

Appendix F

Unocal Requested Coastal Development Permit/Development Plan D890558D Permit Condition Modifications

EXHIBIT E
CONDITIONS OF APPROVAL
PAST REMEDIAL AND CHARACTERIZATION
PROJECTS

APPROVED USE

1. ~~Completed. This Coastal Development Permit/Development Plan authorizes the following work that was completed by emergency permits pursuant to either Coastal Zone Land Use Ordinance section 23.03.045 or the Coastal Act between March 1990 and November 1997:~~
 - a. ~~SLO P890275E.....Installation of Bentonite Wall~~
 - b. ~~SLO P890275E (Modification #1).....Installation of PVC Barrier~~
 - e. ~~SLO P890275E (Modification #2)Installation of Fish & Game Wells~~
 - d. ~~SLO P890275E (Modification #3)Installation of Pilot Recovery System~~
 - e. ~~SLO P890275E (Modification #4)5X Excavation Support Facilities~~
 - f. ~~SLO P890275E (Modification #5).....5X Excavation Support Facilities~~
 - g. ~~CCC E 94 12.....5X Beach Excavation Project~~
 - h. ~~SLO P890275E (Modification #6).....Installation of Monitoring Wells~~
 - i. ~~SLO P890275E (Modification #7).....Installation of Biosparging Wells~~
 - j. ~~CCC E 95 18 GLeroy 2 Sump Removal~~
 - k. ~~CCC E 97 03 GInstallation of Sheetpile Wall~~
 - l. ~~SLO P970369E7X Excavation~~

These projects are complete, the areas restored and associated excavation/construction permits issued by the Building Department have received a final inspection and been closed out.

~~m. CCC E 98-09-G A2A
Excavation~~

2. ~~Completed. The conditions attached to these Emergency Permits are incorporated by reference herein as though set forth in full.~~

All of the Emergency Permit activities have been completed.

3. ~~Completed. Unocal shall implement Condition No. 21 from the Coastal Commission Emergency Permit E-97-03-G requiring an ongoing monitoring program for the sheetpile wall.~~

The sheetpile wall has been removed and all of the requirements of the condition have been completed.

4. ~~Completed. The 5X sheetpile wall shall be removed at the earliest opportunity following excavation of the 5X plume.~~

The 5X plume was excavated and the sheetpile wall removed. All of the requirements of the condition have been completed.

5. ~~Completed. In conjunction with the routine surveys of beach transects at the 5X beach (E-97-03-G, Condition 21) a control site north of the sheetpile wall and a test site at the wall shall be compared on an annual basis, using data collected at the end of summer after the natural beach replenishment cycle. Differences in cross-sectional area must be converted to a volume and a replenishment program will be initiated. Sand used for replenishment shall be of compatible grain size (i.e., within 10 percent for each grain size category), or overfill ratios will be applied using the Shore Protection Manual procedures. Implementation of the sand replenishment program will depend on whether there is water directly in front of the wall:~~

The sheetpile wall has been removed. All of the requirements of the condition have been completed.

~~a. If there is water in front of the wall a credit program will be established whereby the sand required for replenishment is made available, but stockpiled on a cumulative basis for future use. Currently disturbed areas will be used for stockpile sites. When the lagoon recedes, the sand shall be placed on the beach to rebuild the beach to natural grade. Sufficient sand will be made available to cover the top of the sheetpile wall to a depth of at least two feet.~~

~~b. If there is no lagoon or water in front of the wall, the sand replenishment shall be conducted as soon as the need is identified.~~

~~Sediment grain size analysis of the removed and replacement material shall be conducted, recorded and submitted to County Department of Planning and Building and the Executive Director of the Coastal Commission for review and approval unless Unocal demonstrates to the reviewing agencies' satisfaction that grain size is not a concern for~~

~~any particular excavation due to the backfill sequence or excavation location. No filling of an excavated area shall occur until the grain-size compatibility between the removed sediment and the replacement sediment is approved by the County Department of Planning and Building and the Executive Director of the Coastal Commission. To evaluate replacement material suitability, Unocal shall provide the County and the Executive Director of the Coastal Commission the following information:~~

- ~~• Source of replacement material;~~
- ~~• Volume of replacement material needed;~~
- ~~• Sieve analyses for all possible replacement material and native sands (16th, 50th, and 87th percentile grain sizes by weight, at a minimum);~~
- ~~• Overfill ratio; and~~
- ~~• Color analysis and color sample of all replacement and native material.~~

6. ~~Completed.~~ ~~The access road which was cleared for the Leroy 2 sump removal shall be restored to conditions immediately prior to the excavation project to the extent feasible.~~

The access road was washed away by the Santa Maria River during the 1998 El Nino Event.

7. ~~Completed.~~ ~~If required by RWQCB, Unocal shall monitor wells in close proximity to the edges of the sheet pile wall, as well as up and down gradient of the wall to compare vertical gradients below the wall to those above. This will assist in determining the flow paths in the vicinity of the wall and the amount of water containing diluent flowing around, below and through the sheetpile wall. The extraction system shall be re-evaluated semi-annually to ensure the continued efficiency of the capture zones and control of the movement of free product. Extraction well pump rates shall be increased in the event that water elevations behind the wall exceed current levels. Similar action shall be taken if diluent flowing around or through the wall rises above current levels.~~

The sheetpile has been removed. All of the requirements of the condition have been completed.

8. ~~Completed.~~ ~~Prior to issuance of the grading permit for the 5X excavation, or Notice To Proceed for any control and/or treatment system, Unocal shall submit to the County Department of Planning and Building and the RWQCB for review and approval a~~

The 5X plume was excavated and the extraction system removed. This requirement for an approved I&M Program for any pump and treat system is also included in Exhibit F, Condition 40.

~~comprehensive Inspection and Maintenance (I and M) program for all control and treatment systems. Monitoring systems shall be installed on any critical process that, in the event of a failure, would result in the loss of hydraulic control of the separate phase plumes or a shut down of a biosparge system. As with the existing extraction wells at the 5X site, these monitoring systems shall be checked daily.~~

9. ~~Completed.~~ Unocal shall develop an Emergency Response Plan for the site that includes response procedures that provide for any release that may occur from the 5X plume. In addition, appropriate oil spill response equipment shall be maintained on site throughout the operational life of the wall. This equipment shall be capable of containing and skimming separate phase diluent from river water prior to discharge to coastal waters or migration to the upper reaches of the lagoon.

The 5X plume was excavated and the wall removed. Requirements for an oil and fuel spill contingency plan are included in Exhibit F, Condition 38.

10. ~~Deleted.~~ Remedial actions for the C12 plume, as approved by the RWQCB, shall be implemented to remove the source of contamination and control the migration of dissolved phase diluent.

Excavation of the C12 plume is also required in Exhibit F, Condition 1.

11. ~~Completed.~~ For each area that was disturbed as a result of remediation activities allowed under emergency permits, Unocal shall submit a site specific Habitat Restoration, Revegetation, and Monitoring Plan as described in Condition F64, excluding those pre disturbance provisions that can not be complied with because of the emergency nature of the remediation activities. Available pre disturbance information collected at the sites of disturbance or at nearby sites in similar habitat shall be included. Prior to September 1, 1999, these Plans shall be submitted for review and approval by the County Department of Planning and Building and the Executive Director of the Coastal Commission.

A Habitat Restoration, Revegetation and Monitoring Plan (HRRMP) that included the emergency sites was submitted by Unocal on 8/16/99 and approved by the agencies on 11/2/99. All of the requirements of the condition have been completed.

12. ~~Delete.~~ Requirements of this condition were added to Exhibit F, Condition 69. During the breeding and nesting season (March 1—September 15), Unocal shall protect existing snowy plover breeding habitat by posting signs and excluding vehicle, pedestrian and, to the extent feasible, domestic animal traffic. Exceptions must be approved by the U.S. Fish and Wildlife Service and the Onsite Environmental Coordinator must be immediately notified.

Requirements were added to Exhibit F, Condition 69, which also contains restrictions for avoiding Western snowy plover and California least tern habitat during the breeding season.

13. ~~Completed.~~ Unocal shall (a) continue to enforce access limitations to the 5X area for maintenance of monitoring equipment so as to minimize impacts on sensitive species during the breeding season and

Work at the 5X site is complete.

~~(b) implement a training program for all personnel visiting the 5X Beach area which includes specific information on California snowy plovers, their habitat requirements and breeding behavior.~~

14. ~~Completed. Whenever the Santa Maria River flows along the beach, Unocal shall monitor the river bank on the southeast corner of the sheetpile wall for erosion and loss of habitat and submit monthly a report to the County Department of Planning and Building, the Coastal Commission, the Santa Barbara County Energy Division, RWQCB, CDFG/OSPR and USFWS so that a record may be kept and a third party expert can be hired to assess damage and suggest appropriate restoration measures. Lost habitat shall be compensated for by restoration of degraded foredune habitat in the vicinity of the 5X area.~~

The sheetpile wall has been removed and the 5X area restored. All of the requirements of the condition have been completed.

15. ~~Completed. For those sections of the 5X sheetpile wall that are not scoured, Unocal shall ensure that the wall is covered with sand and is not visible from the beach.~~

The sheetpile wall has been removed. All of the requirements of the condition have been completed.

16. ~~Completed. Prior to implementation of CAO No. 98-38 for the Guadalupe Oil Field, Unocal, in collaboration with the San Luis Obispo APCD, shall investigate the feasibility of retrofitting construction equipment to be used for remediation with low-NOx technologies such as high pressure injectors, injection timing retard, and/or pre-chamber diesel engines.~~

Completed prior to the implementation of CAO 98-38 and the same requirements are contained in Exhibit F, Condition 84.

PUBLIC ACCESS

17. ~~Completed. Prior to issuance of a construction permit for Stage 1, Unocal shall fund the community outreach and education programs described in the Nature Conservancy's Guadalupe Nipomo Dunes Vision Statement for a period of three years which at a minimum shall include:~~
- ~~a. Operating Dunes Discovery Center~~
 - ~~b. Recruiting and training skilled volunteers~~
 - ~~c. Sponsoring community activities~~
 - ~~d. Managing and coordinating outreach and education programs~~

The required funding was provided on 3/11/99.

ENVIRONMENTAL ENHANCEMENT EASEMENTS

18. ~~Due to the long term nature of the past remediation projects including installation of the bentonite wall, installation and operation of beach extraction wells, the 5X beach excavation, the three phase installation of the protective sheetpile wall, the Leroy 2 sump excavation, the 7X excavation, the A2A and associated sump excavations, and the significant, unavoidable environmental impacts (Class I) of these past projects, additional mitigation beyond that cited in the certified Final EIR is required.~~

The requirements of this condition are covered by Exhibit F, Condition 110.

~~Refer to the condition of approval No. 110 in Exhibit F for the Phase I remediation project for implantation of the easements.~~

ENFORCEMENT

19. ~~Failure to satisfy the requirements of any condition of this permit shall constitute a violation under the Coastal Act enforceable by all appropriate means including but not limited to, a cease and desist or a restoration order issued by the Coastal Commission.~~

The requirements of this condition are covered by Exhibit F, Condition 111.

