

Monterey County RMA Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN140395

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This temporary use permit (PLN140395) allows the use of an existing oil well, Bradley Minerals 2-2, for the exploration for oil for a period of one year with limits placed on the amount of oil that can be produced. The property is located at 72327 Jolon Rd, Bradley (Assessor's Parcel Number 424-081-082-000), South County Area Plan. The owner of this parcel is Porter Estate Company Bradley Ranch, Inc. The mineral rights for the subsurface portion of this property are owned by Bradley Mineral Rights, Inc. Trio Petroleum, LLC (applicant) holds a lease with Bradley Minerals Inc for the use of the subsurface portion of the property. The owner of the mineral rights for this property (Bradley Minerals, Inc) and applicant (Trio Petroleum, LLC) and their successors and assigns are the "Owner/Applicant" for purposes of these conditions and are jointly and severally responsible for compliance with the conditions. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions contained in this permit. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A temporary use permit (Resolution Number ***) was approved by the Board of Supervisors for Assessor's Parcel Number 424-081-082-000 on July 7, 2015. The permit was granted subject to 27 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to commencement of the use. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County RMA - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.
(RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

4. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The Owner/Applicant will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, or recordation of the certificates of compliance, whichever occurs first and as applicable. The County shall promptly notify the Owner/Applicant of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the Owner/Applicant of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the Owner/Applicant shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the commencement of use, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-Planning.

5. PD016 - NOTICE OF REPORT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to the commencement of use, a notice shall be recorded with the Monterey County Recorder which states:
"A Biological Assessment (Library No. LIB140218), was prepared by Robert A. Booher Consulting in May, 2014 and is on file in Monterey County RMA - Planning. All development shall be in accordance with this report."
(RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the commencement of use, the Owner/Applicant shall submit proof of recordation of this notice to RMA - Planning.

6. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Pursuant to the State Fish and Game Code Section 711.4, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning.

7. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the Owner/Applicant submits the signed Agreement. The agreement shall be recorded. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Within sixty (60) days after project approval or prior to the commencement of use, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

8. MM1 - WORKER ENVIRONMENTAL AWARENESS TRAINING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A County-approved biological monitor shall prepare a worker environmental awareness program (WEAP) training to be given to all personnel (site supervisors, equipment operators and laborers) which emphasizes the potential for special status species and nesting birds to occur within and immediately adjacent to the project site. Because the operations phase may occur over an extended period, an initial training shall be conducted by a qualified biologist for site supervisors and project managers prior to initiation of site activities. WEAP materials shall be provided in written form to be used for subsequent trainings. The WEAP shall cover identification of these species, their habitat requirements, and applicable regulatory policies and provisions regarding their protection, and measures being implemented to avoid and/or minimize potential impacts. The WEAP shall also address the presence of native trees adjacent to the project site, drainage features adjacent to the project site, and appropriate measures to avoid impacts to these adjacent resources. A fact sheet or other supporting material containing this information shall be prepared and distributed to all of the workers on-site. Upon completion of training, employees shall sign a form stating that they attended the training and understand all the conservation and protection measures.

During training, contractors and personnel shall be instructed to allow any wildlife observed within the project area to move out of harm's way of their own accord, unimpeded.

The WEAP must contain the following specific information regarding SJKF: photographs describing and illustrating potentially occurring SJKF, description of SJKF habitat needs, a discussion of measures to be implemented for avoidance if one is observed, the identification of an on-site contact in the event the species is seen on the site, an explanation of the status of the species and its protection under the federal and state Endangered Species Acts, and a report of the historic occurrence of kit fox in the project area. The WEAP must specify the reporting process to the designated on-site contact if SJKF are seen on site. This contact is responsible for notifying the County-RMA Planning Department of any sightings, and notifying regulatory agencies if warranted as specified in measure BIO-3.

The WEAP must contain the following specific information regarding California condor: photographs describing and illustrating California condor and differentiating this species from the common turkey vulture, a definition of microtrash, and description of specific microtrash measures to be implemented to avoid potential for impacts, measures for avoidance if a condor is observed, and the identification of an on-site contact in the event the species is seen on the site.

