

Attachment 2

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**AMENDMENT NO. 1
TO PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE COUNTY OF MONTEREY AND
BENCHMARK LAND USE GROUP, INC.
dba BENCHMARK RESOURCES**

THIS AMENDMENT NO. 1 to Professional Services Agreement No. A-15517 between the County of Monterey, a political subdivision of the State of California (“County”) and Benchmark Land Use Group, Inc., dba Benchmark Resources (“CONTRACTOR”) is hereby entered into between the County and the CONTRACTOR (collectively, the “Parties”) and effective as of the last date opposite the respective signatures below;

WHEREAS, CONTRACTOR entered into Professional Services Agreement No. A-15517 with the County on September 1, 2021 (“Agreement”) to provide, as part of the Surface Mining and Reclamation Act (SMARA), annual mine inspections and reporting, document review and recommendations, support for reclamation plan amendments and mining use permits and related California Environmental Quality Act (CEQA) review, and general SMARA program support through July 31, 2024 for an amount not to exceed \$311,898;

WHEREAS, the County has a continued need for services;

WHEREAS, the County’s Surface Mining and Reclamation Ordinance requires updating to meet current requirements of the State Mining and Geology Board;

WHEREAS, CONTRACTOR’s fees require updating;

WHEREAS, additional time and funding are needed to allow CONTRACTOR to continue to provide services; and

WHEREAS, the Parties wish to further amend the Agreement to extend the term for two (2) additional years to July 31, 2026, increase the Agreement amount of \$311,898 by \$231,123 for a new not to exceed amount of \$543,021, and expand the scope of services in the Agreement’s Exhibit A to work on updating the County’s Surface Mining and Reclamation Ordinance.

NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

1. Amend the second sentence of Section 2, Payments by County, to read as follows:

The total amount payable by County to CONTRACTOR under this Agreement shall not exceed the sum of \$543,021.

2. Amend the first sentence of Section 3, "Term of Agreement," to read as follows:

The term of this Agreement is from June 27, 2017 to July 31, 2026, unless sooner terminated pursuant to the terms of this Agreement.

3. Replace the existing Exhibit A to the Agreement with a revised Exhibit A, which includes a new task as part of the scope of work, i.e., to work on revisions to the County's Surface Mining and Reclamation Ordinance. This revised Exhibit A wholly replaces and supersedes the Exhibit A previously attached to the Agreement.
4. In all places within the Agreement, any reference to County's email address that includes @co.monterey.ca.us is hereby replaced with @countyofmonterey.gov.
5. Except as amended herein, all other terms and conditions of the Agreement, including all Exhibits thereto, remain unchanged and in full force and effect.
6. This Amendment No. 1 shall be attached to the Agreement and incorporated therein as if fully set forth in the Agreement.

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IN WITNESS WHEREOF, the County and CONTRACTOR have executed this Amendment No. 1 as of the day and year written below.

COUNTY OF MONTEREY

By: N/A
Contracts/Purchasing Officer

Date: _____

By: _____
Craig W. Spencer, Acting Director

Date: _____

Approved as to Form

County Counsel

Susan K. Blitch, County Counsel

By: Robert I. Brayer
Robert I. Brayer, Deputy County Counsel

Date: 6/27/2024

Approved as to Fiscal Provisions

By: Jennifer Forsyth
Jennifer Forsyth, Auditor/Controller

Date: 6/27/2024

Approved as to Liability Provisions

By: N/A
David Bolton, Risk Manager

Date: _____

County Board of Supervisors' Agreement Number: _____ approved on _____.

*INSTRUCTIONS: If CONTRACTOR is a corporation, including non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two (2) specified officers per California Corporations Code section 313. If CONTRACTOR is a Limited Liability Corporation (LLC), the full legal name of the LLC shall be set forth above together with the signatures of two (2) managers. If CONTRACTOR is a partnership, the full legal name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. If CONTRACTOR is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign the Agreement or Amendment to said Agreement.

**BENCHMARK LAND USE
GROUP, INC. dba BENCHMARK
RESOURCES**

By: David E. Brown
David E. Brown, Principal
(Chair, President, or Vice President)

Date: 6/26/2024

By: Bruce Steubing
Bruce Steubing, Secretary, CFO,
Treasurer or Asst. Treasurer)

Date: 6/27/2024

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EXHIBIT A – SCOPE OF SERVICES/PAYMENT PROVISIONS

**To Agreement by and between
County of Monterey, hereinafter referred to as “County”
and
Benchmark Land Use Group, Inc. dba Benchmark Resources, hereinafter referred to as
“CONTRACTOR”**

A. SCOPE OF SERVICES

A.1 CONTRACTOR shall provide services and staff, and otherwise do all things necessary for or incidental to the performance of work, as set forth below:

1.1 INTRODUCTION

CONTRACTOR will administer and manage the County Surface Mining and Reclamation Act (SMARA) Compliance Program on behalf of, and in coordination with, the County at the thirteen (13) mine sites identified in Attachment 1 of this Exhibit A.