EXHIBIT F — D890558D CONDITIONS OF APPROVAL PHASE I REMEDIATION PROJECTS

APPROVED PROJECT

1. This Coastal Development Permit/Development Plan (CDP/DP) approval authorizes Unocal to conduct remediation and site characterization activities at the Guadalupe oil field consistent with the California Regional Water Quality Control Board's (RWQCB) **Cleanup or Abatement Order No 98-38** adopted by the RWQCB on April 3, 1998 and as amended on July 13, 1998 and November 6, 1998, and incorporated herein as though set forth in full. Specifically, this approval authorizes the following remediation project elements:

a. Stage 1

- i. Excavation of separate-phase diluent at plume **M-4 (partial), and L-11 (partial)**, ~~to start by fourth quarter 1998 and be completed by the end of the fourth quarter 1999.~~
- ii. Biosparging wells to be installed ~~and operational~~ at M4, ~~and L11, and TB8 by March 31, 1999 or as soon after that date as excavation activities allow. There will be three (3) horizontal biosparging well installed at M4 (post excavation), two (2) horizontal biosparging wells installed at L11 (post excavation); and three (3) horizontal biosparging wells installed at TB8.~~
- iii. ~~Completed. There will be pilot testing of dual pump recovery systems consisting of five (5) recovery wells installed at the Compressor Plant, five (5) wells installed at TB9 and a vacuum enhanced recovery system consisting of eight (8) wells at the Diluent Tank. All wells to be installed and operational by March 31, 1999.~~
- iv. A Land Treatment Unit (LTU) at Tank Battery 9.

b. Stage 2

- i. ~~Completed. Excavation of separate phase diluent at plume areas 5X and A2AN to start by fourth quarter 1999 and be completed by the end of the fourth quarter 2000.~~
- ii. ~~Completed. Excavation of sumps in areas 5X, LeRoy 3, LeRoy 6, A2A, A1/2X and 8X to start by the fourth quarter 1999 and be completed by the end of the fourth quarter 2000.~~

The Stages and completion dates are no longer relevant and have been deleted. Numerous project elements have been completed and no longer need to be included:

- Biosparge at TB8 is installed and operating.
- Recovery systems at Compressor Plant, TB9 and Diluent Tank areas are installed and operational.
- Excavation of 5X, A2AN, LeRoy 3, LeRoy 6, A2A, A1/2X, 8X, C8 and B3 is complete and the areas restored.
- Assessment of the A13X site indicated that there is no sump material to excavate.
- An eco/phytoremediation system was installed at the C8 site for post-excitation treatment. After a 5-year period, the RWQCB will determine if a biosparge or other mechanical treatment system is required.

c. Stage 3

- i. Excavation of separate-phase diluent at plumes **M2, B12, C12, and TB1** ~~to start by second quarter 2000 and be completed by the end of the fourth quarter 2000.~~
- ii. Excavation of sumps B12, C12, B2/B2A, TB1, B1A, B11, and D14, ~~and A13X~~ ~~to start by second quarter 2000 and be completed by the end of the fourth quarter 2000.~~

d. Stage 4

- i. Excavation of separate-phase diluent at plume areas **A5A and C8** ~~to start by fourth quarter 2000 and be completed by the end of the first quarter 2001.~~
- ii. ~~Two (2) horizontal b~~ iosparging wells at C8/D8 (post excavation) if required by the RWQCB. ~~to be installed and operational by March 31, 2001 or as soon after that date as excavation activities allow.~~
- iii. Excavation of sump A5 ~~to start by fourth quarter 2000 and be completed by the end of the first quarter 2001.~~

e. Stage 5

- i. Excavation of separate-phase diluent at plume areas **B2-3 and,** if required by the RWQCB, N12 ~~to start by second quarter 2001 and be completed by the end of the third quarter 2001.~~
- ii. Excavation of sump **B3/B3A,** ~~to start by second quarter 2001 and be completed by third quarter 2001~~

f. Stage 6

- i. Excavation of separate-phase diluent at plume areas C7(S) and B6 ~~to start by fourth quarter 2001 and be completed by the end of the second quarter 2002.~~

2. If the RWQCB determines after excavation of plume TB1 that excavation is required at plume area C2, excavation of separate phase diluent plume C2 is authorized. ~~shall start by fourth quarter 2001 and be completed by the end of the second quarter 2002.~~ To include remedial projects not included in CAO No. 98-38, Unocal shall submit to the County Department of Planning and Building a written request pursuant to Condition 20 of this permit. This written request can be submitted in the form of an addendum to the Implementation Plan, a letter, or other document.

The implementation dates are no longer applicable and have been deleted.

EXCAVATION MEAN CONCENTRATIONS

3. The mean concentration of soil samples collected at the bottom of the excavations shall not exceed 700 mg/kg TPH. Concentrations of no more than 5% of samples collected at the bottom of the excavations shall exceed 1,000 mg/kg TPH. The RWQCB shall determine compliance with or changes to the requirements in this condition.

The RWQCB has granted variances in the past to avoid major impacts to environmentally sensitive habitat or resources.

EXCAVATION SAMPLING

4. Samples of the excavation bottoms shall be collected at 25-foot centers, or as directed in the field by RWQCB staff. Excavations shall not be backfilled until RWQCB approval. If concentrations in more than 5% of samples collected at the bottom of the excavations exceed 1000 mg/kg TPH after Unocal has removed as much degraded soil as reasonably practicable, the RWQCB, with the advice of other interested agencies, will decide if further excavation or other clean up actions must be conducted, or if the excavation may be backfilled.

LOCATION OF TEMPORARY SHEETPILE

5. Temporary sheetpile shall be installed at each excavation site at least 15 feet outside the 1,000 mg/kg TPH contour as interpreted using data collected from soil borings. Exceptions to this criterion may be approved for plume sites by the Executive Officer (RWQCB) based on field information. Prior to sheetpile installation, the County Department of Planning and Building and the Executive Director of the Coastal Commission shall review and approve alternative sheetpile locations that are revised from the locations submitted in the drawings included in this permit by reference for compliance with mitigation measures and these conditions to ensure that site disturbance is minimized. The temporary sheetpile shall be removed immediately upon completion of each excavation and backfill unless otherwise approved by the RWQCB, County Department of Planning and Building, the Executive Director of the Coastal Commission.

The revised language is intended to clarify that sheetpile locations accepted previously do not need to be re-approved.

Alternative methods to shore the excavation may be proposed to the County Department of Planning ~~Director and Building~~ in certain limited circumstances. Alternative methods must be shown to have no greater impact on environmentally sensitive habitat than a sheetpile shored excavation. The temporary shoring shall be removed immediately upon completion of each excavation and backfill.

Decisions such as alternatives to excavation shoring are made at the County Department of Planning and Building staff level.

POST-EXCAVATION GROUNDWATER MONITORING

6. Post excavation groundwater monitoring shall be conducted pursuant to the requirements and direction of the RWQCB. Locations of monitoring wells shall be approved by County Department of

Planning and Building or the OEC for compliance with these conditions of approval.

The OEC has been working with the County on approval of the location of post-excavation monitoring wells. As the County's field representative, the OEC should have the authority to determine compliance with the conditions for field activities.

CONTINUED SITE CHARACTERIZATION

7. Unocal shall ~~submit implement procedures approved by~~ the County Department of Planning and Building and the Executive Director of the Coastal Commission ~~for review and approval procedures~~ to protect terrestrial and other sensitive resources when accessing sites for continued site characterization. Any site characterization activities that take place off of roads and pads shall, at a minimum, be proceeded with site specific botanical reconnaissance conducted by a botanist approved by the County Department of Planning and Building Director and the Executive Director of the Coastal Commission. Sensitive species shall be located and avoided to the maximum extent feasible at characterization sites and access ways to off-road characterization sites. The reconnaissance practices shall be subject to oversight by the Independent Onsite Environmental Coordinator and biological monitor. Results of site characterization prepared for the RWQCB shall be submitted to the County Department of Planning and Building and the Executive Director of the Coastal Commission when available.

Off-road access protocols were submitted to the County Department of Planning and Building, approved on 4/21/99 and have been implemented since that time. The botanists at the site are approved by County Department of Planning and Building staff, not at the Director level; the condition should be worded accordingly.

8. CAO No. 98-38 includes design and development of three pilot studies to remediate separate phase diluent without excavation. Prior to initiation of pilot studies, Unocal shall submit the pilot plans to the County Department of Planning and Building and; the Executive Director of the Coastal Commission ~~and the CDFG/OSPR~~ for review and approval to ensure compliance with these conditions of approval. Pilot studies may require additional environmental review and coastal land use permitting.

California Department of Fish and Game/OSPR representatives have requested that the requirement for their review and approval of pilot studies be removed from this condition.

SOIL MANAGEMENT

9. Prior to the commencement of ~~each stage excavations~~, Unocal shall submit to the County Department of Planning and Building for review and approval a time schedule and plan of excavation site sequencing. To reduce the length of exposure time of the excavated and soil storage areas, the clean overburden shall be used to immediately fill the cavity or clean sediment from a similar site shall be used to replace the excavated soil.

The project has progressed such that the references to "stages" are no longer relevant.

10. Unocal shall stockpile clean top soil and clean overburden soil in previously disturbed areas, altered areas, or future excavation areas or in unvegetated areas to minimize impacts to erosion/sedimentation patterns. Proposed clean soil and clean overburden soil storage areas shall be prepared in a similar manner as the excavated area. This preparation shall include perimeter staking, brush raking, top soil removal and stockpiling, and protective measures to prevent erosion

of the topsoil stockpile. All proposed stockpile areas and erosion control measures shall be reviewed and approved by the County Department of Planning and Building and the Executive Director of the Coastal Commission.

11. Unocal may stockpile contaminated soil at TB9 or TB8 ~~pursuant to the Former Guadalupe Oil Field Implementation Plan, May 15, 1998 (with subsequent amendments June 15, 1998 and October 27, 1998).~~ Backfill sources for ~~Stage 1-6~~ projects may include:

The project has progressed such that the references to the Implementation Plan and "stages" are no longer relevant.

- a. Treated soil that satisfies the RWQCB 's parameters for concentrations of TPH and other constituents for approved backfill material.
- b. Borrow site Q11.
- c. Borrow site Q4 may be used if approved by the County Department of Planning and Building after a site specific biological and geomorphological review of the site, conducted by a qualified geomorphologist approved by the County Planning Director and the Executive Director of the Coastal Commission. The report(s) of the site specific reviews may be subject to an independent peer review conducted by an expert retained by the County and funded by Unocal.
- d. Clean material stockpiled on site from previous activities or blown sand recovered from onsite roads.
- e. Material treated at an on-site thermal desorption unit that satisfies the RWQCB's treatment parameters for approved backfill material.

Clean sand is blown onto roads on the site via natural forces and periodically removed from the roads and placed in stockpiles. The RWQCB granted approval in October 2000 to use this sand without additional testing for TPH due to historical analytical results.

12. If backfill material from any source other than those listed in Condition 11 above is proposed, Unocal shall submit a sediment grain size analysis ~~Sediment grain size analysis of the removed and replacement material for each excavation site shall be conducted, recorded and submitted~~ to County Department of Planning and Building and the Executive Director of the Coastal Commission for review and approval unless Unocal demonstrates to the reviewing agencies' satisfaction that grain size is not a concern for any particular excavation due to the backfill sequence or excavation location. If a grain size analysis is required, No filling of an excavated area shall occur until the grain-size compatibility between the removed sediment and the replacement sediment is approved by the County Department of Planning and Building and the Executive Director of the Coastal Commission. To evaluate replacement material suitability, Unocal shall provide the County and the Executive Director of the Coastal Commission the following information:

Processing of grain size analyses for past excavations has demonstrated that grain size is typically not a concern due to the backfill sequence (replacement soil is placed in the bottom of the excavation and covered with the clean overburden from the site). In cases where the replacement soil must be placed on the surface, the sources listed in Condition 11 represent the most compatible material available.

- Sources of possible replacement material;
- Volume of replacement material needed;

- Sieve analyses for all possible replacement material and native sands (16th, 50th, and ~~87th-84th~~ percentile grain sizes by weight, at a minimum);
- Overfill ratio for sites subject to erosional forces by ocean waves and the river; and
- Color analysis and color sample of all native material and replacement material that has a potential to become exposed.