The WEAP must contain the following specific information regarding California tiger salamander: photographs describing and illustrating California tiger salamander, measures to be implemented to avoid potential for impacts, and the identification of an on-site contact in the event the species is seen on the site.

**Compliance or
Monitoring
Action to be Performed:**

Training shall be conducted for new personnel before they initiate equipment mobilization onto the site. The contractor shall be responsible for ensuring that all personnel working on-site comply with the guidelines. Prior to the start of equipment mobilization, a copy of all written materials shall be provided to employees as part of the WEAP training. Because the operations phase may occur over an extended period, an initial training shall be conducted by a qualified biologist for site supervisors and project managers prior to initiation of equipment mobilization activities. WEAP materials shall be provided in written form to be used for subsequent trainings. Prior to new personnel beginning work, the previously trained site supervisor or project manager shall provide WEAP training materials for new employees and document that personnel who will work on site have received WEAP training. A sign-in log identifying all trained employees shall be submitted to the County within one week of each training session.

9. MM2 - PRE-DISTURBANCE SURVEYS FOR SPECIAL STATUS SPECIES

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

Prior to equipment mobilization, within 14 days prior to start of activities, a qualified biologist shall conduct two pre-activity surveys to determine if special status species have moved into the project site or within the 500-foot buffer (where visible and legally accessible). Species-specific measures are provided below in the event that special status species or their sign are found during preconstruction surveys.

**Compliance or
Monitoring
Action to be Performed:**

The initial preconstruction survey shall be conducted within 14 days prior to equipment mobilization. An additional survey shall be conducted immediately prior to the start of equipment mobilization (within 24 hours) to verify absence of SJKF and burrowing owl. A report documenting results of the preconstruction surveys shall be submitted to County RMA-Planning within one week of completing the second and final survey.

10. MM3 - SJKF AVOIDANCE AND MINIMIZATION MEASURES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The following avoidance and minimization measures shall be incorporated pursuant to USFWS guidance for small projects:

1. If dens are located within 200 feet of proposed project activity areas, during preactivity surveys, exclusion zones shall be established prior to construction by a qualified biologist. Exclusion zones shall be roughly circular with a radius of the following distances measured outward from the entrance:

- a) Potential den: 50 feet
- b) Atypical den: 50 feet
- c) Known den: 100 feet
- d) Natal/pupping den: USFWS must be contacted (occupied and unoccupied)

2. Protective exclusion zones shall be placed around all known and potential dens which occur outside the project footprint, or alternatively, the project site boundary shall be demarcated such that dens are protected.

3. If the project site is not clearly marked or fenced, exclusion zones around known dens shall be demarcated by fencing that encircles each den on the project site at the appropriate distance and does not prevent access to the den by kit foxes. Acceptable fencing includes untreated wood particle-board, silt fencing, or orange construction fencing, as long as it has openings for kit fox ingress/egress and keeps humans and equipment out.

4. For potential and/or typical dens, placement of 4-5 flagged stakes 50 feet from the den entrance(s) will suffice to identify the den location; fencing shall not be required, but the exclusion zone must be observed.

5. If exclusion zones extend into project areas, only essential vehicle operation on the existing driveway and foot traffic shall be permitted. Otherwise, all construction, vehicle operation, material storage, or any type of surface-disturbing activity shall be prohibited or greatly restricted within the exclusion zones.

6. If a natal/pupping den is located within 200 feet of the project site, work within 200 feet of the den shall cease, the USFWS shall be notified immediately and under no circumstances shall the den be disturbed or destroyed without prior authorization.

7. Project-related vehicles shall observe a daytime speed limit of 15 miles per hour (mph) throughout the site in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active.

8. Night-time activities shall be minimized to the extent possible, because SJKF are nocturnal. During night work the speed limit shall be reduced to 10 mph. Off-road traffic outside of designated project areas shall be prohibited.