1.2 MINE INSPECTIONS AND ANNUAL COMPLIANCE REVIEW

Section 2774 of SMARA requires inspection to ensure mine conformance with mine reclamation plans. Annual inspection by CONTRACTOR involves the following tasks:

1.2.1 Mine Inspections and Reporting

Mine inspections will be conducted by Andrew Heinemann or a Benchmark Resources employee that meets all applicable statutory and regulatory requirements. Mr. Heinemann is a California-licensed geologist and has not been employed by any of the surface mining operations within the County during the previous 12 months, consistent with Public Resources Code (PRC) Section 3504.5 regarding conflicts of interest. The inspections will be conducted using the guidance document for surface mine inspections (GDSMI) as described in California Code of Regulations (CCR) Section 3504.6.

CONTRACTOR will perform the inspections within the 12-month requirement of the previous inspections and work with each operator to schedule the inspections on the dates requested by the operator in the annual report form required by PRC Section 2207.

Listed below are the subtasks for the mine inspections:

- review previous inspection reports to determine if corrective actions or violations were noted;

EXHIBIT A – SCOPE OF SERVICES/PAYMENT PROVISIONS

- review County files and correspondence(s) for previous corrective actions or violations;
- review County files for any reclamation plan amendments;
- confirm current operator/owner information;
- coordinate with operators and make sure annual reports (MRRC-2) have been filed and copies have been submitted to the County per PRC Section 2207;
- review operators' annual reports for the previous year regarding reported acreages disturbed and reclaimed;
- review the approved reclamation plan, and any amendments thereto, to ascertain the reclamation commitments and expected conditions at the current phase of operations;
- document:
 - operating parameters, height, depth, acreage, and phasing;
 - reclamation goals and schedule;
 - County conditions of approval; and
 - plan commitments for wildlife habitat, backfilling, regrading slope stability, recontouring, revegetation, drainage and erosion control, stream protection and groundwater, and topsoil salvage and distribution.
- schedule and coordinate site inspection and attendees;
- prepare file records available at inspection;
- acquire aerial photographs and measure current site acreage;
- overlay site boundaries and permitted operating limits and setbacks and evaluate compliance;
- travel to site and perform scheduled inspection;
- document field conditions relative to SMARA performance standards;
- prepare draft written report, graphics, and photographs;
- prepare completion compliance form noting any violations and/or steps taken to correct these violations;
- review draft report with County staff, and operator as appropriate, and
- prepare final reports in triplicate for distribution to the County, operator, and DMR.

Deliverable

Completed mine inspection reporting forms and supporting documentation, such as site photos (electronic submittal) and submit to DMR within 90 days of the site inspection.

EXHIBIT A – SCOPE OF SERVICES/PAYMENT PROVISIONS

1.2.2 Annual Financial Assurance Cost Estimate (FACE) Update Verification or Preparation

The operator must submit the updated FACE within 30 days of the inspection and inspections must be performed within 12-month intervals.

CONTRACTOR will schedule the tasks to meet the required timelines.

CONTRACTOR will review and make recommendations to clarify, substantiate, and standardize the reclamation estimates submitted annually by operators in accordance with CCR Section 3804(c). The estimates are reviewed in accordance with the requirements of Section 2773.1 of the SMARA statutes and Section 3800 et seq. of the SMARA regulations. CONTRACTOR will continue to support certain mine operators who have relied on the lead agency to prepare an annual update to their FACE and hereby provide our scope of services for both the FACE verification and FACE preparation on behalf of an operator.

1.2.3 FACE Verification

Financial assurance verification by CONTRACTOR involves:

- contacting the operator and providing guidance and follow-up to receive the operator's proposed annual estimate submitted in accordance with PRC Section 2773.1(a)(3);
- determining the current California labor and equipment rates or locally established rates;
- reviewing operator costs relative to current field conditions, aerial photographs, primary reclamation activities (grading), revegetation, structure and equipment removal, miscellaneous costs, monitoring, and reclamation administrative costs;
- acquiring the current financial assurance mechanism (FAM) (bond) value;
- comparing the bond value to the FACE, and
- reviewing, resolving, and reporting discrepancies.

CONTRACTOR will document this review of the adequacy of the FACE and, if necessary, will provide comments to the County regarding potential inadequacies. Upon completion of the FACE updates and/or verification, CONTRACTOR will draft adequacy letters on behalf of the County for submittal to DMR for their 45-day review and provide DMR with the regulatory required 30-day notice of intent to approve before providing the operators with their final approval notice and FAM request.