The 84th percentile is industry standard and has been accepted for all previously submitted grain size analyses. (The 16th and 84th percentiles are equidistant from the 50th percentile.)

~~Since the characteristics of the native material will vary throughout the site, this information must be provided, and compatibility must be determined for each excavation area.~~

WASTE DISPOSAL

13. All wastes removed from the field, including but not limited to soil, petroleum and water shall be disposed of in accordance with all applicable laws and regulations.

SUMPS

14. ~~All~~Sumps discovered as part of excavation activities shall be removed as required by the RWQCB. CAO No. 98-38 requires Unocal to submit a report on all sumps and other waste management units located between the B Road and the ocean. Proposed sump remediation plans as required by the RWQCB are to be submitted to the County Department of Planning and Building and the Executive Director of the Coastal Commission for review and approval. Sump remediation plans shall also be submitted to the Santa Barbara County Energy Division for review and approval if any sumps are located within Santa Barbara County's permitting jurisdiction. Additional environmental review and coastal land use permitting may be required prior to removal of any sump.

The RWQCB determines remediation requirements for plumes and sumps on a case-by-case basis.

PERMIT TIME LIMITS

15. This Coastal Development Permit/Development Plan approval is valid for a period of 24 months from the effective date of the decision. At the end of such time period, this Coastal Development Permit/Development Plan shall expire and become void unless:
 - a. Substantial site work toward establishing the authorized use has been performed pursuant to section 23.02.042 of the Coastal Zone Land Use Ordinance; or
 - b. The project is completed pursuant to section 23.02.050 of the Coastal Zone Land Use Ordinance; or
 - c. An extension has been granted pursuant to section 23.02.050 of the Coastal Zone Land Use Ordinance.

- d. Operational elements of the project, such as biosparge wells, will be considered substantially complete once they are in operation. They may continue to operate as required.

TITLE 19 REQUIREMENTS

16. All excavation projects approved as part of this permit are subject to the provisions of Title 19 of the County Code. Excavation projects shall not proceed until construction and/or grading permits are issued by the County Department of Planning & Building.
17. Unocal shall submit construction permit applications to the County Building Division for new electrical services to pumps, compressors, wells, and other equipment for review and approval.

PERMITTING

18. Prior to issuance of a construction and/or grading permit for remediation activities ~~for any stage~~, Unocal shall submit evidence to the County Department of Planning and Building that permits from all regulatory agencies have been received for that ~~stage of activities~~. These agencies include but are not limited to:
- Regional Water Quality Control Board
 - California Dept. Of Fish & Game
 - U.S. Army Corps of Engineers
 - U.S. Fish & Wildlife Service
 - California Coastal Commission
 - State Lands Commission
 - Air Pollution Control District
 - Division of Oil & Gas and Geothermal Resources

The project has progressed such that the references to "stages" are no longer relevant.

PROJECT MONITORING

19. ~~Prior to the issuance of a construction and/or grading permit for Stage 1,~~ Unocal shall fund the hiring of an independent project monitor(s) to be selected by the County Department of Planning and Building, the RWQCB and the Executive Director of the Coastal Commission after consultation with Unocal and other permitting agencies. Per Condition 68.p, Unocal shall enable an Independent Onsite Environmental Coordinator (OEC) to be present at the oil field at any time, day or night, that ground-disturbing activities associated with site characterization, oil spill remediation, oil field abandonment, or infrastructure removal activities are taking place. The monitor(s) shall be under contract with the County, to act as project monitor(s) and condition compliance inspector(s) for the County of San Luis Obispo, the RWQCB, the Coastal Commission and other permitting

Funding for an independent project monitor was provided prior to Stage 1. Unocal continues to fund the County monitors on an ongoing basis; the wording of this Condition should be modified accordingly.

Language from Exhibit F, Condition 68.p was incorporated to clarify the role of the County monitor and the activities subject to potential monitoring oversight.

agencies. The monitor(s) shall prepare a specific mitigation tracking monitoring plan and submit it to the County Department of Planning and Building, the RWQCB, the Executive Director of the Coastal Commission and other permitting agencies for review and approval.

CHANGES TO THE APPROVED PROJECT

20. To make changes to the approved project described above, Unocal shall submit to the County Department of Planning and Building a written request with supporting materials pursuant to 23.02.038 of the Coastal Zone Land Use Ordinance. The County Planning Director may approve a requested change upon verification of its conformity with Title 23, provided that such approval shall not modify the effective date of the land use permit. Major changes to the project, as determined by the County Planning Director, in consultation with the Executive Director of the Coastal Commission, shall be requested through a CDP/DP modification application for Planning Commission consideration. Unocal shall send a copy of all proposed project amendments to the Executive Director of the Coastal Commission concurrent with its submittal to the County. This condition shall be implemented by Unocal throughout the project.

SINGLE POINT OF CONTACT

21. ~~Prior to issuance of a grading permit for each stage,~~ Unocal shall designate a single point of contact to address compliance with these conditions. The County Department of Planning and Building shall also designate a single point of contact and will request the same from other regulatory agencies.

The project has progressed such that the references to "stages" are no longer relevant.

INDEMNIFICATION

22. Unocal shall, as a condition of approval of this Coastal Development Permit/ Development Plan defend, at its sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve and issue this Coastal Development Permit/Development Plan or the manner in which the County is interpreting or enforcing the conditions of this Development Plan, or any other action by a third party relating to approval or implementation of this Development Plan. Unocal shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve Unocal of its obligation under this condition.

GEOLOGY

23. At a minimum, Unocal shall implement some or all of the following measures at any time when sustained wind speeds exceed 20 knots (25 mph) and when the independent Onsite Environmental Coordinator or SLOAPCD determines that an excessive amount of wind erosion is occurring to stockpiles or borrow sites, ~~disturbed areas or other portions of the work site~~ or areas impacted by construction activities:

- a. Water shall be applied to areas generating eroding areas.
- b. Activities that increase erosion shall cease until conditions change.
- c. Other anti-erosive measures approved by the SLOAPCD are implemented.

The revisions clarify that the erosion control measures are intended for construction areas.

24. The sheetpile walls shall be monitored during excavation to provide early detection of any movements. If movements occur, the excavation sequence or excavation area shall be adjusted to prevent large displacements.

25. Unocal shall design all sheetpile walls with appropriate safety factors to account for earth pressures, hydraulic head, earthquake loading, equipment loading, and other design features, as appropriate. As part of the grading permit approval, engineering designs for excavation and sheetpile shall (a) be prepared and certified by a licensed civil engineer; (b) conform to Cal/OSHA and County of San Luis Obispo regulations for excavation, shoring and backfill; and (c) be submitted to the County Department of Planning and Building ~~and the Executive Director of the Coastal Commission~~ for review and approval.

All parties have agreed that it is the responsibility of the County Building Department to review the sheetpile wall structural design prior to issuance of a building permit.

26. For all sheetpile that has the potential to be exposed to currents, wave forces or to direct inundation from either the Santa Maria River or the Pacific Ocean, the seaward edge of the sheetpile and any associated energy dissipation system (which shall be limited to sand berms or sand bags constructed or filled using imported sand or sand from approved borrow areas) shall be designed to withstand the appropriate significant storm conditions as follows:

- a. Excavation activities shall employ appropriate engineering controls and procedures to prevent the release of hydrocarbons to the environment in the event of overtopping or flooding. These controls shall be included in the oil and fuel contingency plan required in Condition 38.
- b. For ~~all~~ sheetpile and associated energy dissipation systems for excavation sites ~~other than 5X~~, design conditions shall be specified, in detail, on the engineering plans. The engineering plans shall be submitted to the County Department of Planning

and Building and the Executive Director of the Coastal Commission for review and approval.

- c. ~~Completed. The sheetpile for the 5X plume shall be designed to withstand the March 1, 1983, wave conditions (noted as the 100-year storm event), resulting in a maximum wave run-up height of 8 feet, combined with a 7-foot astronomical tide, and a scour depth of 0.0 feet (local Guadalupe datum). Engineering designs for the 5X sheetpile and associated energy dissipation system shall be submitted to the County Department of Planning and Building and the Executive Director of the Coastal Commission for review and approval.~~

Work at the 5X site is complete.

27. In the event of a tsunami warning, all personnel and all movable construction equipment shall be removed from the beach area and moved to a safe elevation, based upon the warning. If no elevation is given in the warning, all personnel shall be evacuated to an elevation at or greater than 100' MSL and movable equipment shall be moved to or above the "B" road. If equipment cannot be moved within the time allowed by a tsunami warning, to the extent safe and feasible, equipment shall be secured or anchored, and efforts shall be made to remove or drain all fuel tanks and to take all safe steps to prevent marine releases of hydrocarbons.

28. All piping located within 300 feet of the ocean or in a location where the surface drainage would direct the flow toward the ocean shall be securely anchored.

MARINE, SURFACE AND GROUNDWATER QUALITY

29. ~~Completed. During the 5X excavation, Unocal shall, with oversight by the independent Onsite Environmental Coordinator, collect weekly samples of ocean water, interstitial water, and sediments at the point of ground water discharge at low tide on the sandy beach and analyze them for elevated hydrocarbon concentrations per the direction of the CDFG/OSPR. The results shall be provided to CDFG/OSPR within 24 hours of sample collection. If CDFG/OSPR determines that 5X excavation activities are causing, or have a high likelihood to cause, marine discharges of hydrocarbons, all activities shall cease until the CDFG/OSPR, the County Department of Planning and Building, the Executive Director of the Coastal Commission and other affected agencies in consultation with Unocal determine how the excavation activities can be conducted without causing additional discharges.~~

Work at the 5X site is complete.

30. ~~As part of design review and prior to issuance of a grading permit for each excavation project,~~ Unocal shall obtain and implement a NPDES Construction Storm Water Activity Permit from the RWQCB. Unocal's Pollution Prevention Plan shall specify Best Management Practices (BMP) to reduce erosion of disturbed soils within construction staging areas. These may include, but are not limited to:

Unocal has a site-wide NPDES Construction Storm Water Activity Permit, not an individual NPDES permit for each site as the deleted wording implies.

utilization of hay bales, silt fences, sediment traps, coffer dams, and containment berms. Chemical soil stabilizers shall not be used unless specifically authorized by the RWQCB and SLOAPCD.

31. Drilling of biosparge wells shall include use of proper equipment, such as roll-off containers and vacuum trucks to contain spoils and wastewater generated by the drilling process. All drilling shall be conducted in accordance with Unocal's NPDES Storm Water Construction Activity Permit.
32. If required by the RWQCB, San Luis Obispo County Department of Planning and Building, the Executive Director of the Coastal Commission, or the OEC, Monitoring wells or piezometers shall be installed adjacent to the wetlands and dune slacks to monitor the amount of drawdown that occurs with pumping. If drawdown exceeds levels established as the limits of natural variability, pumping rates shall be lowered and alternative methods of containment shall be evaluated. Monitoring frequency for long and short term impacts such as drawdown/dewatering shall be determined by the RWQCB.
33. If required by the RWQCB or CDFG/OSPR, Unocal shall sample surface waters for BTEX and TPH as part of a regular monitoring program. The remedial activities mandated in CAO No. 98-38 are designed to prevent transport of dissolved phase contamination to surface waters. Monitoring of long term impacts of remediation such as construction and operation, or long term dewatering shall be done quarterly, ~~and Monitoring~~ for short-term impacts such as excavation shall be done weekly, unless otherwise directed by the RWQCB. In the event the proposed remedial activities do not prevent increased contaminant concentrations in surface waters, the RWQCB has reserved the right to require Unocal to undertake additional actions to eliminate or reduce to the extent possible, discharges to all surface water as soon as possible. Unocal shall submit any additional proposed remedial actions to the County Department of Planning and Building for review and approval pursuant to Condition 20.
34. Prior to issuance of grading permits for any/all excavations, a lateral and vertical assessment of hydrocarbon-affected soils shall be conducted to assess the dimensions of the excavated area if required by the RWQCB. This program shall be consistent with the assessment activities conducted for the 7X excavation. If assessment activities determine the plume is larger than shown in construction drawings or if any new affected soils are identified (such as sumps), the County Department of Planning and Building in consultation with the Executive Director of the Coastal Commission pursuant to Condition 20 of this permit will determine if the changes are substantial enough to require additional environmental review and coastal land use permitting.