9. To prevent inadvertent entrapment of kit foxes or other animals, any excavated, steepwalled holes or trenches more than two feet deep shall be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed.

Before such holes or trenches are filled, they should be thoroughly inspected for

trapped animals. If at any time a trapped or injured kit fox is discovered, work shall cease immediately and the USFWS and CDFW shall be contacted.

10. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored on-site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the Service has been consulted.

11. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from the project site.

12. No firearms shall be allowed on the project site.

13. No pets, such as dogs or cats, shall be permitted on the project site to prevent harassment, mortality

**Compliance or
Monitoring
Action to be Performed:**

SJKF Avoidance and Minimization Measures shall be included in the WEAP training (see BIO-1); documentation of WEAP training is monitored under measure BIO-1. Prior to equipment mobilization, signage shall be posted specifying speed limits, and work limits shall be clearly marked in the field. If SJKF are observed on or within 200 feet of the project site, the project applicant or representative shall contact the County RMA-Planning Department reporting the observation and documenting compliance with SJKF measures, as applicable. An annual report shall be submitted for production testing and production phases documenting compliance with SJKF measures. This report can be submitted with documentation of compliance with other conditions. If SJKF are sighted in the project area, the project applicant or representative shall immediately notify CDFW, USFWS, and the County RMA-Planning Department.

11. MM4 - PREPARE A BURROWING OWL MITIGATION PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: If preconstruction surveys determine that burrowing owls are present within the project site and/or buffer area, a burrowing owl mitigation plan shall be prepared consistent with the CDFW 2012 Staff Report on Burrowing Owl Mitigation. This plan shall describe site-specific avoidance and minimization measures and incorporate the following:

- Occupied burrows shall be avoided during burrowing owl nesting season unless a qualified biologist approved by CDFW verifies that birds have not begun egg laying or juveniles are foraging independently and are capable of independent survival.
- Outside breeding season, between September 1 and January 31, or during breeding season with express written approval from CDFW, burrowing owls within 500 feet of project disturbance area shall be moved away from disturbance areas using passive relocation techniques. Prior to relocation, a relocation plan must be prepared and approved by CDFW. A minimum of one week or more is required to relocate owls. The relocation plan must follow the CDFW 2012 Staff Report on Burrowing Owl Mitigation guidelines and include the following:
 - o Install one-way doors in burrow entrances. Leave doors in place for 48 hours to ensure owls have left the burrow.
 - o Allow one or more weeks for owls to acclimate to off-site burrows. Daily monitoring is required during passive relocation.
 - o Once owls have relocated off-site, collapse existing burrows in project areas. Prior to burrow excavation, flexible plastic pipe shall be inserted into the tunnels to allow escape of any remaining owls during excavation. Excavation shall be conducted by hand whenever possible.
 - o Burrows outside the project site but within the buffer shall be fitted with temporary exclusion devices.
 - o Destruction of burrows shall occur only pursuant to a management plan approved by CDFW.
 - o As an alternative (if approved by CDFW), all occupied burrows identified off-site within 500 feet of project activities outside of nesting season (September through January) and during nesting season (February 1 through August 31) could be buffered by hay bales, fencing (e.g. sheltering in place) or as directed by a qualified biologist and the CDFW.

Compliance or Monitoring Action to be Performed: If required, the Burrowing Owl Mitigation Plan shall be submitted to the County RMA-Planning Department and CDFW prior to work that affects burrowing owls. The plan shall be approved by the County prior to implementation. Documentation shall be submitted to CDFW following approval.

If preconstruction surveys determine that burrowing owls are not present on site, the condition has been satisfied and no further action is required.

12. MM5 - REMOVE MICROTRASH

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: During periods when personnel are present on site, such as during equipment mobilization, pump and tank installation, project personnel shall regularly check project areas, pick up and contain microtrash, and remove from the site at least once weekly.

Compliance or Monitoring Action to be Performed: Microtrash cleanup and containment shall occur daily and removed from the site weekly. . The applicant shall submit an annual report to the County RMA-Planning Department documenting compliance with microtrash cleanup requirements. This report can be submitted with documentation of compliance with other conditions.

