



## COUNTY OF SANTA BARBARA PLANNING AND DEVELOPMENT

### MEMORANDUM

**TO:** Lisa Plowman, Director, Planning and Development

**FROM:** Jacquelynn Ybarra, Planner, (805) 568-2055, [jybarra@countyofsb.org](mailto:jybarra@countyofsb.org)

**DATE:** February 28, 2023

**RE:** Transfer of Permit for a Change of Ownership, Change of Guarantor, and Substitution of a Temporary Operator for the Las Flores Pipeline System (formerly AAPL Lines 901/903). Final Develop Plan No. 88-DPF-033 (RV01)z, 88-CP-60 (RV01) (88-DPF-25cz; 85-DP-66cz; 83-DP-25cz)

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#### REQUEST

The applicant, Pacific Pipeline Company (PPC), is requesting approval of a Transfer of Permit on Final Development Plan (FDP) No. 88-DPF-033 (RV01)z, 88-CP-60 (RV01) (88-DPF-25cz; 85-DP-66cz; 83-DP-25cz) for the following:

1. A Change of Ownership of All American Pipeline L.P. (AAPL) 901 and 903 Pipeline System (Las Flores Canyon to Pentland) from Plains Pipeline L.P. (Plains) to PPC;
2. Change of Guarantor of AAPL Lines 901 and 903 from Plains to ExxonMobil Corporation; and
3. Substitution of a Temporary Operator of AAPL Lines 901 and 903 from Plains to ExxonMobil Pipeline Company (EMPCo).

Pursuant to County Code Section 25B-8(a), the review authority for a Change of Ownership, Change of a Guarantor, and Substitution of a Temporary Operator is the Planning and Development Director. This memorandum serves as the Staff Report to support the Director's Action.

#### BACKGROUND

The 901 and 903 pipeline system (now known as the Las Flores Pipeline System) is an existing 122 linear mile crude oil pipeline that runs from the Gaviota Coast in Santa Barbara County to the Pentland Delivery Station in Kern County. These pipelines are covered by Santa Barbara County FDP Permit 88-DPF-033 (RV01)z, 88-CP-60 (RV01) (88-DPF-25cz; 85-DP-66cz; 83-DP-25cz), as currently modified through May 2003.

Line 901 is a twenty-four (24) inch diameter pipeline designed to transport crude oil approximately 10.9 miles from the Las Flores Pump Station west to the Gaviota Pump Station along the Gaviota Coast. Line 903 is a thirty (30) inch diameter pipeline designed to transport crude oil approximately 61.7 miles from Gaviota Pump Station north to the Sisquoc Pump Station, east through the Los Padres National Forest and along the Santa Barbara/San Luis Obispo County Line through the Cuyama Valley, and terminates at the Pentland Station. Pipeline construction occurred from 1988 to 1991, and Lines 901 and 903 became operational in 1994 under Celeron Pipeline Company/Getty Trading and Transportation Company. Plains Pipeline LLC acquired Lines 901 and 903 in 1998.

In May 2015, the pipeline ruptured due to external corrosion, and released crude oil on land, beaches, and into the Pacific Ocean near Refugio Beach. Under Corrective Action Orders (COAs) from the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA), the system was shut down, purged, and filled with inert gas. The system remains idle while the Owner/Operator works to fulfill the requirements for the safe operation of the lines. The safety oversight and regulatory authority over the system is now under the California Office of the State Fire Marshal (OSFM) Pipeline Safety Division.

PPC purchased Lines 901 and 903 from Plains on October 13, 2022. The pipelines are now registered with the OSFM as the Las Flores Pipeline System under trunk line identifiers CA-324 (formerly 901), CA-325A (formerly 903 Gaviota to Sisquoc), and CA-325B (formerly 903 Sisquoc to Pentland).

PPC submitted a Change of Owner/Temporary Operator applications to the County on November 15, 2022, and staff determined the applications to be complete on February 21, 2023. The request is considered an administrative change that would not affect operations (which are currently idle).

## **PROJECT DESCRIPTION**

PPC requests: 1) a Change of Ownership approval to PPC; 2) a Change of Guarantor approval to ExxonMobil Corporation; and 3) a Change of Guarantor approval to ExxonMobil Corporation. PPC requests that EMPCo be recognized as the temporary operator while EMPCo prepares its application for permanent operatorship. EMPCo would operate the pipeline system on behalf of PPC. PPC is a wholly owned subsidiary of Mobil Pacific Pipeline Company. EMPCo is a wholly owned subsidiary of Exxon Pipeline Holdings LLC. All are ExxonMobil Corporation companies. ExxonMobil Corporation is the Guarantor, using self-insurance/guarantee to support financial demonstration for the facilities.

<b>Site Information</b>	
Ordinance, Zone	The pipeline system is subject to Article II for coastal portions and the LUDC for inland portions Chapter 25B of the County Code governs the Change of Owner, Operator, or Guarantor for Certain Oil and Gas Facilities
Site Size	122 linear miles
Present Use & Development	The existing oil and gas pipeline system has been purged and idle since 2015.
Access	Regional access to the pipeline system is provided via US Highway 101, Highway 1, Highway 246, and Highway 166. Various local public and private roadways are used to access the pipeline right-of-way.
Public Services	Water Supply: groundwater Sewage: NA Fire: Stations 38 (Gaviota); 31 (Buellton); 24 (Los Alamos); 21 (Orcutt); 26 and 23 (Santa Maria Valley), and 27 (Cuyama) Police: County Sherriff

## ENVIRONMENTAL REVIEW

The request is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15378(a), as the proposed action does not constitute a “project” as defined in CEQA. Section 15378(a) states, in part:

*“Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonable foreseeable indirect physical change in the environment...”*

The approval of a permit change to reflect a change in ownership, guarantor, and temporary operator does not involve any physical modifications to the existing project, nor would the change result in any reasonably foreseeable environmental effects. The permit change requires only conformance with fixed standards and objective measurements of the County Code, as outlined in Code Chapter 25B (*Change of Owner, Operator, or Guarantor for Certain Oil and Gas Facilities*). Therefore, no further environmental review is required. The CEQA Notice of Exemption is provided in Attachment C to this memorandum.

## CONSISTENCY ANALYSIS

Change of Ownership, Change of Guarantor, and Substitution of a Temporary Operator are subject to the requirements outlined in County Code Chapter 25B. The Director shall approve an

application for these changes only if the Director makes the findings detailed in County Code Section 25B-9 (*Director approval: findings*). Staff finds that the application is consistent with the required findings, and that all findings can be considered satisfied. The required Findings and their associated analysis/determinations are included in Attachment A.

The Director shall list any new owner, operator, guarantor, or temporary operator on the appropriate permit, and remove any previous owner, operator, guarantor, or temporary operator that no longer serves such a role upon approval of the permit transfer. Corporation certification documents for PPC and EMPCo, executed by the Secretary of State of Texas on December 12, 2022, demonstrate that PPC is directly wholly-owned by Mobil Pacific Pipeline Company, and indirectly wholly-owned by ExxonMobil Corporation, and EMPCo is directly wholly-owned by Exxon Pipeline Holdings LLC, and indirectly wholly-owned by ExxonMobil Corporation. Therefore, if approved, PPC, EMPCo, and ExxonMobil Corporation would be subject to all applicable conditions of the FDP, and would be liable for the proper abandonment of the pipelines per County Code Section 25B-4. If the Director determines that the owner or operator (PPC and EMPCo under ExxonMobil Corporation) does not have the financial resources to fully cover the cost of abandoning the facility, the immediately preceding owner or operator (Plains) would be responsible for the cost of abandoning the facility. The revised Conditions of Approval listing the new owner, guarantor, and temporary operator for this request is included as Attachment B. Text that has been added is shown in underline, and text that has been removed is shown in ~~strikeout~~.

## **RECOMMENDATION**

Staff recommends that the Director take the following actions:

1. Make the required findings for approval of the permit transfer for Change of Ownership, Change of Guarantor, and Substitution of Temporary Operator, as specified in Attachment A;
2. Determine the request is exempt from CEQA pursuant to CEQA Guidelines Section 15378(a), included as Attachment C; and
3. Approve the permit transfer for Change of Ownership, Change of Guarantor, and Substitution of Temporary Operator, based on the ability to make the required findings pursuant to Chapter 25B of the Santa Barbara County Code.

## **APPROVAL PROCESS**

Section 25B-8 provides that approval of a change of ownership, change of a guarantor, and substitution of a temporary operator are under the jurisdiction of the Planning and Development Director. The Director shall approve such changes upon making the required findings for change

of owner, change of guarantor, and substitution of temporary operator under Section 25B-9(a),(e), and (f), respectively.

A 10-day public notice prior to the Director's approval is required by Section 35.106 of the Santa Barbara County Land Use Development Code, and Section 35-181 of the Santa Barbara County Article II Coastal Zoning Ordinance. Notice of the Pending Director's Action was made by email and/or hard copy to the Planning and Development Energy, Minerals and Compliance Division's *Oil and Gas Interested Parties* list on February 24, 2023, and display advertisements will be placed in the Santa Maria Times and the Santa Barbara News-Press on March 1, 2023, and the Santa Barbara Independent on March 2, 2023.

## **APPEALS PROCEDURE**

The Director's action may be appealed to the Planning Commission within 10 calendar days following the date of the decision, as provided for in Chapter 25B-12.

## **ATTACHMENTS**

Attachment A: Findings

Attachment B: Conditions of Approval, modified as of March 13, 2023

Attachment C: CEQA Notice of Exemption

Attachment D: Agreement to Comply with Conditions of Approval

Attachment E: Agreement to Comply with FDP Condition P-2, SIMQAP

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Errin Briggs, Supervising Planner, Energy Minerals & Compliance Division  
John Zorovich, Deputy Director, Energy Minerals & Compliance Division

## **ATTACHMENT A: FINDINGS OF APPROVAL**

### **1.0 CEQA FINDINGS**

#### **1.1 CEQA EXEMPTION**

The Director finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(a). Please see Attachment C, Notice of Exemption.

### **2.0 ADMINISTRATIVE FINDINGS**

#### **2.1 CHANGE OF OWNER, OPERATOR, OR GUARANTOR FOR CERTAIN OIL AND GAS FACILITIES**

##### **2.1.1 Findings required for Change of Owner.** *In compliance with Section 25B-9(a) of the County Code, prior to the approval of an application for a change of owner, the director shall make the following findings:*

*(1) Fees and Exactions. All outstanding county required fees and exactions due for the facility have been paid.*

The requirements of this finding are satisfied. Staff has verified with the Planning and Development Accounting staff that no outstanding payments are due for the facility or related planning and compliance cases.

*(2) Financial Guarantees. All necessary insurance, bonds or other instruments or methods of financial responsibility approved by the county and necessary to comply with the permit and any county ordinance have been updated, if necessary, to reflect the new owner(s) and will remain in full effect following the ownership change.*

The requirements of this finding are satisfied. Previously required bonds and endowments under the FDP have been satisfied and none remain outstanding. The FDP does not require the Owner/Operator to carry insurance or other financial responsibility (e.g. surety bond) to cover oil spills or other damages. After final abandonment, the Owner/Operator will continue to pay property taxes until site restoration is complete (FDP Condition O-1).

The pipeline system is subject to the California Department of Fish and Wildlife's Office of Spill Prevention and Response (OSPR) financial responsibility requirements set forth in Government Code Section 8670.37.53. OSPR is the state's lead for response to oil spills and Hazmat incidents in its inland and marine waters. OSPR issues Certificates of Financial Responsibility to facilities, vessels, and pipelines after they have provided an

application and proof that they have the financial resources to cover the costs of response for their “worst-case scenario” spill.

OSPR has acknowledged that PPC has met these financial responsibility requirements by issuance of California Certificates of Financial Responsibility (“CA COFR”) numbers 2-2616-00-001 and 4-2616-00-001. ExxonMobil Corporation is the facility Guarantor, using self-insurance/guarantee to support financial demonstration of \$100 million dollars, which meets OSPR’s financial responsibility requirements set forth in 14 CCR 791 – 798. In addition to the OSPR Certificates of Financial Responsibility, the Owner/Operator is required to meet any and all duty, obligations, and liability of a spill, including civil penalties assessed pursuant to all applicable federal, state, and local laws.

*(3) Acceptance of Permit. The proposed owner has provided a letter from a responsible official representing the proposed owner formally accepting all conditions and requirements of the permit.*

The requirements of this finding are satisfied. PPC provided a signed and notarized Agreement to Comply with Conditions of Approval dated November 1, 2022, accepting all conditions and requirements of the permit (Appendix D).

*(4) Facility Safety Audit. The current owner or operator has provided a copy of the most recent county-conducted comprehensive safety audit of the physical facility, along with a description of the status of implementing its recommendations, to the new or proposed new owner(s). A safety inspection maintenance and quality assurance program (SIMQAP) audit approved by the appropriate county official shall satisfy this requirement.*

The requirements of this finding are satisfied. The FDP requires that the PPC submit a detailed safety inspection maintenance and quality assurance program (SIMQAP) Plan to P&D; however, it does not require routine County-conducted safety audits. The 1988 settlement agreement between the County and Celeron Pipeline Company/Getty Trading and Transportation Company determined that the County did not have the jurisdiction to regulate any aspect of the design, construction, or operation of the pipeline which was already covered by PHMSA under 49 C.F.R. Part 195 (*Transportation of Hazardous Liquids by Pipeline*). The settlement agreement determined that this authority rests exclusively with PHMSA and now, OSFM. Consequently, there is no County-conducted audit available. The new/pending Owner (PPC) has confirmed that the former/existing Owner (Plains) provided copies of the most recent safety audits conducted by PHMSA and OSFM from at least 2018 through 2021. Below is a summary and status of the audits performed.

Agency	Date	Audit #	Audit Type	Status
OSFM	7/12/21	2021-64	Annual Records / Field Inspection	Closed
PHMSA	6/16/21	2021-58	Documentation Inspection	Closed
OSFM	1/19/21	2021-3	Field Inspection	Closed
OSFM	6/22/20	2020-72	Annual Records / Field Inspection	Closed
OSFM	10/20/19	2019-118	Annual Records / Field Inspection	Closed
OSFM	10/15/18	2018-98	Standards Inspection	Closed

*(5) Compliance With Existing Requirements. As of the date that the application is deemed complete, the current owner(s) are in compliance with all requirements of the permit, including any requirement of a county-required safety audit, any notice of violation, and any county ordinance, or the current and proposed owner(s) have entered into a written agreement with the Director that specifies an enforceable schedule to come into compliance with such requirements.*

The requirements of this finding are satisfied. FDP Condition P-2 requires that the Owner/Applicant submit a SIMQAP for the pump stations, valves, and pipeline. As no known SIMQAP exists to date, PPC entered into an Agreement with the Director on February 21, 2023 to prepare and submit a SIMQAP for the County’s review (Attachment E). The Agreement requires the Owner/Applicant to submit the SIMQAP prior to the Director’s Action date of March 13, 2023. The County’s Systems Safety & Reliability Review Committee (SSRRC) will review the SIMQAP. Although SSRRC approval of the SIMQAP is not required, any comments would be provided to PPC for their consideration. The new/pending Owner (PPC) is in compliance with all other requirements of the facility’s governing permits.

**2.1.2 Findings required for Change of Guarantor.** *In compliance with Section 25B-9(e) of the County Code, prior to the approval of an application for a change of guarantor, the director shall make the following findings:*

*(1) Financial Guarantees. The proposed guarantor has provided all necessary instruments or methods of financial responsibility approved by the county and necessary to comply with the permit and any county ordinance.*

The requirements of this finding are satisfied, as discussed under the similar finding under Section 25B-9(a)(2).

**2.1.3 Findings required for Temporary Operator.** *In compliance with Section 25B-9(f) of the County Code, prior to the approval of a qualified temporary operator where the Owner demonstrates to the satisfaction of the director that good cause exists for an immediate*



*change of operator, the director shall make the following findings. The temporary operator may operate the facility for a period of no longer than six months.*

The requirements for this finding are satisfied. A good cause exists for this immediate change as PPC has already taken over ownership of the pipeline system, and Plains is no longer the acting owner or operator of the facilities. Substitution of EMPCo as the temporary operator for no more than six months would allow for an operator to be in place while EMPCo prepares its application for permanent operatorship.

*(1) Financial Guarantees. All necessary insurance, bonds or other instruments or methods of financial responsibility approved by the county and necessary to comply with the permit and any county ordinance have been updated, if necessary, to reflect the new temporary operator and will remain in full effect following the operator change.*

The requirements of this finding are satisfied, as discussed under the similar finding under Section 25B-9(a)(2).

*(2) Acceptance of Permit. The proposed temporary operator has provided a letter from a responsible official representing the proposed temporary operator formally accepting all conditions and requirements of the permit.*

The requirements of this finding are satisfied, as discussed under the similar finding under Section 25B-9(a)(3).

*(3) Operator Capability. The proposed temporary operator has the skills and training necessary to operate the permitted facility in compliance with the permit and all applicable county codes and has a good working knowledge of the crucial compliance plans listed in Sec. 25B-10.1.f.*

The requirements of this finding are satisfied. PPC has been in operation since August 1, 2022. EMPCo has been in operation since December 26, 1941. EMPCo operates similar pipelines and related facilities in Illinois, Louisiana, and Texas, including operation of over 1,000 miles of crude oil pipelines. The Las Flores Pipeline System has five full-time-equivalent EMPCo employees supporting the transition and operation in addition to the support of contracted personnel and EMPCo specialists. EMPCo employees are trained under the ExxonMobil Operations Integrity Management System (OIMS), which the Applicant provided a copy of as part of their application. The OIMS defines job competencies and requirements, verifies and measures competency, and implements safety training, emergency response procedures, operation and maintenance training, and regulatory and environmental training.

On October 14, 2022, EMPCo submitted its facility specific Incident Contingency Plan (ICP) to OSPR and the OSFM to outline emergency response, spill response, and fire protection elements related to the pipeline system. Training on the ICP was conducted prior to the acquisition of the pipeline system, and again on November 29, 2022. Once approved by OSPR and OSFM, a copy of the ICP will be distributed to the County, including Planning and Development, the Fire Department, and the Office of Emergency Management. An ICP training exercise coordinated with OSPR was conducted on February 9, 2023. The County Fire Department's Emergency Management Services (EMS) Captain, Mr. Tim Gailey, was in attendance and confirmed to P&D Staff that he had no outstanding concerns regarding the exercise.

Once an application for a permanent Change of Operator is submitted, PPC and EMPCo shall provide revised facility-specific safety plans, including an updated Emergency Response Plan, Fire Protection Plan, Oil Spill Response Plan, or equivalent approved plans, as well as an adequate plan for transitioning between operators.



