harmony with the community atmosphere;
- 4) Architectural designs and features which are incongruous to the community or area and/or which significantly detract from the natural attractiveness of the community or its surroundings;
- 5) ***Dust or steam plumes; and***
- 6) ***Excessive night lighting.***

The analysis shall:

- a) be funded by the applicant;
- b) be prepared by a qualified person under the direction of Mono County;
- c) assess the visual environment in the general project vicinity;
- d) describe the impacts of the proposed development upon views and scenic qualities within the project site and on surrounding areas; and
- e) recommend project alternatives or measures to avoid or mitigate visual impacts.

Mitigation measures shall be included in the project plans and specifications and shall be made a condition of approval for the project.

Policy 2: Future development shall be sited and designed to be in scale and compatible with the surrounding community and/or natural environment,

Action 2.1: Develop design guidelines for residential, commercial, and industrial development projects. At a minimum, the following development standards shall apply:

- a. Projects should not dominate the natural environment, and should complement existing community character; the scale, design, and siting of a project should be appropriate for the setting;
- b. Building mass should be varied and should be appropriate for the surrounding community or area. Facades in commercial districts should be varied.;
- c. Project siting and structural design should be sensitive to the climate, topography, and lighting of the surrounding environment;
- d. The design, color, and building materials for structures, fences, and signs shall be compatible with the natural environment and/or surrounding community;

- e. Visually offensive land uses shall be adequately screened through the use of landscaping, fencing, contour grading, or other appropriate measures;
- f. The visual impacts of parking areas shall be minimized through the use of landscaping, covered parking, siting which screens the parking from view, or other appropriate measures.
- g. Signs shall comply with the County's Sign Ordinance;
- h. Standardized commercial structures, design, and materials shall not be allowed (e.g. a "McDonalds" shall be designed with materials and finishes that harmonize with the surrounding area);
- i. Industrial areas shall be as compact as possible.
- j. Exterior lighting shall be shielded and indirect and shall be minimized to that necessary for security and safety;
- k. All new utilities shall be installed underground, in conformance with applicable provisions of the MCZDC;
- l. Existing roads shall be utilized whenever possible. Construction of new roads **should** be avoided except where essential for health and safety;
- m. Earthwork, grading, and vegetative removals shall be minimized;
- n. All site disturbances shall be revegetated with ***a mix of indigneous species native to the site (based upon a pre-project species survey).***
A landscaping plan shall be submitted and approved for all projects.

Action 2.2: County staff may require project modifications as necessary to implement Policy 2 and Action 2.1 above.

Action 2.3: Encourage the establishment of Design Review Districts within community areas, in order to provide design guidelines which are more specific to each community.

Action 2.4 Encourage the use of the Scenic Combining District, in order to minimize the impacts of development in scenic areas outside of communities, including in scenic highway corridors.

Action 2.5: Require the establishment of building envelopes during the subdivision process, where appropriate, to mitigate visual impacts.

Action 2.6 Work with federal and state agencies on development projects on their lands to ensure that potential adverse visual impacts are fully mitigated.

Action 2.7: Existing visually offensive land uses located within scenic highway corridors should be adequately landscaped or otherwise screened.

Action 2.8: Require any expansion of existing visually offensive land uses within scenic highway corridors to be adequately landscaped or otherwise screened.

Action 2.9: Require naturalistic drainage improvements where modifications to the natural streamway are required in scenic highway corridors. When feasible, do not place streams in underground drainage structures.

Policy 3: Proposed transmission and distribution lines shall be designed and sited to minimize impacts to natural and visual resources.

Action 3.1: Install utilities underground in conformance with the Mono County Code.

Action 3.2: Require that utilities for all new subdivisions be installed underground, unless specific hardships can be demonstrated in conformance with the Mono County Code.

Action 3.3: Install new utility lines underground within scenic highway corridors, unless a variance is granted for overhead installation.

Action 3.4: Pursue the establishment of underground utility districts within scenic highway corridors as a mechanism to place existing overhead lines underground.

Action 3.5: Apply to SCE for financial support to convert eligible overhead lines to underground utilities .

Action 3.6 Require that overhead utility lines proposed within a scenic highway corridor be located in the least conspicuous manner possible.

Action 3.7: Use existing utility corridors and common poles wherever possible.

Action 3.8: Enforce the policies in the Energy section of the Conservation/Open Space Element pertaining to the siting and design of transmission lines and fluid conveyance pipelines.

Policy 4: Promote revegetation and reforestation programs along county roads, including designated scenic highways.

Action 4.1: Seek funding and work with appropriate agencies to develop and implement revegetation and reforestation programs along county roads, including scenic highways.

Policy 5: Minimize the visual impact of signs within designated scenic highway corridors.

Action 5.1: Prohibit billboards and off-premises advertising signs within scenic highway corridors.

Action 5.2: Amend the Sign Ordinance to regulate the number, type, size, height, design, materials, color and texture of on-premise attached signs within scenic highway corridors.

Action 5.3: Require a use permit for all on-premise freestanding signs in scenic highways corridor.

Action 5.4: Amend the Sign Ordinance to clarify the amortization procedures for non-conforming signs.

Policy 6: Establish and implement roadway improvement standards for designated scenic highways.

Action 6.1: Make every effort to work within existing rights-of-way rather than constructing new roads through scenic areas.

Action 6.2: Ensure that aesthetics is a major consideration in the design of any new roads through scenic areas.

Action 6.3: In order to minimize the disruption which can result from the construction of a new road through a scenic area, clear cutting and hillside cuts should be avoided whenever possible.

OBJECTIVE D

Heighten awareness of Mono County's unique visual environment.

Policy 1: Tourist facilities should be located to take advantage of scenic views.

Action 1.1: Work with federal, state, and local agencies to construct roadside turnouts with interpretive information for scenic vistas.

Action 1.2: Work with federal, state, and local agencies to develop a scenic vista signing program which marks scenic viewpoints from roadways.

Policy 2: Provide roadside improvements for designated county and state scenic highways.

Action 2.1: Work with appropriate agencies and individuals to develop scenic view areas and roadside stops whenever feasible within scenic highway corridors.

Action 2.2: Install bicycle lanes, equestrian trails and foot trails where appropriate along scenic highways.

Action 2.3: Protect and enhance all historical structures and points of interest **and the visual state of their surroundings** whenever possible within and adjacent to scenic highway corridors.

Action 2.4: Encourage the Forest Service, the BLM, and Caltrans to provide funding for roadside improvements.

Policy 3: Continue to conduct an anti-litter campaign along county roadways.

Action 3.1: Continue to provide pull-outs with garbage cans where appropriate along county roadways.

Action 3.2: Encourage participation in Caltrans' Adopt-a-Highway Program.

Action 3.3: Continue to enforce litter abatement laws, including fines.

OUTDOOR RECREATION

GOAL

To provide opportunities for outdoor recreation to meet the needs of residents and visitors in a manner that conserves natural ***and cultural*** resources.

OBJECTIVE A

Provide sufficient recreational facilities and opportunities for residents.

Policy 1: Each community should have a community center and a full range of community recreation facilities.

Action 1.1: Improve and expand existing community recreation facilities.

Action 1.2: Work with communities and other groups as feasible to operate and maintain parks.

Action 1.3: Study the feasibility of providing a community center for Lee Vining.

Policy 2: Plan, design, and construct parks and recreation facilities to coincide with projected growth.

Action 2.1: Provide new park facilities to accommodate growing populations in accordance with the following parkland standards:

- a. Neighborhood parks: a minimum of one acre per 1000 population.

Neighborhood parks should be centrally located to serve areas within a one-half mile radius and should be easily accessible by foot, bicycle, or automobile. Typical facilities include children's play areas, picnic facilities, sitting areas, open turf, and if space permits, paved areas for games such as basketball or tennis.

- b. Community parks: a minimum of three acres per 1000 population.

Community parks should be centrally located to serve areas within a two mile radius and should be easily accessible by foot, bicycle, or automobile. Typical facilities include softball fields, large turf areas for soccer or football, on-site restrooms, paved areas for basketball, and

walking paths/fitness trails, and if space permits, children's play areas and picnic facilities.

- c. Regional parks: a minimum of 10 acres per 1000 population.

Regional parks should be located to serve areas within a 10-15 mile radius and should be easily accessible by automobile. Typical facilities include ballfields, on-site restrooms, picnic facilities, and specialized facilities such as motocross tracks, pools, shooting ranges.

Action 2.2: County park facilities should be accessible to all segments of the population, including handicapped, young, and elderly, where feasible.

Action 2.3: Encourage the formation of a self-supporting park system by employing user fees (where appropriate), concessionaire revenues, soliciting grants and private contributions, requesting volunteer help, and by other means which further cost-effective park operations.