To date, monitoring wells/piezometers adjacent to wetlands have shown no discernible drawdown during pumping. In the future, the need for monitoring wells or piezometers will be considered on a case-by-case basis and installed if required.

Sampling requirements are currently determined by the RWQCB or CDFG/OSPR and are subject to change based on past data and future information needs. There have been conflicts in the past between this condition and the requirements of the RWQCB and CDFG/OSPR.

The RWQCB determines the adequacy of soil assessment, and requests additional assessment if more information is needed consistent with their permits.

35. Compounds designed to enhance biological degradation of remaining hydrocarbons, such as nutrients and oxygen-releasing substances, shall be added to the excavations before backfilling if required by the RWQCB. The types and amounts of such compounds to be added shall be determined on a general site wide basis by Unocal and approved by the RWQCB before excavation.

The RWQCB has authority over groundwater and approves the type and quantity of compounds added to the groundwater.

~~36. Near construction activities which have the potential of increasing water turbidity, Unocal shall monitor the Santa Maria River and surface water bodies for turbidity weekly during construction activities to determine whether construction is increasing turbidity. Prior to construction activities, turbidity shall be monitored at the proposed construction sites and, in the case of activities near the river, at a nearby control site in the river upstream from the project. These sites will also be monitored during construction activities. If there is a visible turbidity plume emanating from the construction site or if there is a measured relative increase in turbidity levels near the construction site of 20 percent or more, construction activities shall be halted until remedial actions can be taken. Similar~~ Turbidity monitoring shall be conducted per the NPDES Storm Water Construction Activity Permit at all locations where construction activities are planned within 100 ft of surface water resources.

The site-wide NPDES permit has guidelines for turbidity monitoring during construction.

37. Equipment and materials, particularly materials that can cause turbidity and sedimentation, shall be stored inside protected or bermed areas where surface runoff can be controlled and kept away from surface water- consistent with the NPDES Storm Water Construction Activity Permit.

Berms are not the only method for erosion control. The most effective Best Management Practices from the site-wide NPDES permit should be used for each specific location.

~~38. Prior to conducting any remediation or abandonment activities, For all excavation activities, Unocal shall~~ implement the Oil and Fuel Spill Contingency Plan approved by ~~submit to~~ the County Department of Planning and Building, ~~and~~ the Executive Director of the Coastal Commission, ~~and a CDFG/OSPR approved final oil and fuel spill contingency plan~~ that includes but is not necessarily limited to the following provisions. The current approved Oil and Fuel Spill Contingency Plan shall be updated and submitted for review and approval before the start of the next excavation and shall be revised and submitted annually for review and approval on or before the anniversary of the previous annual approval date.

Excavations are the only activities remaining that need an Oil and Fuel Spill Contingency Plan. An Oil and Fuel Spill Contingency Plan was previously approved by the County, Coastal Commission and CDFG/OSPR. These agencies would like the plan updated and submitted for review and approval on an annual basis.

- a. ~~Identification-Documentation~~ of HAZWOPER certified ~~properly trained~~ personnel to deploy emergency response equipment;
- b. Documentation of Adequate oil spill cleanup and containment equipment maintained on site to respond ~~to within~~ the first two hours of a spill ~~until Clean Seas Cooperative reaches the site and a retained oil spill cleanup contractor that can be on site within two hours of notification;~~

The changes in a. and b. are requested to clarify that the intent is for Unocal to provide documentation on the training for workers and availability of contractors and response equipment and response equipment.

c. Secondary containment for parked construction equipment and fuel storage vessels. Proper containment techniques including such as plastic sheeting, sorbent pads and booms, and vacuum trucks shall be used when cutting or draining pipelines. All purge water and waste oil shall be disposed at a NPDES or other type of permitted facility. All storage vessels used for temporary containment of contaminated ground water or recovered product shall have adequate containment structures in place so that potentially spilled materials will not impact adjacent water resources;

The listed oil spill equipment provides examples. The best technique should be used for each case.

d. A wildlife contingency plan that specifies measures to deter animals from the remediation/abandonment/excavation sites and provides care for animals that became oiled or injured during remediation/abandonment activities;

e. ~~Deleted. Offshore emergency oil spill cleanup equipment, including skimmers and boom, staged onsite during remediation/abandonment activities at sites 5X, A2A, A5A, 8X, A8, C7 and C8;~~

The sites listed are complete if near the ocean and those still to be excavated would not cause a release to the ocean.

f. Staging, fueling, equipment and materials storage areas and soil stockpiles shall be located at least 100' away from surface water bodies or inside bermed or protected areas to prevent releases into surface waters;

Berms are not the only method for preventing releases into surface waters from construction equipment/material. The most effective Best Management Practices from the site-wide NPDES permit should be used for each specific location.

g. Immediate notifications per applicable federal and state regulations and notification as soon as practicable to the CDFG/OSPR, the County Department of Planning and Building, the RWQCB, the USFWS and the Executive Director of the Coastal Commission if any sheen, foam for any release of oil, oil products or other hazardous or contaminated material is detected in the Santa Maria River or ocean. Containment boom shall be stockpiled in close proximity and ready for immediate deployment if directed by the CDFG/OSPR or the USFWS. The foam and visible film shall be removed regularly if feasible (2-4 times per day), and contained for disposal.

The proposed changes clarify notification and other requirements for a release of contaminated material.

39. If a release into the Santa Maria River or ocean occurs, Unocal shall with oversight by the independent Onsite Environmental Coordinator collect samples as soon as practicable such that quantification of the spill volume can be estimated and potential impacts to biota and water quality can be evaluated. Unocal shall provide split samples to the CDFG/OSPR and the RWQCB as requested.

40. Prior to issuance of any grading permit for excavation, or Notice To Proceed for any control and/or treatment system Unocal shall submit to the County Department of Planning and Building and the RWQCB for review and approval a comprehensive Inspection and Maintenance

(I and M) Program for all control and treatment systems. Monitoring systems shall be installed on any critical process that, in the event of a failure, would result in the loss of hydraulic control of the separate-phase plumes or a shut down of a biosparge system. ~~As with the existing extraction wells at the 5X site, t~~These monitoring systems shall be checked daily.

The 5X site has been excavated and the extraction wells have been removed.

Conditions 41 through 61 shall be implemented as directed by the RWQCB. Conditions 45 through 61 apply to biosparging systems.

Clarification has been added regarding these conditions. Conditions 41 through 61 involve activities that are under the authority of the RWQCB. Conditions 45 through 61 were intended for implementation with a biosparge system.

41. At all locations where partial separate-phase plumes will be left in place (L11 and M4 plumes), Unocal shall install HDPE walls, or other RWQCB-approved containment method, to prevent down-gradient migration of separate-phase diluent. If monitoring shows migration of product, Unocal shall install ground water extraction wells up-gradient of the HDPE walls in order to establish hydraulic control of the ground water and separate phase diluent within the vicinity of the HDPE walls.

The type of containment system used to control plume migration is under the authority of the RWQCB and an HDPE wall is not always the required method.

42. If required by the RWQCB, Unocal shall monitor behind ~~each sheet pile wall~~ walls installed for long-term plume retention, ground water elevations to track the depth to ground water, particularly in areas containing separate-phase diluent. These ground water elevations shall be reported to the RWQCB. Rising ground water elevations behind the sheetpile walls shall be mitigated by pumping water from the areas where mounding occurs. Since the ground water is contaminated, Unocal shall prior to discharge of the ground water submit to the RWQCB for review and approval a Pumping and Treatment Plan.

Clarifies that sheet pile wall used for excavation sites is temporary and does not require the monitoring of groundwater elevation and that groundwater behind walls intended for long-term use will be monitored if required by the RWQCB.

43. Ground water flow modeling shall be used in the design phase of each HDPE wall system to determine the influence of the barriers on ground water flow. The model shall be constructed and calibrated for natural flow conditions. If the model results indicate that dissolved-phase concentrations will migrate to new areas, Unocal shall make design changes to offset this impact or shall propose additional monitoring to the RWQCB for review and approval. Modeling and results shall be submitted to the RWQCB for review and approval and a copy to the County Department of Planning and Building prior to installation of HDPE walls.

44. The piezometric surfaces of the zones of interest shall be monitored to assess the magnitude of the drawdown ~~and changes in vertical gradients~~. At a minimum, monitoring of ~~TPH and~~ water levels shall be conducted ~~for both in~~ the dune sand aquifer ~~and the regional aquifer~~. Special precautions shall be taken to prevent the drawdown of separate-phase diluent into the underlying finer-grained materials of the ~~aquifer and~~ confining unit. Depth to product and thickness of product measurements shall be taken at every extraction well

The proposed changes reflect terms and findings from the Mediation group, a team of scientific experts and agency representatives working collaboratively to make determinations on issues such as the potential for migration of TPH between the dune sand aquifer and the confining unit.

periodically when the cone of depression is being established to prevent contamination of the ~~aquifer~~confining unit. ~~The potential for dissolved phase migration between the zones shall be evaluated using ground water velocities, not strictly ground water gradients.~~

45. Prior to installing biosparging wells, Unocal shall submit to the RWQCB for review and approval information on the chemical nature of the drilling fluids including but not necessarily limited to (a) the biological degradation of the drilling fluids to ensure that hazardous by-products will not be formed in the process, and (b) chemical analyses for volatile organic compounds, semi-volatile organic compounds, metals, pH, and aquatic toxicity.
46. If the RWQCB finds a drilling fluid unacceptable, alternative drilling fluids shall be evaluated by Unocal until a suitable material is found and approved by the RWQCB. If a suitable drilling fluid cannot be found other drilling methods and well constructions shall be considered.
47. As required by the RWQCB, ~~T~~he landfarm operation shall be designed and constructed to collect and store excess water from wetting operations prior to treatment and disposal.
48. The landfarm operation shall be isolated from the ground surface by a barrier to prevent migration of treatment water into the dune sand aquifer and adjacent water resources unless otherwise determined by the RWQCB.
49. Prior to installing the biosparging wells, Unocal shall survey the inorganic iron content in soil and ground water to identify areas where high concentrations of inorganic iron may cause fouling of the air delivery system. The survey shall be conducted in all areas selected for biosparging and submitted to the RWQCB for review and comment.
50. Unocal shall use materials for subsurface piping (air delivery system) that would be less prone to fouling and scaling by subsurface chemicals and biological activity.
51. Unocal shall take all feasible steps to reduce and mitigate the impacts of fouling and scaling in air sparging systems and to dissolve any iron precipitation.
52. Prior to issuance of building permits for the biosparging system Unocal shall submit a Biosparging Monitoring and Contingency Plan to the County Department of Planning and Building and the RWQCB for review and approval that includes provisions to monitor for fouling and scaling of the biosparging system as well as methods for

If a landfarm is implemented, the RWQCB will have the authority to issue Waste Discharge Requirements (WDRs) for the facility design.

mitigating fouling and scaling once detected. Use of antibiofouling chemicals shall first be approved by the RWQCB.