**ALL AMERICAN PIPELINE PROJECT LAS FLORES PIPELINE SYSTEM**  
**FINAL DEVELOPMENT PLAN CONDITIONS**

**88-DPF-033 (RV01)z, 88-CP-60 (RV01)**  
**(88-DPF-25cz; 85-DP-66cz; 83-DP-25cz)**

**December 12, 1988**

**(As Modified Through May 2003)**

**(Modified on March 13, 2023 with Change of Ownership, Substitution of a Temporary Operator, and Change of Guarantor for the Las Flores Pipeline System [Lines 901/903])**

*These conditions of approval have been revised to list the new owner, temporary operator, and guarantor, and remove all previous owners, operators, and guarantors that no longer serve such role. Text that has been added is shown in underline, and text that has been removed is shown in ~~strikeout~~.*

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**ALL AMERICAN PIPELINE PROJECT LAS FLORES PIPELINE SYSTEM**  
**FINAL DEVELOPMENT PLAN CONDITIONS**

**88-DPF-033 (RV01)z, 88-CP-60 (RV01)**

**(88-DPF-25cz; 85-DP-66cz; 83-DP-25cz)**

**December 12, 1988 (As Modified Through May 2003)**

**(Modified on March 13, 2023 with Change of Ownership, Substitution of a Temporary Operator, and Change of Guarantor for the Las Flores Pipeline System [Lines 901/903])**

The current owner and operator of record for the Las Flores Pipeline System (previously the All American Pipeline) is Pacific Pipeline Company, ~~All American Pipeline, L.P.~~, referred to herein as PPC AAPLP. ExxonMobil Pipeline Company (EMPCo) serves as the pipeline operator. Exxon Mobil Corporation Plains Marketing GP Inc. serves as AAPLP's General Partner and has a 0.001% interest. Plains Marketing, L.P. is a limited partner with a 99.999% interest. AAPLP is identified as sole guarantor and carries in excess of \$100 ~~125~~ million insurance coverage, as required by the Office of Oil Spill Prevention and Response. PPC is directly wholly owned by Mobil Pacific Pipeline Company, and indirectly wholly owned by Exxon Mobil Corporation. EMPCo is directly wholly owned by Exxon Pipeline Holdings LLC, and indirectly wholly owned by Exxon Mobil Corporation. *(adopted by Director's amendment on June 3, 2003, pursuant to Chapter 25B, Sections 9.2 and 9.5, following changes of owner and guarantor)*

**A. GENERAL**

**A-1. Acceptance of Permit Conditions**

Acceptance of this permit shall be deemed as acceptance of all final conditions of this permit, except that AAPLP PPC reserves the right to pursue any remedy for any legal violations imposed directly or indirectly by these permit conditions.

**A-2. Grounds for Permit Modification or Revocation**

If the Planning Commission determines at a noticed public hearing that AAPLP PPC is not in compliance with any permit condition(s), pursuant to the provisions of Sec. 35-185 of Article II and/or Sec. 35-330 of Article III of the Santa Barbara County Code, the Planning Commission is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit. *(modified by the Planning Commission on September 6, 2000)*

**A-3. Court Costs**

AAPLP PCC agrees as a condition of the issuance and use of this permit to defend at its sole expense any action brought against the County by a third party challenging either its decision to issue this permit or the manner in which the County is interpreting or enforcing the conditions of the permit. AAPLP PCC will reimburse the County for any court costs and attorneys fees which the County may be required by a court to pay as a result of such action where AAPLP PCC defended or had control of the defense of the suit. County may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve AAPLP PCC of its obligation under this condition. County shall bear its own expenses for its participation in the action.

**A-4. Costs of Implementing and Enforcing Conditions**

~~AAPLP~~ the permittee shall make an initial deposit to a fund to permit the County to adequately implement and enforce the conditions imposed by this permit and ~~on AAPLP~~ by applicable County ordinances and/or the conditions of this permit, if such a fund is established. If the Board of Supervisors determines that a reasonable enforcement fund is needed, the Director of the Planning and Development Resource Management Department shall present to the Board of Supervisors and ~~AAPLP~~ the permittee a plan for enforcement within one year from the effective date of this permit. This plan shall set forth the staffing requirements and materials necessary for such enforcement and the estimated costs thereof. This plan shall provide that all reasonable expenses incurred by the County or County contractors, for permit condition implementation, reasonable studies, and emergency response directly and necessarily related to enforcement of these permit conditions shall be reimbursed by ~~AAPLP~~ PCC within 30 days of invoicing by County.

#### **A-5. Civil Penalties**

In the event that ~~AAPLP~~ PCC fails to comply with any order of the Administrative Officer or the Board of Supervisors issued hereunder or any injunction of the Superior Court, it shall be liable for a civil penalty for each violation to the extent imposition of such civil penalty is authorized by applicable laws, rules, or regulations.

Said civil penalty shall be in addition to ~~AAPLP's~~ PCC's obligation, if any, to reimburse the County of Santa Barbara (and others) for actual damages suffered as a result of ~~AAPLP's~~ PCC's failure to abide by the conditions of this permit or by the orders of the Administrative Officer, the Board of Supervisors, or any court of competent jurisdiction.

#### **A-6. Access to Records and Facilities**

As to any condition which requires for its effective enforcement the inspection of construction records or records pertaining to facility operations, or the facilities themselves by County or its duly authorized agents, ~~AAPLP~~ PCC will make all necessary records available or provide access to such facilities upon reasonable notice from County. County agrees to keep such information confidential where permitted by law and requested by ~~AAPLP~~ PCC in writing.

#### **A-7. Substantial Conformity**

The procedures, operating techniques, design, equipment and other descriptions (hereinafter procedures) described in ~~by AAPLP in its application to the County~~ 83-DP-25 cz, 83-CP-97 cz, and in subsequent clarifications and additions to that application and the Final Development Plan are incorporated herein as permit conditions and shall be required elements of the project. Since these procedures were part of the project description which received environmental analysis, a failure to include such procedures in the actual project could result in significant unanticipated environmental impacts. Therefore, modifications of these procedures will not be permitted without a determination of substantial conformity or a new or modified permit. The use of the property and the size, shape, arrangement and location of buildings, structures, walkways, parking areas and landscaped areas shall be in substantial conformity with the approved Final Development Plan.

#### **A-8. Authority for Curtailment**

In addition to the authority to enforce and secure compliance with the provisions of this permit under Division 12, Coastal Zoning Ordinance of the Santa Barbara County Code and Division 7, General Regulations, Article III Santa Barbara County Zoning Ordinance, the County Administrative Officer, or in his/her absence a designated appointee, may order that curtailment of activities which is required to protect the public health and safety. Said action may include, but is not limited to, ordering temporary, partial or total facility shutdown.

Such an order shall be made only in the event that the Administrative Officer has reasonable and probable cause to believe that continued unrestrained activities of permittee will likely result in or threaten to result in danger to public health, welfare, or safety, or in the environment and provided such violations can be expected to continue or recur unless operations are in whole or in part shut down or reduced pending the necessary corrections.

Before issuing any curtailment order, the County Administrative Officer shall set a time for hearing and shall give written notice of the time and place of the hearing and of the alleged violations. Such notice shall be received by the person in charge of the operation of the facility at least 24 hours before the hearing at which time there will be an opportunity for all concerned parties to present evidence regarding the alleged violations. The notice may be served in person or by certified mail.

In the event the Administrative Officer, or in his/her absence the designated appointee, determines that there is an imminent danger to the public health and safety resulting from violations, he/she may summarily order the necessary curtailment of activities without hearing and such order shall be obeyed upon notice of same, whether written or oral. At the same time that notice of the order is conveyed, the Administrative Officer shall set a date, time and place for a publicly noticed hearing and review of said order as soon as possible which date shall be no later than 24 hours after such order is issued or served. Said hearing shall be conducted in the same manner as a hearing on prior notice. After such hearing, the Administrative Officer may modify, revoke, or retain the emergency curtailment order.

Any order of the Administrative Officer may be appealed to the Board of Supervisors within three working days after such order is made.

If such appeal is not filed with the Board of Supervisors, the Administrative Officer's order becomes final. If there is an appeal, the order of the Administrative Officer shall remain in full force and effect until action is taken by the Board of Supervisors. The decision of the Board of Supervisors shall be a final Administrative Action. Such decision shall not preclude ~~AAPLP~~ PCC from seeking judicial relief.

Once ~~AAPLP~~ PCC has shown that the conditions of violation no longer exist and are not reasonably likely to recur, the Administrative Officer shall modify the curtailment order to account for such compliance and shall entirely dissolve the order when it is shown that all of the violations have been corrected and are not likely to recur.

#### **A-9. Conditions Separately Remain in Force**

In the event that any condition contained herein is determined to be invalid, then all remaining conditions shall remain in force.

#### **A-10. Conflicts Between Conditions**

In the event that any condition contained herein is determined to be in conflict with any other condition contained herein, then where principles of law do not provide to the contrary, the condition most protective of public health and safety and natural environmental resources shall prevail to the extent feasible.

#### **A-11. Injunctive Relief**

In addition to any administrative remedies or enforcement provided hereunder, the County may seek and obtain temporary, preliminary, and permanent injunctive relief to prohibit violation of the conditions set forth herein or to mandate compliance with the conditions herein.

All remedies and enforcement procedures set forth herein shall be in addition to any other legal or equitable remedies provided by law.

#### **A-12. Owner/Operator Liability**

The owner and the operator of the facility shall be jointly and severally liable without regard to fault for all legally compensable damages or injuries suffered by any property or person that result from or arise out of any oil, water spillage, fire, explosion, odor, or air pollution, in any way involving oil or gas or the impurities contained therein or removed therefrom and which arises out of construction or operation of AAPLP's PCC's facilities. For the purpose of this condition, the "facility" shall be deemed to include all facilities described and approved pursuant to 83-DP-25cz, 83-CP-97cz.

This condition shall not inure to the benefit of any of the owners of the pipeline, including the United States Government. This declaration of strict liability and the limitations upon it shall be governed by the applicable law of California on strict liability.

#### **A-13. Facility Throughput and Source Limits**

All facilities constructed under this permit shall be used only for the shipment of a maximum volume of heated crude oil demonstrated to be within the design parameters of the pipeline facilities as built. The subject volumes will be outer continental shelf (OCS) and other locally produced onshore and offshore petroleum from the Santa Barbara and Santa Maria Basins. AAPLP PCC shall obtain a new or modified permit, or authority to continue operation under the existing permit prior to undertaking any of the following activities which may, in the judgment of the County, result in significant changes to the impacts on the County. Such changes could include but not be limited to: 1) major pipeline or pump station modifications; 2) major changes in pipeline throughput; 3) introduction of production to the pipeline from sources other than those described above; and 4) introduction of a different product from any source.

Other source volumes may be transported subject to a determination of substantial conformity by the Planning Commission and a finding of facts and determination that project impacts will not be increased by transporting and processing those other sources.

#### **A-14. Pipeline Alignment**

~~AAPLP~~ The permittee shall align the pipeline corridor from the coastal starting point to the County exit point in the western Cuyama valley according to the route approved by the County.  
~~AAPLP~~ The permittee shall locate and construct all isolation valves as identified by the final approved alignment.

#### **A-15. Permit Violations**

Any person, firm or corporation, whether as a principal, agent, employee, or otherwise, found to be in violation of any provisions or conditions of this ordinance or permits, shall be punishable as set forth in the applicable section of the Coastal Zoning Ordinance, and Article III of the Santa Barbara County Code.

Each and every day during any portion of which any violation of this Article or the rules, regulations, orders, or permits issued thereunder, is committed, continued, or permitted by such person, firm or corporation shall be deemed a separate and distinct offense.

#### **A-16. Board of Supervisors Authority to Change County Department Responsible for Condition**

The Santa Barbara County Board of Supervisors in a noticed public hearing shall have the authority to specify or change the Santa Barbara County Department responsible for any conditions contained herein.

#### **A-17. Fees as Mitigation Measures**

Should circumstances, including legal or legislative action, cause the County to lose its authority or have its authority fundamentally reduced to assess fees as a method to mitigate project-related impacts, then other feasible mitigation measures shall be imposed which will substantially lessen the significant impact formerly mitigated by the imposition of fees. Within six months of the County's loss of such authority, feasible alternative mitigation measures shall be imposed as replacement permit conditions. Alternatively, the County in a noticed public hearing must find that no feasible mitigation measures are available and that the benefits of the project outweigh the significant environmental impacts.

#### **A-18. Payment of Attorney's Fees and Costs**

Should legal action be required by either party to enforce any rights in connection with this permit the prevailing party shall be entitled to reasonable attorney's fees and costs pursuant to Civil Code 1717.

#### **A-19. Applicability of Conditions to Construction and Operation**

Unless otherwise specified, these permit conditions are intended to apply to ~~AAPLP~~ during both the construction and the operation of the permitted facilities.

#### **A-20 Project Description**

The Development Plan Revision (88-DP-33) and Conditional Use Permit Revision (88-CP-60) are based upon and limited to compliance with the project description and conditions of approval adopted for the Gaviota Creek Pipeline Lowering and Relocation Project, as

documented in 00-ND-21 and the September 6, 2000 staff report. 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. The project description is summarized as follows:

~~AAPLP~~ proposes to:

- Relocate the ~~the~~ existing Gaviota Creek pipeline crossing by re-burying the 30” crude oil pipeline at least 10 feet into bedrock immediately upstream from the ~~the~~ existing crossing;
- Remove the existing, exposed pipeline segment in Gaviota Creek;
- Restore and revegetate the disturbed area; and
- Monitor the crossing to ensure erosion control and revegetation efforts are successful.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description and the associated hearing exhibits and conditions of approval. 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 hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County. *(adopted by the Planning Commission on September 6, 2000)*

#### **A-21**

Any use authorized Conditional Use Permit Revision (88-CP-060 RV01) shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Coastal Development issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit. *(adopted by the Planning Commission on September 6, 2000)*

#### **A-22**

Within 18 months after the effective date of Conditional Use Permit Revision (88-CP-060 RV01), construction and/or the use shall commence. Construction or use cannot commence until a Coastal Development Permit has been issued. Failure to commence the construction and/or use pursuant to a valid Coastal Development Permit shall render the Conditional Use Permit null and void. All time limits may be extended by the Planning Commission for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date. *(adopted by the Planning Commission on September 6, 2000)*

#### **A-23**

Approval of the Final Development Plan Revision (88-DP-33 RV01) shall expire five (5) years after approval by the Planning Commission, unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been

applied for by the applicant. The decisionmaker with jurisdiction over the project may, upon good cause shown, grant a time extension for one year. (*adopted by the Planning Commission on September 6, 2000*)

**A-24**

Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Coastal Development and Building Permit from Planning and Development. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Planning Commission. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development. (*adopted by the Planning Commission on September 6, 2000*)

**A-25**

All applicable final conditions of approval shall be 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. (*adopted by the Planning Commission on September 6, 2000*)

**A-26**

The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:

1. Contact the Energy Division as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
2. Contact the Energy Division at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, planner, other agency personnel and with key construction personnel.
3. Contact the State Parks archaeologist one week prior to commencement of any project activities on the site, including pre-construction activities.
4. Pay fees to cover full costs of consultants and staff time and monitoring (AAPLP's EQAP program). In the event of a dispute, the decision of the Director of P&D shall be final. (*adopted by the Planning Commission on September 6, 2000*)

**A-27**

Developer shall defend, indemnify and hold harmless the County 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, in whole or in part, the County's approval of the Final Development Plan Revision (88-DP-33 RV01) and Conditional Use Permit Revision (88-CP-060 RV01). In the event that the County fails promptly to notify the applicant 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. (*adopted by the Planning Commission on September 6, 2000*)

**A-28**

In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed. *(adopted by the Planning Commission on September 6, 2000)*

**A-29**

Within 60 days of completion of the Gaviota Creek Pipeline Lowering and Relocation project, ~~AAPLP~~ the permittee shall submit as-built drawings to the Energy and Building and Safety Divisions. *(adopted by the Planning Commission on September 6, 2000)*

**A-30**

Within 60 days of completion of the Gaviota Creek Pipeline Lowering and Relocation project, ~~AAPLP~~ the permittee shall revise their Operations and Maintenance Manual to reflect the changes to the pipeline. Revisions shall be copied to the Energy and Building and Safety Divisions. *(adopted by the Planning Commission on September 6, 2000)*

**A-31**

The Gaviota Creek Pipeline Lowering and Relocation project is estimated to take a maximum of 5 weeks. If earthmoving work extends past November 1, the Energy Division shall convene a meeting between ~~AAPLP~~ the permittee and all responsible agencies to decide on the appropriate action. If the Planning Director determines that work cannot continue due to impacts on sensitive resources (e.g., steelhead migration, red-legged frog breeding season), or the potential for increased sedimentation and erosion, work shall be suspended.

**B. PERMIT REVIEW**

**B-1. System Safety and Reliability Review Committee (SSRRC) Review Prior to Construction**

Prior to initiation of construction activity (such as ROW preparation, river crossings or pump station construction), ~~AAPLP~~ the permittee shall submit to the System Safety and Reliability Review Committee (established by condition P-1) relevant construction drawings and supporting text demonstrating compliance with the appropriate conditions. Construction may not commence until County has reviewed and/or approved this submittal, consistent with the SSRRC review specified in Conditions P-1 and P-2. Within 15 days of submittal, County shall either give written notice to proceed with construction or indicate in writing conditions which have not been met. When such conditions have been met construction approval shall be granted.

**B-2. Imposition of New and Comprehensive Review of Conditions**

If at any time County determines that these permit conditions are inadequate to effectively mitigate significant environmental impacts caused by the project, or that recent proven technological advances could provide substantial additional mitigation, then additional reasonable conditions shall be imposed to further mitigate these impacts. Imposition of such conditions shall only be considered and imposed as part of the County's comprehensive review of the project



conditions. County shall conduct a comprehensive review of the project conditions and consider adding reasonable conditions which incorporate proven technological advances three years after permit issuance and at appropriate intervals thereafter. A comprehensive review of conditions which are not effectively mitigating impacts may be conducted at any appropriate time. Upon written request of ~~AAPLP~~ PCC, the Board of Supervisors shall determine whether the new condition required is reasonable considering the economic burdens imposed and environmental benefits to be derived.

### **B-3. Authority to Impose Feasible Mitigations**

This permit is premised upon findings that where feasible, all significant environmental effects of the project identified in the EIR/EIS (State Clearinghouse No. 83110902), which occur in Santa Barbara County, will be substantially mitigated by the permit conditions. Prior to approval of the Final Development Plan, County shall review any findings that identified certain mitigation measures as being in the primary jurisdiction of another agency but are also within County's jurisdiction. County shall thereupon determine either (1) that such mitigation has or is being implemented by such other agency or (2) that such other agency and County determine such mitigation to be infeasible. If County determines that no other agency is or may be implementing such feasible mitigation measures then County may impose those feasible measures within its jurisdiction to mitigate those environmental impacts in accordance with appropriate mitigation measures identified by the EIS/R.