Action 2.4: Where appropriate, work with incorporated areas to provide joint use park and recreation facilities. Ensure that incorporated development pays its fair share toward provision of these services.

Policy 3: Identify, designate and acquire sites for parks and other recreation facilities of sufficient size and location for future development.

Action 3.1: Prioritize site acquisitions.

Action 3.2: Where feasible, acquire public lands for parks and ballfields through land exchanges and special use permits.

Action 3.3: Develop and adopt a funding plan to acquire sites and/or conservation easements and to fund needed recreation facilities.

Action 3.4: Continue pursuing state and federal grant monies and monies available from non-profit corporations for the acquisition, construction, and maintenance of parks and other recreation facilities.

Action 3.5: Promote the development and enactment of an ordinance implementing the Quimby Act's parkland dedication provisions (Government Code § 66477b) that require new developers to dedicate land, contribute to a fund, or a combination of both, for parks and recreational purposes.

Action 3.6: Through the Specific Plan ~~or PUD~~ process, provide incentives for developers to dedicate areas for parks and to plan for the development of parks.

Policy 4: The location and design of recreational facilities should reflect environmental constraints and site characteristics.

Action 4.1: All applications for recreational projects shall be required to address the potential adverse impacts of the development. Applications shall include measures to mitigate potential impacts.

Action 4.2: Locate and design community parks to minimize their effects on surrounding land uses.

Action 4.3: Provide adequate buffer zones around community parks.

Action 4.4: Minimize the use of outdoor lights.

Policy 5: Through the Specific Plan ~~or PUD~~ process, provide incentives for developers to provide not only project related but public indoor recreation facilities, such as swimming facilities, basketball courts, etc.

OBJECTIVE B

Provide sufficient recreational facilities and opportunities outside of community areas for residents and visitors .

Policy 1: Work with appropriate agencies and organizations to provide a full range of recreation opportunities to meet varied interests.

Action 1.1: Provision of county parks should occur in coordination with federal, state, and local agencies, and other recreation providers to avoid duplication of services and to ensure a full range of recreation opportunities.

Action 1.2: Participate in the development of recreation plans and policies with other agencies and organizations.

Policy 2: Recreational development outside of community areas should be responsive to environmental limitations and market demand.

Action 2.1: Applications for such recreational projects shall be required to address the potential adverse impacts of the development. Applications shall include measures to mitigate potential impacts.

Action 2.2: Development proposals for major recreation facilities outside of community areas may be required to submit a market demand analysis.

Policy 3: Reduce incompatibility between recreation uses and neighboring uses.

Action 3.1: Review locations of proposed recreational uses to ensure that the location is compatible with neighboring uses.

Policy 4: Protect natural resources from overuse due to recreational uses.

Action 4.1: Work with appropriate agencies to develop capacity goals for recreation facilities and to monitor visitor usage at recreation facilities.

Policy 5: Preserve rivers which provide recreational opportunities.

Action 5.1: Pursue Wild and Scenic River designation for appropriate county waterways.

OBJECTIVE C

Provide convenient and safe access to recreation sites.

Policy 1: Local trails should connect to regional and interstate trails, where feasible.

Action 1.1: Inventory and map all trails in Mono County.

Action 1.2: Meet with federal and state agencies to identify priority trail links.

Action 1.3: Seek funding for and construct trail improvements.

Action 1.4: Investigate the feasibility of creating trails in utility corridors.

Action 1.5: Meet with other agencies to compare capital improvement programs and eliminate overlap of projects.

Policy 2: Encourage connections between trails and other transportation systems, e.g. public transit systems.

Policy 3: Develop countywide and community bike path systems in the Circulation Element.

Policy 4: When appropriate, major recreation destinations, such as lakes, ski areas **or cultural resource areas**, should have public transportation systems which serve them as an alternative to the private automobile.

Action 4.1: Development applications for major recreation projects shall address traffic impacts. The analysis shall include mitigation measures.

Policy 5: All communities should have trails and public transit services which link the community to adjacent recreation opportunities, where feasible.

Policy 6: Provide for public access from public roadways to navigable waterways through the subdivision process in a manner consistent with the Subdivision Map Act and other applicable laws.

OBJECTIVE D

Encourage and promote year-round use of seasonal recreation areas and facilities.

Policy 1: Seasonal facilities should provide opportunities for alternative uses in the off-season.

Action 1.1: Promote the use of alpine and nordic ski facilities for summer mountain bike use.

Action 1.2: Increase public awareness of seasonal recreation opportunities through promotional programs.

CULTURAL RESOURCES

GOAL

To identify, preserve, restore, and interpret cultural resources⁹ in Mono County.

OBJECTIVE A

Provide a comprehensive approach to cultural resource management.

Policy 1: Establish a Cultural Resource Management Program.

Action 1.1: Develop a Cultural Resource Management Ordinance that includes criteria, standards, and guidelines for identifying, preserving, and protecting the County's cultural resources.

Action 1.2: Establish a Cultural Resource Management Commission ("the Commission") to administer the Cultural Resource Management Program, to identify cultural resources, to apply for cultural resource grants, to act as a liaison with federal, state, and local agencies involved in cultural resource management, and to review development proposals affecting significant cultural resources.

Policy 2: Obtain funding to implement the Cultural Resource Management Program.

Action 2.1: Apply to the State Office of Historic Preservation for Certified Local Ordinance Status and Certified Local Government status.

Action 2.2: Consult with federal, state, and non-profit groups concerning the availability of grants and funding for cultural resources preservation and management. ***Seek funding from available sources.***

Policy 3: Encourage private preservation and conservation efforts.

⁹***In Mono County, cultural resources include buildings, sites, structures, objects and districts of interest to Mono County, the region, California and the nation. The term "cultural resources" includes both archaeological and historical resources.***

MONO COUNTY GENERAL PLAN

Action 3.1: Contact owners of privately owned cultural resource sites to discuss long term plans for the sites and the possibility of obtaining grants or loans for restoration.

Action 3.2: Encourage productive and economically attractive uses of historic properties and structures.

Action 3.3: Provide technical assistance to private owners of cultural resource properties wishing to preserve, protect, or restore their properties.

Policy 4: Encourage a coordinated and cooperative approach to cultural resource management.

Action 4.1: Work with appropriate federal, state, and local agencies in the development and implementation of the Cultural Resource Management Program.

Action 4.2: Develop procedures for consulting with local Native American groups and with the California Native American Heritage Commission to ensure that federal and state requirements concerning the preservation and protection of Native American remains are met.

Action 4.3: Adopt provisions in the Cultural Resource Management Ordinance to ensure that traditional Native American religious and cultural practices are protected.

OBJECTIVE B

Identify and inventory cultural resources in Mono County.

Policy 1: Work with private land owners to conduct a comprehensive inventory of cultural resources on private lands.

Action 1.1: Work with federal, state, and local agencies to analyze current data on cultural resources in the County, to develop a work program for a cultural resources inventory on private lands in the County, and to coordinate with inventory data on public lands.

Action 1.2: Investigate cooperative approaches to conducting a cultural resources inventory.

Action 1.3: Seek public involvement in the inventory process.

Action 1.4: Seek funding and establish procedures for an ongoing update of the inventory.

OBJECTIVE C

Preserve, protect, and restore (where appropriate) the cultural resources of Mono County.

Policy 1: Future development projects shall avoid potential significant impacts to cultural resources or mitigate impacts to a level of non-significance, unless a statement of overriding considerations is made through the EIR process.

Action 1.1: Future development projects with the potential to significantly impact cultural resources shall provide an analysis of the potential impact(s) prior to project approval. Examples of potential significant impacts include:

- 1) disrupting or adversely affecting a prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group, or a paleontological site except as a part of a scientific study; and/or
- 2) conflicting with established recreational, educational, religious or scientific uses of the area.

The analysis shall:

- a) be funded by the applicant;
- b) be prepared by a qualified person under the direction of Mono County;
- c) assess the cultural resources in the general project vicinity;
- d) describe the impacts of the proposed development upon cultural resources within the project site and on surrounding areas; and
- e) recommend project alternatives or measures to avoid or mitigate impacts to cultural resources.

Mitigation measures shall be included in the project plans and specifications and shall be made a condition of approval for the project.

Action 1.2: Develop criteria in cooperation with other federal, state, and local agencies, to determine which cultural resources are significant.

Action 1.3: Develop procedures in the Cultural Resource Management Ordinance for the preservation and protection of significant resources, including guidelines for the use of mitigation measures to address the impacts of development on cultural resources.