EXHIBIT A – SCOPE OF SERVICES/PAYMENT PROVISIONS

1.2.4 FACE Preparation

CONTRACTOR currently assists various operators with their annual FACE updates and is available to assist additional operators whether requested by the operator or by the County in the event an operator does not submit the annual update in a timely or reliable fashion. The preparation of each FACE typically includes:

- review of current site conditions, reclamation status, and plans for the next 12 months;
- preparation of the California-required FACE form (FACE-1 Form);
- review of equipment and labor requirements for reclamation,
- annual update of rates per the *California Department of Industrial Relations General Prevailing Wage Determinations* and the *California Department of Transportation Labor Surcharge and Equipment Rental Rates*;
- review and/or coordination of additional quotes for revegetation costs and site equipment valuation and dismantling, and
- preparation of necessary graphics and related calculations regarding areas of grading, revegetation, and soil volumes.

1.2.5 Financial Assurance Mechanisms (FAM)

The FAM must take one of the forms specified as acceptable by State Mining and Geology Board (SMGB) guidelines (i.e., payable statement, letters of credit, surety bond, or certificate of deposit). The mechanisms are held by the County.

Following annual review and recalculation of financial assurance, CONTRACTOR will compare the new amount to the mechanism and recommend revisions as necessary.

Deliverables

- FACE on the most recently DMR approved form (*if County requests, CONTRACTOR to complete form for operators requesting assistance*).
- FACE adequacy letters for submittal to DMR and operators (*electronic submittals*).
- FACE approval notification with updated FAM requests to operators.

1.2.6 Conditions of Approval Compliance Review

If determined necessary, CONTRACTOR will complete a condition compliance review simultaneously with the annual mine inspections. The review will be for those operations that are subject to a use permit.

EXHIBIT A – SCOPE OF SERVICES/PAYMENT PROVISIONS

CONTRACTOR will evaluate the status of compliance and provide recommendations for enforcement or future monitoring. The tasks to perform this review include:

- review of records and preparation of a summary of conditions of approval;
- incorporation of mitigation measures adopted through a mitigation monitoring and reporting program (MMRP).

Documentation of conditional use permit compliance outside of the comments in the MRRC-1 Inspection Reports.

CONTRACTOR is prepared to provide an initial conditional use permit compliance review report for each mine site for an additional fixed cost per site. Additional efforts that go above and beyond the outline tasks shown here will be handled on a case-by-case basis and billed at time and materials.

1.3 Additional Services

CONTRACTOR is available to assist the County, on an as-needed basis, with review and reporting of new mine permit applications, reclamation plans (or amendments), new mining operators report forms, and with the preparation of CEQA documents. CONTRACTOR also is prepared to assist County staff with preparing for planning commission meetings (such as but not limited to coordination public notification and assembling the staff report for a planning commission meeting) and providing expertise at these meetings. These services are developed based on site-specific circumstances and based on a scope of work and budget (estimates based on time and materials) as approved by the County.

1.4 Mine Closures

CONTRACTOR will assist the County in preparing the closure reports and closure submittal packages for mine sites which are no longer active and appear to meet all reclamation plan requirements. The tasks for this scope are as follows:

- conduct a site closure inspection to determine that the mine site has been reclaimed in accordance with the approved reclamation plan and CUP requirements;
- coordination and completion of mine inspection “closure” report (assuming no remaining reclamation tasks);
- set-up and finalize closure report packet (including FACE review and correspondences) and submit packet to DMR;
- coordinate and participate in final closure inspection with DMR staff,

EXHIBIT A – SCOPE OF SERVICES/PAYMENT PROVISIONS

and

- *(if applicable)* additional follow-up/coordination with DMR.

CONTRACTOR has calculated the average cost for a mine closure report based on the tasks outlined above at \$13,824 per site.

Mine sites that require an amendment to the approved reclamation plan or additional coordination with the County and DMR will need to be budgeted separately as the effort required to develop and or review an amendment to a reclamation plan varies in specific efforts and time.