### **B-4. Coordination Plan for the Use of a Shared Pipeline Corridor**

Prior to approval of the Final Development Plan, ~~AAPLP~~ the permittee shall develop and submit to the Planning and Development Department ~~Resource Management Department~~ for approval a plan to co-ordinate the placement and timing of their pipeline with SCPS's pipeline (or other potential proposals for use of the same corridor for a pipeline). Any agreements between ~~AAPLP~~ the permittee and SCPS (or other applicant) necessary to implement this plan shall be subject to review and verification by the Planning and Development ~~Resource Management~~ Department to assure the purpose of the plan will be achieved. The expressed purpose of this co-ordination plan shall be:

- 1) arrangement of simultaneous construction where practical;
- 2) engineering of pipe placement within the ROW to minimize incremental widening of the initial construction corridor during subsequent pipeline projects;
- 3) identification of segments where incremental widening of the ROW is constrained and alternative engineering techniques which may allow construction of subsequent pipelines (and potential limitations of future pipeline use of the ROW); and
- 4) timing and design of revegetation plans to promote effective revegetation but minimize unnecessary duplication of efforts.

Should SCPS or any other applicant abandon their pipeline project, or fail to submit a Final Development Plan prior to ~~AAPLP~~ pipeline construction, this condition may be modified to reflect the existing situation but maintain the intent of this condition.

### **B-5. Resolution of Scheduling Conflicts Among Conditions of Approval**

In the event that scheduling requirements among or between conditions in this permit (or with this permit and conditions imposed by other agencies) conflict with respect to timing, the Planning and Development Resource Management Department (in consultation with other agencies as appropriate) shall resolve such conflict.

#### **B-6. Cooperation with San Luis Obispo County for Pipeline Permitting**

Applicant shall cooperate as necessary with San Luis Obispo County in the permitting, design, and construction of those segments of the pipeline which could affect Santa Barbara County. The intent of this condition is to ensure that potential impacts to Santa Barbara County are mitigated to the maximum extent feasible by these permit conditions, regardless of the location of the source of the impact.

#### **B-7. P&D Authorization Prior to Construction**

Prior to commencing any construction activities in Santa Barbara County, ~~AAPLP~~ the permittee shall obtain a letter from the Director of the Planning and Development Resource Management Department indicating that all conditions which require approval prior to construction, as specified by this permit, have been satisfied.

#### **B-8. P&D Authorization Prior to Start-Up**

Prior to start-up of the pipeline in Santa Barbara County, ~~AAPLP~~ the permittee shall obtain a letter from the Director of the Planning and Development Resource Management Department indicating that all conditions which require approval prior to start-up, as specified by this permit, have been satisfied.

#### **B-9. Adequacy of Submittals to be Determined by the Planning Commission**

In the event that ~~AAPLP~~ PCC and staff cannot reach an agreement on the adequacy of any submittal required by these conditions, the matter will be brought before the Planning Commission for resolution at the earliest possible date.

### **C. MANAGEMENT**

#### **C-1. Environmental Quality Assurance Program (EQAP)**

~~AAPLP~~ The permittee shall prepare an Environmental Quality Assurance Program (EQAP) for Resource Management Department approval prior to the Final Development Plan. This EQAP shall encompass both the construction and operation phases of the project, and shall describe the steps ~~AAPLP~~ the permittee will take to assure compliance with these conditions. This plan is intended to provide a framework for all other programs and plans specified by these conditions as required prior to approval of the Final Development Plan. As such, it will become a comprehensive reference document for the County, other agencies, and the public regarding the ~~AAPLP~~ project.

This plan shall provide for the submission to the Planning and Development Resource Management Department semi-annual reports throughout construction and annual reports during operations. These reports shall describe:

- a) Project status, including but not necessarily limited to:
  - i) extent to which construction has been completed,
  - ii) the rate of production/throughput during operation,
  - iii) environmental planning and implementation efforts, and
  - iv) any revised time schedules or timetables of construction and operation that will occur in the next one year period.
- b) Permit condition compliance, including but not necessarily limited to the results of the specific mitigation requirements identified in these conditions.
- c) Results and analyses of all data collection efforts being conducted by ~~AAPLP~~ pursuant to these permit conditions.

The program shall include (or if separate plans exist, reference) all plans relevant to construction and operations of the pipeline facilities specified by these conditions.

### Construction

The program shall include all plans relevant to construction activities such as the Restoration, Erosion Control and Revegetation Plan and the Cultural Resources Mitigation Plan.

The program shall include provisions for at least one managing environmental coordinator with overall responsibility, and if necessary, one onsite environmental coordinator per construction site during the construction phase. These coordinators shall be approved by and be responsible to the Planning and Development Resource Management Department. ~~AAPLP~~ PCC shall fund the coordinator(s). The number of coordinators necessary shall be determined according to the amount of simultaneous construction activity occurring in geographically separate areas. The responsibilities of the coordinator(s) are to include:

- a) on-site, day-to-day monitoring of construction activities;
- b) ensuring contractor knowledge of and compliance with all appropriate permit conditions;
- c) evaluating the adequacy of construction impact mitigations, and proposing improvements to the contractors, ~~AAPLP~~ the permittee, and County;
- d) having the authority to require correction of activities observed to violate project environmental conditions or that represent unsafe or dangerous conditions, and having the ability and authority to secure compliance with the conditions or standards through the County Administrative Officer as described in condition A-8, if necessary;
- e) performing as contact for affected property owners and any other affected persons that wish to register observation of environmental permit violations and/or unsafe conditions, receiving any complaints, immediately contacting ~~AAPLP's~~ the permittee's onsite construction representative, verifying any such observations and developing any necessary corrective actions in consultation with ~~AAPLP's~~ the permittee's onsite construction representative;
- f) maintaining prompt and regular communication with the Planning and Development Resource Management Department, Public Works Department, or other appropriate County agency, and with ~~AAPLP~~ permittee personnel responsible for contractor performance and permit compliance.

In the event that resolution of disputes between the public and/or governmental agencies and ~~AAPLP~~ the permittee over adherence to permit conditions is not achieved by the managing environmental coordinator, an arbitration system shall be utilized to resolve such disputes in a

timely manner in order to minimize the need to halt construction activities as per conditions A-2 or A-8.

The coordinator(s) shall be thoroughly familiar with all plans and requirements set forth in the permit conditions. Prior to construction start-up, the managing coordinator shall discuss with other agency inspectors or monitoring personnel, inspection programs, areas of jurisdiction, responsibility, and define methods of avoiding disputes or construction delay due to agency disagreements.

Selection of the necessary coordinators shall be made, and the person(s) available, prior to issuance of the Coastal Development Permit and Land Use Permit.

### Operations

The program shall include all plans related to operations, such as the Emergency Response Plan, Oil Spill Contingency Plan, and Landscaping Plan, as well as specific conditions not required in formal plans. It may also include any procedures not specified by these conditions but relevant to environmental protection and safety. Operational Compliance Plans shall be updated as necessary to reflect any approved change of operator within six months after assuming operations in accordance with County Code Section 25B-10(a)(6).

## **C-2. 24-Hour Emergency Contact**

Prior to issuance of the Coastal Development Permit and Land Use Permit, ~~AAPLP~~ the permittee shall provide to the Planning and Development Resource Management Department and the Emergency Services Coordinator the current name and position, title, address, and 24-hour phone numbers of the field agent, person in charge of the facility, and other representatives who shall receive all orders and notices, as well as all communications regarding matters of condition and permit compliance at the site and who shall have authority to implement a facility shutdown pursuant to condition A-8 in this Ordinance.

There shall always be such a contact person(s) designated by the permittee. One contact person shall be available 24 hours a day during all phases of the project in order to respond to inquiries received from the County, or from anyone in case of an emergency.

If the address or phone number of ~~AAPLP's~~ the agent should change, or the responsibility be assigned to another person or position, ~~AAPLP~~ PCC shall provide to the Planning and Development Resource Management Department the new information within seven days.

## **C-3. ~~AAPLP to~~ Provide Copies of Permits to P&D**

~~AAPLP~~ PCC shall furnish to the Planning and Development Resource Management Department copies of all County permit applications relative to the project once submitted, and of permits within 30 days of receipt by ~~AAPLP~~ PCC.

## **D. AIR QUALITY**

### **D-1. Statement of Scope**

Nothing contained herein shall be construed to permit a violation of any applicable air pollution law, rule, or regulation.

#### **D-2. Authority to Construct**

Prior to initiation of construction, including grading, of any facilities approved pursuant to this Development Plan, ~~AAPLP~~ the permittee shall obtain an Authority to Construct permit from the County Air Pollution Control District.

#### **D-3. Agreement to Implement All Air Pollution Control Procedures**

~~AAPLP~~ PCC agrees to implement all air pollution control procedures as required by APCD and identified in the Final Development Plan (such as water sprays to reduce construction-related fugitive dust).

#### **D-4. Emissions Mitigation**

Emissions from any project component that contribute to ozone standard violations must be mitigated to the extent feasible. Effectiveness of mitigation will be confirmed by APCD.

#### **D-5. Deleted.**

#### **D-6. Validation Information**

Prior to approval of the Final Development Plan, ~~AAPLP~~ the permittee shall submit to the Planning and Development Resource Management Department updated estimates of the type and size of helicopters, or other aircraft, to be used during pipeline operations for the aerial surveys of the pipeline route. The information shall also include the estimated operating schedules, frequency and duration of airport calls and other reasonable information as required by APCD. The County may require validation and updating of this information as needed. Should this information reveal significant differences between the estimated air emissions and those analyzed in the EIR/EIS, the APCD may modify air quality permit conditions as necessary to assure consistency with the Air Quality Attainment Plan and Reasonable Further Progress goals.

#### **D-7. Discharge Limitations**

All facilities shall be designed, constructed, operated, and maintained, such that the facilities approved under this Development Plan shall not discharge quantities of air contaminants or other materials in violation of Section 41700 of the Health and Safety Code.

#### **D-8. Mitigation Plan for Construction Air Quality Impacts**

Prior to the approval of the Final Development Plan, ~~AAPLP~~ the permittee shall submit to the Director of the Planning and Development Resource Management Department a plan, approved by the APCD, which includes timing of construction, minimizing soil handling, and other measures to mitigate construction air quality impacts. The plan shall include APCD approved analysis which demonstrates that local, state and federal air quality standards will not be violated as a result of construction activities.

#### D-9

For the Gaviota Creek Pipeline Lowering and Relocation project, during clearing, grading, earth moving, excavation or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to minimize dust leaving the site and to create a crust after each day's activities cease. 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 site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour. Soil stockpiled for more than two days shall be covered, kept moist or treated with soil binders to prevent dust generation. **Plan Requirements:** All requirements shall be shown on construction drawings. **Timing:** Condition shall be adhered to throughout all grading and construction periods. **MONITORING:** Planning and Development shall ensure measures are on plans. Planning and Development's EQAP monitor shall spot check and ensure compliance on-site. APCD inspectors shall respond to any nuisance complaints. (*Mitigation Measure A-1*) (*adopted by the Planning Commission on September 6, 2000*)

#### D-10

During construction of the Gaviota Creek Pipeline Lowering and Replacement project, use water trucks to keep all areas of vehicle movement damp enough to reduce dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. **Plan Requirements:** This condition shall be printed on all construction drawings. **MONITORING:** EQAP monitor to spot check in the field. (*Mitigation Measure A-2*) (*adopted by the Planning Commission on September 6, 2000*)

#### D-11

During the Gaviota Creek Pipeline Lowering and Replacement project, ~~AAPLP~~ the permittee shall minimize the amount of disturbed area and ensure that on site vehicle speeds do not exceed 15 miles per hour. **Plan Requirements:** This condition shall be printed on all construction drawings. **MONITORING:** EQAP monitor to spot check in the field. (*Mitigation Measure A-3*) (*adopted by the Planning Commission on September 6, 2000*)

#### D-12

For the Gaviota Creek Pipeline Lowering and Replacement project, 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 site shall be tarped from the point of origin. **Plan Requirements:** This condition shall be printed on all construction plans. **MONITORING:** EQAP monitor to spot check in the field. (*Mitigation Measure A-4*) (*adopted by the Planning Commission on September 6, 2000*)

#### D-13

For the Gaviota Creek Pipeline Lowering and Replacement project, heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be utilized wherever feasible. (*Mitigation Measure A-5*) (*adopted by the Planning Commission on September 6, 2000*)

- a. The engine size of construction equipment shall be the minimum practical size.

- b. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number are operating at any one time.
- c. Construction equipment shall be maintained in tune per the manufacturer's specifications.
- d. Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or precombustion chamber engines.
- e. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- f. Diesel catalytic converters shall be installed, if available.
- g. Diesel powered equipment should be replaced by electric equipment whenever feasible.
- h. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

**MONITORING:** EQAP monitor to spot check in field. (*Mitigation Measure A-5*) (*adopted by the Planning Commission on September 6, 2000*)

## E. GEOLOGY

### E-1. Geologic Investigation, Design and Mitigation Program

Prior to the issuance of the Coastal Development Permit and Land Use Permit, ~~AAPLP~~ the permittee will conduct a route-specific Geologic Investigation, Design, and Mitigation Program. This program shall contain three basic components: 1) a detailed geologic investigation component which defines specific hazards, 2) an engineering design component which details specific engineering plans for each identified hazard along the route, and 3) a geohazards mitigation component which demonstrates how and to what extent each hazard is reduced.

- a) Detailed geologic investigation component:  
Where specific hazards have been identified or may occur along the pipeline route or at pump station locations, ~~AAPLP~~ the permittee will conduct appropriate detailed geologic, seismic, and geotechnical studies to further characterize the specific geologic hazard. These studies will be conducted under the direction of a State of California registered geologist or engineering geologist who will be mutually agreed to by the permittee ~~AAPLP, the Planning and Development Resource Management Department~~, the Public Works Department, and the Flood Control District. These studies will include but not be limited to investigations of unstable slopes, erodable slopes, lurch/liquefaction susceptible substrate, surface rupture, and river scour characteristics (depth and lateral extent). Methods of investigation shall conform to appropriate geotechnical techniques applicable to each specific hazard. Draft results will be subject to review by County Public Works Department and Flood Control Agency as appropriate prior to finalization of the engineering design. The final report will be submitted with the final engineering design component.
- b) Engineering design component:  
~~AAPLP~~ The permittee will demonstrate that appropriate geotechnical information from component a) and other applicable recommendations are incorporated into final engineering design of pipeline construction and facilities. This includes but is not restricted to: the development of appropriate ground motion parameters for use in seismic design of critical structures and equipment, unstable slope construction or avoidance techniques, burial depth at all major river crossings, modification of instrumentation, or use of the dual contingency level/operating level earthquake concept, or its equivalent.

The designs will be subject to review by the Department of Public Works and third party technical review as specified in Condition P-1.

c) Geohazards mitigation component:

Prior to issuance of the Coastal Development Permit and Land Use Permit, ~~AAPLP~~ the permittee will submit to the ~~Resource Management Planning and Development~~ Department a detailed geologic hazard mitigation report. The report will outline the hazards identified in part a) of this program and will address how engineering designs as detailed in part b) of this program reduce each specific hazard. This component will also be submitted to the Department of Public Works and Flood Control Agency and will be subject to third party review as specified in Condition P-1.

## E-2. Geologic Hazard Monitoring Program

~~AAPLP PPC~~ will develop a Monitoring Program for the operations phase to be funded by ~~AAPLP PCC~~ and staffed as necessary with at least one State of California registered engineer, or engineering geologist, in order to evaluate any hazards identified by routine monitoring. The program will be designed to verify adequate performance or condition of the project components in hazard areas such as river and active fault crossings, and will be subject to approval of the ~~Resource Management Planning and Development~~ Department prior to issuance of the Coastal Development Permit and Land Use Permit. The monitoring program may in part be incorporated into routine aerial and ground reconnaissance. If the monitoring indicates a potential or actual hazard, appropriate action including, but not limited to, operations curtailment and repairs, will be taken by ~~AAPLP PCC~~ to mitigate the hazard. ~~AAPLP PCC~~ will report to the Emergency Services Coordinator any potentially hazardous situations discovered during monitoring. In the case of river crossings at the Santa Ynez, Sisquoc and Cuyama Rivers, a yearly inspection of pipeline burial depth, subject to review by the ~~Resource Management Planning and Development~~ Department and Flood Control Agency, shall be performed. At crossings of the Santa Ynez and Sisquoc Rivers where channel degradation has reduced the depth of cover to less than four feet below the 100-year scour depth, or other hazardous levels as determined by a professional engineer on the staff of or under supervision of the County Flood Control Agency, or US D.O.T. specifications, relocation or reburial of the pipeline to adequate depth will be required. At the crossing of the Cuyama River, if the inspections reveal that hazardous conditions exist, mitigations such as reconstruction or relocation of the crossing will be required as determined by a professional engineer on the staff of or under supervision of the County Flood Control Agency.

## E-3. Inspection of Trench Prior to Pipeline Installation

Inspection of the pipeline trench or trench spoil to identify any potential geologic hazards shall be made by a professional geologist or soils engineer approved by the ~~Resource Management Planning and Development~~ Department prior to installation of the pipeline. If hazards not previously accounted for in the pipeline design are encountered, appropriate mitigation measures will be developed and must be instigated prior to installation of the pipeline. The results of the inspection will be reported to the engineering geologist of the Public Works Department who will approve prior to, and the supervising environmental coordinator who will insure, application of the necessary mitigation measures. The timing of such inspections shall not result in any unreasonable delays in installation of the pipeline.

## E-4. Isolation Valves at Active Fault Crossings



At all places where the pipeline crosses an active fault, according to the Department of Geology and Mining definitions, ~~AAPLP~~ the permittee will place isolation valves on either side, or design and construct appropriate devices or measures which more effectively mitigate the hazard of the fault crossing. Location and nature of these designs must be approved prior to the issuance of the Coastal Development Permit and Land Use Permit.

#### **E-5. Sisquoc Pump Station Grading and Erosion Control Plan**

Prior to the issuance of the Coastal Development Permit and Land Use Permit, ~~AAPLP~~ the permittee shall submit final Grading and Erosion Control Plans for the Sisquoc pump station approved by the Department of Public Works. These plans shall be consistent with or based on information contained in the geologic investigation required in Condition E-1. Prior to issuance of the Coastal Development Permit and Land Use Permit, ~~AAPLP~~ the permittee shall either submit Grading and Erosion Control Plans for the Las Flores and Gaviota pump stations for approval by the Department of Public Works or show evidence that the plans are a part of the overall Grading and Erosion Control Plans for the consolidated processing facilities at those sites.

#### **E-6. Cooperation with San Luis Obispo County for Cuyama River Crossing**

~~AAPLP~~ The permittee shall cooperate as necessary with San Luis Obispo County in the permitting, design and construction of the Cuyama River crossing. Any pipeline crossing the Cuyama River shall be laid to a depth consistent with studies performed under Condition E-1 and subject to approval of the County Flood Control District.