Action 1.4: Prioritize sites to be nominated to the National Register of Historic Places and/or as California Historic Landmarks or Points of Historical Interest, as well as routes to be nominated for National Trails designation or the California Trails System.

Action 1.5: Make recommendations to the Board of Supervisors concerning the local designation of cultural landmarks and districts.

Policy 2: Explore all available measures, including the purchase of easements, dedication to the County, tax relief, the purchase of development rights, the formation of a local land trust, and the consideration of reasonable project alternatives in order to avoid development on or adjacent to culturally sensitive sites.

Policy 3: Establish buffer zones around significant cultural resource sites to protect the integrity of the resource, as well as the integrity of the setting.

Action 3.1: Work with the State Department of Parks and Recreation to address compatible land uses adjacent to State Historic Park properties.

Action 3.2: Encourage the State to purchase properties adjacent to State Historic Park properties in order to prevent impacts from future adjoining incompatible uses.

Action 3.3: Support the acquisition of areas with cultural resource values by federal or state land management agencies or land conservation organizations.

Action 3.4 Protect existing open space and/or designate or acquire open space around identified cultural properties to provide buffer space and to protect historic settings.

Action 3.5: Encourage other federal, state, and local agencies, as well as private individuals and organizations, to provide buffer zones around cultural properties.

Policy 4: Restore and maintain significant cultural resource sites.

Action 4.1: Adopt policies and standards in the Cultural Resource Management Ordinance for the maintenance and restoration of significant cultural resources.

Action 4.2: Establish a fund for the purchase, maintenance, and restoration of significant cultural resources.

Action 4.3: Study the potential of amending the Zoning and Development Code to establish a cultural resource overlay zoning designation and/or local cultural resource or historic districts.

Policy 5: Implement incentives to encourage private preservation and conservation efforts.

Action 5.1: Develop tax incentives for the preservation or faithful restoration of properties with identified cultural resource value.

Action 5.2: Adopt the State Historic Building Code, in lieu of the Uniform Building Code, for significant historic structures.

Action 5.3: Establish requirements in the Cultural Resource Management Ordinance for compatible alterations and additions to historic structures.

Action 5.4: Allow minor variations from zoning requirements (e.g. setbacks, parking standards) to maintain the historic quality of cultural properties.

OBJECTIVE D

Interpret and make accessible to the public cultural resources in Mono County where feasible and appropriate.

Policy 1: Develop cooperative interpretation and education programs on cultural resources in Mono County.

Action 1.1: Work with federal, state, and local agencies and organizations to inventory existing interpretive and educational programs and to develop additional interpretive and educational programs, including living history programs.

Action 1.2: Utilize handouts developed by the Forest Service, the BLM, and the State Department of Parks on the restrictions on gathering artifacts or damaging cultural properties and the penalties involved in violations, and shall make these handouts available at existing visitor facilities.

OBJECTIVE E

Promote Mono County's cultural resources, when feasible and appropriate.

Policy 1: Highlight Mono County's cultural resources, when feasible and appropriate, in promotional materials.

Action 1.1: Work with federal, state, and local agencies and organizations to develop a list of which cultural resources and activities in the County can be promoted without adverse harm to the resource.

Action 1.2: Encourage the Forest Service, the BLM, the County Chamber of Commerce, local Chambers of Commerce, and the Town of Mammoth Lakes to include cultural resources and activities in promotional materials.

Action 1.3: Encourage local communities and Chambers of Commerce to develop and promote local historically-oriented special events.

Action 1.4: Encourage local communities and agencies to support and promote traditional folk arts such as Native American arts and crafts and traditional western crafts.

Action 1.5: Study the feasibility of establishing a County historic designation program, with roadside markers.

PUBLIC HEALTH AND SAFETY

GOAL I

To achieve and maintain excellent air quality, water quality, and noise quality such that public health is protected and to protect the public from adverse impacts from hazardous waste and materials.

OBJECTIVE A

Maintain a high level of air quality that protects human health and wildlife, and prevents the degradation of scenic views.

Policy 1: Maintain air quality by complying with standards and regulations established by the Great Basin Unified Air Pollution Control District (GBUAPCD).

Action 1.1: Maintain countywide attainment of ambient standards for carbon monoxide (CO), nitrogen dioxide (NO₂), and sulfur dioxide (SO₂).

Action 1.2: Prohibit drive-through commercial facilities.

Action 1.3: Reduce winter CO levels.

Action 1.4: Institute a park-and-ride system to ski areas.

Action 1.5: Require CO concentrations analyses for projects that would generate more than 2,000 motor vehicle trips per day.

Policy 2: Support the GBUAPCD in its effort to improve the requirement of Best Available Control Technology on major stationary sources of nitrogen oxides (NO_x) and reactive organic compounds (ROC)¹⁰.

Action 2.1: Work with the GBUAPCD to inspect and enforce existing permits.

Action 2.2: Inform developers of projects such as restaurants, parking structures, ski areas, and hotels of the secondary source permit requirements established by the GBUAPCD.

Policy 3: Future development projects shall avoid impacts to air quality or mitigate impacts to a level of non-significance, unless a statement of overriding considerations is made through the EIR process.

Action 3.1: Future development projects with the potential to significantly impact air quality shall assess potential impacts prior to project approval. Examples of potential significant impacts include:

- 1) Violating any ambient air quality standard; and/or
- 2) Contributing substantially to an existing or projected air quality violation; and/or
- 3) Exposing sensitive receptors to substantial pollutant concentrations.

The analysis shall:

- a) be funded by the applicant;
- b) be prepared by a qualified person under the direction of Mono County;
- c) assess existing conditions in the general project vicinity;
- d) describe the impacts of the proposed development upon air quality within the project site and on surrounding areas; and

¹⁰Reactive organic compounds, precursor chemicals for ozone generation.

- e) recommend project alternatives or measures to avoid or mitigate impacts to air quality.

Mitigation measures shall be included in the project plans and specifications and shall be made a condition of approval for the project.

Policy 4: Promote mixed-use neighborhood commercial/residential development near employment centers to reduce the number of vehicle miles generated by land use development.

Policy 5: Reduce dust generation resulting from exposed alkali lake beds.

Action 5.1: Support legal action and negotiations to require minimum flows to Mono Lake to halt the trend of declining lake levels. ***Support a minimum lake level of 6377 feet elevation, with a buffer added for climatic fluctuations.***

Policy 6: Reduce emissions from woodburning appliances.

Action 6.1: Require that all new woodburning appliances be Phase II EPA certified.

Policy 7: Minimize the amount of fugitive dust generated by construction ***and other*** activities.

Action 7.1: Require project sponsors and their contractors to employ dust abatement techniques such as: sprinkling of exposed areas, preventing haul trucks from being overfilled, and sweeping spilled material off paved roads.

Policy 8: Encourage agricultural practices that reduce the amount of dust generated from tilling.

Action 8.1: Work with local soil conservation districts, the U.S. Soil Conservation Service, agricultural officials, and the GBUAPCD to assist landowners in adjusting agricultural practices to reduce dust generation.

Policy 9: Reduce the amount of dust entrained by vehicle movement over paved and unpaved roads.

Action 9.1: Require the paving or treatment of roads accompanying new development projects, in conformance with the county road standards.

Action 9.2: Pursue the paving or treating of existing unpaved roads in the County through capital improvement plans, redevelopment plans, or special assessment districts.

Action 9.3: Cinders used for winter road maintenance should be applied in a manner that does not cause degradation of air quality.

Policy 10: Restrict OHV use in order to minimize air quality impacts.

Action 10.1: Coordinate OHV use on private lands and County roads with the OHV use established by the Forest Service and BLM for public lands.

OBJECTIVE B

Maintain a high level of water quality that protects human health and wildlife habitat.

Policy 1: Implement policies contained in the Water Resource section of the Conservation/Open Space Element.

OBJECTIVE C

Maintain existing ambient noise levels to protect human health and preserve habitat values.

Policies to achieve this objective are included in the Noise Element of this Plan.

OBJECTIVE D

Provide for the safe transfer, storage, and disposal of hazardous materials and waste in order to protect human health and the environment.

Policies to achieve this objective are included in the Hazardous Waste Management Element of this Plan.

GOAL II

To protect the public from natural hazards, such as volcanoes, earthquakes, avalanches, floods, and fires.

Policies to achieve this goal are included in the Safety Element of this Plan.

APPENDIX A

**Draft Resource Extraction Zoning District
and Draft Reclamation Ordinance**

DRAFT

**MONO COUNTY CODE
RESOURCE EXTRACTION ("RE") DISTRICT**

Chapter 19.xx

Sections:

19.xx.010	Purpose and Intent.
19.xx.020	Criteria for Establishment of "RE" District.
19.xx.030	Uses Permitted.
19.xx.040	Uses Permitted Subject to Directors Review.
19.xx.050	Uses Permitted Subject to Use Permit.
19.xx.060	Use Permit Requirements.
19.xx.070	Lot and District Area.
19.xx.080	Density.
19.xx.090	Development Standards.

