

EXHIBIT 5
SEEP CAN ONLY PROJECT
CONDITIONS OF APPROVAL

- 1. Proj Des-01 Project Description.** This Oil Drilling and Production Plan is based upon and limited to compliance with the project description, the Board of Supervisors Exhibits 1-12 dated October 11, 2016, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations.

The project description is as follows:

Seep Can Only Project

The Seep Can Only Project addresses permitting requirements associated with the 99 existing seep cans and all potential future seeps associated with existing cyclically steamed production approved under 05PPP-00000-00001. This Project involves the permitting of existing and future seep cans only. Therefore, no new wells would be drilled and the field would continue to be developed with only the existing 96 diatomite wells.

A seep can is a temporary receptacle consisting of a perforated galvanized culvert placed vertically in the ground to collect and contain seep oil. In some cases, an electric pump is attached to the seep can. A seep can's depth is generally approximately between 15 and 20 feet, and the diameter of a seep can is generally approximately between 24 and 48 inches. A seep can is not a production well. Oil that is collected is removed from seep receptacles via pump or vacuum truck and sent to existing onsite facilities for processing and shipping through the Oil Sales Pipeline. Any contamination of soil resulting from the initial appearance of a seep is also immediately remediated as required by State and County regulations.

Due to the unpredictable nature of oil seeps and the need for immediate action to control and collect the oil, the County historically used the Emergency Permit process under the County LUDC Section 35.82.090 to regulate and document seep can installations. However, Section 35.82.090.G of the LUDC requires that the issuance of an Emergency Permit be followed by the applicable planning permit as an "*Emergency Permit shall not constitute an entitlement to the erection of permanent structures*". The appropriate permit for the seep can installations is an Oil Drilling and Production Plan (ODPP). The 99 seep cans currently installed will be authorized by a Zoning Clearance which acts as a follow-on permit to the ODPP. The initial Zoning Clearance for the existing 99 seep cans shall be obtained within six (6) months of the approval of the Seep Can Only Project. Each future seep can will receive a Zoning Clearance.

Because of the need to respond to and contain seeps promptly and limit impacts to the environment, it is anticipated that the Permittee and Planning & Development (P&D) will

coordinate to ensure the conditions of approval below are implemented while allowing the Permittee to contain seeps in a timely manner. P&D may grant the Permittee verbal authorization to proceed with work prior to satisfying certain requirements in the conditions as determined appropriate by P&D.

In compliance with County and US EPA requirements, PCEC has on file with DOGGR and the County a Spill Prevention Control and Countermeasure (SPCC) Plan. The SPCC Plan contains operating procedures to prevent oil spills, control measures to prevent a spill from reaching navigable waters, and countermeasures to contain, clean up and mitigate the effects of an oil spill. The proposed Project includes a proposed Supplemental Pollution Control Plan (see Appendix A of the EIR) which sets forth a set of methods, procedures and protocols for responding to oil seeps and surface expressions that may occur at Orcutt Oil Field, consistent with requirements established by DOGGR and the County. This Project would require submittal, approval, and adherence to the requirements of the Supplemental Pollution Control Plan.

Installation of the existing seep cans began in 2008, and as of August 2016, 99 physical seep cans have been installed at the Project Site numbered 1 through 100 (number 80 is not used). Approximately 58 of the 99 seep cans are actively collecting oil, and approximately 30 of the active seep cans have electrical pumps to aid in the removal of oil. The need for new seep cans may occur on a periodic basis.

Seep Can Emergency Permits

Emergency Permit Number	Seep Can(s)*
13EMP-00000-00001	79 & 85
13EMP-00000-00002	1 through 78
13EMP-00000-00003	Relocation of 30 & 86
13EMP-00000-00004	87 through 93
12EMP-00000-00006	81
12EMP-00000-00008	82
12EMP-00000-00009	Relocation of 33
12EMP-00000-00012	83 & 84
14EMP-00000-00003	94
15EMP-00000-00001	95
15EMP-00000-00003	96
15EMP-00000-00008	97
15EMP-00000-00009	98
16EMP-00000-00005	99
16EMP-00000-00007	100

Note: *Number 80 is not used in can numbering system.

The area of disturbance for response and containment activities since 2008 totals approximately 6.09 acres.