#### **E-7. South Coast Pump Stations Location**

Prior to approval of the Final Development Plan, ~~AAPLP~~ the permittee shall commit to the location of their south coast pump stations to the satisfaction of the Planning Commission. If these stations are not within the boundaries of the approved Exxon, Gaviota Terminal Company, or Chevron facilities, ~~AAPLP~~ the permittee shall submit grading and erosion control plans pursuant to Condition E-5.

#### **E-8. Stockpiling of Earth Materials During Construction**

Stockpiling of large volumes of earth materials in temporary (for construction only) work space areas in excess of those volumes needed locally for construction shall not occur except as approved by the ~~Resource Management~~ Planning and Development Department. ~~AAPLP~~ The permittee shall not stockpile materials on landslide prone slopes during the rainy season.

#### **E-9. Storage of Pipe During Construction**

Storage of pipe in temporary (for construction only) extra work spaces shall not occur except as approved by the Planning and Development ~~Resource Management~~ Department.

#### **E-10**

~~AAPLP~~ The permittee shall implement a project specific Restoration, Erosion Control and Revegetation Plan for the Gaviota Creek Pipeline Lowering and Replacement Project in order to minimize erosion. In addition, grading shall be minimized within the creek and along the creek bank and grading on slopes greater than 5:1 shall be designed to minimize surface water

runoff. **Plan Requirements:** This requirement shall be noted on construction drawings prior to approval of CDP. The applicant shall notify the Energy Division at least 48 hours prior to commencement of grading. **MONITORING:** EQAP monitor shall inspect the site during grading work to verify that erosion control measures are properly implemented. (*Mitigation Measure G-1) (adopted by the Planning Commission on September 6, 2000)*)

#### E-11

~~AAPLP~~ The permittee shall limit excavation and grading to the driest season of the year to avoid the breeding season for California red-legged frog, tidewater goby, and the Southern steelhead migration season (July 1 to November 1) for the Gaviota Creek Pipeline Lowering and Replacement project, unless granted permission by the Energy Division. All exposed graded surfaces shall be reseeded with ground cover vegetation to minimize erosion. **Plan Requirements:** This requirement shall be noted on construction drawings. **MONITORING:** EQAP monitor shall inspect the site during grading to monitor dust generation and after grading to verify reseeded. (*Mitigation Measure G-2) (adopted by the Planning Commission on September 6, 2000)*)

#### E-12

At Gaviota Creek, ~~AAPLP~~ the permittee shall perform an as-built profile survey of the pipeline and creek bed and develop a profile drawing showing the pipeline and creek bottom. For the first two years after installation of the new pipeline crossing, the creek bed shall be surveyed each year at the end of the rainy season. After the first two years, ~~AAPLP~~ PCC shall re-survey after every significant flood event (i.e., 100-year event or more serious), but not less than every three years. After each creek bed profile survey, the creek bed profile shall be shown on the original as-built profile survey. **Plan Requirements:** ~~AAPLP~~ PCC shall submit surveys to Planning and Development's geologist for review and approval. **MONITORING:** Planning and Development shall review creek elevation records and site inspect as necessary. (*Mitigation Measure G-3) (adopted by the Planning Commission on September 6, 2000)*)

#### E-13

At Gaviota Creek, ~~AAPLP~~ the permittee shall visually inspect the status of restoration efforts and the erosion at the pipeline crossing at least quarterly, and as requested by State Parks or Planning and Development, after installation of the new pipeline crossing. (These surveys shall be conducted at ground level, not from the air.) **Plan Requirements:** Written inspection reports shall be submitted to the Energy Division within 30 days of the inspections and surveys. ~~AAPLP~~ PCC shall take any necessary corrective actions required to stabilize disturbed areas, as approved by the Energy Division. **MONITORING:** EQAP monitor to periodically inspect the restoration effort. (*Mitigation Measure G-4) (adopted by the Planning Commission on September 6, 2000)*)

### F. SURFACE AND GROUNDWATER

#### F-1. Downstream Flows During Construction

During construction of the pipeline across all perennial stream crossings, stream flows, if any, shall be diverted around construction areas to maintain downstream flows. Baseline water flows shall be maintained in coastal streams in order to avoid adverse impacts to lagoon or other sensitive habitats.

## **F-2. Sediment Retention Devices During Construction**

Sediment retention devices that allow continued streamflow shall be installed directly downstream of stream crossings during construction.

## **F-3. Stream and River Crossings During Construction**

For pipeline crossings at the following stream or river crossings: Tajiguas; Refugio; Gaviota; Nojoqui; Zaca; San Antonio Creeks, all additional perennial streams which the pipeline crosses: Santa Ynez; Sisquoc; and Cuyama Rivers, ~~AAPLP~~ the permittee shall construct the buried pipelines during the months of low historical streamflow, in order to minimize erosion loss downstream and protect surface water quality. In the event of low winter rainfall, earlier construction may be approved by the Planning and Development Resource Management Department and County Flood Control Agency.

## **F-4. Riparian Habitat Corridors During Construction**

No staging areas shall be permitted within riparian habitat corridors.

## **F-5. Construction Contractors at Stream Crossings During Construction**

During pipeline construction at stream crossings, construction contractors will minimize time of disturbance, narrow the construction ROW to the extent feasible, stabilize the disturbed areas immediately following construction of the crossing, and divert runoff waters around construction areas to maintain downstream flows.

## **F-6. Deleted.**

## **F-7. Isolation Valves at Perennial Stream and River Crossings**

~~AAPLP~~ The permittee shall install isolation valves on either side of all perennial stream and river crossings, including the Cuyama River, and/or as required by the Coastal Zoning Ordinance, unless the applicant can demonstrate that alternative methods will further reduce the potential leak impacts at the crossing site. These locations shall be identified prior to the Final Development Plan.

## **F-8. Freshwater Source During Construction**

Prior to approval of the Final Development Plan, ~~AAPLP~~ the permittee shall identify the freshwater source considered for supplying pipeline and facility construction activities including hydrostatic test water, and shall estimate the total quantity required. Any water obtained from coastal or inland sources shall not significantly disrupt streamflows, groundwater resources, or habitat resources. Water conserving devices shall be used where feasible. Any water used during construction, (exclusive of hydrostatic test water), shall contain no more than 5,000 parts per million total dissolved solids. Disposal of hydrostatic test water within the County shall be according to a plan approved by the Regional Water Quality Control Board, or by the Flood Control Agency. This information shall be provided to and approved by the Planning and Development Resource Management Department as part of the Final Development Plan.

## **F-9. Hydrogeologic Investigations for Sensitive Areas**

Prior to approval of the Final Development Plan, ~~AAPLP~~ the permittee will perform detailed hydrogeologic investigations for the sensitive areas identified in the EIR/EIS, (Table 3-14). These investigations will be conducted by a State of California registered geologist or engineer and will include but not be limited to:

- a) definition of groundwater depth, recharge sources, properties of overlying soils, hydraulic gradient, background water quality, and existing water uses.
- b) inventory of existing wells from State or County Flood Control Agency records in an area extending down-gradient from the pipeline in the aquifer equal to the distance groundwater would move in one year at a velocity calculated from the maximum hydraulic conductivity of the specific aquifer, hydraulic gradient, and porosity. The down-gradient sensitive area will be determined by a registered geologist.

This information will be reviewed by the ~~Planning and Development Resource Management~~ Department and used by ~~AAPLP~~ the permittee to formulate the Groundwater Contamination portion of an Oil Spill Contingency Plan, Condition P-5. This portion of the Plan will include;

- a) plans for monitoring and early detection of groundwater contamination, including aerial and ground surveys, pipeline pressure monitoring, and water sampling of strategic wells;
- b) plans for notification of affected groundwater users, and the Emergency Services Coordinator;
- c) clean-up response, reparations, restorations, and methods to determine and correct the contamination source; and
- d) identification of emergency alternate water supplies.

## **F-10. Dam and Ditch Plugs in Pipeline Trenches by Aquifers**

At the base of slopes where the ROW approaches sensitive aquifers as identified in the EIR/S that are at risk from oil spills and leaks, a dam or ditch plug will be used in the pipeline trench. The sensitive areas are those where the ROW follows 1) topographic slopes toward basins with shallow depth to water, 2) high vertical permeabilities, and 3) a high degree of groundwater use as indicated by the hydrogeologic investigations required as per condition F-9. These areas shall be identified in the Final Development Plan.

## **F-11. SSRRC Approval for All Creek and River Crossing Plans**

Prior to the approval of the Final Development Plan, the System Safety and Reliability Review Committee shall review and approve submitted plans of all creek and river crossings in Santa Barbara County. Permitted development shall not cause or contribute to flood hazards or lead to the expenditure of public funds for flood control works.

## **G. AQUATIC BIOLOGY**

### **G-1. Oil Spill Response Plan**

Fueling and lubrication of construction equipment will not occur within 0.25 miles of any flowing streams. No more than 2 barrels of fuel shall be kept at construction sites, exclusive of pipeline construction equipment fuel tanks, within 0.25 miles of all perennial creeks. As part of the oil spill response plan, ~~AAPLP~~ the permittee will submit plans for clean-up and restoration of affected areas in the event of a construction fuel spill.

## G-2

For the Gaviota Creek Pipeline Lowering and Relocation project, all construction and grading plans shall show the precise location of the environmentally sensitive habitats within the project vicinity. **Timing:** The ESH areas should be designated on all plans prior to CDP approval. **MONITORING:** Planning and Development staff to check plans. (*adopted by the Planning Commission on September 6, 2000*)

## G-3

For the Gaviota Creek Pipeline Lowering and Relocation project, during construction, washing of concrete, paint or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing shall not be allowed near sensitive biological resources. An area designated for washing functions shall be identified. **Plan Requirements:** The applicant shall designate a wash off area, acceptable to Planning and Development, on the construction drawings. **Timing:** The wash off area shall be designated on all plans prior to CDP. The washoff area shall be in place throughout construction. **MONITORING:** Planning and Development staff shall check plans prior to approval of CDP and the EQAP monitor shall site inspect throughout the construction period to ensure proper use. (*Mitigation Measure B-2*) (*adopted by the Planning Commission on September 6, 2000*)

## H. TERRESTRIAL BIOLOGY

### H-1. Restoration, Erosion Control and Revegetation Plan

#### H-1(j) modified 12/16/92

Prior to issuance of the Coastal Development Permit and Land Use Permit, ~~AAPLP~~ the permittee shall submit a Restoration, Erosion Control, and Revegetation plan for the final proposed pipeline route and the pump station sites. The plan shall be submitted to the Planning and Development Resource Management Department for approval. Once approved, the plan shall be implemented by the permittee ~~AAPLP~~. Success of the restoration and revegetation plans shall be monitored by a qualified independent biologist who is in addition to the managing environmental coordinator (Condition C-1). The plan shall contain, but not be limited to, the following:

- (a) Procedures for stockpiling and replacing topsoil, replacing and stabilizing backfill, such as at stream crossings, and steep or highly erodable slopes. Additionally, provisions shall be made for recontouring to approximate the original topography. Excess fill shall be disposed of off-site unless suitable arrangements are made with the property owner. Excess fill shall not be deposited in any drainage, or on any unstable slope.
- (b) Specific plans for control of erosion, gully formation, and sedimentation, including, but not limited to, sediment traps, check dams, diversion dikes, culverts and slope drains. Plan shall identify areas with high erosion potential and the specific control measures for these sites.
- (c) Procedures for containing sediment and allowing continued downstream flow at stream crossings, including scheduling construction activities during low-flow periods.

- (d) Procedures for re-establishment of vegetation that replicates or is functionally equivalent to indigenous and naturalized communities along the alignment. These shall include: measures preventing invasion and/or spread of undesired plant species; restoration of wildlife habitat value; and restoration of native plant species and communities. The permittee~~AAPLP~~ shall consult with the County Farm Advisor and appropriate Ranch operators when developing procedures for revegetating areas used for cattle grazing and other agricultural uses;
- (e) Procedures for restoration of riparian corridor stream and river banks and stream bed substrates and elevation;
- (f) Procedures for minimizing all tree removal or tree root and branch damage, such as, flagging the corridor, keeping all disturbance to no more than the 100-foot pipeline right-of-way, feathering the right-of-way edges, providing for onsite monitoring of construction by a qualified independent biologist. In addition, special procedures are required for oak woodlands since County policy requires that these trees must not be cut down if feasible. Special procedures for oaks include reducing the right-of-way to the minimum width possible and minimizing the impact to the root zone of these trees;
- (g) Procedures for replacement of native trees and large shrubs removed from the 100-foot temporary easement during construction across riparian and woodland, in particular oak woodland, habitat, with saplings of the same species propagated from materials obtained from the same area, including provision for supplemental irrigation as necessary and feasible to ensure establishment, and provisions for protection of saplings from grazing animals;
- (h) A soil conservation program, to be applied in areas of 20 percent or greater slopes along the pipeline corridor.
- (i) Procedures for incorporating landowner concerns in the plan. Any changes to the plan instigated by such concerns shall be approved by the Planning and Development Resource Management Department.
- (j) The permittee~~AAPLP~~ shall provide an endowment in the amount of \$841,000 to fund implementation of the Alternative Oak Mitigation Program to reestablish oak savannahs and woodlands in Santa Barbara County. (Modified 12/16/92)
- (k) The segment of the plan pertaining to Gaviota State Park shall be prepared in cooperation with the State Department of Parks and Recreation.

## **H-2. Impact Survey One Year After Construction**

One year after construction, a survey will be conducted, at the permittee's ~~AAPLP's~~ expense, to determine the actual impact caused by construction. This survey shall include aerial photography, and as appropriate color stereo and infrared photography and field studies. The report will identify areas with potential for further impact, e.g., high erosion areas, that will require immediate remedial measures. The survey shall also contain an examination of previous mitigation measures and present a list of additional feasible mitigations based on the impacts during construction and potential impacts caused by operation. The permittee~~AAPLP~~ and the Planning and Development Resource Management Department shall agree to additional feasible mitigations. This process shall be repeated as often as necessary by the Planning and Development Resource Management Department, but not more than annually.

## **H-3. Sensitive Habitat Areas**

In those areas where trees and other habitats such as riparian areas and oak woodlands are to be avoided within the approved corridor and temporary (for construction only) extra work spaces,

~~AAPLP~~ the permittee shall assure contractor compliance with this condition by marking and/or fencing those resources. These areas include, but are not limited to, the sensitive resources identified by ~~the permittee~~ ~~AAPLP~~ and depicted on the 1" = 400' color aerial print photographs provided by ~~the permittee~~ ~~AAPLP~~ and the Environmentally Sensitive Habitat (ESH) areas identified by the Planning and Development ~~County Resource Management~~ Department. The permittee ~~AAPLP~~ shall avoid disturbance to the tarplant restoration site established by Texaco on State Park property.

#### **H-4. Additional Mitigation**

Additional reasonable and feasible conditions of mitigation, consistent with condition H-1 and to the extent necessary, shall be identified and observed as developed during the archaeological mitigation program (conditions L-1, L-2, L-3, L-6), and as identified by the managing environmental coordinator in consultation with ~~AAPLP's~~ the permittee's Onsite Construction Representative (condition C-1).

#### **H-5. Deleted.**

#### **H-6. Herbicides During Construction**

~~AAPLP~~ The permittee shall not use herbicides in wetland and riparian areas, and along the rest of the pipeline corridor during construction.

#### **H-7. Fish and Game Permit (1603)**

Prior to issuance of the Coastal Development Permit and Land Use Permit, ~~AAPLP~~ the permittee shall receive a permit (1603) as required from the California Department of Fish and Game. This permit should include provisions to ensure that the proposed construction schedule will not interfere with reproductive activities of regionally rare or rare, threatened or endangered bird, amphibian, and fish species or other species of special concern, in those environmentally sensitive habitats identified in the EIR/EIS and shall submit this confirmation to the Planning and Development ~~Resource Management~~ Department. If the Department of Fish and Game determines that the construction schedule will have an impact then the permittee ~~AAPLP~~ will adhere to directives of the Department of Fish and Game with respect to their permit requirements.

#### **H-8. Deleted.**

#### **H-9. Hoffman's Nightshade Plan**

~~AAPLP~~ The permittee shall minimize impacts to the population of Hoffmann's nightshade (*Solanum xanti* var. *hoffmannii*) found in the Gaviota Pass area. ~~AAPLP~~ The permittee shall submit plans to enhance the recovery of this population to the Planning and Development ~~Resource Management~~ Department for approval prior to issuance of the Coastal Development Permit and Land Use Permit.

These plans shall include provisions for removing any individual plants that would be affected, place them in large tubs, and replant them as near as possible to the original location (exclusive of the operation Right-of-Way) after construction; and gathering seeds prior to issuance of the

Coastal Development Permit and Land Use Permit from the population of Hoffmann's nightshade located in the Gaviota Pass area and planting them in and near the ROW after construction. This shall be done under the supervision of a biologist approved by the Planning and Development Resource Management Department and in cooperation with the California Parks Department; this biologist may approve modifications to these techniques based on season of the year and state of dormancy.

#### **H-10. Catalina Mariposa Lily Plan**

~~AAPLP~~ The permittee shall minimize impacts to the population of Catalina Mariposa lily (*Calochortus catalinae*) found in the Gaviota Pass area. ~~AAPLP~~ The permittee shall submit plans to enhance the recovery of this population to the Planning and Development Resource Management Department for approval prior to issuance of the Coastal Development Permit and Land Use Permit. These plans shall include provisions for gathering of seeds from the population found in or near the ROW prior to construction, planting the seeds in or near the ROW after construction (exclusive of the operation ROW), conserving the upper 18-24 inches of heavy clay soil which contains the plant's bulb-like corms found in the vicinity of the plants prior to construction, and then, after construction, replacing this soil which holds the plant's bulb-like corms. This shall be done under the supervision of a biologist approved by the Planning and Development Resource Management Department and in cooperation with the California Parks Department; this biologist may approve modifications to these techniques based on season of the year and state of dormancy.

#### **H-11. Refugio Manzanita Plan**

~~AAPLP~~ The permittee shall minimize impacts to the population of Refugio Manzanita (*Arctostaphylos refugioensis*) found in Gaviota Pass area and affected by the proposed construction activities. ~~AAPLP~~ The permittee shall submit plans to enhance the recovery of this population to the Planning and Development Resource Management Department for approval prior to issuance of the Coastal Development Permit and Land Use Permit. These plans shall include provisions for gathering seeds and taking cuttings from the population of Refugio Manzanita found in and adjacent to the ROW prior to construction, and provisions for the planting of the seeds and plants propagated from cuttings in the final construction alignment (exclusive of the operation ROW) after construction. This shall be done under the supervision of a biologist approved by the Planning and Development Resource Management Department and in cooperation with the California Parks Department; this biologist may approve modifications to these techniques based on season of the year and state of dormancy.