13. MM6 - WORK LIMITATIONS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: No non-automated work or vehicular site access shall occur at night during rain storms. During WEAP training (BIO-1) contractors and personnel shall be instructed regarding these limitations on site for work and access.

Compliance or Monitoring Action to be Performed: Documentation of WEAP training shall occur as part of measure BIO-1. During periods of project activity, the applicant shall submit an annual report to the County RMA-Planning Department documenting compliance with work limitations. This report can be submitted with documentation of compliance with other conditions.

14. MM7 - RELOCATE SSC REPTILES OUT OF WORK AREA

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: If encountered during preconstruction surveys, San Joaquin whipsnake and coast horned lizard shall be relocated out of direct project impact areas by the qualified biologist. During WEAP training (BIO-1) contractors and personnel shall be instructed to allow any reptiles observed within the project area to move out of harm's way of their own accord, unimpeded.

Compliance or Monitoring Action to be Performed: If relocations occur, the biologist shall submit results with the preconstruction survey report to the County RMA-Planning Department.

15. MM8 - BADGER AVOIDANCE MEASURES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: If potential badger dens are identified in close proximity to project activity areas, exclusion zones shall be established to prevent intrusion of workers on foot, vehicles, and equipment in close proximity to dens. During natal season (March 1 through June 30) dens within 100 feet of work areas shall be marked and avoided unless they are located outside existing fencing. Outside breeding season, dens within 50 feet must be flagged and avoided.

Compliance or Monitoring Action to be Performed: If required based on results of pre-activity surveys, exclusion zone barriers shall be maintained until all construction activities or operational disturbances have been terminated. At that time all fencing shall be removed to avoid attracting subsequent attention to the dens. If fencing is required for protection of dens, a report shall be submitted to the County RMA-Planning Department by the project biologist documenting that exclusion zone buffers are in place.

If the preconstruction survey (MM2) determines that there are no badger dens identified in proximity to project activity areas, this condition can be satisfied and no further action is required.

16. MM9 - PRECONSTRUCTION NESTING BIRD SURVEYS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to equipment mobilization that commences within the nesting season, February 1 through September 15, a qualified biologist shall conduct preconstruction surveys for nesting birds, including raptors, in all areas within 500 feet of proposed disturbance areas, where accessible. The required survey dates may be modified based on local conditions, as determined by the biologist based on observations in the field. Early removal of nest starts (incomplete nests in which eggs have not been laid) can be performed by the qualified biologist for common species to discourage mated pairs from nesting in areas subject to disturbance. Nest starts of special status birds shall not be disturbed without consultation with CDFW. Active nests of native birds shall be protected with a no-work buffer. Buffer distance shall be a minimum of 100 feet for songbirds and 500 feet for raptors. Prescribed buffers may be adjusted to reflect existing conditions such as ambient noise, topography, and level of disturbance from proposed activities in consultation with CDFW and the County. Any nest buffer zones shall be clearly delineated to avoid disturbance to nesting birds. Depending on their proximity to disturbance areas, buffer zones may be designated in the field in various ways, including flagging, fencing, and/or signage.

Compliance or Monitoring Action to be Performed: Surveys shall be completed within 14 days prior to equipment mobilization. If buffers and follow-up monitoring are required, the biologist shall submit a monthly monitoring report identifying active nests, monitoring results, and condition of buffer zones. Reports can be combined with other reporting requirements where appropriate.

17. MM11 - TREE PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: To minimize root disturbance to the protected native oaks that would not be removed by the project, the following tree protection measures shall be implemented:

1. Limits of any ground-disturbing work within 25 feet of native trees shall be clearly flagged in the field. Parking shall be restricted to existing graveled areas and shall not be permitted under trees. Parking locations for passenger vehicles shall be designated away from oak trees. Workers will be informed of the need to avoid parking under oaks as part of WEAP training (Measure BIO-1).
2. Soils shall not be deposited around or over any trees in the project area.