53. Drilling logs, CPT logs and other geologic information shall be reviewed and approved by the RWQCB before constructing biosparge systems to identify potential areas of channeling.
54. **If required by the RWQCB,** Prior to installation of biosparge subsurface piping at the M4 and L11 plumes, Unocal shall perform a survey of dissolved oxygen levels in ground water as a baseline. Unocal shall perform the surveys after installation of the piping but before start-up. The surveys shall be performed over the areas where biosparging will occur and in selected areas to serve as background locations. The surveys ~~will~~shall be repeated immediately following installation and again after three months of operation. The surveys shall also include monitoring of water levels to detect evidence of mounding. Results of all surveys shall be submitted to the RWQCB for review and comment.
55. In areas where channeling is preventing effective distribution of injected air, additional air sparging wells shall be used to increase dissolved oxygen levels in the oxygen-deficient areas.
56. Unocal shall monitor ~~continuously~~ the air injection rate and volume at each injection blower so that a release can be detected.
57. Prior to operation of air sparging wells, Unocal shall submit to the RWQCB for review and approval an Injection System Maintenance Plan.
58. The concentrations of biostimulatory substances (i.e., ammonia, nitrate, orthophosphate) shall be assessed in soil and ground water for all areas planned for nutrient injection. Nutrients shall only be injected where nutrient levels are below optimal conditions. Nutrients shall be injected into ground water at a concentration and rate approved by the RWQCB. Biological degradation rates and nutrient consumption rates shall be considered. Oxygen-Releasing Compounds shall not be used without approval from RWQCB, USFWS and CDFG/OSPR.
59. Unocal shall monitor the consumption rate of the nutrients and use the data to determine if and when additional nutrients should be injected into the subsurface.
60. Unocal shall establish a series of ground water monitoring wells or microwells to monitor nutrient concentrations in ground water near surface water bodies as required by the RWQCB. The monitoring wells will serve as an early warning system for biostimulatory substances migrating to surface water via ground water.

The RWQCB is the agency responsible for making the determination on whether a survey of baseline dissolved oxygen levels is necessary prior to biosparge piping installation.

Based upon a discussion with various agencies, it may not be feasible to conduct continuous monitoring and continuous monitoring is not needed to detect a release.

61. If ground water monitoring shows that biostimulatory substances are threatening surface water quality and beneficial uses may be adversely impacted, the biostimulatory substances will have to be removed from ground water before continued migration of the substances results in aquatic growths in surface water.

ONSHORE BIOLOGICAL RESOURCES

The U.S. Fish & Wildlife Service (USFWS) will issue ~~a~~ Biological Opinions pursuant to Section 7 of the Endangered Species Act of 1973, as amended (ESA), or a Habitat Conservation Plan under Section 10 of the ESA for Stage 1 of the proposed remediation project. Additionally, Unocal has applied for an incidental take permit under Section 10 of the ESA for all activities not covered in the Biological Opinion. In order to obtain an incidental take permit, Unocal must develop a Habitat Conservation Plan (HCP). The California Department of Fish and Game will ~~issue a~~ permit activities under Section 2081 of the California Fish and Game Code. It is the intent of these conditions to not be in conflict with the approved permits issued by these two agencies. However, in instances where these conditions or the provisions of the permits are more stringent, the more stringent conditions shall apply. If these conditions are found to be in conflict with the approved Section 7 or 10 permits or the California Department of Fish and Game's (CDFG) 2081 permit, then the approved Section 7 or Section 10 permits or the 2081 permit shall prevail over these conditions of approval.

Changes in this section were made to reflect the past tense of an approved plan unless otherwise noted.

Unocal submitted a Biological Assessment for the entire Guadalupe Restoration Project to the USACOE in July 2002 and the USFWS is currently processing a Biological Opinion, but an HCP could be necessary in the future.

The CDFG 2081 has been issued, language changed to show past tense.

FIELD-WIDE BIOLOGICAL CONDITIONS

62. ~~Prior to September 1, 1999, a~~The Comprehensive Management and Coordination Plan shall be ~~developed~~implemented by Unocal ~~and submitted for review and approval~~approved by the County Department of Planning and Building, the Executive Director of the Coastal Commission and appropriate resource agencies. The purpose of this Plan is to coordinate site characterization, oil spill remediation, oil field abandonment, and infrastructure removal activities with ecological restoration efforts so as to avoid conflict and redundancy, and increase efficiency. It is also intended to coordinate site-specific activities with field-wide restoration efforts (e.g., managing sensitive species, restoring the same species at various sites, and establishing a weed-control program). In order to accomplish these goals, the Comprehensive Management and Coordination Plan shall be coordinated with the Surface Restoration and Revegetation Plan (Exhibit G, Condition 6), the Soil Stabilization and Erosion Control ~~Plan Program~~ (Exhibit F, Condition 63), and the site-specific requirements of the Habitat Restoration, Revegetation, and Monitoring Plan (Exhibit F, Condition 64). The Management and Coordination Plan ~~must~~includes, but is not necessarily ~~be~~ limited to, the following requirements:

The Comprehensive Management and Coordination Plan has been approved by the County Department of Planning and Building, the Executive Director of the Coastal Commission and appropriate resource agencies and this approved plan is being implemented by Unocal.

- a. ~~Create a~~ Unocal Management and Coordination Team ~~and describe its~~with organizational structure, including personnel, methods of contact, and responsibilities for coordinating site characterization, oil spill remediation, oil field abandonment, and infrastructure removal with surface restoration, soil stabilization and ecological restoration activities, including, but not necessarily limited to, habitat enhancement, restoration, and creation, revegetation, sensitive species management, and exotic species control.
- b. Incorporatings the requirements of Condition F68, ~~and create a~~ protocol for surveying, delineating, and marking construction sites and access corridors with special provisions for areas where construction activities have the potential for impacting wetlands or sensitive species. In order to minimize delays in construction, these protective activities ~~will~~shall be conducted by qualified biologists selected by Unocal and approved by the County Department of Planning and Building, the Executive Director of the Coastal Commission, and appropriate resource agencies. However, in order to insure adequate oversight, Unocal ~~will~~shall notify the Independent Onsite Environmental Coordinator in a timely fashion prior to conducting surveying, delineating or marking activities. At the discretion of the Independent Onsite Environmental Coordinator, an independent biological monitor under the Independent Onsite Environmental Coordinator's direction may participate in these activities. The Independent Onsite Environmental Coordinator, in cooperation with Unocal, may alter access corridors as appropriate to insure resource protection.
- c. ~~Create o~~Oilfield management zones that make sense ecologically and logistically, ~~using. Use~~ oil-field features (roads, pads, facilities sites) as boundaries and landmarks.
- d. Where there must be excavation at nearby sites in the same habitat type, coordinated activities so that plants and topsoil from one site can be moved directly to the other site and used in restoration. Identify specific instances where this appears ecologically desirable and logistically feasible.
- e. For contiguous treatment areas, including but not limited to L11–M11 and M3–M4, integrated treatment and habitat restoration plans shall be prepared, addressing such combined sites as a single unit in terms of lessening impacts and providing for future habitat restoration.
- f. Where site characterization, oil spill remediation, oil field abandonment, or infrastructure removal activities affect the same plot of ground, including access corridors, site characterization, abandonment and infrastructure removal shall be conducted prior to or during the remediation and prior to habitat restoration and revegetation efforts that could reasonably be expected to be

disturbed by subsequent activities. If this is not feasible, an alternative plan must be approved by the County Department of Planning and Building and the Executive Director of the Coastal Commission. For sites that do not require excavation, after equipment installation, restore and revegetate those portions of the site that will not be subsequently disturbed by equipment removal. The intent is to minimize temporal loss of habitat and reduce the potential for weed invasion.

- g. Remove ale of equipment and foreign materials, such as asphalt, concrete, gravel, diatomaceous shale, and imported soil. Crude oil used to stabilize slopes may be left in place where a thriving, predominately native plant community has established through the dried oil. In sites severely infested with invasive exotic species, the dried oil shall be removed as part of abandonment activities, except for good cause (e.g., steep slopes or other areas particularly susceptible to soil erosion) and with the approval of the County Department of Planning and Building and the Executive Director of the Coastal Commission. The determination of which sites need to be remediated shall be determined by a qualified biologist under the direction of the Independent Onsite Environmental Coordinator and in cooperation with Unocal. Following oil spill remediation, erosion control measures shall be immediately implemented and the site shall be restored consistent with the requirements of included in the Habitat Restoration, Revegetation, and Monitoring Plan described in Condition 64 in Exhibit F.

The requirements of Condition 64, Exhibit F were incorporated into the Habitat Restoration, Revegetation and Monitoring Plan, which was approved by the agencies as a guidance document and is currently being implemented. The revisions clarify that additional sites are not added to the HRRMP, but the guidelines of the HRRMP are used for all restoration activities.

- h. As soon as practicable, restore all remediated or abandoned sites not needed for use during the continuing remediation effort.

- i. Using existing data where possible, categorize and map the habitats throughout the oilfield in terms of type, condition, size, and quality (good, fair, degraded; supports sensitive resources; etc.). Specifically, identify and map the following areas: (1) relatively undisturbed areas of the various habitat types which could be used as a reference sites to evaluate the effectiveness of restoration efforts; (2) sources of suitable materials for plant propagation; (3) areas suitable for the restoration and expansion of sensitive species populations; and, (4) locations and approximate density and ground surface cover of invasive exotics, including veldt grass (*Ehrharta calycina*), pampas grass (*Cortaderia jubata*, *Cortaderia sp.*), Senecio sp, iceplant (*Carpobrotus edulis* and *C. chilensis*), narrow leafed iceplant (*Conicosia pugioniformis*), giant reed (*Arundo donax*), and beachgrass (*Ammophila arenaria*). Unocal shall report the results of these field efforts in a Habitat Inventory that will be completed and submitted to United States Fish and Wildlife Service, California Department of Fish and Game, County Department of Planning and Building, and the Executive Director of the Coastal Commission for review and comment by July 1, 2000. A 30-day comment period will be allowed. A Final Report which includes

The changes for this condition have been included to reflect that the initial reporting was completed and submitted to the agencies in the Habitat Inventory and Ecological Database (HIED) and to clarify what areas will be resurveyed for the annual HIED update and where and when the resurveyed data must be submitted to the listed agencies.

~~agency comments in appendices will be submitted to United States Fish and Wildlife Service, California Department of Fish and Game, County Department of Planning and Building, and the Executive Director of the Coastal Commission by September 1, 2000. Data upon which the inventory is based shall have been collected within the previous 10 years. Data collected prior to June 1, 1998, will be ground truthed in the field by qualified biologists in cooperation with the independent Onsite Environmental Coordinator to verify conditions and document changes. Areas that have been are substantially altered due to site characterization, oil field remediation, abandonment, or site restoration activities as determined by the independent Onsite Environmental Coordinator in cooperation with Unocal will shall be re-surveyed and updated in the QEMR. The Habitat Inventory and Ecological Database (maps and categorizations of various habitats previously submitted to and approved by the appropriate agencies) shall be updated at least annually and submitted to the United States Fish and Wildlife Service, California Department of Fish and Game, County Department of Planning and Building, and the Executive Director of the Coastal Commission.~~

- j. Document annually the location of the aquatic habitats associated with the Santa Maria River mouth and estuary and compare these locations with locations of past and ongoing remediation activities and activities planned for the coming year. Identify any potential impediments to migration (e.g., water diversions needed) and potential for degradation of water quality and estuarine habitat, and identify additional mitigation measures necessary to maintain free movement and habitat quality for fish and wildlife species. Phase the remediation, abandonment, and infrastructure removal activities so as to avoid impacting large portions of the populations of one species or one habitat type at about the same time, and to ensure the continued existence of healthy sources of propagules in the vicinity of sites to be restored.
- k. ~~Establish a~~An oilfield-wide exotic species management and eradication program. Using the Habitat Inventory described above, assign priority categories to each weed species and geographic area and establish a matrix of weed control methods and priorities by species and location. Isolated areas or small colonies of beach grass shall be included in the high priority group of species to be treated because of the direct relationship between colony size and difficulty in eradication. Initial efforts shall target isolated occurrences (e.g., pampas grass) and beginning populations (e.g., Senecio sp., veldt grass), and conicosia wherever encountered. This shall be followed by treatment of denser, more established populations of weeds such as veldtgrass and iceplant. Exotic species control activities shall be continued field-wide throughout the period of site

characterization, remediation, abandonment, and infrastructure removal and performance monitoring.