#### **H-12. Restoration, Revegetation and Implementation Plan**

~~AAPLP~~ The permittee shall prepare a Restoration, Revegetation and Implementation section as part of the Oil Spill Contingency Plan (P-5). The section shall be reviewed and accepted prior to start-up by the Planning and Development Resource Management Department and a biologist approved by the Planning and Development Resource Management Department. The section shall be submitted sufficiently prior to ~~AAPLP's~~ the permittee's projected start-up date so as to allow reasonable time for staff review. Reasonable costs of review shall be borne by the applicant. The section shall contain site-specific restoration information for all habitat types including stream crossings, wetlands/lagoons, oak woodlands, grasslands, riparian zones, and other environmentally sensitive habitats. The section shall be divided into three major areas: a) Coastal, b) Streams and



Rivers and c) Terrestrial habitats. Each of these sub-sections shall discuss the various habitats in the categories listed above. Methods to achieve restoration of all affected areas to their prespill conditions shall be discussed.

### **H-13. Pump Station Landscaping**

Prior to issuance of the Coastal Development Permit and Land Use Permit, ~~AAPLP~~ the permittee shall submit to the County Board of Architectural Review, and the Planning and Development Resource Management Department site-specific plans for landscaping of any pump station not within other required project vegetation screens. This plan shall, at the permittee's ~~AAPLP's~~ expense, be reviewed by a qualified landscape architect and a biologist approved by the Planning and Development Resource Management Department to insure the proper plant materials and procedures identified in these conditions are implemented. These plans shall be developed in consultation with the property owner. The plan shall include:

- (a) The specifications of any potential seed mixtures to be utilized, including the plant species in the mixture and the pounds of seed per acre to be applied; type of mulch (fiber, chemical tackifier or straw); the type and amount of fertilizer; and any provisions for irrigation;
- (b) Confirmation that all native or non-native plant materials proposed in the revegetation plan are compatible with indigenous vegetation and that none of the plants used is known to be weedy or invasive. The plan shall provide for plantings that will screen facilities from view. This vegetation screening shall also be designed to reduce nighttime lighting and noise. Near chaparral or other high fire hazard areas, the seeds or seedlings will consist of native or non-native species, shown to contain fire retardant properties (such as toyon) and shown to be fast growing;
- (c) The specifications for native seeds and seedlings that will have wildlife habitat and food value. All perennial plants, and all woody plants are to be propagated from material obtained from the same area. Native plant material is to be obtained from a revegetation contractor. All native materials will be ordered from the contractor in advance of construction activities.
- (d) Confirmation that non-native material is to be confined to disturbed areas immediately adjacent to structures needing visual screening. Such screening is to include fast growing plants adequate to screen the facility from direct view;
- (e) A detailed irrigation plan if feasible for all revegetated areas requiring irrigation for establishment of plant materials;
- (f) ~~AAPLP's~~ The permittee's commitment for continual monitoring of the revegetation so that weeds will be minimized.

### **H-14. Landscaping and Revegetation Bonds**

Prior to issuance of the Coastal Development Permit and Land Use Permit, ~~AAPLP~~ the permittee shall post a bond or other security agreement approved by the County Counsel to ensure that all landscaping and revegetation programs are completed to the County's specifications.

### **H-15. Release of Landscaping and Revegetation Bonds**

Prior to issuing a release from the bond or other security agreement, a biologist and landscape architect hired by the County, at the permittee's ~~AAPLP's~~ expense, shall conduct a field review of all revegetated and landscaped areas, to insure consistency with the intent and specifications of the

revegetation and landscape plan. Necessary repairs or changes in landscaping or revegetation shall be made at the permittee's AAPLP's expense.

#### **H-16. California Endangered Species Inventory**

Prior to approval of the Final Development Plan, a qualified biologist approved by the Planning and Development Resource Management Department will conduct site-specific field inventories for California state-listed species, as mandated by the intent and general provisions of Assembly Bill No. 3309, the California Endangered Species Act. The biologist will perform the surveys of the 100-foot ROW in areas suspected of having any of the species of special concern as identified in Appendix B Table B-6, DEIR/S, except for the peregrine falcon, least Bell's vireo, and Parish's sidalcea. Surveys for these species will be conducted prior to construction. The California Department of Fish and Game will be consulted concerning appropriate methods for survey as well as appropriate mitigation measures if these species are found on the ROW. Additional mitigation shall be developed and executed by the permittee AAPLP based on these surveys if determined necessary by the Planning and Development Resource Management Department.

#### **H-17. Raptor Nesting Habitat Survey**

Prior to issuance of the Coastal Development Permit and Land Use Permit, a wildlife biologist approved by the Planning and Development Resource Management Department will survey all potential raptor nesting habitats within 0.5 miles of the pipeline, to identify active and inactive nests and potential perch sites cleared by ridge-top construction. No construction will occur within 0.5 miles of active eyries during nesting season as determined by the biologist. Construction may be permitted by the Planning and Development Resource Management Department in consultation with the biologist near inactive nests provided nest sites are not disturbed. Where deemed necessary by the California Department of Fish and Wildlife Game biologists, raptor perch or roost trees will be avoided and/or artificial roosts will be constructed on ridgelines to mitigate losses of such trees resulting from clearing the ROW on ridge tops.

#### **H-18. Construction ROW Through Riparian Habitats**

~~AAPLP~~ The permittee shall limit the width of the construction ROW through all riparian habitats to the extent feasible. ~~AAPLP~~ the permittee shall submit a plan indicating the location and size of the construction ROW through all riparian habitats. These plans shall be approved by the Planning and Development Resource Management Department prior to the Final Development Plan.

#### **H-19. Construction ROW Designed to Avoid Trees**

The construction ROW shall be routed to avoid trees to the maximum extent feasible. When this is not possible, dying or diseased trees shall be removed preferentially over healthy trees.

#### **H-20. Suey Canyon Oak Woodland**

~~AAPLP~~ The permittee shall minimize impacts to the oak woodland in the Suey Canyon area. This shall be done by using existing disturbed areas and by narrowing the construction corridor to the extent feasible by working on top of the spoils pile or selectively removing spoils, selectively

removing trees (e.g. dying, or diseased trees) and revegetating to enhance re-establishment of oak saplings and/or similar mitigation.

#### **H-21. Los Alisos Creek Crossing**

~~AAPLP~~ The permittee shall align the pipeline route in the vicinity of the Los Alisos Creek crossing in order to minimize the amount of riparian habitat disrupted.

#### **H-22. Parish's Checkermallow Field Survey**

Prior to the issuance of the Land Use Permit, a qualified biologist approved by the Planning and Development Resource Management Department shall conduct a site-specific field survey for the Parish's checkermallow along the approved right-of-way in potential habitat areas in the North County. Should any individuals be found along the right-of-way, ~~AAPLP~~ the permittee shall employ mitigation measures approved by the Planning and Development Resource Management Department to enhance the reestablishment of the species along the ROW (e.g., transplanting individuals).

#### **H-23. Gaviota Tarplant Plan**

~~AAPLP~~ The permittee shall minimize impacts to the population of Gaviota tarplant (Hemizonia increscens ssp. villosa) found in the Gaviota area. ~~AAPLP~~ The permittee shall submit a plan to enhance the recovery of this population to the Planning and Development Resource Management Department for approval prior to issuance of the Coastal Development Permit. This plan shall include provisions for ensuring the preservation of the current seed crop and seed stored in topsoil (seed bank) onsite. This shall be done under the supervision of a biologist approved by the Planning and Development Resource Management Department.

#### **H-24. Restoration of Construction Work Areas**

Impacts to existing vegetation within the temporary (for construction only) extra work space areas shall be minimized to the extent feasible. All disturbed areas, including temporary extra work spaces, shall be restored and revegetated pursuant to the permittee's ~~AAPLP's~~ approved Restoration, Erosion Control, and Revegetation Plan (Condition H-1). Any grading of the temporary extra work space areas will require a separate Coastal Development Permit.

Use of the temporary (for construction only) extra work space areas on slopes greater than 30 percent shall be limited to spoil placement. Right-of-way restoration and revegetation on slopes greater than 30 percent shall be initiated immediately upon completion of pipeline installation.

#### **H-25**

~~AAPLP~~ The permittee shall implement a project specific revegetation and restoration plan for the Gaviota Creek Pipeline Lowering and Replacement project. The plan shall include, but not be limited to the following measures:

- Landscaping in the riparian corridor shall consist of native riparian species including willow (*Salix lasiolepis*, *S. laevigata*), mule fat (*Baccharis salicifolia*), wild blackberry (*Rubus ursinus*), California wild rose (*Rosa californica*) at a minimum density of 3 feet on-center. Planting stock shall be obtained from the Gaviota Creek drainage.

- The new plantings shall be irrigated as necessary to promote establishment.
- Plantings shall be fenced or otherwise protected from browsers as deemed necessary by the EQAP monitor.
- Non-native species including tree tobacco (*Nicotiana glauca*), castor bean (*Ricinus comunis*), mustard (*Brassica sp.*), star thistle (*Centaurea sp.*) shall be removed from the creek within the project area.
- Upland areas disturbed by construction shall be recontoured to pre-existing conditions (to the extent feasible) and revegetated consistent with the Restoration, Erosion Control and Revegetation Plan approved for the original pipeline project.

The plan shall include pre-established performance criteria to be used in final evaluation for bond release. **Plan Requirements:** Prior to CDP approval, the applicant shall submit the revegetation and restoration plan, prepared by a Planning and Development approved biologist, to Planning and Development for review and approval. The \$350,000 performance bond already in place for the original project shall cover performance security for the project. **Timing:** The plan must be approved prior to CDP approval. Revegetation and removal of non-natives shall be done so as to coincide with the onset of seasonal rainfall. **MONITORING:** Planning and Development staff shall site inspect for restoration. Maintenance shall be confirmed through site inspections. (*Mitigation Measure B- 1 and V-1*) (adopted by the Planning Commission on September 6, 2000)

## H-26

~~AAPLP~~ The permittee shall comply with the mitigative provisions of the following documents:

- NMFS Biological Opinion, December 31, 1998
- USFWS Biological Opinion, January 15, 1999
- ACOE Nationwide Permit, February 22, 1999
- CDFWG Streambed Alteration Agreement, March 26, 1999
- NMFS Biological Opinion, May 31, 2000

These permits and mitigation measures are considered part of ~~AAPLP's~~ the project description. **Plan Requirements:** These conditions shall be printed on all construction plans. **MONITORING:** P&D staff to ensure compliance with other agency permits. EQAP monitor to spot check in the field. (*Mitigation Measure B-3*) (adopted by the Planning Commission on September 6, 2000)

## I. SOCIOECONOMICS

### I-1. Oil and Gas Industry-Wide Monitoring and Mitigation Program

The cumulative impacts of oil and gas industry projects are expected to be significant to Santa Barbara County. Therefore ~~AAPLP~~ the permittee shall participate in an oil and gas industry wide monitoring and mitigation program to address socioeconomic impacts identified as significant environmental impacts attributable to their project. For projects such as pipelines, only the construction phase is expected to cause significant impacts, and ~~AAPLP's~~ the permitte's participation in the program shall be limited to that phase. The criteria for allocating the costs of the monitoring and mitigation program and its mitigation requirements will be uniformly applied to all industry participants.

The intent of this program is to obtain realistic information regarding impacts identified in the EIR/EIS, and to allow impacted jurisdictions to require mitigation for project-related impacts. Mitigation of impacts through other planning programs, and/or through existing administrative infrastructure shall be taken into account. The scope of this program is detailed below. As subsequent details in the structure of the Program are developed by the County, such details shall supersede portions of this condition as appropriate.

The purpose of the Monitoring and Mitigation Program is to accurately assess the impacts of the ~~AAPLP's~~ the permitte's proposed development, including those in the following socioeconomic areas:

- a. Temporary housing needs, particularly demand for state and other park campsites, recreational vehicle parks, motel-hotel rooms and rental housing;
- b. Longer term (more than one year) housing needs, particularly low and moderate income housing needs, and associated water demands, south coast Santa Barbara County;
- c. Public finance;
- d. Transportation of workers and materials to and from the site.

At any point when the Board of Supervisors determines that the monitoring program demonstrates that previous mitigation funds paid by ~~AAPLP~~ the permitte exceed the valuation of the impacts at issue, ~~AAPLP~~ the permitte shall be granted a credit against any other current or future mitigation fees imposed on ~~AAPLP~~ the permitte for this permit by the County. ~~AAPLP~~ The permitte shall be entitled to accrued interest at the prevailing legal rate which shall continue to accrue until the credit is used.

The Monitoring and Mitigation Program will be administered and staffed by the County of Santa Barbara, Department of Regional Programs. A Technical Advisory Committee will provide assistance and input in the documentation of significant adverse impacts and proposals to mitigate these significant impacts.

The Technical Advisory Committee will be composed of: two representatives from Santa Barbara's cities appointed by the Mayor's Select Committee and representing north and south county interests; one representative (each) from San Luis Obispo and Santa Barbara counties; and one representative from each affected oil and gas company (to the number of representatives agreed upon). ~~AAPLP~~ The permitte will be included in the committee until the permitte ~~AAPLP~~ submits its resignation.

In the event of unresolved technical issues in the area of methodology and calculation of socioeconomic impacts, there shall be a Technical Arbitration Group. The Technical Arbitration Group shall be composed of three individuals without ties to either the County or the permitte ~~AAPLP~~, one to be selected by the County Board of Supervisors, one selected by the oil and gas company representatives and the final member selected by the first two members. All Technical Arbitration Group decisions shall be appealable upon written request to the Board of Supervisors. Subsequent details on voting procedures and conflict resolution will be proposed by the Department of Regional Programs and reviewed by the Board of Supervisors in a noticed public hearing.

Prior to approval of the Final Development Plan for this project, the monitoring and mitigation program will be refined. Based on information in the EIR/EIS and on other data as appropriate,

practical thresholds which trigger the necessity for mitigation will be developed and adopted by the Department of Regional Programs with input from the Technical Advisory Committee. These thresholds will recognize the normal growth incorporated in County plans, prior and existing industry activity, and the decline of the industry if no further permitting is allowed. Methodologies used to establish thresholds and impacts will be developed in consultation with the Technical Advisory Committee.

The need for mitigation will be determined when threshold levels are exceeded as shown by monitored activities and other data as appropriate. The Department of Regional Programs will recommend a mitigation action to the County Board of Supervisors. The Technical Advisory Committee will assist in making the assessment and recommendations. The monitoring and mitigation program will continue through all stages of construction.

The monitoring, impact and mitigation elements of the program would be equivalent to those described in the Chevron Gaviota Project conditions, but modified as appropriate for the nature of the pipeline project.

## **I-2. Housing for Temporary Construction Workers**

Prior to approval of the Final Development Plan, ~~AAPLP~~ the permitte shall submit to the County Department of Regional Programs a plan which details how they plan to house temporary construction workers for every month of construction. This plan, to be implemented by the permitte ~~AAPLP~~, shall demonstrate how ~~AAPLP~~ the permitte plans to reduce the housing impacts identified as part of the plan; e.g. exactly how much housing is needed, where it is needed and for how long; but not limited to, the following examples:

- (a) Use of existing under-utilized hotel/motel space during the months of September through May to provide for temporary living quarters for direct construction workers by month; identification of incentives to all the direct construction workers such as rent subsidies and/or shuttle service to the site.
- (b) Use of any available housing outside the South Coast area for all workers associated with the project during the summer months when visitor-serving facilities in the South Coast area are at capacity. Incentives for workers shall be identified such as rent subsidies and shuttle service for all workers commuting to the job site.
- (c) Methods to limit worker use of public campgrounds as living quarters. If it cannot be shown that the impact will be reduced from the estimate, the permitte ~~AAPLP~~ shall make a donation to the California State Parks or to Santa Barbara County Parks for the development of new campsites to offset their worker use of campsites. The donation shall be made prior to receipt of the building permit and determined by multiplying the estimated cost per developed campsite times 15. If it is shown by the Regional Programs Department and the Technical Advisory Committee that there is significant impact, the above-mentioned groups shall propose mitigation.

At any point when the Board of Supervisors determines that the monitoring program demonstrates that previous mitigation funds paid by ~~AAPLP~~ the permitte exceed the valuation of the impacts at issue, ~~AAPLP~~ the permitte shall be granted a credit against any other current or future mitigation fees imposed on ~~AAPLP~~ the permitte for this permit by the County. ~~AAPLP~~ The permitte shall be

entitled to accrued interest at the prevailing legal rate which shall continue to accrue until the credit is used.

### **I-3. Construction During Peak Tourist Seasons**

The pipeline construction period will be scheduled so as not to coincide with peak tourist seasons within each construction area in Santa Barbara County, provided that this scheduling does not interfere with any other conditions in this permit with respect to timing, in particular requirements regarding construction during stream and river low-flow. If such a conflict is found, than additional measures must be taken to provide the temporary housing needs for construction workers.

### **I-4. Deleted.**

### **I-5. Utilization of Local Labor**

~~AAPLP~~ The permitte shall include provisions in its contractor agreements specifically to encourage and promote employment from local labor so as to reduce the impacts associated with the in-migration of workers.

### **I-6. Project-Related Utilities and Services**

Except as otherwise provided herein, if the Socioeconomic Monitoring Program shows that project-related revenues will not compensate for needed capital or operating expenditures necessary to provide project-related utilities and services additional mitigation will be required.

### **I-7. Distributing Oil Related Revenues**

In the event that state and/or federal revenue sharing legislation directed at distributing oil related revenues to state or local governments is approved or Santa Barbara County levies a tax (special or otherwise) on oil and/or gas processed or transported under this permit, then any condition herein requiring payments or other items of value by the permitte ~~AAPLP~~ to Santa Barbara County or any political subdivision thereof shall automatically be suspended pending a review by the County to determine the extent, if any, which the tax, revenue sharing, or any of the fees imposed are duplicative or unwarranted either as to the level of government services provided or the level of burdens imposed on the public.

## **J. LAND USE AND RECREATION**

### **J-1. Property Owner Notification of Construction**

Prior to construction, the entire pipeline ROW corridor shall be prominently staked. All affected property owners along the pipeline route shall be notified in writing at least 30 days prior to the commencement of any pipeline construction on their property, and at least 15 days in advance of any deviation from the staked corridor which crosses their property.

## **J-2. Mainline Pipeline Construction Time Lines**

All mainline pipeline construction activities except river, perennial coastal stream, and ESH area crossings as specified in condition H-7, once started, shall proceed in a diligent and expeditious manner and shall be completed within nine months after the starting date, subject to necessary and/or unanticipated time extensions approved by County, in consultation with affected property owners.

## **J-3. Pipeline Construction Work Hours**

Pipeline construction activities shall be limited to the period between 7 a.m. and 7 p.m., Monday through Saturday. Except for emergency services, construction activities shall not take place on Sundays, the dates generally recognized for Memorial Day, July 4, Labor Day, or any other similarly recognized holiday, unless previous arrangements have been made with the affected property owners.