Current Operations

PCEC's existing operations include a combined total of approximately 300 producing wells (including the 96 existing diatomite cyclic steamed wells, of which 82 are active, 11 are idle and 3 have been abandoned), field offices, and oil production facilities and ancillary equipment located throughout the Orcutt Oil Field leases. In addition to the current ODPP (No. 05PPP-00000-00001) for the existing diatomite cyclic steaming operations, PCEC also produces oil from several non-diatomite zones under separate permits.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

MITIGATION MEASURES FROM 14EIR-00000-00001

3. **MM AQ-1. Measures to Reduce Dust Emissions From Construction.** Best Available Control Measures shall be implemented to control PM10 generation during the construction of access roads leading to seep cans, as per SBCAPCD requirements, including the following:
 - a. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the area. At a minimum, this shall include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency shall be required whenever the wind speed exceeds 15 mph.
 - b. Area disturbances shall be minimized and onsite vehicle speeds shall be reduced to 15 mph or less;
 - c. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads;
 - d. If importation, exportation, and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the Project Site shall be covered with a tarp from the point of origin;
 - e. After clearing, grading, earthmoving, or excavation is completed, the disturbed area

- shall be treated by watering, re-vegetating, or spreading of soil binders, until the area is paved or otherwise developed so that dust generation does not occur;
- f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SBCAPCD prior to land use clearance for any grading activities for the Project; and
 - g. Prior to any land clearance, the Owner/Permittee shall include, as a note on a separate informational sheet to be recorded using a map, these dust control requirements. All requirements shall be shown on grading and building plans.

Plan Requirements/Timing: The dust control monitor shall be designated prior to issuance of Zoning Clearance. The dust control components shall apply from the beginning of any grading or construction throughout all development activities. **Monitoring:** P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite. The permittee shall provide P&D Permit Compliance staff and APCD with the name and contact information for an assigned onsite dust control monitor(s). APCD inspectors shall respond to nuisance complaints.

4. **MM AQ-3a Tank Detection System.** For any tanks that have vapor space H₂S above 1,000 ppm, the Operator shall install a detection system that will monitor vapor space pressure or direct all tank pressure relief to vapor recovery systems. The detection system shall be capable of notifying the Operator via an alarm when the pressure in the tanks increases to a level that is within 10 percent of the tank relief pressure. If the tank pressure exceeds the relief pressure, the Operator shall report the incident to the APCD as a breakdown. **Plan Requirements/Timing:** Prior to issuance of Zoning Clearance, tanks shall be equipped with monitoring and shall be listed on all plans, and documentation of onsite tank detection system shall be submitted for review and approval by APCD. A report shall be filed with APCD for any tank relief pressure that exceeds 10%. **Monitoring:** P&D monitoring staff shall ensure compliance during field inspections. APCD inspectors shall respond to nuisance complaints.
5. **MM Bio-1a.** Prior to issuance of the initial Zoning Clearance for the 99 existing seep cans, the Owner/Permittee shall prepare and submit a Habitat Restoration Plan to the County Planning and Development Department. Prior to issuance of Zoning Clearance for future seep can installations, the Owner/Permittee shall prepare an addendum to the Habitat Restoration Plan to include restoration of habitats impacted by such activities. The restoration plan shall include a 3:1 onsite replacement of all native habitats (including annual grasslands) impacted due to oil seeps and oil seep management disturbances. The initial Plan shall include the 6.09 acres of habitat disturbance caused by the past seep can installation and management. The Plan shall provide details for the replacement of specific habitat types, including oak woodland, which could include the use of conservation easements and contribution to the Oak Woodland Conservation Fund to ensure the permanent preservation of oak woodland habitat. The Plan shall identify locations where restoration is to occur, methods of achieving its objectives, and

performance criteria for determining success. The Habitat Restoration Plan shall include success criteria for all habitat restoration that are based on both vegetative percent cover and species abundance. Monitoring all restoration sites will be the Owner/Permittee's responsibility for a minimum of 5 years, or until the County judges all of the Project's long-term performance standards to be satisfied. Long-term performance standards shall include, but not be limited to, criteria such as requiring that restoration areas support at least 80 percent of the native species abundance and percent cover and are relatively weed free or demonstrate similar weed cover to surrounding, good quality habitat. If the Owner/Permittee is unable to restore the appropriate amount of habitat onsite, the County shall have the option to require that the Owner/Permittee provide permanent protection of habitat as suitable mitigation, which could include the purchase of credits to an agency-approved conservation bank. **Plan Requirements and Timing:** Prior to the issuance of Zoning Clearance, the Habitat Restoration Plan shall be reviewed and approved by P&D. P&D shall consult with USFWS and CDFW prior to approving the Habitat Restoration Plan. Amendments to the Restoration Plan for future seep can installations shall be reviewed and approved by P&D prior to the issuance of a Zoning Clearance for each seep can installation. **Monitoring:** P&D, USFWS, and CDFW shall spot check in the field as applicable.