1.5 COUNTY ORDINANCE UPDATE

1.5.1 Review Surface Mining Operations and Reclamation and Recommend Revisions

CONTRACTOR will review the existing Surface Mining and Reclamation Ordinance (SMRO) (Chapter 16.04 of the County of Monterey Code of Ordinances) for County-specific requirements, assess them for potential conflicts with current Surface Mining and Reclamation Act of 1975 (SMARA) regulations, and provide recommendations of whether they should be retained, modified, or deleted. It is important to note that the intent of the SMRO is to regulate both mining and reclamation. SMARA, for the most part, regulates reclamation rather than mining. Therefore, to the extent that the County wishes to regulate both mining and reclamation activities, some of the key sections should be retained or slightly modified to address changed circumstances. There are several County-specific sections that should be reviewed, including but not limited to the following:

- Section 16.04.010—Purpose and Intent
- Section 16.04.020—Definitions
- Section 16.04.025—Incorporation by Reference
- Section 16.04.030—Scope,
- Section 16.04.040—Permit and Plan Approval—Required
- Section 16.04.050—Permit and Plan Approval—Not Required Under Certain Conditions
- Section 16.04.060—Notice to Director of the Department of Conservation, State Mining and Geology Board, of Permit Applications and Annual Report Requirements
- Section 16.04.070—Application, Review, Public Hearing, and Findings
- Section 16.04.075—Standards for Reclamation

EXHIBIT A – SCOPE OF SERVICES/PAYMENT PROVISIONS

- Section 16.04.080—Reclamation Plan—Review by State Department of Conservation—Conditions of Approval to Require Financial Assurances—Performance Bond
- Section 16.04.085—Statement of Responsibility
- Section 16.04.090—Records
- Section 16.04.095—Interim Management Plans
- Section 16.04.100—Site Inspections
- Section 16.04.110—Amendments to Reclamation Plan
- Section 16.04.130—Review of Provisions
- Section 16.04.140—Mineral Resource Protection
- Section 16.04.150—Appeal—Acceptance
- Section 16.04.160—Appeal—Action by Board of Supervisors
- Section 16.04.180—Violations and Penalties
- Section 16.04.190—Notice of Violation Recordation
- Section 16.04.200—Violation—Removal of Notice
- Section 16.04.230—No construction or Use in Violation
- Section 16.04.240—All County Officials Shall Aid Enforcement, and
- Section 16.04.290—Severability

It is advisable to review Sections 16.04.180 through 16.04.240 (Violations, Penalties and Enforcement) to determine if there are any County-specific requirements that should be incorporated in addition to those required by SMARA. Meanwhile, ordinance sections that may have been updated within the last decade (e.g., processing requirements [Sections 16.04.040 and 16.04.050], annual inspections [Section 16.04.100], financial assurances [16.04.080], and interim management plans [16.04.095]) will likely need to be replaced or substantially revised. This task will also involve coordination with County Planning Department staff, the County Counsel's office, and State Mining and Geology Board (SMGB) staff.

Schedule: Estimated review and summary of recommended revisions can be completed in 8 to 12 weeks from authorization to proceed.

1.5.2 Preparation of Draft Surface Mining Operations and Reclamation Ordinance

CONTRACTOR will prepare a first draft of the recommended SMRO that incorporates current, applicable processes and standards required per SMARA.

EXHIBIT A – SCOPE OF SERVICES/PAYMENT PROVISIONS

CONTRACTOR will work with County staff in reviewing the County-specific aspects of the SMRO to retain, eliminate or revise applicable requirements to ensure that the County can maintain an effective regulatory program to address County-specific requirements and SMGB staff.

The document will be circulated as directed by staff. It is also suggested that outreach be made to mining operators. At the point consensus is reached on the update, it will be forwarded to the SMGB staff to begin the coordination process that will ultimately lead to the SMGB certification of the ordinance. CONTRACTOR will then incorporate revisions into the final hearing document for Board of Supervisor consideration. The cost estimate for this task is provided below under the table header *Surface Mining Ordinance Update Proposed Cost Estimate*.

Schedule: Preparation of a draft ordinance, in tracked changes, can be prepared within eight weeks from County concurrence and/or direction following staff's review of CONTRACTOR's recommendations as described in Task 1.5.1.

1.5.3 California Environmental Quality Act (CEQA) Review and Public Meetings

CONTRACTOR will meet with County staff and County Counsel to consider the appropriate level of review under the CEQA. The purpose of the revisions is to increase the effectiveness of mining and reclamation regulations and conform the SMRO to revisions to State Law. There is no reasonable likelihood that the adoption of the update to the SMRO could result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. CONTRACTOR believes that the adoption of the ordinance is not a "project" and therefore not subject to CEQA. However, if County Counsel determines that adoption of the ordinance is subject to CEQA, CONTRACTOR will work with County staff and County Counsel to determine the most appropriate and efficient form of CEQA compliance and associated CEQA compliance document. For purposes of this scope of work, and based on previous experience, CONTRACTOR anticipates that the most likely CEQA compliance document will be a Notice of Exemption (NOE).

CONTRACTOR will provide County staff and Counsel with a draft copy of the NOE. CONTRACTOR will incorporate any proposed revisions from County staff and Counsel and provide it to County staff for its records and filing if they deem it necessary.