19.xx.010 Purpose and Intent.

The intent of the Resource Extraction District is to provide for resource extraction projects in a manner that is consistent with the provisions of the Mono County General Plan and applicable state and federal laws, such as the Surface Mining and Reclamation Act of 1975 (SMARA). The Resource Extraction District regulates development within such districts in order to protect the environment while allowing for development of on-site resources, including but not limited to mineral resources, geothermal resources, wind energy and solar energy resources, hydropower resources, and timber resources. The Resource Extraction District is intended to be used only in areas with existing or proposed resource development activities. The Resource Extraction District also provides public awareness concerning the potential for resource and energy related extraction activities in areas where significant resource deposits or energy related resources have been identified.

19.20.020 Criteria for Establishment of the "RE" District.

In establishing the "RE" District, one or more of the following criteria must be demonstrated to the satisfaction of the County:

- A) An active resource development project currently exists on the subject lands.
- B) The project qualifies under the "vesting" provisions as specified in the California Surface Mining and Reclamation Act (SMARA).
- C) It has been reasonably determined to the satisfaction of the County that potentially significant resources exist on the lands under consideration. This

determination may be based on reports filed by a registered professional acceptable to the county, and funded by the applicant, or in the case of surface

DRAFT

mining operations, on mineral land classification reports filed in conjunction with SMARA.

- D) In areas with conflicting resource values, it has been reasonably determined to the satisfaction of the County that the proposed resource development activity, and therefore the proposed "RE" District, indicates the highest and best use of the land.

19.xx.030 Uses Permitted.

The following uses are permitted within the "RE" District, plus such other uses as the Commission finds to be similar and not more obnoxious or detrimental to the public health, safety, and welfare.

- A) Geological, geochemical, or geophysical mapping, hand surface sampling of outcrops and soil, and activities which do not involve extensive excavation, devegetation, or other potentially significant environmental effects.
- B) A residential dwelling unit and a secondary housing unit (in compliance with the provisions of Chapter 19.28, Secondary Housing), unless associated with a resource development project.
- C) Such other uses as the Director may determine to be of an infrequent nature and which involve only minor surface disturbances.

19.xx.040 Uses Permitted Subject to Director Review.

The following uses may be permitted subject to review and approval by the Director in conformance with the Director Review process.

- A) Excavations or grading conducted for farming or on-site construction for the purpose of restoring land following a flood or natural disaster.
- B) Resource development activities involving the prospecting for, or extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.
- C) Resource development activities that do not involve either the removal of 1,000 cubic yards of minerals, ore, or overburden; or involve more than one acre in any one location.
- D) Surface mining operations that are required by Federal law in order to protect a mining claim, if such operations are conducted solely for the purpose and in compliance with applicable federal regulations which administer the affected mined lands.

- E) Such other surface mining operations as are categorically determined by the State Mining and Geology Board to be exempt from the provisions of SMARA;

DRAFT

and/or those particular resource development activities with similar impacts that the County may determine to be of infrequent nature and/or involve insignificant amounts of surface disturbance.

19.xx.050 Uses Permitted Subject to Use Permit.

The following uses may be permitted subject to obtaining a Use Permit in conformance with applicable provisions of the County General Plan and the Mono County Code.

- A) Surface mining operations as defined in SMARA.
- B) Sub-surface mining operations.
- C) Exploring, drilling, processing, stockpiling and transporting of gas, oil, and other hydrocarbons.
- D) Exploring, drilling, processing and transporting of geothermal resources.
- E) Development and construction of geothermal power plants; hydropower plants; and wind and solar power plants.
- F) Resale and wholesale distributing of materials produced on-site and accessory uses, such as constructing and using rock crushing plants, aggregate washing, screening and drying facilities and equipment, ore reduction plants and concrete batching plants, and storage of materials and machinery which is in use and utilized by the permitted operation.

19.49.060 Use Permit Requirements.

A. Filing:

1. Submittal: An application for a use permit shall be accompanied by the appropriate filing fee and be submitted to the Planning Department or Energy Management Department on forms provided by the applicable department. Applications shall be full and complete, containing all information required by this chapter or the applicable department, and for surface mining operations, all information required by SMARA. In general, all applications shall be submitted utilizing the following format:

- a. Appendix A = Project Description
- b. Appendix B = Property Documentation
- c. Appendix C = Reclamation Plan
- d. Appendix D = Environmental Assessment
- e. Appendix E = Maps & Illustrations

2. Acceptance: An application for a use permit shall not be deemed complete or accepted for filing and the processing time limits shall not begin to

DRAFT

run until the Planning or Energy Management Director or his delegate accepts the application as complete.

B. Procedure:

1. Processing: Within thirty (30) days after receipt of a resource use permit application, the Director or his appointed representative shall review the application and shall notify the applicant or his designated representative, in writing, concerning any application deficiencies.

a. Applications shall be deemed complete, if prior to the expiration of the thirty (30) day review period, the applicant or his designated representative has not been notified that the application is incomplete. Acceptance of the application as complete shall not constitute an indication of project approval.

b. Complete applications shall be processed in accordance with the provisions of Chapter 19.38, Use Permits, and for surface mining operations, with the applicable provisions of SMARA.

2. Non-Use of Permit: In conformance with Chapter 19.38, Use Permits, failure to commence diligent resource development activities within one (1) year shall render the use permit null and void. Demonstrating that the operator has made every attempt to secure required permits at the state or federal level but that despite due diligence the permits have not yet been issued shall serve to stay this requirement.

19.xx.070 Lot and District Area.

The minimum lot size or district area shall be forty (40) acres or a quarter, quarter section, with the exception of patent and/or historical mining claims and "vested operations" which shall be considered on a case by case basis. Minimum lot or parcel areas may be reduced in conformance with the "Specific Plan" process.

19.xx.080 Density.

One dwelling unit per forty (40) acres or a quarter, quarter section or one residence per pre-existing parcel if less than forty acres.

19.xx.090 Development Standards.

The following development standards shall apply to all projects in the Resource Extraction District, including single family residential development, unless amended through the "PUD" or "Specific Plan" process.

DRAFT

A. Setbacks.

- 1) No processing equipment or facilities shall be located and no resource development shall occur within the following minimum horizontal setbacks:
 - a) One hundred (100) feet from any interior public street or highway unless the Public Works Director determines that a lesser distance would be acceptable.
 - b) Two hundred (200) feet from any exterior property line.
 - c) Five hundred (500) feet from any private dwelling, institution, school, or other building or location used for public assemblage.
- 2) No residential uses shall be located with the following minimum horizontal setbacks:
 - a) Fifty (50) feet from any interior public street or highway unless the Public Works Director determines that a lesser distance would be acceptable.
 - b) Fifty (50) feet from any exterior property line.

B. Lot Coverage.

The maximum lot coverage shall be twenty (20) percent.

C. Fences, Screening, and Landscaping.

Fences and/or screening shall be required when abutting any residential or commercial district or use. Screening may be achieved through the use of site landscaping, fencing, contour grading, and/or other appropriate measures. Any use subject to a use permit shall be required to submit a landscaping plan, acceptable to the County, for all areas within the required setbacks.

D. Site Disturbance.

Earthwork, grading, and vegetative removals shall be minimized. Existing access roads shall be utilized whenever possible. Construction of new access roads, frontage roads, or driveways shall be avoided except where essential for health and safety.

E. Revegetation.

All site disturbances shall be revegetated in conformance with the County's Reclamation Ordinance.

DRAFT

F. Lighting.

Exterior lighting shall be shielded and indirect and shall be minimized to that necessary for security and safety.

G. Noise.

All resource development projects shall be sited and designed to minimize noise impacts to the surrounding environment, in conformance with applicable provisions of the County's General Plan and the Mono County Code.

DRAFT

**MONO COUNTY CODE
RECLAMATION**

Chapter 19.xx

Sections:

19.xx.010	Purpose and Intent.
19.xx.020	Definitions.
19.xx.030	Reclamation Plan Requirements.
19.xx.040	Amendments.
19.xx.050	Reclamation Standards.
19.xx.060	Vested Surface Mining Operations.
19.xx.070	Idle Mine Status.
19.xx.080	Annual Inspections.
19.xx.090	Administration.
19.xx.100	Surety Required.
19.xx.110	Enforcement.

19.xx.010 Purpose and Intent.