## **J-4. Privacy and Security of Property Owners During Construction**

Prior to approval of the Final Development Plan, ~~AAPLP~~ the permitte shall consult with affected property owners to develop reasonable and mutually satisfactory controls for maintaining the privacy and security of affected properties while construction is in progress.

## **J-5. Property Owner Notification of Construction Within 48 Hours**

Unless easements have been obtained from affected property owners or unless otherwise agreed to by affected property owners, ~~AAPLP~~ the permitte shall provide affected property owners written notice at least 48 hours prior to the start of construction on their property, which shall include:

- a) Description of vehicles using roads on the property, including type, size, identification, proposed times of entry and departure, destinations, and the intended route to the destination. (Fire, medical, or similar emergency vehicles can enter as necessary.) Significant changes in the schedule of construction-related vehicular traffic shall be allowed within the 48-hour advance noticing subject to direct communication (e.g. telephone, personal communication) by ~~AAPLP~~ the permitte with the affected property owners;
- b) Description of estimated construction schedule across the property. Any blasting necessary during construction shall be noticed to all property owners within a one mile radius of the blasting area;
- c) Description of times of limited access through and across the property, such as road closures on the property, indicating specific location, time and duration of the limited access or closure. Road closure is considered to include partial road blockage or disturbance. Suitable vehicular by-pass shall be provided during all closures;
- d) Description of any probable hazard or other unsafe condition during the pipeline construction period, indicating the nature of the hazard, the area in which the condition will occur, and the time and duration of the activity. ~~AAPLP~~ The permitte and its contractors shall take prompt and adequate action to correct any hazard or damage that does occur during construction, and shall provide appropriate noticing as per other parts of this condition;



- e) Description of helicopter and/or vehicle reconnaissance schedules for pipeline maintenance, indicating times, stops, and duration. ~~AAPLP~~ The permitte shall establish and enforce appropriate rules for its personnel and its contractors to assure that they will not be in the area except when necessary to carry out construction, inspection, repair and maintenance activities, or emergency services;
- f) Description of schedule for cutting any fences or similar barriers during pipeline construction.

**J-6. Deleted.**

**J-7. Property Owner's Fences/Barriers During Construction**

Unless easements have been obtained from affected property owners or unless otherwise agreed to by affected property owners if and when fences or other similar barriers must be cut during pipeline construction, ~~AAPLP~~ the permitte shall provide advance notice to the affected property owner, and shall replace the function of the cut fence before the cut is made to the satisfaction of the property owner, and ~~AAPLP~~ the permitte and its contractors shall restore all fences that have been cut, moved, or damaged to at least their condition prior to pipeline construction, except that gates or similar structures may be added as approved to provide access.

**J-8. Utility Lines and Services During Construction**

Interruption of telephone, electrical power, water or other utility services shall be minimized to the extent feasible during the pipeline construction period. The permitte ~~AAPLP~~, or its contractors, shall contact each property owner or the appropriate utility regarding the location of utility lines, and all such utility line locations shall be staked by the permitte ~~AAPLP~~ or its contractors prior to the start of construction on the affected property.

**J-9. Compliance with All Applicable County Statutes, Etc.**

During the pipeline construction period in the County, the permitte ~~AAPLP~~ and its contractors shall comply fully with all applicable statutes, ordinances, rules and regulations, including traffic regulations, of the County.

**J-10. Proof of ROW Prior to Construction**

Prior to entering upon any parcel of property for purposes of commencing construction, the permitte ~~AAPLP~~ shall demonstrate to the Planning and Development Resource Management Department that it has obtained a right-of-way for such parcel or otherwise has obtained the right to enter the property for purposes of constructing the pipeline.

**J-11. Restricted Use of ROW After Construction**

Following installation of the pipeline, use of the right-of-way is restricted to operational maintenance of the pipeline except where expressly permitted by the easement or landowner and consistent with other regulations and conditions.

## **J-12**

~~AAPLP~~ The permitte shall implement the sign plan approved by State Parks, and dated August 11, 2000, prior to beginning work on the Gaviota Creek Pipeline Lowering and Relocation project. **MONITORING:** EQAP monitor to check in field. *(adopted by the Planning Commission on September 6, 2000)*

## **K. TRANSPORTATION**

### **K-1. Worker Transportation Program**

Prior to issuance of the Coastal Development Permit and Land Use Permit, ~~AAPLP~~ the permitte shall submit to the Planning and Development Resource Management Department and the Department of Public Works, Road Division a worker transportation program designed to minimize traffic-related impacts. The plan shall identify on- and off-site parking areas, access routes, shuttle program to reduce number of working vehicles on and along pipeline construction corridor, measures to avoid traffic conflicts with residents using all roads affected, number of vehicles accessing the facilities sites and incentives for ride-pooling/van-pooling to the sites. Construction worker traffic and parking shall not interfere with normal and reasonable uses of private property or recreational areas. This Construction Traffic Mitigation Plan shall be submitted by ~~AAPLP~~ the permitte and approved by County prior to initiation of construction. The program must consider both ~~AAPLP's~~ the permitte employees and contractors.

### **K-2. Permanent Parking Areas at the Pump Stations**

Any new permanent parking areas at the pump stations shall be screened from public view pursuant to the landscape plan approved by the Board of Architectural Review.

### **K-3. Engineering Plans for All Pipeline Crossings of County Roads**

The final engineering plans and procedures for all pipeline crossings of County roads must be approved prior to issuance of the Land Use Permit and Coastal Development Permit by the Department of Public Works. Notification of such approval must be submitted to the Planning and Development Resource Management Department prior to construction at the site.

### **K-4. Pipeline Construction Activity Limited to ROW**

All pipeline construction activity, except ingress and egress along routes approved by the Planning and Development Resource Management Department and in consultation with affected property owners, shall be limited to the final staked right-of-way on the final approved pipeline route. Use of any private roads or other areas shall be allowed only after advance approval from the affected property owners.

### **K-5. Mitigation Plan for Impacted County Roads**

Prior to the Final Development Plan, ~~AAPLP~~ the permitte must submit to the Public Works Department for approval a plan to mitigate impacts to all County roads which will be used during construction. This plan will include the type of vehicles and machinery which will traverse the roads, the frequency of road use for each piece of equipment and vehicle, and the gross vehicle

weights loaded and unloaded. This includes the above information for trucks carrying pipe, fuel, construction supplies, or construction crews through the County to the construction spreads. This plan shall include an agreement with the County to repair any obvious damage to the satisfaction of the Public Works Director and any reasonable fees associated with eventual reconstruction caused by project-related damages of the public roads. Prior to drafting this agreement, County shall coordinate with ~~AAPLP~~ the permitte in compiling a list of County roads which will be used for construction of the pipeline. ~~AAPLP~~ The permitte shall demonstrate property owner (or Court) approval of private road maintenance plans or terms on privately owned parcels to the Planning and Development Resource Management and Public Works Department prior to entering upon said parcels for purposes of commencing construction.

#### **K-6**

If repairs are necessary to roads used by construction equipment for the Gaviota Creek Pipeline Lowering and Relocation project, ~~AAPLP~~ the permitte shall either complete the repairs or provide funding as determined by State Parks, County Public Works or Caltrans. **MONITORING:** EQAP monitor to visually inspect roads before and after the construction period. (*adopted by the Planning Commission on September 6, 2000*)

#### **K-7**

~~AAPLP~~ The permitte shall provide workers at the access road gate and the work site to manage traffic by radio for the duration of the Gaviota Creek Pipeline Lowering and Relocation project. ~~AAPLP~~ The permitte shall coordinate with PAPCO/PANGL and any subcontractor normally requiring access to the site. **MONITORING:** EQAP monitor to check in field. (*adopted by the Planning Commission on September 6, 2000*)

### **L. CULTURAL RESOURCES**

#### **L-1. Cultural Resources Surveys Plan**

Prior to approval of the Final Development Plan, ~~AAPLP~~ the permitte shall submit a plan detailing the methods for the Phase I (walkover) and Phase II (site importance assessment) cultural resources surveys. In addition, ~~AAPLP~~ the permitte shall submit all Phase I cultural work completed to date. These reports shall be approved by the Planning and Development Resource Management Department as part of the Final Development Plan. Prior to issuance of the Land Use Permit and Coastal Development Permit, ~~AAPLP~~ the permitte shall complete Phase I and Phase II cultural resource surveys for the entire route. The results of these surveys shall be approved by the Planning and Development Resource Management Department prior to issuance of said permits. ~~AAPLP~~ The permitte shall avoid to the maximum extent feasible all known cultural resource sites along the pipeline route unless safety (e.g. seismic or engineering practices) considerations or sensitive biological habitats preclude avoidance.

#### **L-2. Cultural Resources Mitigation Plan**

Prior to issuance of the Coastal Development Permit and Land Use Permit, the permitte ~~AAPLP~~, in consultation with the Native American Community, shall commence the cultural resources mitigation plan, in accordance with CEQA Appendix K, County approved Prehistoric Archaeological Guidelines, and section 4.1.1.11, Cultural Resources, of the EIR/EIS. Implementation of the mitigation plan shall proceed on an expeditious and effective schedule in

order to minimize or to avoid conflicts with other construction scheduling requirements delineated in other permit conditions. The main components of the mitigation plan shall include:

- a) Selection of a qualified archaeologist by the County Resource Management Department in consultation with Native American representatives. The archaeologist shall be available on an as-needed basis through the completion of pipeline construction. The archaeologist shall be funded by ~~AAPLP~~ the permitte and shall be responsible to the County Planning and Development ~~Resource Management~~ Department. Compensation shall cover all excavation, analysis, and report preparation for all areas investigated including those found during construction;
- b) Avoidance of known sites wherever feasible;
- c) Test excavations of known sites that cannot be avoided. These test excavations will assess the importance of each site according to CEQA Appendix K criteria or other requirements and will result in appropriate data recovery as a mitigation measure;
- d) Inclusion of Native American representatives in all field activities;
- e) Additional sub-surface sampling (use of shovel test pits) in defined sensitive areas which will be affected by project construction to confirm the presence/absence of previously unknown (undiscovered) sites. This will include surveying of proposed construction access road areas, once identified by the permitte ~~AAPLP~~. Any new sites found shall be treated as per condition L-2(b, c);
- f) Following the determination of site importance, ~~AAPLP~~ the permitte shall inform the County of any additional plans for site avoidance. For those sites not avoided, the consulting archaeologist shall, in consultation with the Native American community, prepare site-specific mitigation (excavation/data recovery) plans; and
- g) Implementation and completion of the field work aspects of the site-specific mitigation plans prior to construction in the vicinity of the resource.

### **L-3. Pre-Construction Workshop with Native Americans**

Prior to pipeline installation activities, ~~AAPLP~~ the permitte shall sponsor a workshop for its pipeline contractors and Native American consultants to review and explain the mutual concerns and activities of the parties during pipeline installation work.

### **L-4. Archaeologist and Native American On-Site During Construction**

During pipeline installation, a Planning and Development ~~Resource Management~~ Department approved archaeologist and Native American consultant(s) will work with the contractor during trenching to insure continued avoidance. Adequate monitors shall be provided pursuant to an agreement between the Native American representatives and the permitte ~~AAPLP~~, and the archaeologist retained.

### **L-5. Ownership of Non-Burial Associated Cultural Resource Artifacts**

If non-burial associated cultural resource artifacts are recovered during pipeline installation (the location of such artifacts being unknown prior to installation), ownership of such artifacts shall be the option of either the permitte ~~AAPLP~~, the Native American Community, or the archaeological community. In recognizing the origin of the materials, the Native American Community shall have the first option for ownership. The disposition of the artifacts shall be carried out as per the approved County guidelines.

#### **L-6. Burial Associated Artifacts Found During Construction**

If burials or burial associated artifacts are found during installation (that were unknown prior to excavation), and cannot be avoided because of safety considerations, there shall be no further excavation or disturbance of the site. ~~The permitte AAPLP~~, in conjunction with the Native American representatives and the ~~Planning and Development Resource Management~~ Department, shall adhere to the guidelines in CEQA Appendix K and the County Archaeological guidelines prior to continued construction activity in the site area.

#### **L-7. Phase II Cultural Resource Guidelines**

If the County cultural resource guidelines for Phase II are modified and approved prior to November 19, 1985, ~~AAPLP~~ the permitte shall abide by the requirements set forth in the guidelines in place at the time of Final Development Plan approval.

#### **L-8**

For the Gaviota Creek Pipeline Lowering and Relocation project, construction envelopes shall be restricted to those areas shown on the site plans dated 8/4/99, in order to avoid impacts to the cultural resources. No construction, earth disturbance or construction equipment shall occur or operate outside of these areas. Subsurface structures including septic systems and utilities and accessways including roads, driveways and utilities shall not be placed outside the envelopes. Envelope boundaries shall be staked in the field. Prior to vegetation removal, the proposed easternmost staging area must be delineated and an archaeologist must verify that the staging area is not located over either of CA-SBA-2067/H's recorded historic adobe foundations or that adequate matting (as determined by the Gaviota State Park's archaeologist) is placed over the foundations. **Plan Requirements:** Construction envelopes shall be shown on all grading and building plans. This condition shall be noted on all final plans to describe the activities disallowed outside the approved envelopes. **Timing:** Construction drawings shall be submitted to Planning and Development prior to CDP. Envelopes shall be staked prior to start of grading or structural development. **MONITORING:** During plan check, the planner shall ensure that all construction is to occur within approved envelopes. Staking shall be checked during pre-construction meeting. Planning and Development's EQAP monitor and planners shall inspect and photo document during all construction phases to ensure development is confined to construction envelopes and that staking remains in place during site grading and construction. (*Mitigation Measure AR-1*) (*adopted by the Planning Commission on September 6, 2000*)

#### **L-9**

At the commencement of project construction for the Gaviota Creek Pipeline Lowering and Replacement Project, the archaeological monitor shall give all workers associated with earth-disturbing procedures an orientation regarding the possibility of exposing unexpected cultural remains and directions as to what steps are to be taken if such a find is encountered. **MONITORING:** EQAP monitor to verify orientation is conducted at meeting. (*Mitigation Measure AR-2*) (*adopted by the Planning Commission on September 6, 2000*)

#### **L-10**

For the Gaviota Creek Pipeline Lowering and Replacement project, all earth disturbances including scarification and placement of fill within the archaeological site area shall be monitored by a Planning and Development-qualified archaeologist and a Native American

Consultant pursuant to County Archaeological Guidelines. **Plan Requirements and Timing:** Prior to commencing work, a contract or Letter of Commitment between the applicant and the archaeologist, consisting of a project description and scope of work, shall be prepared. The scope of work must be submitted to Planning and Development for review and comment. **MONITORING:** Planning and Development planners shall confirm monitoring by archaeologist and Planning and Development's EQAP monitor shall spot check field work. (*Mitigation Measure AR-3*) (adopted by the Planning Commission on September 6, 2000)

#### L-11

In the event archaeological remains are encountered during grading for the Gaviota Creek Pipeline Lowering and Replacement project, work shall be stopped immediately or redirected until a Planning and Development qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements/Timing:** This condition shall be printed on construction drawings and submitted to Planning and Development prior to CDP. **MONITORING:** EQAP monitor shall spot check in the field. (*Mitigation Measure AR-4*) (adopted by the Planning Commission on September 6, 2000)

#### L-12

If human remains are unearthed during the Gaviota Creek Pipeline Lowering and Replacement project, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then contact the most likely descendent of the deceased Native American. **Plan Requirements/Timing:** This condition shall be printed on construction drawings. **MONITORING:** EQAP monitor shall spot check in the field. (*Mitigation Measure AR-5*) (adopted by the Planning Commission on September 6, 2000)

### M. VISUAL RESOURCES

#### M-1. Board of Architectural Review Approval

All facility design (e.g. pump stations, landscaping and signs), shall be in accordance with a plan approved by the County Board of Architectural Review (BAR) including the criteria outlined in the Coastal Zoning Ordinance Section 35-87.9 and Section 35-184. Prior to the issuance of the Land Use Permit and Coastal Development Permit, ~~AAPLP~~ the permittee shall submit to the BAR and the ~~Planning and Development Resource Management~~ Department and obtain their approval of a plan demonstrating that Conditions M-2 through M-5 are met. For visual screening of surface equipment along the pipeline route, ~~AAPLP~~ the permittee shall consult with each affected property owner during development of the associated landscaping plan.

#### M-2. Exterior Lighting

No unobstructed or unshielded beam of exterior lighting shall be directed towards any area outside the exterior boundaries of ~~AAPLP's~~ PPC's property or easement. Any lighting along roadways within the project shall utilize low intensity, ground level, shielded fixtures. The plan shall

demonstrate that all feasible measures have been taken to reduce obtrusive night lighting and glow from the pump stations.

### **M-3. Pump Station Facilities Lighting**

To the extent feasible no glare or other radiation resulting from pump station facilities, other than lighting fixtures constructed pursuant to this Development Plan, shall be detectable at any point along or outside the required screening along exterior boundaries of the pump stations.

### **M-4. Painting of Pump Stations Prior to Pipeline Operation**

Prior to the pipeline operation, the Gaviota pump station, visible from Highway 101 and the Gaviota Village, the Sisquoc pump station visible from public viewshed, and all above ground portions of the pipeline shall be painted to harmonize with the surrounding area.

### **M-5. Visibility of Above-Surface Structures**

No above-surface structures except necessary pipeline markers, pump stations, cathodic test stations, necessary fencing, and block valves shall be visible along this route after the completion of pipeline construction. Signs shall not detract from scenic areas or views from public roads to the extent feasible.

### **M-6. Determination of ROW in Gaviota State Park**

Prior to construction, ~~AAPLP~~ the permitte will review the feasibility of implementing mitigation measures and/or realignments in the Gaviota State Park area to avoid blasting of ridgetops and alteration of topography in a scenic area. ~~AAPLP~~ The permitte shall submit a plan to the Planning and Development Resource Management Department, for review and approval, which identifies the feasibility of shifting the ROW alignment to the west, leaving the ridge profile undisturbed. The plan shall include an investigation of utilizing prefabricated pipeline bends to allow for alignment around ridgetops, the use of stepped benches in steep terrain, and the future use of such a corridor for additional pipelines.

### **M-7**

Any exterior night lighting installed on the project site for the Gaviota Creek Pipeline Lowering and Replacement project shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the project site and prevent spill-over onto adjacent areas, especially U.S. Highway 101. In addition, ~~AAPLP~~ the permitte shall consult with Caltrans on the location and type of lighting to be used to ensure it does not present a traffic hazard. **Plan Requirements and Timing:** This requirement shall be printed on all construction drawings prior to issuance of Coastal Development Permit (CDP). ~~AAPLP~~ The permitte shall provide Planning and Development with a letter documenting their coordination efforts with Caltrans prior to CDP. **MONITORING:** EQAP monitor to confirm no impacts from night lighting. *(Mitigation Measure V-2) (adopted by the Planning Commission on September 6, 2000)*

## **N. NOISE**

### **N-1. Noise Monitoring and Control Plan**

Prior to issuance of the Coastal Development Permit and Land Use Permit, ~~AAPLP the permitte~~ shall file with the Planning and Development ~~Resource Management~~ Department a Noise Monitoring and Control Plan which has been approved previously by the Department of Health Care Services and the Planning and Development ~~Resource Management~~ Department. The plan shall describe the best efforts ~~AAPLP the permitte~~ shall take to reduce the noise impacts of the project both during construction and operation of the project. The approved plan shall be implemented by ~~AAPLP the permitte~~ and shall be followed until temporarily suspended or deemed no longer necessary by the Planning and Development ~~Resource Management~~ Department. The plan shall include provisions to ensure that items N-2 through N-6 below are included.