EXHIBIT A – SCOPE OF SERVICES/PAYMENT PROVISIONS

Public Resource Code Section 2774(a) requires a lead agency to conduct a public meeting before adopting an ordinance under SMARA. Therefore, concurrent with CEQA review, if any, CONTRACTOR will assist the County in conducting the public meeting with the proposed SMRO. CONTRACTOR will assist County staff in providing the draft ordinance to the County's mine operators and Planning Commission. CONTRACTOR will assist the County in preparing any revisions necessary from public input. The cost estimate for this task is provided below under the table header *Surface Mining Ordinance Update Proposed Cost Estimate*.

Schedule: Estimated preparation of an NOE can be done concurrently with Task 1.5.2, as discussed above.

1.5.4 Public Meeting and Hearing Support

CONTRACTOR shall assist with staff report and presentations to mine operators, a Planning Commission Workshop, and Board of Supervisors hearing(s).

As noted above in 1.5.2, early outreach to mine operators and the Planning Commission is essential for a clear understanding of the purpose and intent of the ordinance update. In addition, CONTRACTOR will assist with preparing a presentation for a Planning Commission public workshop, and the Board of Supervisors.

CONTRACTOR will assist with the preparation of a staff report for the Board of Supervisors hearing, draft resolutions, exhibits, notices, revisions, and finalization of SMRO text following the hearing(s). The cost estimate for this task is provided below under the table header *Surface Mining Ordinance Update Proposed Cost Estimate*.

Schedule: Estimated preparation and attendance at the public workshop, Planning Commission Public Workshop, and Board of Supervisors hearing(s) will be conducted within 16 weeks of completion of the draft ordinance.

1.5.5 Coordination with SMGB for Ordinance Certification

CONTRACTOR shall coordinate with the SMGB staff, prepare, and attend a SMGB Surface Mining and Reclamation Act (SMARA) compliance committee meeting, and prepare and attend a full SMGB meeting.

EXHIBIT A – SCOPE OF SERVICES/PAYMENT PROVISIONS

Public Resources Code Section 2774.3 states: “The board shall review lead agency ordinances which establish permit and reclamation procedures to determine whether each ordinance is in accordance with state policy and shall certify the ordinance as being in accordance with state policy if it adequately meets, or imposes requirements more stringent than, the California surface mining and reclamation policies and procedures.”

CONTRACTOR will work with SMGB staff regarding the review and SMGB’s certification of the proposed SMRO. “SMGB’s ordinance review and certification process requires a public meeting to obtain public input (see Task 1.5.3, above) and a SMGB certification hearing for final approval.”

CONTRACTOR will incorporate revisions from comments from the Board of Supervisors meeting and prepare a proposed final version of the SMRO for certification by the SMGB.

CONTRACTOR, as part of coordination with SMGB, will assist County staff with submitting the proposed ordinance to the SMGB’s SMARA Compliance Committee for review and comment.

CONTRACTOR will participate in the SMGB’s full Board hearing to address any questions or concerns that the SMGB may have regarding the proposed SMRO.

Schedule: Preparation and attendance at SMARA Compliance Committee and full SMGB hearings will take place within 16 weeks of the County Board of Supervisor’s approval of the ordinance.

- A.2** All written reports required under this Agreement shall be delivered electronically and/or in hardcopy to the following individual, in accordance with the Schedule in Section C.1 below.

Kathy Nielsen, Management Analyst II
County of Monterey, Housing and Community Development Department
1441 Schilling Place, South 2nd Floor
Salinas, CA 93901-4527
Email: nielsenk@countyofmonterey.gov

B. PAYMENT PROVISIONS

B.1 COMPENSATION/ PAYMENT

EXHIBIT A – SCOPE OF SERVICES/PAYMENT PROVISIONS

County shall pay an amount not to exceed \$543,021 for the performance of all things necessary for or incidental to the performance of work as set forth in the Scope of Services. CONTRACTOR's compensation for services rendered shall be based on the following rates or in accordance with the following terms:

CONTRACTOR has calculated a fixed fee for SMARA annual inspections, financial assurance verification, and review of conditional use permit compliance for the County, which is based on the size, complexity, and history of compliance for each operation. These fees cover routine compliance review activities.