It is the purpose of this chapter to provide standards and procedures for reclamation of resource development activities in Mono County. Specifically, it is the purpose of this chapter to implement the policies in the General Plan pertaining to reclamation of energy-related projects, mining projects, and other resource development activities and to fulfill the legislative mandate contained in the Surface Mining and Reclamation Act (SMARA) and the corresponding sections of the California Code of Regulations. It is the intent of the Board of Supervisors to provide for the reclamation of disturbed lands, and to eliminate hazards to public health and safety.

19.xx.020 Definitions.

Definitions and applicable provisions contained in SMARA and in the corresponding sections of the California Code of Regulations are incorporated herein by reference. The following definitions are also applicable to the provisions of this chapter:

- A. "Abandoned or Abandonment": The cessation of resource development activities prior to completion of required reclamation or to cease resource development activities whether or not actual reclamation has commenced, or both. Mere non-use shall not in and of itself constitute abandonment; provided, however, non-use for more than twelve (12) consecutive months without filing an interim management plan shall create a rebuttable presumption of intent to abandon. Regarding geothermal well abandonment, it is the discontinued, non-operative condition of a well as determined and defined by the California Division of Oil

and Gas on non-federal lands and by the Bureau of Land Management on federal lands.

DRAFT

- B. "Expansion of resource development activities": Any substantial increase in the size or scope of a resource development activity. Expansion includes, without limitation, any resource development activities beyond the boundaries defined in an approved reclamation plan.
- C. "Idle": To curtail for a period of one year or more, surface mining operations by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.
- D. "Mined lands": The surface, subsurface, and groundwater of an area in which resource development activities will be, are being, or have been conducted, including those private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, resource development activities are situated.
- E. "Minerals": Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.
- F. "Operator": Any person who is engaged in resource development activities himself, or who contracts with others to conduct operations on his behalf, except a person who is engaged in surface resource development activities as an employee, with wages as his sole compensation.
- G. "Reclamation": The combined processes of land treatment that minimize water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from resource development activities, including surface effects incidental to underground mines, so that disturbed lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and creates no danger to public health and safety. The process may extend to affected lands surrounding disturbed lands, and may require grading, resoiling, revegetation, soil compaction, stabilization, or other measures.
- H. "Reclamation Plan": The approved plan for reclaiming the lands disturbed by resource development activities.
- I. "Resource Development Activities": Projects which propose to utilize or develop natural resources. Resource development activities include, but are not limited to, the following: (a) geothermal exploration and development projects; (b) surface mining operations; (c) hydroelectric, wind or solar power facilities; (d) oil and gas exploration and development projects; and (e) timber production.

- J. "SMARA": The Surface Mining and Reclamation Act of 1975 as amended (Section 2710 et seq. of the Public Resources Code) and the corresponding sections of the California Code of Regulations, Title 14.

DRAFT

- K. "State Geologist": The individual holding that office created by Sec. 667, Article 3, Chapter 2 of Division 1 of the Public Resources Code, or his designate.
- L. "Surface Mining Operations": All, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. Surface operations shall include, but are not limited to:
1. In place distillation or retorting or leaching.
 2. The production and disposal of mining waste.
 3. Prospecting and exploratory activities.

In addition, borrow pitting, streambed skimming, segregation and stockpiling of mined materials (and recovery of same) are also deemed to be surface mining operations unless specifically excluded in conformance with other regulatory provisions.

- M. "Vested Surface Mining Operation": A person shall be deemed to have obtained "vested" rights when sufficient documentation has been submitted to the Planning Director and County Counsel to indicate that prior to January 1, 1976, he or she has, in good faith and in reliance on a permit or other authorization, if a permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials therefore. The operator may also be required to submit documentation indicating that no substantial changes have occurred in the operation since January 1, 1976, except for those changes that were in conformance with applicable regulations in effect at the time of the change. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work and materials.

19.xx.030 Reclamation Plan Requirements.

- A. Filing:
1. Submittal: Reclamation plans shall be submitted to the Energy Management Department (for energy-related projects) or to the Planning Department, on forms supplied by the applicable department. Reclamation plan submittals shall be full and complete, containing all information required by the applicable department to justify the findings for approval, and for surface mining operations, all information required in conformance with applicable provisions of SMARA.

2. Acceptance: Reclamation plan submittals shall not be deemed complete or accepted for filing and processing time limits shall not begin to run until the Energy Management or Planning Director or his delegate accepts the submittal as complete.

DRAFT

B. Procedure:

1. Processing: Within thirty (30) days after receipt of a reclamation plan submittal, the Energy Management or Planning Director or his delegate shall review the submittal and shall notify the applicant or his designated representative, in writing, concerning any deficiencies.

a. Reclamation plan submittals shall be deemed complete, if prior to the expiration of the thirty (30) day review period, the applicant or his designated representative has not been notified that the submittal is incomplete.

b. Complete reclamation plan submittals shall be accepted and processed in accordance with applicable provisions of the County Code, CEQA and SMARA. Acceptance of a reclamation plan submittal by the Energy Management Department or Planning Department shall not constitute an indication of project approval.

2. Simultaneous Processing: In the event that an application for a use permit and a reclamation plan pertaining to the same project are submitted for approval at the same time, review and processing of the reclamation plan may occur simultaneously with that of the resource use permit application. However, the issuance of a use permit shall be predicated on the approval of a reclamation plan in conformance with this Chapter.

3. Approval: The Planning Commission may approve or conditionally approve a reclamation plan only when the following findings can be made:

a. That the reclamation plan is supported by adequate environmental documents which comply with the provisions of CEQA;

b. That the reclamation plan is consistent with the objectives and policies set forth in the General Plan and any area or specific plans applicable to the area of operations;

c. That appropriate conditions have been imposed to insure and verify that the site during and after reclamation will not cause a public hazard, nor be detrimental to the public health, safety, or welfare;

d. That a proposed final end use has been identified and that the reclamation of the site shall be finally completed as soon as is feasible, considering the particular circumstances of the site to be reclaimed, and that the plan provides for incremental reclamation, where appropriate and feasible;

e. That the reclamation plan conforms to minimum verifiable performance standards established in this Chapter and, in the case of surface mining operations, meets or exceeds the minimum, verifiable statewide reclamation standards adopted by the State Mining and Geology Board, and in the case of geothermal well abandonment,

DRAFT

conforms to the requirements and guidelines of the California Division of Oil and Gas on non-federal lands, and the Bureau of Land Management on federal lands;

f. That the estimated cost of the reclamation reasonably approximates the probable cost of performing the reclamation work as proposed in the plan and that adequate surety (consistent with applicable provisions of SMARA for surface mining operations) will be posted to ensure completion of the required reclamation, and

g. That the person responsible for reclamation plan compliance has a public liability insurance policy in force which provides for personal injury and property protection in an amount adequate to compensate all persons injured or for property damaged as a result of the proposed reclamation activities.

19.xx.040 Amendments

A. Minor Amendments to an Approved Reclamation Plan:

1. Minor amendment: Minor changes to an approved reclamation plan may be approved by the Energy Management Director or the Planning Director in accordance with the following provisions.

2. Processing: Requests for approval of a minor amendment shall be submitted on forms provided by the Energy Management or Planning Department, along with the applicable fees. Within thirty (30) days of receipt of such a request, the applicable Director shall determine whether or not the application should be considered a minor amendment. The applicable Director shall approve or deny the request and notify the applicant in writing within ten (10) days of his decision. The decision of the Director as to whether or not the request should be approved or denied shall be final, unless an appeal is filed. If it is determined that the request is not a minor amendment, the request may be processed as a major amendment.

3. Requests for a minor amendment may be approved only if the applicable Director is able to make the following findings:

a. That the proposed change involves only minor changes in dimensions, volumes or timing of the reclamation plan and will not affect the basic character or implementation of the reclamation plan.

b. No substantial adverse environmental damage, either on-site or off-site, will result from the proposed change and the proposed change is consistent with adopted environmental determinations.

c. That the proposed change will not be detrimental to the public health, safety and welfare and is compatible with the objectives and

DRAFT

policies of the General Plan, applicable specific plans and the zoning or final end land use of the site.

B. Major Amendments to an Approved Reclamation Plan:

1. Major amendment: Major amendments to approved reclamation plans may be approved by the Planning Commission subject to the following provisions.

2. Processing: Applications for proposed amendments shall be submitted on forms provided by the Energy Management or Planning Department and shall include such data as may be required to complete an environmental assessment. Applications shall include the required filing fee, and shall be noticed and scheduled for public hearing before the Planning Commission in the same manner as the original reclamation plan submittal.