6. **MM Bio-1b.** The Owner/Permittee shall conduct preconstruction surveys of sensitive species habitats (including sensitive plant species habitat, coastal scrub, chaparral, and oak woodland, and drainages) within the Project disturbance boundary immediately prior to the onset of any ground disturbances associated with seep can installation and management in order to evaluate suitable habitat for the current occupancy of sensitive species and to refine the final habitat mitigation replacement acreages. **Plan Requirements and Timing:** Surveys shall be conducted and reported prior to any ground disturbances or vegetation removal. This condition shall be printed on all final construction, grading, and building plans. **Monitoring:** P&D shall perform site inspections throughout the construction phase and receive the survey report from the Applicant Biologist (as identified in Condition No. 13).
7. **MM Bio-1c.** The final Habitat Restoration Plan shall provide for restoration and/or creation of habitat suitable for special status plant species including Lompoc yerba santa, La Purisima manzanita, mesa horkelia, and black-flowered figwort. The final Habitat Restoration Plan shall include defined schedules of restoration efforts, success criteria, weed management methods, monitoring schedules, reporting requirements, and long-term monitoring requirements. The objective of the long-term monitoring shall be to assess if the restored habitats are functioning equal to or better than pre-Project conditions. Restoration monitoring shall continue for five years or until the predetermined success criteria have been met. The assessment of function shall be based on indicators such as wildlife use and presence of sensitive species within the habitats compared to pre-Project conditions. **Plan Requirements and Timing:** Prior to the issuance of Zoning Clearance the Habitat Restoration Plan shall be reviewed and approved by P&D in consult with USFWS and CDFW. **Monitoring:** P&D shall spot check in the field as applicable.
8. **MM Bio-1e.** If performance standards detailed in the Habitat Restoration Plan are not

achieved in any restoration area, the Owner/Permittee shall submit a plan for remedial action, employing an adaptive management strategy during the restoration and monitoring phase, for approval to the County, in consultation with appropriate resource agencies (e.g., USFWS and CDFW). **Plan Requirements and Timing:** As needed through restoration efforts. **Monitoring:** P&D staff shall review annual restoration updates received from the Applicant Biologist (as identified in Condition No. 12).

9. **MM Bio-1f.** The monitoring results collected as part of the Habitat Restoration Plan shall be reported at least annually to the County. The annual report shall document the effects of the proposed protection of sensitive resources on the Project Site and include acreage of occupied habitat that was impacted. The report shall contain a discussion of the problems encountered in implementing sensitive species habitat protection and other protective measures and recommendations for adaptive management to enhance the conservation of sensitive species habitat. **Plan Requirements and Timing:** The Owner/Permittee shall submit Habitat Restoration Plan monitoring reports by February 28 for the previous calendar year for review by P&D. **Monitoring:** P&D staff shall review restoration efforts throughout the restoration phase.
10. **MM Bio-2a.** Prior to issuance of initial Zoning Clearance for the 99 existing seep cans, the Owner/Permittee shall fund and implement a biological resources training program for all construction workers and their contractors to minimize potential impacts to sensitive plant and wildlife species. Training shall occur prior to initial construction activities and be repeated annually and as needed for new workers. Prior to issuance of Zoning Clearance, the training program shall be reviewed and approved by P&D in consultation with the EQAP Monitor and shall include a description of important biological resources within the Project Site and all applicable conditions, permit requirements, and measures implemented to protect those resources. **Plan Requirements and Timing:** Training program shall be reviewed and approved by P&D prior to issuance of Zoning Clearance. This condition shall be printed on all final construction, grading, and building plans. **Monitoring:** Applicant Biologist (as identified in Condition No. 12) shall perform annual training updates throughout the construction phase; EQAP Monitor will ensure annual training is occurring.
11. **MM Bio-2b.** Prior to oil seep management activities, all grading limits and construction boundaries shall be delineated and clearly marked in the field. All sensitive species and sensitive species' habitats located within 10 feet of construction activities shall be delineated with specific sensitive species labeling (e.g., permanent signage stating "No Entry — Sensitive Habitat."). **Plan Requirements and Timing:** The County shall approve the fencing or other delineation and marking prior to commencement of the initial grading activities (including clearing and grubbing). This condition shall be printed on all final construction, grading, and building plans. **Monitoring:** EQAP Monitor shall perform site inspections throughout the construction phase.
12. **MM Bio-2c.** Prior to issuance of the initial Zoning Clearance for the existing 99 seep cans, the Owner/Permittee shall enter into an agreement with the County to fund a biological monitor (Applicant Biologist), selected by the Owner/Permittee and approved by the