- l. Separate from the field-wide exotic control program, ~~establish~~ a site-specific schedule for weed control. Exotic species control activities shall be conducted on sites prior to oil spill remediation, oil field abandonment, infrastructure removal or stockpiling of soil. Where practicable, sites shall be initially treated at least one growing season in advance of these activities with follow up as necessary. The intent is to extirpate living weeds and minimize the weed seed bank.

- m. The Applicant has prepared a Sensitive Species Management Plan that was approved by the appropriate resource agencies, the County Department of Planning and Building, and the Executive Director of the Coastal Commission. Develop and ~~The Applicant shall implement the approved field-wide Sensitive Species Management Plan for each sensitive species which is are~~ potentially impacted by site characterization, oil spill remediation, oil field abandonment, infrastructure removal or other project-related activities. ~~The program plan shall be developed in consultation with, and be approved by, the appropriate resource agencies, the County Department of Planning and Building, and the Executive Director of the Coastal Commission.~~ Sensitive species are defined as (a) species which are listed by state or federal agencies as threatened or endangered or which are designated as candidates for such listing, (b) California species of special concern, (c) fully protected or “special animal” species in California, (d) plants considered rare, endangered, or of limited distribution by the California Native Plant Society, and (e) other species which were not recorded on the oilfield prior to January 1, 1999, and for which there is substantial scientific evidence of rarity or endangerment. Potentially impacted sensitive species within the Guadalupe Oil Field include, but are not necessarily limited to, La Graciosa thistle (*Cirsium loncholepis*), surf thistle (*Cirsium rhotophilum*), beach spectacle-pod (*Dithyrea maritima*), dune mint (*Monardella crisper*), dundelion (*Malacothrix incana*), California least tern (*Sterna antillarum*), western snowy plover (*Charadrius alexandrinus*), California red-legged frog (*Rana aurora draytonii*), tidewater goby (*Eucyclogobius newberryi*), and silvery legless lizard (*Anniella pulchra pulchra*).

- n. Provide a schedule of planned activities.
- o. Provide q Quarterly progress reports (i.e., Quarterly Ecological Monitoring Reports, or QEMR) to the County Department of Planning and Building and the Executive Director of the Coastal Commission and appropriate resource agencies.

63. ~~Prior to September 1, 1999, a~~ Soil Stabilization and Erosion Control ~~Plan Program~~ shall be ~~developed implemented~~ by Unocal ~~and~~

The April 2003 Sensitive Species Management Plan has been approved by the listed agencies and is currently being implemented.

The agencies have agreed that the Quarterly Ecological Monitoring Report (QEMR) serves as the quarterly progress report referenced in this condition.

~~submitted for review and approval~~ approved by the County Department of Planning and Building and the Executive Director of the Coastal Commission in the Comprehensive Management and Coordination Plan, the Habitat Restoration, Revegetation and Monitoring Plan and the Site-Specific Restoration Plans. The purpose of this ~~plan~~ Program is to create an oilfield-wide soil stabilization and erosion control program that will integrate efforts at particular sites in the context of larger scale natural processes. Minor ground disturbance activities associated with soil stabilization and erosion control such as cultural test pits, plant salvaging and lizard raking with hand tools, hand auger borings, and decommissioning operations shall be reviewed and approved by the Independent Onsite Environmental Coordinator. The Plan ~~Program~~ shall be compatible with the Habitat Restoration, Revegetation, and Monitoring Plan objectives. Any soil stabilizers identified for erosion control shall be compatible with native plant recruitment and establishment. The erosion control plan shall include temporary soil stabilization methods to prevent the loss or movement of soil from clean or contaminated soil stockpiles.

The term "Program" reflects guidelines integrated into plans.

The Soil Stabilization and Erosion Control Program is addressed in the Comprehensive Management and Coordination Plan, the Habitat Restoration, Revegetation and Monitoring Plan, Site-Specific Restoration Plans and Construction Plans.

Soil stabilization and erosion control measures implemented for each activity, such as restoration, are integral to, and included in, each plan.

Guidelines provided in the program are included in each of the listed plans, all of which require approval.

As the County's field representative, the OEC should have the authority to approve minor, routine ground disturbance activities.

64. ~~Prior to September 1, 1999, a~~ Implement the Habitat Restoration, Revegetation, and Monitoring Plan ~~shall be developed for all but Stage 1 activities by Unocal and submitted for review and approval~~ approved by the County Department of Planning and Building, the Executive Director of the Coastal Commission and appropriate resource agencies. ~~Upon submittal and prior to approval, the Habitat, Revegetation, and Monitoring Plan shall be available for public review and comment for 30 calendar days. For Stage 1 activities, a~~ Site s Specific Restoration p Plans as described herein and which includes the protective provisions of Conditions F62, F66, F67, and F68 ~~will~~ shall be developed by Unocal and approved by the County Department of Planning and Building and the Executive Director of the California Coastal Commission, prior to any ground disturbance.

The Habitat Restoration, Revegetation and Monitoring Plan has been approved by the County Department of Planning and Building, the Executive Director of the Coastal Commission and appropriate resource agencies and this approved plan is being implemented by Unocal.

~~For sites M4 and L11, all pre-construction surveys required herein will be completed and a report submitted and approved by the County Department of Planning and Building and the Executive Director of the California Coastal Commission prior to any ground disturbance. In addition, for sites M4 and L11, a site-specific oil spill remediation plan which includes the protective provisions of Conditions F62, F66, F67, and F68 will be developed and approved by the County Department of Planning and Building and the Executive Director of the California Coastal Commission prior to any ground disturbance. For sites M4 and L11, a site-specific Habitat Restoration, Revegetation, and Monitoring Plan as described herein shall be developed by Unocal and submitted for review and approval by the County Department of Planning and Building, the Executive Director of the Coastal Commission and appropriate resource agencies prior to April 1, 1999. Upon submittal and prior to approval,~~

Originally, M4 and L11 were scheduled for excavation prior to the processing of the Habitat Restoration, Revegetation and Monitoring Plan. The site conditions and resulting priorities changed, allowing these excavations to be delayed. This delay was approved by the RWQCB. Restoration of these two sites is now being addressed in the Wetland Restoration Mitigation Plan being developed by the Restoration Working Group.

~~the Habitat, Revegetation, and Monitoring Plan shall be available for public review and comment for 30 calendar days.~~

~~In compliance with other conditions in Exhibits E, F, and G, additional sites may be added to the Habitat Restoration, Revegetation, and Monitoring Plan after initial approval. Within 90 days after the criteria for inclusion are met, Unocal will develop a site specific habitat restoration, revegetation, and monitoring plan and submit it to the County Department of Planning and Building and the Executive Director of the Coastal Commission for approval. Some project activities will result in significant disturbances, yet not on a scale large enough to require a Site-Specific Restoration Plan. Such areas shall be restored under the guidance of a Functionally Equivalent SSRP (FESSRP). FESSR Plans are so designated because they are functionally equivalent to site-specific plans. However, FESSR Plans are designed for minor ground disturbing activities such as cultural test pits, assessment activities, and decommissioning operations and shall be reviewed and approved by the Independent Onsite Environmental Coordinator rather than the County Department of Planning and Building and the Executive Director of the Coastal Commission. The Independent Onsite Environmental Coordinator shall make the determination as to when the success criteria at the FESSRP sites have been met.~~

All of the resource agencies agreed that developing Site Specific Restoration Plans (SSRPs) for minor ground disturbance activities did not make sense. The agencies determined that it would be more efficient to have a restoration plan provision for minor disturbances that is functionally equivalent to a SSRP, referred to as a FESSRP, which incorporates the guidelines in the agency-approved SSRP but allows for a simplified review and approval conducted in the field by the OEC. The FESSRP protocol was approved by the agencies and has been implemented in the field for the last two years. Approximately 20 FESSRPs have been approved by the OEC since agency approval of this protocol.

~~Each FESSRP shall define the restoration goals and objectives, provide information on the pre-disturbance habitat and describe the success criteria that will be used to measure the progress of each site. Activities warranting a FESSRP might include short access roads for pipeline removal or small pot-holing activities. Determinations regarding the applicability of a FESSRP shall be made by the OEC. FESSRP shall not apply to wetlands or areas where there are substantial impacts to sensitive species. Issues to be addressed or considered when rendering these determinations may include the area of disturbance, proximity to listed species, type of disturbance, quality of habitat to be disturbed, etc.~~

The overall goal of the activities described in ~~this-these~~ Plans is to establish healthy, self-sustaining, communities similar in species composition, abundance, and dispersion to undisturbed local natural communities of the same type. The purpose of ~~this-these~~ Plans is to provide site-specific instructions for achieving this goal at sites impacted by site characterization, oil spill remediation, oil field abandonment, and infrastructure removal activities.

These revisions reflect the addition of a FESSRP.

Although each site will have unique requirements that must be addressed in ~~this-these~~ Plans, it is recognized that habitat restoration is not an isolated endeavor, but rather takes place within a larger context. For that reason, the site-specific activities in ~~this-these p~~Plans

shall be coordinated through the Comprehensive Management and Coordination Plan (Exhibit F, Condition 62).

The Habitat Restoration, Revegetation and Monitoring Plan, Site-Specific Restoration Plans and Functionally Equivalent Site-Specific Restoration Plans shall apply to sites affected by site characterization, oil spill remediation, oil field abandonment and infrastructure removal activities and shall include, but not necessarily be limited to, the following requirements:

Clarifies that three types of plans, the Habitat Restoration, Revegetation and Monitoring Plan, Site-Specific Restoration Plans and Functionally Equivalent Site-Specific Restoration Plans, are potentially applicable and each plan that is prepared shall contain the required information.

a. Each site shall have a specific restoration, revegetation, and monitoring plan. Plan elements that are general or apply to multiple sites may be contained in an appendix and included by reference. Each ~~sSite-s~~Site-Specific Restoration Plan or Functionally Equivalent Site-Specific Restoration Plan shall include, but not necessarily be limited to, the following elements:

i. Prior to any remediation, abandonment, or infrastructure removal activities, a pre-disturbance ~~biological-wildlife and botanical~~ survey shall be completed. The wildlife survey shall identify all sensitive species occupying or using the site, estimate the abundance ~~(density or percentage ground cover), and size or age structure, and condition~~ of resident species, and the intensity of use (e.g., time spent foraging or loafing) of non-resident species. ~~W~~Sensitive wildlife surveys must be conducted within ~~24-12~~ months of the disturbance and, if practicable, must include the seasons during which disturbances will occur. The botanical survey shall identify all plant species present at the site and estimate their abundance (density and/or ground cover, as appropriate to grown form) and size structure. ~~Vegetative-Botanical~~ surveys must be conducted within ~~6-12~~ months of the disturbance. A high resolution, vertical ortho rectified aerial photograph at a scale of 1:6000 or less shall be taken within 1 year before the disturbance.