## **N-2. Sound Levels During Operation**

Except for motor vehicles and motorized construction equipment, all facilities shall be designed, constructed, operated and maintained such that sound levels during operation do not exceed 70 dbA at or beyond the property line or pipeline easement, as measured on the "A" weighted scale at slow response on approved sound level measuring instruments. Affected property owners along the pipeline route shall be notified by ~~AAPLP PPC~~ at least 48 hours in advance of any planned testing or maintenance of the line which may exceed noise standards. The facility shall comply with all standards established in the Noise Element of the Comprehensive Plan and the Coastal Zoning Ordinance. No residents, teachers, students and staff at the Vista del Mar School shall be subjected to greater than a 9 dbA increment above the baseline ambient noise level, nor greater than a 3 dbA increase in day-night sound levels. The best available technology, including but not limited to muffling equipment, sound barriers, and landscaping measures shall be used to minimize operational noise impacts.

## **N-3. Project-Related Noise During Construction**

During the construction and operation phases, project-related noise at the Gaviota State Park, Vista del Mar School, Buellton area, or other points which may be impacted (as determined by the Health Care Services Director), shall be minimized between the hours of 7:00 a.m. and 10:00 p.m. Prior to construction in the impacted areas, ~~AAPLP the permitte~~ will notify all residents within 1200 feet of the pipeline that noise impacts may occur during specific construction periods. Noise shall be limited to 50 dbA between the hours of 10:00 p.m. and 7:00 a.m., consistent with the County Noise Element and the Coastal Zoning Ordinance. Blasting shall be limited to the hours between 7:00 a.m. and 7:00 p.m. and directional charges shall be used to minimize noise.

## **N-4. Noise Generating Activities During Construction**

As determined by the ~~Resource Management~~ Planning and Development Department, noise generating project activities (including delivery of construction equipment through residential areas) shall be restricted between the hours of 10:00 p.m. and 7:00 a.m. If complaints arise concerning activities occurring during these hours, ~~AAPLP the permitte~~ shall take additional feasible steps to reduce the noise levels or further restrict the offending activity.

## **N-5. Helicopter and Aircraft Noise**

Prior to approval of the Final Development Plan, ~~AAPLP the permitte~~ shall submit to the Director of the Planning and Development ~~Resource Management~~ Department procedures that ~~AAPLP the~~



permitte will take to minimize noise impacts from helicopters, or other aircraft during the aerial surveys of pipeline. The procedures, to be approved by the Planning and Development Resource Management Department, shall specify overflight routes to be taken to minimize noise impacts to the community and other feasible measures. ~~AAPLP~~ The permitte shall direct its contractors to abide by the helicopter procedures and shall take reasonable corrective action if complaints arise concerning the use of helicopters. Subject to flight safety considerations, ~~AAPLP~~ the permitte shall avoid helicopter flights over residential areas.

## **N-6. Operation-Related Equipment Noise**

All construction and operation-related equipment shall be operated and maintained to minimize noise generation, ground vibration, and to avoid interference with radio or video communications.

## **N-7**

For the Gaviota Creek Pipeline Lowering and Replacement project, construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 5:00 p.m. No construction shall occur on State holidays (e.g. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities are not subject to these restrictions. For the final pipeline segment tie in activities, work may continue beyond these hours as authorized by State Parks. **Plan Requirements:** This condition shall be printed on construction drawings. **MONITORING:** EQAP monitor shall spot check and respond to complaints. (*Mitigation Measure N-1*) (*adopted by the Planning Commission on September 6, 2000*)

## **O. ABANDONMENT**

### **O-1. Removal of Pipeline and Pump Stations Upon Permanent Shut Down**

Immediately following permanent shut down of the pipeline, ~~AAPLP~~ PPC shall remove abandoned pump stations and unburied portions of the pipeline within Santa Barbara County constructed under this permit, recontour the site and revegetate the site in accordance with a County approved revegetation plan within one year of permanent shut down. ~~AAPLP~~ PPC shall post a performance bond to insure compliance, or continue to pay property taxes as assessed during project operation until site restoration is complete, as determined by the County.

## **P. SYSTEMS SAFETY AND RELIABILITY**

### **P-1. SSRRC Review of Diagrams**

~~AAPLP~~ The permitte shall submit all appropriate pump station, valve, and pipeline construction and process diagrams to a System Safety and Reliability Review Committee (SSRRC) who may employ a third-party technical review in order to evaluate pipeline design and help identify possible design hazards prior to construction. The System Safety and Reliability Review Committee shall consist of a representative from the County Public Works Department, the APCD, the County Fire Department, County Flood Control District and the Planning and Development Resource Management Department. All reasonable costs associated with any County review shall be borne by ~~AAPLP~~ the permitte. ~~AAPLP~~ The permitte shall be entitled to participate fully in the review process. If the review reveals a concern, the SSRRC shall share its findings with ~~AAPLP~~ the permitte. If ~~AAPLP~~ the permitte does not agree with the findings, the

County's recourse is with the Department of Transportation, Office of Pipeline Safety for areas of pipeline construction under the jurisdiction of 49 CFR Part 195 (Transportation of Hazardous Liquids by Pipeline), with the exception of areas/issues agreed to by ~~AAPLP~~ the permitte and the County.

## **P-2. Safety Inspection, Maintenance and Quality Assurance Program**

~~AAPLP~~ The permitte shall submit a detailed Safety Inspection, Maintenance and Quality Assurance Program for the pump stations, valves, and the pipeline which shall be implemented during construction and operations. The Program shall include, but not be limited to, inspection of construction techniques, regular maintenance and safety inspections, periodic safety audits, corrosion monitoring and leak detection, inspections of all trucks carrying hazardous and/or flammable material.

The construction section of the Program shall be reviewed by the System Safety and Reliability Review Committee and/or its consultants prior to issuance of the Coastal Development Permit and Land Use Permit. ~~AAPLP~~ The permitte shall fund a full-time U.S. Department of Transportation (or designated representative) pipeline inspector during pipeline construction phase activities. The operations section of the Program shall be reviewed by the System Safety and Reliability Review Committee and/or its consultants prior to start-up. The Program shall be submitted sufficiently prior to ~~AAPLP's~~ the permitte's projected start-up date so as to allow reasonable time for staff review. All costs associated with this review process shall be borne by ~~AAPLP~~ the permitte. Should the Committee find fault with these submissions, it will indicate its concerns to ~~AAPLP~~ the permitte. If ~~AAPLP~~ the permitte decides not to modify its plans to meet these concerns, the County's recourse is with the Department of Transportation, Office of Pipeline Safety for all areas under the jurisdiction of 49 CFR Part 195 (Transportation of Hazardous Liquids by Pipeline). In such a case, County shall timely notify DOT of review findings. Permits may not be withheld or suspended due to County concerns which are under the jurisdiction of 49 CFR Part 195 (Transportation of Hazardous Liquids by Pipeline), with the exception of areas/issues agreed to by ~~AAPLP~~ the permitte and the County.

## **P-3. Emergency Response Plan**

~~AAPLP~~ The permitte shall submit an Emergency Response Plan detailing response procedures to be implemented by ~~AAPLP~~ the permitte for accidental events affecting public safety and the environment. This plan shall be based on a comprehensive risk analysis reviewed by the System Safety and Reliability Committee (condition P-1). The plan shall be reviewed and approved by the County Emergency Services Coordinator, the Fire Department, and the Planning and Development Resource Management Department prior to start-up. Approval of the Plan shall be based on its consistency with the County's Area-Wide Oil and Gas Emergency Response Plan. The Program shall be submitted sufficiently prior to ~~AAPLP's~~ the permitte projected start-up date so as to allow reasonable time for staff review. ~~AAPLP~~ The permitte shall demonstrate the effectiveness of the Emergency Response Plan by responding to one emergency response drill prior to or immediately after start-up.

## **P-4. Funding the County Emergency Response Plan**

In order to assure that County emergency response procedures adequately interface with the ~~AAPLP~~ the permitte's emergency response procedures, ~~AAPLP~~ the permitte shall provide its

reasonable pro-rata share of funds to the County, to develop and implement a feasible County Emergency Response Plan for oil and gas industry related emergencies. As appropriate, the County shall request funds from other oil industry operators to aid in funding of the County Emergency Response Plan. When available, the Planning and Development Resource Management Department shall provide ~~the permitte AAPLP~~ the permitte with an estimate of the pro rata share of funds to be provided by ~~AAPLP~~ the permitte and the method for allocating such costs among other operators.

#### **P-5. Oil Spill Contingency Plan**

~~AAPLP~~ The permitte shall submit an Oil Spill Contingency Plan detailing cleanup procedures and restoration procedures to be employed in the event of a spill. This plan shall be reviewed and approved by the Planning and Development Resource Management Department and the County Emergency Services Coordinator prior to start-up. The Program shall be submitted sufficiently prior to the permitte AAPLP's projected start-up date so as to allow reasonable time for staff review. Procedures and techniques shall be selected to augment the Emergency Response Plan. The intent of the Oil Spill Contingency Plan is to detail spill site restoration subsequent to emergency response. The plan shall be approved based on its consistency with the intent of the condition "to detail site restoration subsequent to emergency response."

#### **P-6. Site Security Plan**

Prior to approval of the Final Development Plan, ~~AAPLP~~ the permitte shall submit to the Santa Barbara County Sheriff's Department for review and approval a site security plan. The plan shall describe procedures to be implemented by ~~AAPLP~~ the permitte which will prevent intentional damage to facilities which may result in environmental damage or public safety hazards.

#### **P-7. Temporary County Fire Company**

~~AAPLP~~ The permitte shall cooperate with Chevron as necessary to facilitate the establishment of a temporary County fire company until the completion of the fire station (as specified in Chevron condition P-9). Prior to issuance of the Coastal Development Permit and Land Use Permit, the County Emergency Response Coordinator and Fire Department must be satisfied that provisions have been made to establish an operational fire company in the project area.

#### **P-8. Cooperation with Chevron for Gaviota Area Fire Station**

Prior to approval of the Final Development Plan, ~~AAPLP~~ the permitte shall agree to participate in a plan to be submitted to the County Fire Department by Chevron USA Inc., for the construction, manning and equipping of a fire station in the Gaviota area. The permitte AAPLP shall contribute their pro rata share of the cost of implementing this plan. When available, the Planning and Development Resource Management Department shall provide ~~AAPLP~~ the permitte with an estimate of the pro rata share of funds to be provided by ~~AAPLP~~ the permitte and the method for allocating such costs among other operators.

#### **P-9. Fire Protection Plan for the Pump Stations**

Prior to Final Development Plan, ~~AAPLP~~ the permitte shall submit to and obtain conceptual approval from the Fire Department, a Fire Protection Plan for the pump station locations. Final

approval shall be obtained prior to start-up. Criteria to be addressed shall be obtained from the County Fire Department.

#### **P-10 Transporting LPGs and NGLs Through Pipelines**

Prior to approval of the Final Development Plan, ~~AAPLP the permitte~~ shall assess the feasibility of transporting liquefied petroleum gases and natural gas liquids, (LPGs and NGLs) through the proposed pipeline by blending and/or batching, considering industry-wide projected volumes and market destinations of the gas liquids. ~~AAPLP the permitte~~ shall report to the Planning and Development Resource Management Department the results of this assessment, and this information shall include all technological and safety constraints involved, amount and type of additional storage facilities needed, and the degree to which LPGs and NGLs produced in the area can be transported through the AAPLP's pipeline. ~~AAPLP PPC~~ shall transport the NGLs through this pipeline, to the extent feasible within safety and legal constraints as identified by the report and as requested by the users. In addition, under the reporting provisions of Condition C-1, ~~AAPLP PPC~~ shall inform the County of the types and amounts of gas liquids shipped in the pipeline during operations.

#### **P-11. Vista del Mar School Accommodation**

If the Vista del Mar School has not been relocated or is located at a site where it could be impacted by construction activities, prior to approval of the Final Development Plan, ~~AAPLP the permitte~~ and the Board Trustees of the Vista Del Mar School District shall develop a reasonable and mutually agreeable construction plan for the pump station site and pipelines adjacent to the site that will minimize construction-related noise, air pollution, and visual disturbance to the School during school hours. Said construction plan shall include the following: Pipeline construction noise near the School shall be held to ambient noise levels or construction shall occur only when school is not in session; to prevent exceedance of the California one-hour NO<sub>2</sub> standard, construction schedules must be modified to minimize overlapping of equipment emissions; and, during construction of the pipeline, activities nearest the school shall be scheduled when school is not in session in accordance with Condition B-5 and temporary barriers shall be erected around noisiest activities. No grading for the Gaviota pump station shall occur during School session hours.

In the event that any agreements contained herein cannot be reached on the construction plan, the Board of Supervisors shall arbitrate any dispute.

#### **P-12. Deleted.**

#### **P-13. Communication at the Operations Control Center and Activated Valves**

~~AAPLP~~ The permitte will design the pipeline such that the entire pipeline will have effective control communication between the operations control center and all remotely activated valves. Any break, rupture, and/or damage to the pipeline shall result in the orderly shutdown of the pumping operations, and will activate the shut off valves, if appropriate, in a manner which will minimize environmental damage.

#### **P-14. Compliance with the Watershed Fire Protection Plan**

During construction of the pipeline in fire sensitive areas, ~~AAPLP~~ the permitte shall meet or exceed applicable guidelines and requirements set forth in a Watershed Fire Protection Plan provided by the combined local fire protection agencies, Santa Barbara County Fire, U.S. Forest Service, and the California Department of Forestry. This shall include, but not be limited to: modifications of welding operations, required fire patrolman position(s), firefighting equipment, and construction restrictions due to extreme fire weather.

**P-15. Compliance with the National Fire Protection Association Standards**

All facilities, construction activities and equipment shall comply with National Fire Protection Association standards.

**P-16. Map of Finished Pipeline Route**

Upon completion of pipeline construction, ~~AAPLP~~ the permitte shall provide all jurisdictional agencies (S.B. County Fire, USFS, CDF) with at least two copies of maps showing the finished pipeline route and shall include locations accessible by fire department emergency response vehicles. Said maps shall be 7 1/2 minute quadrangle scale, (one inch equals 24,000 inches), and shall represent topographical features.

**P-17. Compliance with the 1982 Uniform Fire Code**

~~AAPLP~~ The permitte shall be subject to required fire department inspections during and after construction as set forth by the 1982 Uniform Fire Code and these conditions.

**P-18. Alternative Pipeline Corridor Alignments**

Prior to approval of the Final Development Plan, ~~AAPLP~~ the permitte shall designate alternative pipeline corridor alignments which avoid the two potentially impacted, proposed alternative permanent relocation school sites now under study by the Vista del Mar Union School District. These proposed alternative locations are the State Park at Las Cruces, and the Tajiguas Ranch property. County shall review and approve said alternative alignments as part of the Final Development Plan and ~~AAPLP~~ the permitte shall implement the appropriate alternative alignment depending on the permanent school relocation site chosen by the Vista del Mar School District.

**P-19. PCB Contamination at Canada de la Huerta**

Prior to initiation of any pipeline construction at Canada de la Huerta, ~~AAPLP~~ the permitte shall demonstrate to the satisfaction of Environmental Health Services that either: (1) no PCB contamination exists in the road and fill area across which the pipeline alignment is proposed; or, (2) that any PCB contamination detected has been adequately remediated. ~~AAPLP~~ the permitte shall submit verification of Environmental Health Services' approval for construction to the Planning and Development Resource Management Department prior to issuance of the Coastal Development Permit for pipeline construction in the Canada de la Huerta area.

**P-20. Soil Tests at the Booster Pump Site**

To determine the potential for hazardous materials contamination, AAPLP the permitte shall conduct soil tests at the booster pump site prior to construction, in coordination with the County Environmental Health Services Division.

**P-21. Texaco's Emergency Access Road**

~~AAPLP~~ the permitte shall not operate construction equipment on Texaco's emergency access road except to gain access to and from the construction site.