County, to minimize potential impacts to sensitive species. The Applicant Biologist shall conduct sensitive species surveys immediately prior to oil seep installation and management activities, and shall monitor during construction activities in the vicinity of habitats to be avoided. Any sensitive species observed during the pre-construction surveys shall be relocated out of harm's way into the nearest suitable habitat outside the disturbance area as appropriate. Construction and sediment control fencing shall be inspected each work day during construction activities to ensure that sensitive species are not exposed to hazards. **Plan Requirements and Timing:** Sensitive species surveys shall be conducted prior to any ground disturbances or vegetation removal. The County shall review and approve the results of the pre-construction surveys prior to any work commencing. This condition shall be printed on all final construction, grading, and building plans. **Monitoring:** Sensitive species surveys shall be performed by the Applicant Biologist. EQAP Monitor shall conduct regular inspections and shall receive and review periodic compliance status reports from the Applicant Biologist throughout the construction phase.

13. **MM Bio-2d.** Under supervision of the Applicant Biologist, seep can access routes shall be determined in the field to minimize impacts to Lompoc yerba santa, La Purisima manzanita, mesa horkelia, black-flowered figwort or any other sensitive resources as identified by the Applicant Biologist and the EQAP Monitor. All oil seep can installation and management activities that occur within 50 feet of identified sensitive resources shall be conducted under supervision of the Applicant Biologist. The Applicant Biologist shall also be part of the seep containment and cleanup response. The Applicant Biologist can assist with resource avoidance and quantification of impacts resulting from seep can installation. **Plan Requirements and Timing:** This condition shall be printed on all final construction, grading, and building plans. **Monitoring:** EQAP Monitor shall perform site inspections throughout the construction phase and receive regular updates from the Applicant Biologist.
14. **MM Bio-2e.** As part of the required Habitat Restoration Plan (Mitigation Measure BIO-1a) and under the supervision of the Applicant Biologist and EQAP Monitor, the Owner/Permittee shall prepare and implement a rare plant salvage and transplant plan to reduce impacts to native sensitive plant species including Lompoc yerba santa, La Purisima manzanita, mesa horkelia, black-flowered figwort and any other sensitive resources as identified by the Applicant Biologist and EQAP Monitor. The Habitat Restoration Plan shall include salvage and planting methods specific for each species, potential out-planting areas, and performance standards for all plant salvaging that shall include, but not be limited to, requiring that all plants salvaged and re-planted in restoration areas survive for at least five years in order to meet the applicable replacement ratio (described in Condition No. 15, MM Bio-2f). **Plan Requirements and Timing:** Surveys and plant salvaging shall be conducted prior to any ground disturbances or vegetation removal. This condition shall be printed on all final construction, grading, and building plans. **Monitoring:** EQAP Monitor shall perform site inspections throughout the construction phase and receive regular updates from the Applicant Biologist.
15. **MM Bio-2f.** Due to the uncertainty of impacts to sensitive species resulting from oil seeps,

and oil seeps cleanup and management, the Habitat Restoration Plan (Mitigation Measure BIO-1a) shall include a 10:1 replacement of those 360 impacted Lompoc yerba plants disturbed during previous seeps and seep management activities as directed by the existing 2006 MND; a 3:1 replacement of all future impacted Lompoc yerba santa plants; and, a 2:1 replacement of all other individual sensitive plants, including La Purisima manzanita, mesa horkelia, and black-flowered figwort impacted by construction and oil seep management disturbances. **Plan Requirements and Timing:** Owner/Permittee shall submit a report by February 28 for the previous calendar year. Annual monitoring results shall be reviewed and approved by P&D each year. **Monitoring:** P&D staff shall review restoration efforts throughout the restoration phase.