Inspection Year 2024 (August 1, 2024 through July 31, 2025) Budget for Annual Mine Inspection

Mine I.D. and Name	Annual Inspection	FACE/FAM	Total Site Fee
91-27-0005—Natividad Quarry	\$3,315	\$1,029	\$4,344
91-27-0007—BLM Rockpile	\$3,315	\$1,029	\$4,344
91-27-0009—Bitterwater	\$3,315	\$1,029	\$4,344
91-27-0011—Pine Canyon Quarry	\$3,315	\$1,029	\$4,344
91-27-0012—Stonewall Canyon Quarry	\$3,315	\$1,029	\$4,344
91-27-0019—Brinan Pit	\$3,315	\$1,029	\$4,344
91-27-0020—Echenique Pit	\$3,315	\$1,029	\$4,344
91-27-0021—Jefferson Pit	\$3,315	\$1,029	\$4,344
91-27-0025—Chalone Creek Pit	\$3,315	\$1,029	\$4,344
91-27-0027—Chualar Site	\$3,315	\$1,029	\$4,344
91-27-0028—Handley Ranch Quarry	\$3,315	\$1,029	\$4,344
91-27-0029—Hidden Canyon	\$3,315	\$1,029	\$4,344
TOTAL:	\$39,780	\$12,348	\$52,128

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EXHIBIT A – SCOPE OF SERVICES/PAYMENT PROVISIONS**Inspection Year 2024 (August 1, 2024 through July 31, 2025)
Budget for Compliance Review**

Mine I.D. and Name	Use Permit Compliance Review
91-27-0005—Natividad Quarry	\$3,520
91-27-0007—BLM Rockpile	\$1,127
91-27-0009—Bitterwater	\$1,127
91-27-0011—Pine Canyon Quarry	\$1,127
91-27-0012—Stonewall Canyon Quarry	\$3,520
91-27-0019—Brinan Pit	\$1,127
91-27-0020—Echenique Pit	\$1,127
91-27-0021—Jefferson Pit	\$1,127
91-27-0025—Chalone Creek Pit	\$2,275
91-27-0027—Chualar Site	\$1,127
91-27-0028—Handley Ranch Quarry	\$3,520
91-27-0029—Hidden Canyon	\$3,520
TOTAL:	\$24,244

**Inspection Year 2025 (August 1, 2025 through July 31, 2026)
Budget for Annual Mine Inspection**

Mine I.D. and Name	Annual Inspection	FACE/FAM	Total Site Fee
91-27-0005—Natividad Quarry	\$3,404	\$1,057	\$4,461
91-27-0007—BLM Rockpile	\$3,404	\$1,057	\$4,461
91-27-0009—Bitterwater	\$3,404	\$1,057	\$4,461
91-27-0011—Pine Canyon Quarry	\$3,404	\$1,057	\$4,461
91-27-0012—Stonewall Canyon Quarry	\$3,404	\$1,057	\$4,461
91-27-0019—Brinan Pit	\$3,404	\$1,057	\$4,461
91-27-0020—Echenique Pit	\$3,404	\$1,057	\$4,461
91-27-0021—Jefferson Pit	\$3,404	\$1,057	\$4,461
91-27-0025—Chalone Creek Pit	\$3,404	\$1,057	\$4,461
91-27-0027—Chualar Site	\$3,404	\$1,057	\$4,461
91-27-0028—Handley Ranch Quarry	\$3,404	\$1,057	\$4,461
91-27-0029—Hidden Canyon	\$3,404	\$1,057	\$4,461
TOTAL:	\$40,848	\$12,684	\$53,532

EXHIBIT A – SCOPE OF SERVICES/PAYMENT PROVISIONS**Inspection Year 2025 (August 1, 2025 through July 31, 2026)
Budget for Compliance Review**

Mine I.D. and Name	Use Permit Compliance Review
91-27-0005 – Natividad Quarry	\$3,615
91-27-0007 – BLM Rockpile	\$1,157
91-27-0009 – Bitterwater	\$1,157
91-27-0011 – Pine Canyon Quarry	\$1,157
91-27-0012 – Stonewall Canyon Quarry	\$3,615
91-27-0019 – Brinan Pit	\$1,157
91-27-0020 – Echenique Pit	\$1,157
91-27-0021 – Jefferson Pit	\$1,157
91-27-0025 – Chalone Creek Pit	\$2,336
91-27-0027 – Chualar Site	\$1,157
91-27-0028 – Handley Ranch Quarry	\$3,615
91-27-0029 – Hidden Canyon	\$3,615
TOTAL:	\$24,895

**Surface Mining Ordinance Update
Proposed Cost Estimate**

Task	Proposed Cost
Task 1: Review Surface Mining Operations and Reclamation and Recommend Revisions	\$12,500
Task 2: Preparation of Draft Surface Mining Operations and Reclamation Ordinance	\$15,000
Task 3: CEQA Review and Public Meeting	\$4,000
Task 4: Public Review and Hearing Support	\$12,500
Task 5: State Mining and Geology Board Coordination for Certification	\$18,000
Contingency (25%) ¹	\$12,500
TOTAL:	\$62,500

Notes: ¹ A 25% contingency was added to the above proposed budget compared to the March 18, 2024 submittal; this was added based on experience with other lead agencies to account for additional coordination with the operators, DMR and County staff.