3. Amendments may be approved by the Planning Commission only if the following findings can be made:

a. The proposed amendments are necessary or desirable to assure a more practical recovery of the resource or to avoid multiple future disturbances of surface land or waters.

b. No substantial adverse environmental damage, either on-site or off-site, will result from the proposed change and that the proposed change is consistent with adopted environmental determinations.

c. The security required to be filed by the applicant with the County is adequate or additional security has been filed to guarantee compliance with the revised reclamation plan.

d. The reclamation plan, as amended, will continue to meet the requirements of this chapter and will be conducted in conformity with all applicable laws, ordinances, and regulations of all agencies with jurisdiction over the resource development project.

e. The approval of the amendment will not be detrimental to the public health, safety, or welfare and is compatible with the objectives and policies of the General Plan, and applicable specific plans and the zoning or final end use of the site.

19.xx.050 Reclamation Standards.

- A. All reclamation plans must conform with all applicable provisions of the following minimum verifiable standards. The standards shall apply to each project to the extent that they are consistent with required mitigation for the project (as identified in the environmental documents for the project), provided that such mitigation is at least as stringent as the standards, and they are

DRAFT

consistent with the planned or actual subsequent use or uses of the reclaimed site.

- B. Where an applicant demonstrates to the satisfaction of the County that an exception to the standards specified in this Chapter is necessary based upon the approved end use, the Planning Commission may approve a different standard for inclusion in the approved reclamation plan. Where the County allows such an exception, the approved reclamation plan shall specify verifiable, site-specific standards for reclamation.
- C. When substantial amendments are proposed to reclamation plans which were approved prior to January 1, 1992, the standards set forth in this Chapter shall be applied by the County in approving or denying the amended reclamation plan.
- D. The standards in this Chapter shall not apply to projects:
1. which completed reclamation prior to January 1, 1992, in conformance with an approved reclamation plan; or
 2. for which a reclamation plan has been approved prior to January 1, 1992.
- E. The following definitions, in addition to those in Section 19.xx.020 of this Chapter, shall govern the interpretation of these standards:
1. "Arid" means landscapes with an average annual precipitation of five inches or less.
 2. "Indigenous Plants" means plants occurring naturally in an area, not introduced.
 3. "Native Species" means plant species indigenous to California, using pre-European as the historic time reference.
 4. "Vegetative Cover" means the vertical projection of the crown or shoot area of a species to the ground surface expressed as a percentage of the reference area (percentage can be greater than 100 percent).
 5. "Vegetative Density" means the number of individuals or stems of each species rooted within the given reference area.
 6. "Vegetative Species-richness" means the number of different plant species within the given reference area.

7. "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of these regulations, wetlands must have one or more of the following attributes: 1) at least periodically, the land supports predominantly hydrophytes; 2) the substrate is predominantly undrained hydric soil; and 3) the substrate is non-soil and is

DRAFT

saturated with water or covered by shallow water at some time during the growing season of each year.

F. Performance Standards.

Wildlife Habitat.

Wildlife and wildlife habitat shall be protected in accordance with the following standards:

- a. Rare, threatened or endangered species or species of special concern, as defined by the California Department of Fish and Game, U.S. Forest Service, Bureau of Land Management, or the U.S. Fish and Wildlife Service, and their respective habitat shall be conserved as prescribed by the federal Endangered Species Act of 1973, 16 U.S.C. section 1531, and the California Endangered Species Act, Fish and Game Code section 1900, et seq. If avoidance cannot be achieved through the available alternatives, mitigation shall be proposed in accordance with the rules and regulations of the California Department of Fish and Game, U.S. Forest Service, Bureau of Land Management, and the U.S. Fish and Wildlife Service.
- b. Wildlife habitat shall be established on disturbed lands in a condition similar to or better than that which existed before the lands were disturbed, unless the proposed end use precludes its use as wildlife habitat or the approved reclamation plan establishes a different habitat type than that which existed prior to disturbance.
- c. Wetland habitat shall be avoided. Any wetland habitat impacted as a consequence of resource development activities shall be mitigated at a minimum of a one to one ratio for wetland habitat acreage and wetland habitat value.

Backfilling, Regrading, Slope Stability, and Recontouring.

Backfilling, regrading, slope stabilization, and recontouring shall conform with the following standards:

- a. Where backfilling is proposed for urban uses (e.g. roads, building sites, or other improvements sensitive to settlement), the fill material shall be compacted in accordance with the Uniform Building Code, the Mono County Grading Ordinance (Chapter 13.08), or other methods approved by the County as appropriate for the approved end use.

- b. Where backfilling is required for resource conservation purposes (e.g. agriculture, fish and wildlife habitat, and wildland conservation), fill material shall be backfilled to the standards required for the resource conservation use involved.
- c. Piles or dumps of waste material, such as mining waste, shall be stockpiled in such a manner as to facilitate phased reclamation. They shall be segregated

DRAFT

from topsoil and topsoil substitutes or growth media salvaged for use in reclamation.

- d. Final reclaimed fill slopes, including permanent piles or dumps of mine waste rock and overburden, shall not exceed 2:1 (horizontal:vertical), except where site-specific geologic and engineering analyses demonstrate that the proposed final slope will have a minimum slope stability factor of safety that is suitable for the proposed end use, and when the proposed final slope can be successfully revegetated.
- e. At closure, all fill slopes, including permanent piles or dumps of mine waste and overburden, shall conform with the surrounding topography and/or approved end use.
- f. Cut slopes, including final highwalls and quarry faces, shall have a minimum slope stability factor of safety that is suitable for the proposed end use and that conforms with the surrounding topography and/or approved end use.
- g. Permanent placement of piles or dumps of waste material, such as mining waste and overburden, shall not occur within wetlands unless mitigation acceptable to the lead agency has been proposed to offset wetland impacts and/or losses.

Revegetation.

Revegetation shall be part of the approved plan, unless it is not consistent with the approved end use.

- a. A vegetative cover suitable for the proposed end use and capable of self-regeneration without continued dependence on irrigation, soil amendments or fertilizer shall be established on disturbed lands unless an artificially maintained landscape is consistent with the approved reclamation plan. Vegetative cover-density and species-richness shall be, where appropriate, sufficient to stabilize the surface against effects of long-term erosion and shall be similar to naturally occurring habitats in the surrounding area. The vegetative density, cover and species-richness of naturally occurring habitats shall be documented in baseline studies carried out prior to the initiation of resource development activities.
- b. Test plots conducted simultaneously with resource development activities shall be required to determine the most appropriate planting procedures to be followed to ensure successful implementation of the proposed revegetation plan. The County may waive the requirement to conduct test plots when the success of the proposed revegetation plan can be documented from experience with

similar species and conditions or by relying on competent professional advice based on experience with the species to be planted.

- c. Where resource development activities result in compaction of the soil, ripping, disking, or other means shall be used in areas to be revegetated to eliminate compaction and to establish a suitable root zone in preparation for planting.

DRAFT

- d. Prior to closure, all access roads, haul roads, and other traffic routes to be reclaimed shall be stripped of any remaining roadbase materials, prepared in accordance with section g below, covered with suitable growth media or topsoil, and revegetated.
- e. Soil analysis shall be required to determine the presence or absence of elements essential for plant growth and to determine those soluble elements that may be toxic to plants, if the soil has been chemically altered or if the growth media consists of other than the native topsoil. If soil analysis suggests that fertility levels or soil constituents are inadequate to successfully implement the revegetation program, fertilizer or other soil amendments may be incorporated into the soil. When native plant materials are used, preference shall be given to slow-release fertilizers, including mineral and organic materials that mimic natural sources, and shall be added in amounts similar to those found in reference soils under natural vegetation of the type being reclaimed.
- f. Temporary access for exploration or other short-term uses on arid lands shall not disrupt the soil surface except where necessary to gain safe access. Barriers shall be installed when necessary to prevent unauthorized vehicular traffic from interfering with the reclamation of temporary access routes.
- g. Native plant species shall be used for revegetation, except when introduced species are necessary to meet the end uses specified in the approved reclamation plan. Areas to be developed for industrial, commercial or residential uses shall be revegetated for the interim period, as necessary, to control erosion. In this circumstance, non-native plant species may be used if they are not noxious weeds and if they are species known not to displace native species in the area.
- h. Planting shall be conducted during the most favorable period of the year for plant establishment.
- i. Soil stabilizing practices shall be used where necessary to control erosion and for successful plant establishment. Irrigation may be used when necessary to establish vegetation.
- j. If irrigation is used, the operator must demonstrate that the vegetation has been self-sustaining without irrigation for a minimum of two (2) years prior to release of the financial assurances by the County, unless an artificially maintained landscapes is consistent with the end use.
- k. Weeds, as defined by the Soil Conservation Service, or the County Agricultural Commissioner, or the California Native Plant Society, shall be managed: 1)

when they threaten the success of the proposed revegetation; and 2) to prevent spreading to nearby areas; and 3) to eliminate fire hazard.