16. **MM Bio-2g.** The Owner/Permittee shall conduct surveys of the entire 382-acre study area to determine the distribution and abundance of sensitive plants species, including but not limited to the federally endangered Lompoc yerba santa, to better determine actual impacts resulting from future oil seeps and oil seep management. Surveys shall include GIS mapping of all sensitive plant populations, and show the spatial extent and relative abundance of individuals. **Plan Requirements and Timing:** Surveys shall be conducted prior to initial Zoning Clearance for the 99 existing seep cans in order to evaluate the current occupancy of suitable habitat for this sensitive species and shall be repeated every three years to update species information. The EQAP Monitor shall review and approve the survey plan and mapping criteria prior to survey implementation. P&D shall review the results of the pre-construction surveys. This condition shall be printed on all final construction, grading, and building plans. **Monitoring:** EQAP Monitor shall perform site inspections throughout the construction phase and review and approve the report from the Applicant Biologist.
17. **MM Bio-2h.** The Applicant Biologist shall inspect and monitor the Project Site for bird nesting activity prior to seep can installation resulting in any vegetation disturbances. If initial construction activities, including seep can installation, ground disturbance, or vegetation clearing involving vegetation removal/trimming, is to take place during the nesting season (December 15 through August 31 for raptor species, and February 1 through September 15 for all other avian species), an Applicant Biologist shall conduct a pre-construction bird nesting inspection not more than one week prior to the scheduled construction activity. If birds are determined to be nesting on or within the vicinity of the Project Site, no construction activities, including but not limited to, grading or heavy equipment operation, shall take place within 500 feet of a raptor nest or within 300 feet (or the property line, whichever is closer) of other species' nest locations. Certain construction activities, for example seep containment and cleanup, may be allowed on a case-by-case basis, as reviewed and approved by P&D. **Plan Requirements and Timing:** Surveys shall be conducted prior to any ground disturbances or vegetation removal. The County shall review and approve the pre-construction survey reports prior to commencement of construction. This condition shall be printed on all final construction, grading, and building plans. **Monitoring:** EQAP Monitor shall perform site inspections throughout the construction phase and receive the report from the Applicant Biologist.
18. **MM Bio-3. Supplemental Pollution Control Plan.** The Owner/Permittee shall update

and implement the Orcutt Hill supplement (dated January 2013) for Orcutt Oil Field. The supplement shall address pollution control measures for surface expressions and seeps at Orcutt Oil Field pursuant to Santa Barbara County Code Sec. 25-9. The Supplemental Pollution Control Plan shall include specific procedures for the discovery, assessment, response, monitoring, control, reporting and mitigation of seeps and surface expressions of oil at the Orcutt Oil Field. At minimum the Plan shall include protocols to address seeps and surface expressions, such as: duties and responsibilities in the event of a seep or surface expression; notification and reporting responsibilities; requirements for containment structures; and, standards for seep management activities. The Supplemental Pollution Control Plan reporting requirements shall include details on the timing of reporting; shall require that all new and/or reactivated seeps be reported to the County and OSPR at the same time they are reported to DOGGR; and, shall require that the report to these agencies be followed within 30 days by submittal of a map containing the location of the seep, seep management disturbance area, and sensitive biological resources (including but not limited to Lompoc yerba santa populations, drainages, and sensitive habitats). **Plan Requirements and Timing:** Prior to issuance of Zoning Clearance, the Owner/Permittee shall provide P&D with the Supplemental Pollution Control Plan for review and approval. This condition shall be printed on all final construction, grading, and building plans. **Monitoring:** Applicant Biologist shall coordinate with County EQAP Monitor to perform field inspections as applicable.

19. **MM Bio-4a.** The final Habitat Restoration Plan shall require a 3:1 replacement of all Waters of the U.S. impacted by past and future potential oil seep cleanup and management activities. **Plan Requirements and Timing:** Prior to the issuance of Zoning Clearance the Habitat Restoration Plan shall be reviewed and approved by P&D. **Monitoring:** Applicant Biologist shall coordinate with applicable agencies and the County EQAP Monitor/P&D.
20. **MM Bio-4b.** Prior to issuance of Zoning Clearance for each future seep can installation, the Owner/Permittee shall demonstrate that all staging areas, equipment storage areas, stockpile sites, and refueling areas are located at least 100 feet from surface water bodies and wetland habitats to minimize the potential for releases into surface water or wetland habitat. **Plan Requirements and Timing:** Prior to issuance of Zoning Clearance for future seeps, P&D shall review and approve Final grading plans. This condition shall be printed on all final construction, grading, and building plans. **Monitoring:** EQAP Monitor shall perform site inspections throughout the construction phase and receive regular updates from the Applicant Biologist.
21. **MM Bio-6a.** The Applicant Biologist shall conduct surveys throughout areas proposed to be disturbed by seeps and related management activities to determine the presence of wildlife species prior to ground disturbance. The Applicant Biologist shall be onsite during initial site disturbance (i.e., brush removal, top soil disturbances). Wildlife species encountered during the initial disturbance shall be relocated to suitable habitat out of potential danger. Construction activities, including oil seep and surface expression cleanup, containment, and management efforts, shall be regularly monitored to ensure that wildlife species have not entered work areas. The Applicant Biologist shall conduct