Compliance or Monitoring Action to be Performed: Prior to the start of equipment mobilization, the applicant shall provide documentation, in the form of photographs, that tree protection measures have been implemented and the prohibiting of parking underneath oak trees has been incorporated into the WEAP training materials.

18. PDSP001 - TEMPORARY USE PERMIT (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This temporary Use Permit shall expire one year from the date that the resolution is mailed to the applicant, with a n option for applicant to request to extend the permit at the specific site for a period not to exceed an additional six (6) months. Any approval of such request will be contingent upon no violation of grading, zoning, land use policies or local and state regulations.

Compliance or Monitoring Action to be Performed: The applicant must apply for an extension, if desired, prior to the expiration of the temporary Use Permit

19. PDSP002 - SUBSEQUENT PERMIT REQUIRED (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: If the production testing for oil and gas finds that commercial quantities of oil and gas exist at this location (Bradley Minerals Well 2-2), a subsequent Use Permit approval will be required to convert the site to full production. This Use Permit allows production testing as long as the monthly truck trips remain under 13 as described in the Initial Study. If oil production results in an increase in truck trips above this, a permanent Use Permit shall be obtained to allow production from this well.

Compliance or Monitoring Action to be Performed: The applicant shall submit monthly logs of truck trips made for the hauling away of produced fluids for Bradley Minerals Well 2-2 to RMA-Planning for review. If the monthly number of trips exceeds 13, a subsequent use permit shall be required to convert site to full production.

20. PDSP003 - SITE RESTORATION (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Should the applicant not apply for and obtain a subsequent Use Permit for full production of oil and gas at this location (Bradley Minerals Well 1-2 & 2-2), all wells onsite shall be abandoned, all temporary facilities shall be removed, and the site shall be restored to its predevelopment state as permanent grazing/non-native grasslands. This restoration includes removal of gravel and other surface materials and contaminated soil and the restoration of natural grade, with the re-vegetation of the site.

Compliance or Monitoring Action to be Performed: A performance bond or security in the amount of one hundred percent (100%) of the estimated cost of well abandonment (Bradley Minerals Well 1-2 & 2-2) and site restoration shall be submitted to RMA-Planning by Owner/Applicant prior to commencement of use.

Prior to the expiration of the temporary Use Permit, and if the applicant has not applied for a subsequent Use Permit for full production, the applicant shall submit documentation (site photos, DOGGR permits, etc) to RMA-Planning that the site has been restored to its predevelopment state.

21. PDSP004 - NO WELL STIMULATION TREATMENTS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The temporary use permit will allow production testing using an existing oil and gas well, Bradley Minerals 2-2. The use of any form of well stimulation treatment, including hydraulic fracturing, acid fracturing, and acid matrix stimulation, is not permitted with this entitlement.

Compliance or Monitoring Action to be Performed: The Owner/Applicant (Trio Petroleum LLC) and their successors and assigns shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

22. PDSP005 - CONFORMANCE WITH MBUAPC (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Any flaring of natural gas shall be done using permitted equipment by the Monterey Bay Unified Air Pollution Control District (MBUAPCD) and shall comply with all applicable MBUAPD standards.

Compliance or Monitoring Action to be Performed: Contact the Monterey Bay Unified Air Pollution Control District.

23. PDSP006 - CONFORMANCE WITH CALIFORNIA CLASS II UIC PROGRAM

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The disposal of produced fluids shall not be injected in any well that is currently out of compliance with the Safe Water Drinking Act. The applicant shall disclose the location of the fluid disposal. The disposal of fluids shall be in conformance with all applicable regional, state, and federal regulations and meet the following performance criteria:

- Disposal of fluids shall be in a permitted injection well that is located in an aquifer that has been exempted by the Department of Conservation, or
- Disposal of fluids shall be in a permitted injection well that is located in an aquifer that has a Total Dissolved Solids (TDS) concentration above 10,000 mg/L which does not require an exemption from the Department of Conservation, or
- Disposal of fluids will be at an approved hazardous waste facility

Compliance or Monitoring Action to be Performed: Prior to commencement of operation, the applicant shall disclose the name of the licensed contractor hired to dispose of produced fluids, and list of permitted disposal sites to RMA-Planning. With the requirement of Condition #19 (submittal of the monthly log of truck trips made), the applicant shall disclose the destination of the disposed fluids to RMA-Planning.