Provides clarity between the requirements for a wildlife survey versus a botanical survey. Requires more detailed surveys for Sensitive species.

The term 'sensitive' is being proposed to clarify that detailed information on wildlife will be gathered for sensitive species. For other wildlife species, recorded information will be primarily presence/absence.

For a number of botanical species, surveys have to be conducted at a specific time of year. Depending upon when the disturbance is scheduled to occur, it may be necessary to conduct the survey up to 12 months prior to the disturbance.

The aerial photograph timing is consistent with the accepted practice of taking one aerial photograph of all the sites once a year.

In addition to the surveys required for the plan, sSurveys of sensitive plant species must be conducted within 30 days of the disturbance. Ground level photographs shall be taken within 30 days of the disturbance. ~~-and a high resolution, vertical ortho rectified aerial photograph at a scale of 1:6000 or less will be taken within 3 months before the disturbance.~~ Changes to previously conducted surveys shall be documented in the Quarterly Ecological Monitoring Report.

ii. Where delineated wetlands are present, prior to any remediation, abandonment, or infrastructure removal activities, the local hydrology and the soil profile to the depth of the expected excavation ~~will~~shall be analyzed and described by appropriate specialists approved by the County Department of Planning and Building and the Executive Director of the Coastal Commission. The parameters to be

- assessed shall include depth, composition, and texture of wetland soils, and a description of any relatively impervious confining layers. ~~Representative soil borings will be preserved and retained by Unocal until habitat restoration and revegetation has been successfully completed, unless otherwise approved by the County Department of Planning and Building and the Executive Director of the Coastal Commission.~~ The purpose of this condition is to provide the information necessary for physical restoration appropriate to the re-creation of self-sustaining wetland habitat similar to that which existed prior to excavation.
- iii A map shall be prepared with a polygon representing the geographic limits of disturbance and the geographic boundary of restoration and revegetation activities. The disturbance boundary will be physically delineated in the field. The boundary of restoration activities may be larger.
 - iv Prior remediation, abandonment, infrastructure removal activities and other known disturbances (including grazing) shall be summarized.
 - v ~~Prior to issuance of a grading permit for any excavation project, a~~ Construction monitoring as described in the Habitat Restoration, Revegetation and Monitoring Plan, Site-Specific Restoration Plan and/or grading plans shall be designed by Unocal and approved by the County Planning and Building Department and the Executive Director of the Coastal Commission. ~~This plan~~ shall include, but not necessarily be limited to, the following elements:
 - (a) Pre-construction topographic survey information.
 - (b) Specifications for soil compaction, for grading and contouring, for quantity and physical/chemical characteristics of replacement soils and fill, for top soil maintenance or replacement, for erosion control procedures, and other ~~development restoration~~ activities. Upon completion of an excavation, ground surface shall be restored ~~to its pre-construction topographic profile per the contours as described in the approved Site-Specific Restoration Plan and/or grading plan~~ and any temporary sheetpile shall be removed. The area surveyed must include the entire limits of work including access corridors, staging areas, overburden storage areas and topsoil storage areas.
 - (c) Protocols to determine quantitatively, following physical restoration and grading, whether the physical habitat has been built-to-plan and procedures for documenting any changes to those plans. Upon completion of construction a ~~The~~ post-construction monitoring report shall be developed that documents the pre and post construction physical habitat conditions such as contours. The post-

Maintaining representative wetland soil borings is not necessary because the wetlands are a result of groundwater daylighting in a dune swale, not a result of perched water over confining soils.

The Habitat Restoration, Revegetation, and Monitoring Plan, Site-Specific Restoration Plans and grading plans are specific to each site and allow all of the relevant information to be included in one plan that is reviewed and approved by the agencies. These plans include all of the final grading and contour requirements for the site.

The post-excavation specifications for each site are provided in the Site-Specific Restoration Plan and/or grading plan which require agency approvals as outlined in this permit.

~~construction monitoring report shall be must be approved~~
by the ~~County Department of Planning and Building and~~
~~the Executive Director of the Coastal~~
~~Commission~~Independent Onsite Environmental
Coordinator, prior to revegetation efforts within the area
physically restored. This does not preclude early
restoration and revegetation activities in portions of the
site not subject to construction activities.

The various resource agencies approve the Habitat Restoration, Revegetation and Monitoring Plan, Site-Specific Restoration Plan and/or grading plans. The County OEC is then responsible for reviewing the post-construction report and determining if the final construction is consistent with the plan approved by the agencies. The County OEC reports the findings on the post-construction monitoring to the resource agencies.

- vi. ~~A Dune Soil and sand S~~tabilization Plan methods which
must include, but not necessarily be limited to, (a) monthly
monitoring for erosion during the annual rainy season
(including the period November through March), until
biological ~~performancee success~~ criteria have been met, (b)
remedial measures in the event of erosion, and (c) ongoing
~~dune soil and sand~~ stabilization measures which may include
appropriate physical measures (e.g., installation of jute
netting) and revegetation activities.
- vii. ~~The habitat restoration and revegetation plan shall include a A~~
description of the habitat and revegetation goals in terms of
abundance (e.g., density or ground cover), height or other
growth characteristics, recruitment and survival, and general
dispersion of particular plant species and the population
characteristics (density, age or size structure, etc.) and habitat
use by appropriate indicator wildlife species as determined by
a qualified biologist. The habitat restoration and revegetation
plan ~~will shall~~ include technical details of collecting seeds and
other propagules, propagation, planting, routine monitoring
and maintenance (including irrigation), sensitive wildlife
introductions, and a time schedule. The restoration biologist
responsible for the field work shall be identified in the plan.
Any changes to the restoration biologist shall be approved by
the Independent Onsite Environmental Coordinator.~~Facilities~~
~~and staff will be identified.~~
- viii. ~~The restoration and revegetation monitoring plan shall~~
~~include s~~pecific erosion control and ecological performancee
success criteria, which relate logically to the local restoration
and revegetation goals. Where there is sufficient information
to provide a strong scientific rationale, the performancee
success criteria shall be absolute (e.g., a specified percentage
ground cover or a specified average height within a specified
time for a species). Where absolute successperformancee
criteria cannot reasonably be formulated, clear relative
success performancee criteria ~~will shall~~ be specified. Relative
criteria are those that require a comparison of the restoration
site with reference sites. Reference sites may be located on
the oilfield property or in other areas of the Guadalupe–
Nipomo Dunes complex. In the case of relative
successperformancee criteria, the rationale for the selection of
reference sites, the comparison procedure, and the basis for

This condition is not intended to solely address dunes, but dune stabilization is included in the erosion control measures that are part of the Soil Stabilization and Erosion Control Program required by Condition 63 in Exhibit F.

Soil and sand stabilization is addressed in the approved Restoration Plans. Monitoring of stabilization and erosion is done at all restoration sites as specified in the approved Restoration Plans. Corrective actions are taken as necessary and reported in the Quarterly Ecological Monitoring Report.

Given that wildlife is not always present at the sites during the time of the surveys, it is appropriate to use indicator wildlife species to determine population characteristics and habitat use. This approach is more conservative in that it does not require a specific wildlife species to be present at the site during the survey for it to be assumed that they use the site at some time of the year. These types of surveys require the use of a qualified biologist.

It is not feasible to identify future facilities and staff for a restoration site, as the facilities will be revised as needed and there will be turnover in the staff. It was determined by the agencies that the biologist responsible for the field work is an important factor for success of a restoration site.

The Restoration Working Group (RWG) for the Guadalupe Restoration Project has requested that the word "success" be used to define the criteria that will be used to determine if requirements are being met at restoration sites.

judging differences to be significant ~~will~~shall be specified. If the comparison requires a statistical test, the test ~~will~~shall be described, including the desired magnitude of difference to be detected, the desired statistical power of the test, and the alpha level at which the test will be conducted. The design of the sampling program shall relate logically to the ~~success~~performance criteria and chosen methods of comparison. The sampling program shall be described in sufficient detail to enable an independent scientist to duplicate it. Frequency of monitoring and sampling shall be specified for each parameter to be monitored. Sample sizes shall be specified and their rationale explained. Using the desired statistical power and an estimate of the appropriate sampling variability, the necessary sample size ~~will~~shall be estimated for various alpha levels, including 0.05 and 0.10.

- ix. Unocal shall fund an independent ~~biological~~performance monitor to be selected by the County Department of Planning and Building and the Executive Director of the Coastal Commission, after consultation with Unocal and other agencies, to ~~assist in the interim monitoring and~~ conduct ~~final~~ performance monitoring. ~~The Unocal's~~ performance monitors will coordinate their ~~interim monitoring~~ activities with the Management and Coordination Team, ~~the independent performance monitors~~ and ~~with~~ the revegetation contractors. The ~~Unocal~~ performance monitors and revegetation contractors are encouraged to cooperate in field sampling ~~with the independent performance monitors.~~, ~~but~~ ~~Unocal shall notify the County Department of Planning and Building and the Executive Director of the Coastal Commission when Unocal believes the success criteria contained in the SSRPs have been met and document their determination in the QEMR.~~ The ~~independent~~ performance monitors shall direct the ~~final~~ performance monitoring activities. ~~Final~~ performance monitoring shall ~~commence one year~~be ~~conducted following the completion of habitat restoration and revegetation and continue until~~after performance standards have been met for two consecutive years ~~without after the end of~~ maintenance or ~~bio~~remediation activities ~~other than weed control~~ (watering, replanting etc.), or ~~for~~ ~~after~~ 10 years, whichever is shorter. ~~When the County Department of Planning and Building and the Executive Director of the Coastal Commission have determined that the success criteria have been met, no further performance monitoring shall be required.~~ If performance standards are not met in ten years, or if prior to that time Unocal concludes that restoration and revegetation will not meet performance standards, within 180 days Unocal shall apply to the County Department of Planning and Building for an amendment to the Coastal Development Permit which will include alternative mitigation.

Unocal has responsibility for interim monitoring until such time that the success criteria are met. During the interim monitoring, the independent performance monitor will be apprised of upcoming monitoring activities and will be allowed to participate in the interim monitoring activities.

When Unocal has met the success criteria, the independent performance monitor will direct the final performance monitoring.

Clarifies when restoration efforts are complete and that weed control is acceptable during the two-year verification period.

- b. Within 30 days before excavation, construction, installation of equipment, pipeline removal or any other activity associated with site characterization, oil spill remediation, oil field abandonment or infrastructure removal, qualified biologists in cooperation with the Independent Onsite Environmental Coordinator, shall survey all proposed construction, staging, and access areas for presence of sensitive species that might reasonably be expected to occur based on known habitat requirements or previous sightings. Immediately prior to construction, additional sensitive species surveys shall be conducted and any changes from previous surveys shall be reported to the Independent Onsite Environmental Coordinator and the Executive Director of the Coastal Commission, and documented in the Quarterly Ecological Monitoring Report. Sensitive species are defined as (a) species which are listed by state or federal agencies as threatened or endangered or which are designated as candidates for such listing, (b) California species of special concern, (c) fully protected or “special animal” species in California, (d) plants considered rare, endangered, or of limited distribution by the California Native Plant Society, and (e) other species which were not recorded on the oilfield prior to January 1, 1999 and for which there is substantial scientific evidence of rarity or endangerment. Individuals and colonies shall be mapped and clearly marked, their condition shall be determined and numbers of individuals or percentage of ground coverage or other appropriate measure of abundance shall be determined and recorded. If sensitive species are present, Unocal will implement the following requirements:
- i Adjust or limit construction areas and access routes and construction timing to avoid impact to individuals or colonies of sensitive species.
- ii Where impacts to sensitive plant species are unavoidable, develop and implement a sensitive species salvage, propagation, and replanting program that ~~will shall~~ utilize both seed and salvaged (excavated) plants which constitute an ample and representative sample of each colony of the species that would be impacted. The sensitive species portion of the SSRP or FESSRP program plan shall include measures to perpetuate to the greatest extent possible the genetic lines represented on the impacted sites by obtaining an adequate sample prior to construction, propagating them and using them in the restoration of that site and shall be approved by the same parties approving the SSRP and FESSRP. The SSRP or FESSRP shall include a ~~The salvage, propagation, and replanting program shall be approved by the appropriate resource agencies, the County Department of Planning and Building, and the Executive Director of the Coastal Commission before any activities that could potentially impact sensitive plant species or a separate~~ mitigation plan

Unocal is required to conduct pre-construction surveys within 12 months of the construction to assure they are conducted at the proper time of year. The additional requirement of surveys immediately prior to construction is to determine if there have been any changes with regard to sensitive species between the initial survey and construction.