regular site inspections of the construction activities to ensure that all applicable mitigation measures are being enacted properly. The Applicant Biologist shall have the authority to temporarily halt activities if permit requirements and conditions are not being met. By February 28 of each year, the Applicant Biologist shall prepare a comprehensive annual summary report for the previous calendar year describing site visit observations and shall provide this report to the County for review. **Plan Requirements and Timing:** Surveys and wildlife salvage and relocation efforts shall be conducted prior to any ground disturbances or vegetation removal. Applicant biologist shall submit a comprehensive annual report by February 28 for the previous calendar year. This condition shall be printed on all final construction, grading, and building plans. **Monitoring:** EQAP Monitor shall perform site inspections throughout the construction phase and receive regular updates from the Applicant Biologist.

22. **MM CR-1. Phase 3 Data Recovery Excavations.** Archaeological site SBA-4069/H, a multi-component site, is recommended as eligible for listing in the California Register (Kremkau et al. 2014) and is considered a historical resource under CEQA. Prior to issuance of the initial Zoning Clearance for the 99 existing seep cans, the Owner/Permittee shall fund and implement a Phase 3 mitigation program for SBA-4069/H consistent with County Cultural Resource Guidelines. The Phase 3 data recovery plan shall be specifically designed to mitigate for the direct impacts on the site from the use of the access road to seep can 88. The Phase 3 data recovery plan shall be submitted to the County, and P&D staff shall approve the plan prior to issuance of Zoning Clearance. The data recovery excavation portion of the Phase 3 study shall be completed in a timely manner subsequent to issuance of the Zoning Clearance. After completion of the work, the Owner/Permittee shall submit the required archaeological studies for P&D review and approval. The Owner/Permittee shall fund, in perpetuity, curation of the excavated materials from all Phase 2 and Phase 3 studies at an accredited curatorial facility. **Plan Requirements/Timing:** The Phase 3 Plan shall be reviewed and approved by P&D prior to issuance of the Zoning Clearance. Phase 3 excavations shall be completed prior to issuance of grading permit. **Monitoring:** P&D shall perform field visits and report review as applicable.
23. **MM CR-2. Supplemental Surveys.** The Owner/Permittee and/or their agents, representatives or contractors shall retain a qualified archaeologist to conduct surveys of areas affected by new seeps, as well as fund additional Phase 1 studies for seep cans that have developed since seep can 94 to ensure that no additional cultural sites have been impacted. In the event that cultural resources are identified, the Owner/Permittee shall retain a P&D approved archaeologist (and Native American representative, if the resource is prehistoric) to evaluate the significance of the find in accordance with the provisions of the County Cultural Resource Guidelines. If the resource is determined to be a historical resource under CEQA, then placement of new Project elements (such as French drains and access roads) shall avoid the resource if feasible. If avoidance is not feasible or an historical resource was impacted by seep can installations that occurred since seep can 94 installation, a Phase 3 study shall be conducted in accordance with the County Cultural Resource Guidelines and funded by the Owner/Permittee. **Plan Requirements/Timing:** A Phase 1 survey shall be completed at the location of each new seep can and associated

access road and French drain prior to installation if practical or as soon as reasonably possible following seep can installation. P&D permit processing planner shall check plans prior to issuance of Zoning Clearance, and P&D staff shall spot check in the field throughout grading and construction. This condition shall be printed on all building and grading plans. **Monitoring:** P&D permit processing planner shall check plans prior to issuance of Zoning Clearance and P&D staff shall spot check in the field throughout grading and construction.