**P-22**

~~AAPLP~~ the permitte shall coordinate with PAPCO/PANGL to stake their pipelines prior to any excavation work for the Gaviota Creek Pipeline Lowering and Relocation project. Also, ~~AAPLP~~ the permitte shall stake their existing 30" crude oil line prior to any excavation work. **Plan Requirements:** This condition shall be printed on construction drawings. **MONITORING:** The EQAP monitor shall verify that the pipelines have been staked prior to construction. *(Mitigation Measure R-2) (adopted by the Planning Commission on September 6, 2000)*

**P-23**

For the Gaviota Creek Pipeline Lowering and Relocation project, if necessary, equipment needed within the creekbed should access the site from the west side so as not to cross the existing oil and gas lines. **Plan Requirements:** This condition shall be printed on construction drawings. **MONITORING:** EQAP monitor to verify compliance in the field. *(Mitigation Measure R-3)(adopted by the Planning Commission on September 6, 2000)*

**P-24**

If any discolored or contaminated soil is encountered during construction of the Gaviota Creek Pipeline Lowering and Relocation project, ~~AAPLP~~ the permitte shall suspend work activities in the immediate area and report to Protection Services Division (PSD) and the Energy Division immediately. PSD shall inspect the site with ~~AAPLP~~ the permitte and shall determine the extent of the contamination. ~~AAPLP~~ the permitte shall proceed as directed by PSD and the Energy Division should contamination be found. Such direction may include preparation of a Site Assessment and Work Plan, and site remediation if deemed necessary. **Plan Requirements:** This condition shall be printed on construction drawings. **MONITORING:** EQAP monitor to verify compliance in the field. *(Mitigation Measure R-4) (adopted by the Planning Commission on September 6, 2000)*

**P-25**

Portable catch basins shall be placed beneath cut points prior to and for the duration of cutting activities for the Gaviota Creek Pipeline Lowering and Relocation project. A vacuum truck shall be onsite until all pipeline drainage and repair operations are completed. **Plan Requirements:** These requirements shall be printed on construction drawings. **MONITORING:** EQAP monitor to verify compliance in the field. *(Mitigation Measure R-5) (adopted by the Planning Commission on September 6, 2000)*

**P-26**

Following installation of the new pipeline segment at Gaviota Creek, use of the right-of-way shall be restricted to the pipeline easement. **MONITORING:** EQAP monitor to spot check in the field. *(adopted by the Planning Commission on September 6, 2000)*

**P-27**

~~AAPLP~~ The permitte shall, at all times during construction of the new pipeline segment at Gaviota Creek, provide onsite fire protection (water tanker, shovels and fire extinguishers). **Plan Requirements:** This condition shall be printed on construction drawings. **MONITORING:** EQAP monitor to spot check in the field. (*Mitigation Measure F-1*) (adopted by the Planning Commission on September 6, 2000)

**P-28**

For the Gaviota Creek Pipeline Lowering and Replacement project, a fire watch shall be maintained for at least one half hour after completion of cutting or welding operations to detect and extinguish smoldering fires if operations occur within 10 feet of combustibles. Hot work permits and fire watch operations shall be coordinated through County Fire. **Plan Requirements:** This condition shall be printed on construction drawings. **MONITORING:** EQAP monitor to monitor in the field. (*Mitigation Measure F-2*) (adopted by the Planning Commission on September 6, 2000)

**P-29**

If welding trucks are used for the Gaviota Creek Pipeline Lowering and Replacement project, the vehicles shall be inspected and a permit issued at Fire Station 18. This would ensure that all hoses are adequate, a fire extinguisher is available, and a spark arrester is installed on any motor. **Plan Requirements:** ~~AAPLP~~ The permitte to acquire a permit from Station 18. **MONITORING:** EQAP monitor to verify permit received prior to construction. (*Mitigation Measure F-3*) (adopted by the Planning Commission on September 6, 2000)

**P-30**

~~AAPLP~~ The permitte shall notify the Fire Department at least 48 hours before construction may begin for the Gaviota Creek Pipeline Lowering and Replacement project. **Plan Requirements:** This condition shall be printed on construction drawings. **MONITORING:** EQAP monitor to verify prior to construction. (*Mitigation Measure F-4*) (adopted by the Planning Commission on September 6, 2000)

**P-31**

~~AAPLP~~ The permitte shall clear vegetation 10 feet on each side of the PAPCO/PANGL vault access road, staging areas, and along access portions of the ~~AAPLP~~ pipeline right-of-way to 6 inches prior to construction of the Gaviota Creek Pipeline Lowering and Replacement Project. Vegetation near the cultural site at the Road 28 gate shall be hand cut to avoid adverse impacts to the site. **Plan Requirements:** This condition shall be printed on construction drawings. **MONITORING:** EQAP monitor to field check prior to construction. (*Mitigation Measure F-5*) (adopted by the Planning Commission on September 6, 2000)

**Q. FACILITY DESIGN**

**Q-1. Demonstration of Compliance**

The Final Development Plan shall demonstrate compliance with Santa Barbara County Coastal Zoning Ordinance, and other applicable County Ordinances to the extent required by this permit.

**Q-2. Energy Conservation Techniques**

Cost effective energy conservation techniques shall be incorporated into project design.

**Q-3. Common Carrier Pipeline**

~~AAPLP's~~ PPC's facilities will be operated as a common carrier pipeline with access for use available on a nondiscriminatory basis. County retains the right to verify that the use of the facilities is conforming with County policies on consolidation and to impose additional reasonable permit conditions where necessary to assure these policies are being fulfilled to the extent feasible. The intent of this condition is to ensure the multi-company access of oil transportation facilities.

**Q-4. Compliance with County Petroleum Ordinance No. 2795**

~~AAPLP~~ PPC shall comply with all applicable policies in Section 25 of the Santa Barbara County Petroleum Ordinance No. 2795.

**Q-5. Power Transmission Lines**

~~AAPLP~~ The permitte shall fund a pro-rata share of the costs to bury power transmission lines or of using environmentally and aesthetically preferred poles between the Goleta Substation and Gaviota in areas where the County and SCE determine it is not feasible to bury the lines. ~~AAPLP's~~ The permitte's pro-rata share shall be based upon an equitable cost-sharing formula applied to all users of the grid power consistent with PUC rate setting and applicable regulations.





## NOTICE OF EXEMPTION

**TO:** Santa Barbara County Clerk of the Board of Supervisors

**FROM:** Jacquelynn Ybarra, Planner, Energy Minerals & Compliance Division

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

**APN:** Various                      **Case No.:** Not Applicable

**Location:** 122 linear feet beginning at the Las Flores Pump Station to the Pentland Delivery Point

**Project Title:** Change of Ownership, Change of Guarantor, and Substitution of a Temporary Operator for the Los Flores Pipeline System (Lines 901/903): 88-DPF-033 (RV01)z, 88-CP-60 (RV01) (88-DPF-25cz; 85-DP-66cz; 83-DP-25cz), as amended

**Project Applicant:** Pacific Pipeline Company

**Project Description:** Applicant request requesting approval of the following:

1. A Change of Ownership of All American Pipeline L.P. (AAPL) 901 and 903 Pipeline System (Las Flores Canyon to Pentland) from Plains Pipeline L.P. (Plains) to PPC;
2. Substitution of a Temporary Operator of AAPL Lines 901 and 903 from Plains to ExxonMobil Pipeline Company (EMPCo); and
3. Change of Guarantor of AAPL Lines 901 and 903 from Plains to ExxonMobil Corporation.

PPC purchased Lines 901 and 903 from Plains on October 13, 2022. The pipelines are now registered with the California Office of the State Fire Marshal (OSFM) as the Las Flores Pipeline System under trunk line identifiers CA-324 (formerly 901), CA-325A (formerly 903 Gaviota to Sisquoc), and CA-325B (formerly 903 Sisquoc to Pentland). PPC requests that EMPCo be recognized as the temporary operator while EMPCo prepares its application for permanent operatorship. EMPCo would operate the pipeline system on behalf of PPC. PPC is a wholly owned subsidiary of Mobil Pacific Pipeline Company. EMPCo is a wholly owned subsidiary of Exxon Pipeline Holdings LLC. All are ExxonMobil Corporation companies. ExxonMobil Corporation is the Guarantor, using self-insurance/guarantee to support financial demonstration.

**Name of Public Agency Approving Project:** County of Santa Barbara, Planning and Development Department

**Name of Person or Entity Carrying Out Project:** Pacific Pipeline Company, ExxonMobil Pipeline Company, and ExxonMobil Corporation

Change of Ownership, Substitution of a Temporary Operator, and Change of Guarantor  
Las Flores Pipeline System (Lines 901/903)  
February 28, 2023  
Attachment C – 2

**Exempt Status:**

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- Declared Emergency

**Cite specific CEQA and/or CEQA Guidelines Section:** 15378(a); the proposed action does not constitute a project as defined in CEQA.

**Reasons to support exemption findings:** The request is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15378(a), as the proposed action does not constitute a “project” as defined in CEQA. Section 15378(a) states, in part:

*“Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonable foreseeable indirect physical change in the environment...”*

The approval of a permit change to reflect a change in ownership, guarantor, and temporary operator does not involve any physical modifications to the existing project, nor would the change result in any reasonably foreseeable environmental effects. The permit change requires only conformance with fixed standards and objective measurements of the County Code. Therefore, no further environmental review is required.

**Lead Agency Contact Person:** Jacquelynn Ybarra, Senior Planner, Energy Minerals & Compliance Division

**Phone #:** 805-568-2047      **Email:** [jybarra@countyofsb.org](mailto:jybarra@countyofsb.org)

**Department/Division Representative:** Errin Briggs, Supervising Planner, Energy Minerals & Compliance Division

**Date:** February 28, 2023

**Acceptance Date:** \_\_\_\_\_

**Distribution:** Hearing Support Staff

**Date Filed by County Clerk:** \_\_\_\_\_



RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:  
County of Santa Barbara  
Planning and Development  
Energy, Minerals, and Compliance Division  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
Attention: Errin Briggs, Supervising Planner

SEND ANOTHER COPY TO:  
Pacific Pipeline Company  
22777 Springwoods Village Parkway, E3.5A.537  
Spring, Texas 77389  
Attention: John Fowler, Right-of-Way & Claims

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**AGREEMENT TO COMPLY WITH CONDITIONS OF APPROVAL**

OWNER(S) and OPERATOR OF RECORD for the All American Pipeline, hereinafter referred to as the PROPERTY.

MONITORING AND REPORTING. This agreement is made to ensure that all conditions of approval for the All American Pipeline Project, Final Development Plan 88-DPF-033 (RV01)z, 88-CP-60 (RV01) [88-DPF-25cz; 85-DP-66cz; 83-PD-25cz], listed in Exhibit B, attached hereto, are complied with and that all monitoring and reporting actions required of the OWNER(S) / OPERATOR OF RECORD shall be fulfilled.

OWNER(S) and OPERATOR OF RECORD hereby agrees to allow the County or its representatives onto the PROPERTY to monitor and ensure compliance with all conditions of approval and/or to gather information relevant for reporting purposes and compliance with the conditions of approval.

FEES. The OWNER(S) and OPERATOR OF RECORD understands and agrees that they shall promptly pay all fees for monitoring compliance or enforcing conditions as required by conditions of the Final Development Plan.

PENALTIES FOR NON-COMPLIANCE. OWNER(S) and OPERATOR OF RECORD acknowledges that the County of Santa Barbara retains the right to bring any action which it determines is necessary to require compliance by OWNER with all conditions of approval. The County of Santa Barbara further retains the right to seek all remedies and sanctions for non-compliance, either criminal or civil, as may be provided for by law.

This agreement shall be recorded in the Official Records of Santa Barbara County and shall serve as notice of the restrictions and obligations contained herein to OWNER(S)/OPERATOR OF RECORD all encumbrancers, and the successors and assigns in interest of OWNER(S) / OPERATOR OF RECORD. This agreement shall affect the title and possession of the PROPERTY. All restrictions and obligations contained herein are to run with the land or any portion hereof and shall be binding upon the successors and assigns of OWNER(S) / OPERATOR OF RECORD regardless of how their interest is obtained. The OWNER(S) / OPERATOR OF RECORD and their successors and assigns may be released from this agreement if the relevant permit has expired and the OWNER(S) / OPERATOR OF RECORD has not performed substantial work in reliance upon the permit.

By signing this document, the OWNER(S) / OPERATOR OF RECORD agrees to comply with all conditions of approval as listed in Exhibit A, attached hereto.

I (WE) accept and agree to all terms, restrictions and obligations set forth in this agreement either expressly or by reference and incorporation.

Executed at Harris County, Texas on the 1st day of November, 2022.

OWNER / OPERATOR OF RECORD

By \_\_\_\_\_



(signature must be notarized)

STATE OF TEXAS       §  
                                  §  
                                  §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on the 1<sup>st</sup> day of November 2022 by Clint Beck, personally known to me.



\_\_\_\_\_

Kenneth Earle Watts

Notary Public of and for The State of Texas

**EXHIBIT A**

**CONDITIONS OF APPROVAL**

**ALL AMERICAN PIPELINE PROJECT  
FINAL DEVELOPMENT PLAN CONDITIONS  
88-DPF-033 (RV01)<sub>Z</sub>, 88-CP-60 (RV01)  
(88-DPF-25<sub>CZ</sub>; 85-DP-66<sub>CZ</sub>; 83-DP-25<sub>CZ</sub>)  
DECEMBER 12, 1988  
(AS MODIFIED THROUGH MAY 2003)**





## AGREEMENT

This Agreement is made on February 21, 2023, by and among Pacific Pipeline Company (“PPC”) and the County of Santa Barbara (“County”), collectively referred to herein as “Parties.”

### RECITALS

A. WHEREAS, PPC acquired common carrier Lines 901 and 903 (now known as the Las Flores Pipeline System) (“Pipelines”), segments of a crude oil pipeline located in Santa Barbara, San Luis Obispo, and Kern Counties, from Plains Pipeline, L.P. (“Plains”) on October 13, 2022.

B. WHEREAS, PPC submitted an application to the County for a change in ownership pursuant to County Ordinance Chapter 25B on November 15, 2022. On December 9, 2022 the County sent a Determination of Application Incompleteness letter to PPC. On January 3, 2023, PPC provided additional information in response to the December 9, 2022 letter.

C. WHEREAS, on February 2, 2023, the County sent a second Determination of Application Incompleteness letter to PPC stating compliance with Condition P-2 of the Final Development Plan (88—DPF-033 (RV01)z, 88-CP-60 (RV01), 88-DPF-25cz, 85-DP-66cz, 83-DP-25cz, as modified through May 2033) for the Pipelines could not be verified, as required under County Code Chapter 25B-9(a)(5), because the County has not been able to locate a Safety, Inspection, Maintenance and Quality Assurance Program (SIMQAP) for the Pipelines in its possession.

D. WHEREAS, approval of a change in ownership, pursuant to County Ordinance Section 25B-9(a) requires the Planning Director to find that, on the date an application for change in ownership is deemed complete, the current owners are in compliance with all permit terms or have entered into a written agreement with the Planning Director to come into compliance with such requirements.

E. WHEREAS, Condition P-2 of the Final Development Plan, requires the owner to submit a SIMQAP for the pump stations, valves, and the pipeline to the County prior to start-up of the facilities.

F. WHEREAS, Condition P-2 provides that should the County find fault with the submitted SIMQAP, it will indicate those concerns to the owner of the Pipeline. If the owner of the Pipeline decides not to modify the SIMQAP to meet these concerns, the County’s recourse is with the Department of Transportation, Pipeline and Hazardous Materials Administration for all areas under the jurisdiction of 49 CFR 195.

G. WHEREAS, the Parties wish to enter into this Agreement to facilitate a determination by the County that the change in ownership application for the Pipelines is complete allowing the Planning Director to take action on the application.

## **TERMS**

In consideration of the foregoing Recitals, which are incorporated herein, the Parties agree as follows:

1. SIMQAP: PPC agrees to submit a SIMQAP for the pipelines, pump stations, and valves, updated to reflect PPC's ownership, to the County on or before the date of the Planning Director's action on the application for change in ownership. The program shall include, but not be limited to, inspection of construction techniques, regular maintenance and safety inspections, periodic safety audits, corrosion monitoring and leak detection, inspection of all trucks carrying hazardous and/or flammable material.

2. COUNTY REVIEW OF SIMQAP: The County may review the SIMQAP and may provide comments or concerns to PPC. PPC, in its sole discretion, may choose to modify the SIMQAP to address County's comments or concerns. If PPC decides not to address the County's comments or concerns, the County's recourse is with the Department of Transportation, Pipeline and Hazardous Materials Safety Administration.

3. DETERMINATION OF APPLICATION COMPLETENESS: This Agreement meets the requirements of County Code Chapter 25B-9(a)(5) and, upon execution of this Agreement, the County shall determine that the application for change in ownership is complete. Accordingly, the County shall not withhold Planning Director action on the change of ownership based on comments or concerns regarding the SIMQAP.

4. NO ADMISSION OF COMPLIANCE ISSUES: This Agreement does not constitute an allegation or admission that the Pipelines are not in compliance with any County Ordinance or County issued permit or approval.

5. NO WAIVER OF RIGHTS: This Agreement does not constitute a waiver of any of PPC's rights regarding the 1988 Settlement Agreement between Celeron and the County, including, but not limited to, the preemption issues set forth in Section III.

PACIFIC PIPELINE COMPANY

DocuSigned by:

*Clint Beck*

ECB614375A5D425

By: Clint Beck

Title: Right of way & Claims Manager

Date: February 21, 2023

COUNTY OF SANTA BARBARA

*Lisa Plowman*

By: Lisa Plowman

Title: Director

Date: 2/21/23

**Certificate Of Completion**

Envelope Id: 7596E87CE85643048C61A94BC43B489D	Status: Completed
Subject: Complete with DocuSign: SB County SIMQAP Agreement	
Source Envelope:	
Document Pages: 3	Signatures: 1
Certificate Pages: 3	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelope Stamping: Disabled	Andrew Craig
Time Zone: (UTC-06:00) Central Time (US & Canada)	Address Redacted
	andrew.g.craig@exxonmobil.com
	IP Address: 136.228.238.54

**Record Tracking**

Status: Original	Holder: Andrew Craig	Location: DocuSign
February 21, 2023   11:02	andrew.g.craig@exxonmobil.com	
Security Appliance Status: Connected	Pool: Main SecApp 1	

**Signer Events**

Clint Beck  
 clint.d.beck@exxonmobil.com  
 Right of Way & Claims Manager  
 ExxonMobil General  
 Security Level: Email, Account Authentication (None)

**Signature**

DocuSigned by:  
  
 ECB811375A5D425...  
 Signature Adoption: Pre-selected Style  
 Using IP Address: 174.203.13.197  
 Signed using mobile

**Timestamp**

Sent: February 21, 2023 | 11:04  
 Viewed: February 21, 2023 | 11:25  
 Signed: February 21, 2023 | 11:25

**Electronic Record and Signature Disclosure:**  
 Accepted: July 23, 2022 | 11:55  
 ID: 21d23c34-e161-440d-8ad1-f057cd7817c9  
 Company Name: Exxon Mobil Corporation

**In Person Signer Events**

**Signature**

**Timestamp**

**Editor Delivery Events**

**Status**

**Timestamp**

**Agent Delivery Events**

**Status**

**Timestamp**

**Intermediary Delivery Events**

**Status**

**Timestamp**

**Certified Delivery Events**

**Status**

**Timestamp**

**Carbon Copy Events**

**Status**

**Timestamp**

Andrew Craig  
 andrew.g.craig@exxonmobil.com  
 Venture Manager  
 ExxonMobil Pipeline Company LLC  
 Security Level: Email, Account Authentication (None)  
**Electronic Record and Signature Disclosure:**  
 Accepted: May 12, 2022 | 13:05  
 ID: d7bcd3c7-a2e0-438a-adf9-34e0918a797b  
 Company Name: Exxon Mobil Corporation

**COPIED**

Sent: February 21, 2023 | 11:25

John Fowler  
 john.c.fowler@exxonmobil.com  
 Right-of-Way & Claims Agent  
 ExxonMobil General  
 Security Level: Email, Account Authentication (None)

**COPIED**

Sent: February 21, 2023 | 11:25

**Electronic Record and Signature Disclosure:**

<b>Carbon Copy Events</b>	<b>Status</b>	<b>Timestamp</b>
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Accepted: November 12, 2022 | 23:17  
ID: c4448755-b970-4033-a48c-5f29bb6e585c  
Company Name: Exxon Mobil Corporation

<b>Witness Events</b>	<b>Signature</b>	<b>Timestamp</b>
-----------------------	------------------	------------------

<b>Notary Events</b>	<b>Signature</b>	<b>Timestamp</b>
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<b>Envelope Summary Events</b>	<b>Status</b>	<b>Timestamps</b>
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Envelope Sent	Hashed/Encrypted	February 21, 2023   11:04
Certified Delivered	Security Checked	February 21, 2023   11:25
Signing Complete	Security Checked	February 21, 2023   11:25
Completed	Security Checked	February 21, 2023   11:25

<b>Payment Events</b>	<b>Status</b>	<b>Timestamps</b>
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<b>Electronic Record and Signature Disclosure</b>
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