EXHIBIT A – SCOPE OF SERVICES/PAYMENT PROVISIONS**Mine Closure Report Budget (per site)
August 1, 2024 through July 31, 2026**

COST CATEGORY TASK AND SUBTASK		LABOR			LABOR SUBTOTAL		EXPENSES	PROPOSED COSTS (\$)
		Mine Engineer (hrs.)	CADD/GIS Technician (hrs.)	Document Technician (hrs.)			Expenses	
		\$225	\$147	\$132	Hours	Costs	(\$)	
TASK 1:	MINE CLOSURE							
1.1	Closure Inspection	12.0			12.0	\$2,700.00	\$240	\$2,940.00
1.2	Closure Report	4.0	2.0	2.0	8.0	\$1,458.00		\$1,458.00
1.3	Closure Package Development, FACE Review, and Submittal to DMR	10.0		4.0	14.0	\$2,778.00		\$2,778.00
1.4	Final Closure Inspection with DMR	10.0			10.0	\$2,250.00	\$240	\$2,490.00
1.5	DMR Contingencies (this includes any further efforts to close out site with DMR)	16.0	2.0	2.0	20.0	\$4,158.00		\$4,158.00
SUBTOTALS		52.0	4.0	8.0	64.0	\$13,344.00	\$480	\$13,824.00
GRAND TOTAL								\$13,824.00

B.2 Additional/On-Call Services

On-call services, such as resolution of issues raised by DMR or County staff (or citizen complaint), would be accomplished on an hourly basis according to determined tasks approved by the County and charged based on the rates reflected in Table 6-3, “CONTRACTOR Standard Fee Schedule.” Invoicing would be done on a monthly, time and materials basis. The rates outlined in the following table will be valid for the initial three-year term of our agreement with the County.

**Benchmark Resources Standard Fee Schedule
for Additional As-Needed Services
August 1, 2024 through July 31, 2026**

Item	Rate
LABOR	
Principal – Bruce Steubing	\$270/hour
Mining Engineer/Geologist – Andrew Heinemann	\$225/hour
Environmental Analyst – Monika Krupa/Kristin Faoro	\$177/hour
Graphics/CAD/GIS – Mark Hernandez	\$147/hour
Project Analyst/Document Control – Katharina McKillip	\$132/hour

EXHIBIT A – SCOPE OF SERVICES/PAYMENT PROVISIONS

Item	Rate
Additional project staff <i>environmental analyst, resource planner, geologist</i>	\$150-235/hour
EXPENDITURES	
Airfare, auto rental, lodging, equipment, subconsultants, and miscellaneous costs	At Cost
Report production—black and white	\$0.15 (letter), \$0.50 (tabloid)
Report production—color	\$1.00 (letter), \$1.50 (tabloid)
Large format printing—black and white	\$10 (18x24), \$24 (24x36), \$36 (36x48)
Large format printing—color	\$20 (18x24), \$54 (24x36), \$65 (36x48)

¹. Rates shown here will remain in place for the 2-year duration of the contract.

There shall be no travel reimbursement allowed during this Agreement, as the proposed costs are a flat fee.

CONTRACTOR warrants that the cost charged for services under the terms of this Agreement are not in excess of those charged to any other client for the same services performed by the same individuals.

B.2 CONTRACTOR'S BILLING PROCEDURES

Invoices under this Agreement shall be submitted monthly and promptly, and in accordance with Paragraph 6, "Payment Conditions," of the Agreement. All invoices shall reference the Multi-Year Agreement (MYA) number, services (**SMARA Annual Mine Inspections and Reporting**) and associated Delivery Order number. An original hardcopy of the invoice shall be sent to the following address or via email to 194-HCD-Finance@countyofmonterey.gov:

County of Monterey
Housing and Community Development Department – Finance Division
1441 Schilling Place, South 2nd Floor
Salinas, California 93901-4527

Any questions pertaining to invoices under this Agreement should be directed to the HCD Finance Division at (831) 755-4800 or via email to: 194-HCD-Finance@countyofmonterey.gov.

County may, in its sole discretion, terminate this Agreement or withhold payments claimed by CONTRACTOR for services rendered if CONTRACTOR fails to satisfactorily comply with any term or condition of this Agreement.

EXHIBIT A – SCOPE OF SERVICES/PAYMENT PROVISIONS

The County shall certify the invoice, either in the requested amount or in such other amount as the County approves in conformity with this Agreement and shall promptly submit such invoice to the County Auditor-Controller for payment. The County Auditor-Controller shall pay the amount certified within 30 days of receiving the certified invoice.