- 24. MM CR-3. Stop Work at Encounter.** The Owner/Permittee and/or their agents, representatives or contractors shall stop or redirect work immediately in the event cultural resources are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Permittee shall retain a P&D approved archaeologist (and Native American representative, if the resource is prehistoric) to evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and funded by the Owner/Permittee. **Plan Requirements/Timing:** During any construction or seep can installation. **Monitoring:** P&D compliance monitoring staff shall spot check in the field throughout grading and construction.
- 25. MM GEO-2a. Geologic Monitoring.** In the event that a new oil seep is discovered on a slope exceeding a 20 percent grade, a Certified Engineering Geologist or a licensed Geotechnical Engineer shall evaluate the geologic conditions in the vicinity of the seep for indications of potential slope instability. The geologist shall coordinate with the Owner/Permittee in determining a route to the seep location so that installation of the proposed seep can would result in the least potential for erosion and slope instability. The geologist shall make recommendations to monitor and minimize slope instability, including construction of surface water diversionary features, installation of crack monitoring devices and slope inclinometers in coordination with DOGGR, as necessary, to further monitor and minimize slope instability. **Plan Requirements/Timing:** Prior to issuance of Zoning Clearance, documentation shall be submitted to ensure compliance with GEO-2b, such that GEO-2a would be completed upon discovery of new oil seeps. **Monitoring:** P&D staff shall check plans and ensure compliance with the Supplemental Pollution Control Plan.
- 26. MM GEO-2b. Supplemental Pollution Control Plan.** Mitigation Measure GEO-2a shall be added to the proposed Supplemental Pollution Control Plan, which sets forth procedures and protocols for monitoring, assessing, controlling, and reporting seeps occurring at the Project Site. **Plan Requirements/Timing:** Prior to issuance of Zoning Clearance, documentation shall be submitted to ensure compliance with GEO-2b, such that GEO-2a would be completed upon discovery of new oil seeps. **Monitoring:** P&D staff shall check plans and ensure compliance with the Supplemental Pollution Control Plan.
- 27. MM WR-1a.** The Owner/Permittee shall prepare a Stormwater Pollution Prevention Plan (SWPPP) for each seep can installation that shall include implementation of erosion control measures, including preservation of existing vegetation (where possible), earth dikes and drainage swales, velocity dissipation devices, slope drains, silt fences, fiber rolls, and gravel bag berms. **Plan Requirements/Timing:** Prior to issuance of Zoning Clearance

for each individual seep can installation, an updated SWPPP shall be submitted for review by P&D. **Monitoring:** P&D shall monitor to ensure that compliance with the SWPPP plan.

28. **MM WR-1b.** The Owner/Permittee shall prepare a SWPPP that shall include implementation of BMPs, including stabilized construction entrance/exit, exit tire wash, wind erosion control, stockpile management, controlled areas for vehicle and equipment cleaning, fueling, and maintenance; specifications for concrete curing and finishing; proper hazardous materials storage and use; spill prevention and control; and control of solid waste, hazardous waste, sanitary/septic waste, and liquid waste. **Plan Requirements/Timing:** Prior to issuance of Zoning Clearance, an updated SWPPP shall be submitted for review by P&D. **Monitoring:** P&D shall monitor to ensure compliance with the SWPPP plan.
29. **MM WR-1c.** The SWPPP shall assign authority to the contractor to mobilize crews in order to make immediate repairs to the control measures. The SWPPP shall require the contractor to assure all of the necessary corrections/repairs are made immediately and that the project complies with the SWPPP, the construction permit, and approved plans at all times. A Notice of Discharge and reports of illicit connections or illegal discharges would be required under the NPDES. **Plan Requirements/Timing:** Prior to issuance of Zoning Clearance for each seep can installation, an updated SWPPP shall be submitted for review by P&D. **Monitoring:** P&D shall monitor to ensure compliance with the SWPPP plan.
30. **MM WR-1d.** The SWPPP shall include implementation of non-storm water management and materials/waste management activities, including monitoring discharges (dewatering, diversion devices), general site cleanup, spill control, and ensuring that no materials other than stormwater are discharged in quantities that would have an adverse effect on receiving waters. **Plan Requirements/Timing:** Prior to issuance of Zoning Clearance for each seep can installation, an updated SWPPP shall be submitted for review by P&D. **Monitoring:** P&D shall monitor to ensure compliance with the SWPPP plan.

PROJECT-SPECIFIC CONDITIONS

31. **Bio-08 Fish and Wildlife.** No alteration to stream channels or banks shall be permitted (no Zoning Clearance shall be issued) until the Owner/Permittee demonstrates receipt of all authorizations from the California Department of Fish and Wildlife and/or federal agencies for any planned alteration to stream channels or banks associated with seep can installations.
32. **Bio-09 Fish and Wildlife Jurisdiction Advisory.** The project site is within the range of California tiger salamander and California red-legged frog, species respectively listed as Endangered and Threatened by the U.S. Fish and Wildlife Service. The issuance of this permit does not relieve the Owner/Permittee of any duties, obligations, or responsibilities under the Endangered Species Act or any other law. The Owner/Permittee shall contact the Ventura office of the U.S. Fish and Wildlife Service at (805)644-1766 to ascertain his or her level of risk under the Endangered Species Act in implementing the project herein permitted.