24. EHSP01 - HAZARDOUS MATERIALS: BUSINESS RESPONSE PLAN (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant shall maintain an up-to-date Business Response Plan that meets the standards found in the California Code of Regulations, Title 19, Division 2, Chapter 4 (Hazardous Material Release Reporting, Inventory, and Response Plans) and the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Material Release Response Plans and Inventory), and the Monterey County Code Chapter 10.65.

Compliance or Monitoring Action to be Performed: Prior to commencement of operation, the Owner/Applicant shall submit a signed Business Response Plan – Memorandum of Understanding (form available from EHB) that specifies an approved Business Response Plan must be on file with Hazardous Materials Management Services prior to bringing hazardous materials on site and/or commencement of operations.

25. EHSP02 - HAZARDOUS WASTE CONTROL (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The facility shall comply with the standards found in the California Code of Regulations, Title 22, Division 4.5 and the California Health and Safety Code, Division 20, Chapter 6.5, and the Monterey County Code Chapter 10.65 for the proper handling, storage and disposal of Hazardous Waste, including but not limited to produced fluids, as approved by the Environmental Health Bureau (EHB).

Compliance or Monitoring Action to be Performed: Prior to commencement of operation, the applicant shall submit to the Hazardous Materials Management Services of the Environmental Health Bureau (EHB) an inventory of any hazardous waste expected to be generated on site for review and acceptance. If no hazardous waste is expected to be generated, applicant shall submit attestation to the satisfaction of EHB.

26. EHSP03 - HAZARDOUS MATERIALS: SPILL PREVENTION CONTROL COUNTERMEASURE PLAN (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant shall submit a Spill Prevention Control Plan for the following:

Onsite fluids: The Plan shall include containment and spill prevention measures that when implemented, will avoid any potential impacts to the adjacent ephemeral stream. The plan shall describe specific methods for avoiding spills of hazardous materials, containment and cleanup measures in the event such spills occur, and means by which materials would be prevented from being washed offsite into the adjacent drainage during rain events. Such measures can include containment berms, temporary containment devices such as fiber rolls with oil pads around sites, drip pans under generators and equipment. The plan shall describe steps taken in the event of a spill and how contaminated materials shall be collected and contained. If spill containment berms are used, such berms must be located within the existing disturbed project site rather than adjacent undisturbed habitat. The containment areas shall not involve any additional excavation and shall include lined surfaces to prevent absorption of liquids into the soil and release of liquids into the surrounding environment. All containment areas shall be within the existing well pad footprint.

Onsite tanks: Above ground storage tanks for petroleum products (i.e. diesel, oil, and gasoline) with greater than 1320-gallons of capacity or for cumulative storage of more than 1320-gallons shall meet the standards as found in the California Health and Safety Code, Section 25270 et seq. and of the Code of Federal Regulations, Part 112 (commencing with Section 112.1) of Subchapter D of Chapter 1 of Title 40.

Compliance or Monitoring Action to be Performed: Prior to commencement of operation, the applicant shall submit a plan for the containment of onsite fluids and tanks. This Spill Prevention Control Countermeasure (SPCC) Plan shall be submitted to the Environmental Health Bureau (EHB) for review and acceptance.

This standard condition shall fully satisfy the #10 Biological Resources mitigation measure of the Mitigated Negative Declaration

27. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting source shall be shielded and recessed into the fixture. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of RMA - Planning, prior to the commencement of operation. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the commencement of operation, the Owner/Applicant shall submit three copies of the lighting plans to RMA - Planning for review and approval.

Prior to the commencement of operation the Owner/Applicant shall submit written and photographic evidence demonstrating that the lighting has been installed according to the approved plan.

On an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.