1. Protection measures, such as fencing of revegetated areas and/or the placement of cages over individual plants, shall be used in areas where grazing, trampling, herbivory, or other causes threaten the success of the proposed revegetation. Fencing shall be maintained until revegetation efforts are successfully completed and the County authorizes removal.

DRAFT

- m. Success of revegetation shall be judged based upon the effectiveness of the vegetation for the approved end use, and by comparing the quantified measures of vegetative cover, density, and species-richness of the reclaimed lands to similar parameters of naturally occurring vegetation in the area. Either baseline data or data from nearby reference areas may be used as the standard for comparison. Quantitative standards for success and the location(s) of the reference area(s) shall be set forth in the approved reclamation plan. Comparisons shall be made until performance standards are met provided that, during the last two years, there has been no human intervention, including for example, irrigation, fertilization, or weeding. Standards for success shall be based on expected local recovery rates. Valid sampling techniques for measuring success shall be specified in the approved reclamation plan. Sample sizes must be sufficient to produce at least an 80 percent confidence level.

Drainage, Diversion Structures, Waterways, and Erosion Control.

- a. Reclamation activities shall be conducted to protect on-site and downstream beneficial uses of water in accordance with the Porter-Cologne Water Quality Control Act, Water Code Section 13000 et. seq., and the Federal Clean Water Act, 33 U.S.C. Section 1251 et. seq.
- b. The quality of water, recharge potential, and storage capacity of groundwater aquifers which are the source of water for domestic, agricultural, or other uses dependent on the water, shall not be diminished, except as allowed in the approved reclamation plan.
- c. Erosion and sedimentation shall be controlled during all phases of construction, operation, reclamation, and closure of an operation to minimize siltation of lakes and watercourses, as required by the Regional Water Quality Control Board, the State Water Resources Control Board, and the Mono County Grading Ordinance (Chapter 13.08).
- d. Surface runoff and drainage shall be controlled by berms, silt fences, sediment ponds, revegetation, hay bales, or other erosion control measures, to ensure that surrounding land and water resources are protected from erosion, gullyng, sedimentation, and contamination. Erosion control methods shall be designed to handle runoff from not less than the 20 year/1 hour intensity storm event.
- e. Where natural drainages are covered, restricted, rerouted or otherwise impacted, mitigating alternatives shall be proposed and specifically approved in the reclamation plan to assure that runoff shall not cause increased erosion or sedimentation.

- f. When stream diversions are required, they shall be constructed in accordance with:
 - 1. applicable stream and lake alteration agreements between the operator and the Department of Fish and Game; and

DRAFT

- 2. the requirements of the Federal Clean Water Act, Sections 301 (33 U.S.C. Section 1311) and 404 (33 U.S.C. Section 1344) and/or section 10 of the Rivers and Harbors Act.
- g. When no longer needed to achieve the purpose for which they were authorized, all temporary stream channel diversions shall be removed and the affected land reclaimed.

Prime Agricultural Land Reclamation

In addition to the standards for topsoil salvage, maintenance, and redistribution, the following standards shall apply to operations on prime agricultural lands where the approved end use is agriculture:

- a. Resource development activities which will operate on prime agricultural lands, as defined by the U.S. Soil Conservation Service, shall return all disturbed areas to a fertility level as specified in the approved reclamation plan.
- b. When distinct soil horizons are present, topsoil shall be salvaged and segregated by defined A, B, and C soil horizons. Upon reconstruction of the soil, the sequence of horizons shall have the A atop the B, the B atop the C, and the C atop graded overburden.
- c. Reclamation shall be deemed complete when productive capability of the affected land is equivalent to or exceeds, for two consecutive crop years, that of the pre-disturbance condition or similar crop production in the area. Productivity rates, based on reference areas described in the approved reclamation plan, shall be specified in the approved reclamation plan.
- d. Use of fertilizers or other soil amendments shall not cause contamination of surface or groundwater.

Other Agricultural Land

The following standards shall apply to agricultural lands, other than prime agricultural lands, when the approved end use is agriculture.

- a. In addition to the standards for topsoil salvage, maintenance, and redistribution, non-prime agricultural lands shall be reclaimed so as to be capable of sustaining economically viable production of crops commonly grown in the surrounding areas.

Building, Structure, and Equipment Removal

- a. All equipment, supplies, and other materials shall be stored in designated areas (as shown in the approved reclamation plan). All waste shall be disposed of in accordance with state and local health and safety ordinances.

DRAFT

- b. All buildings, structures, and equipment shall be dismantled and removed prior to final site closure except those buildings, structures, and equipment approved in the reclamation plan as necessary for the end use.

Stream Protection, Including Surface and Groundwater

- a. Surface and groundwater shall be protected from siltation and pollutants which may diminish water quality as required by the Federal Clean Water Act, sections 301 et seq. (33 U.S.C. section 1311), 404 et seq. (33 U.S.C. section 1344), the Porter-Cologne Act, section 13000 et seq., the County Grading Ordinance, the Regional Water Quality Control Board or the State Water Resources Control Board.
- b. In-stream surface mining operations shall be conducted in compliance with Section 1603 of the California Fish and Game Code, section 404 of the Clean Water Act, and section 10 of the Rivers and Harbors Act.
- c. Extraction of sand and gravel from river channels shall be regulated to control channel degradation in order to prevent undermining of bridge supports, exposure of pipelines or other structures buried within the channel, loss of spawning habitat, lowering of groundwater levels, destruction of riparian vegetation, and increased stream bank erosion (exceptions may be specified in the approved reclamation plan). Changes in channel elevations and bank erosion shall be evaluated annually using records of annual extraction quantities and benchmarked annual cross sections and/or sequential aerial photographs to determine appropriate extraction locations and rates.
- d. In accordance with requirements of the Department of Fish and Game, in-stream mining activities shall not cause fish to become entrapped in pools or in off-channel pits, nor shall they restrict spawning or migratory activities.

Topsoil Salvage, Maintenance, and Redistribution

When the approved reclamation plan calls for revegetation or cultivation of disturbed lands, the following performance standards shall apply to topsoil salvage, maintenance, and redistribution activities:

- a. All salvageable topsoil suitable for revegetation shall be removed as a separate layer from areas to be disturbed. Topsoil and vegetation removal shall not precede development activities by more than one year, unless a longer time period is approved by the County.
- b. Topsoil resources shall be mapped prior to stripping and the location of topsoil stockpiles shall be shown on a map in the reclamation plan. If the amount of

topsoil needed to cover all surfaces to be revegetated is not available on-site, other suitable material capable of sustaining vegetation (such as subsoil) shall be removed as a separate layer for use as a suitable growth media. Topsoil and suitable growth media shall be maintained in separate stockpiles. Test plots may be required to determine the suitability of growth media for revegetation purposes.

DRAFT

- c. Soil salvage operations and phases of reclamation shall be carried out in accordance with a schedule that: 1) is set forth in the approved reclamation plan; 2) minimizes the area disturbed; and 3) is designed to achieve maximum revegetation success allowable under the mining plan.
- d. Topsoil and suitable growth media shall be used to phase reclamation as soon as can be accommodated by the operations schedule presented in the approved reclamation plan. Topsoil and suitable growth media that cannot be utilized immediately for reclamation shall be stockpiled in an area where it will not be disturbed until needed for reclamation. Topsoil and suitable growth media stockpiles shall be clearly identified to distinguish them from waste dumps. Topsoil and suitable growth media stockpiles shall be planted with a vegetative cover or shall be protected by other equally effective measures to prevent water and wind erosion and to discourage weeds. Relocation of topsoil or suitable growth media stockpiles for purposes other than reclamation shall require prior written approval from the County.
- e. Topsoil and suitable growth media shall be redistributed in a manner that results in a stable, uniform thickness consistent with the approved end use, site configuration, and drainage patterns.

Tailing and Waste Management

- a. State Water Resources Control Board mine waste disposal regulations in Article 7 of Chapter 15 of Title 23, California Code of Regulations, shall govern mine waste and tailings, and mine waste disposal units shall be reclaimed in conformance with this article.
- b. Geothermal drilling waste and cuttings shall be disposed of in a manner approved by the Regional Water Quality Control Board.