COUNTY RULES & REGULATIONS / LEGAL REQUIREMENTS

33. **Rules-05 Acceptance of Conditions.** The Owner/Permittee's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Permittee.
34. **Rules-23 Processing Fees Required.** Prior to issuance of Zoning Clearance, the Owner/Permittee shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
35. **Rules-25 Signed Agreement to Comply.** Prior to issuance of Zoning Clearance, the Owner/Permittee shall provide evidence that they have recorded a signed Agreement to Comply with Conditions that specifies that the Owner of the property agrees to comply with the project description, approved exhibits and all conditions of approval. Form may be obtained from the P&D office.
36. **Rules-26 Performance Security Required.** Prior to issuance of Zoning Clearance, the Owner/Permittee shall post separate performance securities, the amounts and form of which shall be approved by P&D, to cover the full cost of installation and maintenance of habitat restoration associated with past and expected future impacts. New performance securities shall be posted after the occurrence of any subsequent seep occurrence to cover the full cost of installation and maintenance of habitat restoration associated with seep can installation. Installation securities shall be equal to the value of a) all materials listed or noted on the approved referenced plan, and b) labor to successfully install the materials. Maintenance securities shall be equal to the value of maintenance and/or replacement of the items listed or noted on the approved referenced plan(s) for five years of maintenance of the items. The installation security shall be released when P&D determines that the Owner/Permittee has satisfactorily installed all approved habitat restoration plans per those condition requirements. Maintenance securities shall be released after the specified maintenance time period and when all approved habitat restoration areas have been satisfactorily maintained. If they have not been maintained, P&D may retain the maintenance security until satisfied. If at any time the Owner/Permittee fails to install or maintain the approved habitat restoration, P&D may use the security to complete the work.
37. **Rules-27 EQAP Condition.** Prior to Zoning Clearance, an Environmental Quality Assurance Program (EQAP) shall be prepared according to procedures established by P&D, paid for by the Owner/Permittee and submitted for review and approval by P&D. The EQAP shall include the following:
 - a. All conditions and mitigation measures imposed on this project and the impacts they are mitigating separated by subject area.
 - b. A plan for coordination and implementation of all measures and any additional plans and programs required therein.
 - c. A description of all measures the Owner/Permittee will take to assure compliance, including field monitoring, data collection, management and coordination of all field personnel and feedback to field personnel and affected County agencies

including P&D.

- d. Contractor feedback responsibilities should include weekly, monthly and quarterly reports (as specified in EQAP) to be prepared throughout grading and construction. These shall include status of development, status of conditions, incidents of non-compliance and their results and any other pertinent or requested data.
- e. A contractor to carry out the EQAP shall be selected by P&D in consultation with the Owner/Permittee. The contractor(s) will be under contract and responsible to the County, with all costs to be funded by the Owner/Permittee. The EQAP contractor shall appoint at least one On-site Environmental Monitor responsible for overall monitoring, but shall employ as many qualified specialists as necessary, as determined by P&D, to oversee specific mitigation areas (e.g. archaeologists, biologists). In addition, the EQAP Monitor has the authority and ability to ensure compliance with all project conditions and to stop work in an emergency.

The EQAP shall also provide for any appropriate procedures not specified in the conditions of approval to be carried out if they are necessary to avoid environmental impacts.

38. **Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
 - a. Fire Department dated November 20, 2014
 - b. Air Pollution Control District dated April 15, 2016
39. **Rules-30 Plans Requirements.** The Owner/Permittee shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
40. **Rules-32 Contractor and Subcontractor Notification.** The Owner/Permittee shall ensure that potential contractors are aware of County requirements. Owner/Permittee shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.
41. **Rules-33 Indemnity and Separation.** The Owner/Permittee shall defend, indemnify and hold harmless the County or its agents or 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, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner/Permittee of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
42. **Indemnity Clause for Violation of the Endangered Species Act:** The Owner/Permittee shall defend, indemnify and hold harmless the County or its agents, officers and employees from any and all claims, actions, proceedings, demands, damages, costs, expenses (including attorneys fees), judgments or liabilities, against the County or its agents, officers or employees brought by any entity or person for any and all actions or omissions of the

Owner/Permittee or his agents, employees or other independent contractors arising out of this permit alleged to be in violation of the federal or California Endangered Species Acts (16 U.S.C. Sec.1531 et seq.; Cal. Fish & Game Code Sec. 2050 et seq.). This permit does not authorize, approve or otherwise support a "take" of any listed species as defined under the federal or California Endangered Species Acts. Owner/Permittee shall notify County immediately of any potential violation of the federal or California Endangered Species Act.

- 43. Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner/Permittee requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.