No payments in advance or in anticipation of services to be provided under this Agreement shall be made by the County.

The County shall not pay any claims for payment for services submitted more than twelve (12) months after the calendar month in which the services were completed.

DISALLOWED COSTS: CONTRACTOR is responsible for any audit exceptions or disallowed costs incurred by its own organization or that of its subcontractors.

C. SCHEDULE

- C.1** Pursuant to SMARA § 2774(b)(a), annual inspections will be completed in intervals of no more than 12 months.

Task	Date/Duration
Schedule inspections	August
Conduct Inspections with Operators <i>Inspections take 1.5 to 3 hours depending on complexity</i>	September - December
Submit inspection reports to DMR	90 days and by March after inspections are complete
Conduct FACE reviews; submit letters of completeness and adequacy	90 days and by March after inspections are complete

C. SCHEDULE

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Attachment 1 to Exhibit A - Mines in Monterey County



SURFACE MINE AND RECLAMATION ACT (SMARA)
Monterey County Mining Locations

	State ID No.	County File No.	Operator	Site Name & Location	APN(s)	Type of Mine	Mine Status	Disturbed Acres
1.	91-27-0005	PC04745	Lhoist North America/ Chemical Lime Co.	Natividad Quarry 11771 Old Stage Rd., Salinas	211-031-016-000	Dolomite & Lime	Active	506
2.	91-27-0007	PC92017	William J. Clark Trucking	BLM Rockpile West of Hwy 101 off Lockwood-San Ardo Rd., Lockwood	422-101-002-000	Sand & Gravel	Active	14
3.	91-27-0009	PC93019	William J. Clark Trucking	Clark Pit (Bitterwater) 6 miles east of King City	419-131-005-000	Sand & Gravel	Active	Plant area ~ 25 In-stream ¹ ~ 69
4.	91-27-0011	PC92022	Granite Construction Co.	Pine Canyon Quarry End of Pine Canyon Rd., Shale7 miles south of Salinas	416-471-005-000, 006, 007, 008 & 009; 269-063-004- 000	Decomposed Granite	Idle	15
5.	91-27-0012		Stonewall Canyon Quarry, LLC Mike Walsh	Stonewall Canyon Quarry Stonewall Cyn Rd., Soledad	417-151-056-000	Sand & Gravel	Active	59
6.	91-27-0019	PLN990292	Swift Techtonics	Brinan Pit / Rancho Rico Gravel Pit Sargents Road, east of San Ardo	422-111-030-000; 422-111-015-000 & 017	Sand & Gravel	Active	Plant area ~ 6 In-stream ¹ ~ 31
7.	91-27-0020	PLN970422	Swift Techtonics	Echenique Pit 1 mile south of Paris Valley Rd., San Lucas	237-011-019-000	Sand & Gravel	Active	10
8.	91-27-0021	PC96050	Keith Day Company, Inc.	Jefferson Pit Off Del Monte Rd., 3 miles north of the City of Marina	229-011-016-000	Sand & Gravel	Active	3
9.	91-27-0025	PC94211	Swift Techtonics	Chalone Creek Pit South of Metz Rd., north of Elm Ave., east of Greenfield	418-401-027-000	Sand & Gravel	Active	11
10.	91-27-0027	PLN000066	Keith Day Company, Inc.	Chualar Site 2 miles southwest of Chualar on River Rd.	167-033-010-000, 011, 013	Sand & Gravel	Active	6

¹ “in-stream” reclaims itself each rainy season
2024-06-24

SURFACE MINE AND RECLAMATION ACT (SMARA)
Monterey County Mining Locations

	State ID No.	County File No.	Operator	Site Name & Location	APN(s)	Type of Mine	Mine Status	Disturbed Acres
11.	91-27-0028	PLN0102910290	Granite Construction Company	Handley Ranch Quarry 25485 Iverson Rd., Gonzales	416-471-005-000, 006-009 & 014; 415-081-018-000 & 019; 269-063-004-000; 223-031-004-000; 223-051-001-000	Stone	Active	67
12.	91-27-0029	PLN010239	San Benito Supply, Inc.	Hidden Canyon Quarry Metz Rd., 2 miles north of Elm Ave., east of Greenfield	418-401-029-000, 030 & 031	Sand & Gravel	Active	66
13.	91-27-0030	PLN090191	Vance Querfurth	Carmel Stone Mine 6 miles west of HWY 101; north of Lockwood-San Ardo Rd., Lockwood	422-101-002-000	Monterey Shale (Carmel Stone)	Abandoned	4