Closure of Surface Openings

- a. Except those used solely for blasting or those that will be mined through within one year, all drill holes, water wells, and monitoring wells shall be completed or abandoned in accordance with each of the following:
 - 1. Water Code Sections 13700 et. seq. and 13800 et. seq.;
 - 2. the applicable local ordinance adopted pursuant to Water Code Section 13803;
 - 3. the applicable Department of Water Resources report issued pursuant to Water Code Section 13800; and

4. Subdivisions (1) and (2) of Section 2511 (g) of Chapter 15 of Title 23 regarding discharge of waste to land.
- b. Prior to closure, all portals, shafts, tunnels, or other surface openings to underground workings shall be gated or otherwise protected from public entry in

DRAFT

order to eliminate any threat to public safety and to preserve access for wildlife habitat.

- c. All geothermal wells shall be completed or abandoned in accordance with the California Division of Oil and Gas if located on non-federal land or with the Bureau of Land Management if located on federal land.

19.xx.060 Vested Surface Mining Operations.

A. Reclamation Plan:

1. Reclamation Plan: The reclamation plan required pursuant to this chapter shall apply to "vested" surface mining operations conducted after January 1, 1976.

a. Where a person with a "vested" right has continued surface mining operations in the same area subsequent to January 1, 1976, he shall obtain approval of a reclamation plan, in conformance with applicable provisions of this chapter, covering the mined lands disturbed by such subsequent surface mining operations. In those cases where an overlap exists (in the horizontal or vertical sense) between pre and post January 1, 1976, surface mining operations, the reclamation plan shall call for reclamation proportional to that disturbance caused by the surface mining operation after January 1, 1976.

19.xx.070 Idle Mine Status.

A. Interim management plan:

1. Filing: Unless specified in the use permit, within 90 days of a surface mining operation becoming idle, the operator shall submit to the Planning Department for review and approval, an "interim management plan". The interim management plan shall describe, in detail, measures the operator will implement to maintain the site in compliance with conditions specified in the use permit and with standards specified in the approved reclamation plan.

2. Term of plan: The interim management plan may remain in effect for a period not to exceed five (5) years, at which time the County shall do one of the following:

- a. Renew the interim management plan for an additional period not to exceed five (5) years, provided the County finds that the operator has complied fully with the interim management plan; or,
- b. Require the operator to commence reclamation in accordance with the approved reclamation plan.

DRAFT

- 3. Financial assurances: Financial assurances required by this Chapter shall remain in effect during the period the operation is idle.
- 4. Interim management plan approval: The receipt of an interim management plan shall be considered and processed as an amendment to the approved reclamation plan in accordance with applicable provisions of this chapter. As specified in SMARA, the review and approval of an interim management plan for a surface mining operation shall not be considered a project under CEQA.
- 5. The operator of a resource development activity which has been abandoned for a period of more than twelve (12) months shall be subject to revocation of the approved use permit and be required to commence reclamation in accordance with the approved plan.

19.xx.080 Annual Inspections .

A, Inspections:

- 1. Inspections Required: Resource development activities shall comply with the following inspection and reporting requirements:
 - a. The operator shall file a request for annual inspection with the County Compliance Officer at least once in each calendar year. Requests for annual inspections shall be accompanied by the appropriate filing fee and, for surface mining operations, shall coincide with the dates for annual SMARA inspections. All such requests shall include a written report prepared by a qualified registered professional which identifies to what extent the reclamation at the site conforms or deviates from the approved reclamation plan.
 - c. The Compliance Officer shall inspect or cause to be inspected the site within thirty (30) working days of receipt of the written report, filing fee, and application for inspection. Unless otherwise agreed, failure to inspect within thirty (30) working days shall be deemed acceptance of the report and a finding that the resource development operation is in compliance with the reclamation plan.

19.xx.090 Administration.

A. Appeals:

1. Appeals: Appeals of any decision pertaining to reclamation plans may be made in conformance with the provisions of Chapter 19.42 of the Mono County Code.

B. Fees:

DRAFT

1. Fees: Fees required in conjunction with the provisions of this chapter shall be established from time to time by the Board of Supervisors.

C. Public Records and Proprietary Information:

1. Public record: Reclamation plan submittals, interim management plans and other documents submitted in support of this Chapter are public records unless it is demonstrated to the satisfaction of the County that the release of such information, or part thereof, would reveal reserves, production, or rates of depletion entitled to protection as proprietary information. The operator shall identify such proprietary information as a separate part of the application, and such proprietary information shall be made available only to persons authorized in writing by the operator to receive such proprietary information, and for surface mining operations to the State Geologist.

D. Successor in Interest:

1. Successor interest: Whenever any resource development activity or portion of such an operation is sold, assigned, conveyed, ex-changed, or otherwise transferred, whether voluntarily or by operation of law, the original permittee as well as each successor in interest shall be bound by the provisions of any reclamation plan approved pursuant to the provision of this Chapter, provided, however, that the original permittee or any successor in interest may be relieved from all liability for completing the reclamation by action of the Board of Supervisors if, after application to the Board, it is determined that the current owner has posted adequate security to ensure completion of all remaining reclamation.

19.xx.100 Surety Requirements .

A. Surety:

1. Surety Required: The operator or person responsible for the reclamation plan submittal shall be required to execute an agreement and to provide adequate and acceptable surety, made payable to the County and (for surface mining operations) the State Geologist, guaranteeing compliance with the approved reclamation plan. This requirement shall be satisfied prior to commencing any on-site resource development activity and liability shall continue until all reclamation work required by the reclamation plan has been concluded and accepted by the County.

2. Continued liability: In addition, the operator or person responsible for final reclamation shall have a continued liability to guarantee the continued viability of the reclamation effort not to exceed three (3) growing seasons following the conclusion and acceptance of reclamation by the County. This liability shall begin anew whenever reclamation efforts fail to meet the reclamation plan performance standards and additional reclamation is required. The minimum security to be retained to guarantee the continued viability of the reclamation effort shall be as follows:

DRAFT

a. If the security guarantees the cost of all reclamation, ten percent (10%) of the aggregate cost of all reclamation; or

b. If the security was posted in conformance with a phased reclamation program any other method acceptable to the County that ensures the continued viability of the reclamation effort.

2. Insurance: The operator shall maintain, to the satisfaction of the County and for the life of the reclamation plan, liability insurance of not less than \$500,000 for one person and \$1,000,000 for all persons and \$2,000,000 for property damage. This requirement would not preclude the operator from being self insured.

3. Form of Surety: The security required in conformance with the provisions of this chapter shall be made payable to the County and, in the case of surface mining operations, the State Geologist; shall be subject to review and approval by the County; and shall be in the form of one the following:

- a. Surety Bonds,
- b. Irrevocable Letters of Credit,
- c. Trust Funds,
- d. For surface mining operations, other forms of financial assurance as may be specified by the State Board of Mines and Geology.

4. Surety Adjustments: The amount of financial assurances required by this chapter may be adjusted annually by the County in consideration of information provided in the annual report. Adjustments shall take into consideration, but not be limited to, new lands disturbed, inflation, prior compliance, and reclamation accomplished in accordance with the approved plan.

5. Prior surety approvals: If a surface mining operation and/or reclamation plan has received approval of its financial assurances prior to January 1, 1991, from a public/federal agency other than Mono County, the County shall deem those financial assurances adequate for the purposes of this chapter, or shall credit them toward fulfillment of financial assurances required by this chapter.

C. Release of Surety:

1. Acceptance: The operator shall file a request for final inspection with the County Compliance Officer, accompanied by the appropriate filing fee. No

reclamation or phase of reclamation shall be deemed accepted until the work has been inspected and approved and a certificate of acceptance has been executed by the County Compliance Officer and filed with the Board of Supervisors and, for surface mining operations, the State Geologist.

DRAFT

2. Inspection: Within sixty (60) days after the County Compliance Officer has received a request for final inspection for completion of reclamation, or any phase of reclamation; the County Compliance Officer shall inspect, or cause to be inspected, the subject area. The County Compliance Officer shall then file the certificate of acceptance or shall notify the operator, in writing, of any items that are found to be inconsistent with the approved reclamation plan.

2. Release of Bond: Thirty (30) days after the County Compliance Officer files the certificate of acceptance with the Board of Supervisors, unless otherwise directed by the Board of Supervisors, the County shall release the surety.

19.xx.110 Enforcement.

A. Enforcement:

1. Enforcement: The provisions of this Chapter shall be enforced by the Energy Management Department, the County Planning Department, and/or the County Compliance Officer or such other persons as may be designated by the Board of Supervisors. Enforcement of the provisions contained in this chapter shall be in accordance with applicable provisions of the Mono County Code.

B. Right of Entry:

1. Right of entry: Whenever it becomes necessary to inspect resource development activities as provided in this chapter or to investigate complaints associated with resource development activities or to monitor conditions of approval as may be imposed on resource development activities; reasonable access to the project site shall be afforded by the operator in conformance with Chapter 1.08 of the Mono County Code.