Clarifies that the Salvage, Propagation and Replanting Program elements will be incorporated into the restoration plan submitted to and approved by the agencies or OEC.

- that compensates for direct impacts (including mortality, decreased fitness (e.g., growth or ~~breeding-reproduction~~ success) and loss of habitat) and temporal losses. ~~shall be developed in consultation with, and be approved by, appropriate resource agencies, the County Department of Planning and Building, and the Executive Director of the Coastal Commission within one year following habitat restoration at the site.~~
- iii Where impacts to sensitive animal species or their habitats are unavoidable, develop and implement a capture and relocation program. Prior to construction, the site and the surrounding area ~~for a minimum distance of 200 feet beyond the disturbance polygon~~ for a distance to be determined by Unocal and the Independent Environmental Coordinator will be searched and individuals captured using techniques appropriate to the species of concern (e.g., visual examination, baiting, night lighting, netting, trapping, etc.) and approved by the appropriate resource agencies. If required by the appropriate resource agency, ~~A~~ appropriate barriers to movement will be erected to minimize movement back into the construction area and the area will be periodically searched and immigrants removed. All captured individuals will be released as soon as possible into suitable habitat that has previously been identified or will be maintained in captivity and released where captured after restoration and revegetation is completed. The size or age-class, location of capture, and the relocation site shall be recorded for each individual relocated from the site.
- ~~The program plan shall be developed in consultation with, and be approved by, appropriate resource agencies, the County Department of Planning and Building, and the Executive Director of the Coastal Commission. A separate mitigation plan that compensates for direct impacts (including mortality, decreased fitness (e.g., growth or breeding success) and loss of habitat) and temporal losses shall be developed in consultation with, and be approved by, appropriate resource agencies, the County Department of Planning and Building, and the Executive Director of the Coastal Commission within one year following habitat restoration at the site.~~
- The SSRP or FESSRP shall include a sensitive species mitigation plan that compensates for direct impacts (including mortality, decreased fitness (e.g., growth or breeding success) and loss of habitat) and temporal losses. The ~~mitigation-sensitive species mitigation plans~~ shall include provisions for (a) yearly surveys for sensitive species during the suitable season to determine relative population sizes, evidence of breeding, and distribution. Where field-wide survey protocols exist, the surveys will be conducted

Sensitive species should only be relocated from areas where they could be impacted by construction activities and not from a fixed area around each restoration site.

Past experience at the site has shown that the use of barriers for controlling wildlife can do more harm than good. This has been particularly true with the California red-legged frog.

Condition 64.b.ii in Exhibit F discusses the Salvage, Propagation and Replanting Program, which is now included in the restoration plans. These plans are approved by the various resource agencies.

The appropriate place for the mitigation plan is in each of the restoration plans, which are approved by the various resource agencies.

throughout the oil field. These surveys shall be consistent with the survey protocols and management plans specified in the Sensitive Species Management Plan; (b) reassessment of the suitability and effectiveness of proposed mitigation; and, (c) if needed, implementation of additional mitigation. Alternate mitigation may require an amendment to the CDP/DP as described in 64.a.ix.

Clarifies that surveys will be consistent with the Sensitive Species Management Plan. This plan, which addresses protocol and approach for sensitive species surveys at the site, was approved by SLO County, the Coastal Commission, USFWS and CDFG.

- c. For areas where vegetation and soil are to be removed, salvage and replace topsoil that is reasonably weed-free- in accordance with the guidelines developed ~~In~~ consultation with the resource agencies and revegetation specialists, and included in the approved Habitat, Restoration, Revegetation and Monitoring Plan and/or Site-Specific Restoration Plan, Functionally Equivalent Site-Specific Restoration Plan, construction drawings or work plans. ~~develop a plan for r~~Removeing the topsoil that will maximize, to the extent feasible, salvage of the seed bank. ~~This plan must be approved by the County Department of Planning and Building and the Executive Director of the Coastal Commission.~~

Clarifies that the guidelines will be developed in consultation with resource agencies and revegetation specialists. Topsoil removal and reuse is not a separate plan, but is incorporated into one or more agency-approved plans.

- d. Include soil stabilization and erosion control measures that are compatible with the revegetation objectives. Any soil stabilizers identified for erosion control must be compatible with native plant recruitment and establishment. Erosion control shall include temporary soil stabilization techniques to prevent the loss or movement of soil from clean or contaminated soil stockpiles.
- e. Replant with native species propagated from seed or cuttings collected locally and, where feasible, from within the oil field. Include any sensitive species that would be impacted during construction activities.

- f. A post-construction high resolution, vertical ortho rectified aerial photograph at a scale of 1:6000 or less will be taken of each site annually, 3 years following the completion of revegetation. A report including the p ~~Pre~~-construction and post-construction aerial photographs and a map with overlays containing vegetation polygons from the ~~two pre-construction and post-restoration~~ aerial photographs shall be included in the Quarterly Ecological Monitoring Report submitted to the County Department of Planning and Building and the Executive Director of the Coastal Commission ~~within 90 days of the date the post construction photograph is taken.~~

The annual site-wide aerial photo used in the Quarterly Ecological Monitoring Report meets the intent of this requirement. This change requires Unocal to take annual photographs of the site to meet all of the aerial photo requirements in the permit consistent with Condition 64.a. in Exhibit F.

65. ~~Prior to September 1, 1999, a~~ Habitat Restoration and Revegetation Research Program shall be developed and implemented by Unocal in consultation with the U.S. Fish and Wildlife Service, California Department of Fish and Game, and technical specialists, and submitted for review and approval by the County Department of Planning and Building and the Executive Director of the Coastal

Unocal submitted a HRRRP in September 1999 and April 2001 for La Graciosa thistle, California red-legged frog and Western snowy plover.

Commission. The purpose of this program is to develop specific practical techniques to foster the recovery of particular sensitive species significantly impacted by site characterization, oil spill remediation, oil field abandonment, and infrastructure removal activities as determined by the Scientific Advisory Panel (SAP) and approved by the Stakeholder Advisory Committee (SAC).

Staff from the County Department of Planning and Building, the California Coastal Commission, the U.S. Fish and Wildlife Service, the California Department of Fish and Game will be asked to serve on the SAC along with Unocal representatives. The responsibility of the SAC is to select the Scientific Advisory Panel (SAP) members and, in consultation with the SAP, determine the type and level of research required.

The SAP will be comprised of three broadly trained quantitative ecologists. One member shall serve as chairman and be selected by the County Department of Planning and Building and the California Coastal Commission; one member shall be selected by the U.S. Fish and Wildlife Service and the California Department of Fish and Game; and one member shall be selected by Unocal. The SAP will solicit input from the SAC and the scientific community to establish research priorities. Unocal will provide funding for the SAP through an escrow account.

The program may proceed in concert with restoration activities that could affect sensitive species, provided that there is an applied research component, (i.e., a field experiment) that addresses the sensitive species and/or its habitat. The program shall include, but not necessarily be limited to, the following elements:

- a. ~~A separate pPlans for each sensitive species for which unavoidable significant impacts have occurred, or are likely to occur, and~~ for which there are no established, field-proven methods of successful restoration. Possible examples are beach spectacle-pod, La Graciosa thistle, Surf thistle, and red-legged frogs.
- b. Unocal will enter into a Memorandum of Understanding, as necessary and required by the U.S. Fish and Wildlife Service and California Department of Fish and Game, prior to implementing research involving listed species.
- c. Development and testing of effective methods to propagate individuals and to establish and expand field populations of impacted sensitive species.
- d. Provisions to maintain genetic diversity within restored populations, as determined through consultation with the resource agencies and other specialists.
- e. ~~Each plan shall include ff~~ formal experimental designs including the initial treatments to be tested, physical layouts, laboratory and field methods, and statistical tests, ~~and shall cover a period of 18 months.~~ Appropriate technical literature

The various resource agencies and Unocal had a number of meetings to discuss how best to implement the requirements of this condition to assure that appropriate research would be conducted for sensitive species that were significantly impacted by the project. The results of these meetings were the formation of the Stakeholder Advisory Committee (SAC) and Scientific Advisory Panel (SAP). These groups are responsible for identifying the research needs for the sensitive species and selecting the research programs that will be conducted at the site. Unocal is responsible for conducting the research, with oversight from the SAC and SAP.

Some of the research projects that have been identified by the SAP/SAC are designed to be implemented as part of a restoration project.

Clarifies that the research plans for sensitive species may be consolidated as directed by the SAP and SAC.

For a number of the proposed research topics, USFWS and CDFG would not require a Memorandum of Understanding.

The proposed research programs may have varying durations that could be longer than 18 months. The duration of the research will be determined by the SAC and SAP.

should be cited. It is understood that such a program is continually evolving based on the results of each set of experiments.

- f. ~~Deleted. For each included species, a scientific advisory panel shall be established to review the plan and provide guidance in its implementation. Members will be nominated by Unocal and be approved by the County Department of Planning and Building, the Executive Director of the Coastal Commission, and appropriate resource agencies. The panels shall include individuals with expertise in soils and micorrhizae, botany and revegetation, wildlife biology, and experimental design and statistics. There shall be at least two members of each panel. A specialist may serve on more than one panel.~~

The requirements of this section have been moved to the first part of Condition 65 of Exhibit F, and were expanded to address the formation of the SAC and SAP.

- g. Unocal shall prepare ~~a brief six-month progress report six months after the implementation of each applied research plan and annually thereafter. The progress reports on the status of the program that include~~ will give a narrative description of past research activities and the results of the previous year's research in standard form, including Introduction, detailed Methods, Results and Statistical Analyses, Conclusions and Literature Cited, and describe ~~planned new research activities proposed for the next year,~~ including a formal description of new experiments, including the treatments to be tested, physical layouts, laboratory and field methods and statistical tests, in appendices. The progress report shall be completed within ~~30-60~~ days after the end of the ~~subject six-month period~~ year and shall be submitted to each member of the ~~scientific advisory panel~~ SAP for review and comment. The final progress report shall be submitted to the USFWS, CDFG, and the resources agencies for review and written comments, and to the County Department of Planning and Building and the Executive Director of the Coastal Commission. Every effort shall be made to obtain the written comments of the ~~scientific advisory panel~~ SAP within 30 days. These comments will be forwarded to the USFWS, CDFG, the County Department of Planning and Building and the Executive Director of the Coastal Commission upon receipt with a cover letter responding to the comments of the ~~scientific advisory panel~~ SAP.

With the formation of the SAC and SAP and the regular meetings of these groups, there was no longer a need for a progress report after the first six months; it was determined that annual reports were sufficient. Also, the SAP will be actively involved in monitoring the research on a regular basis.

The request for 60 days allows adequate time for the Scientific Advisory Panel to review and comment upon the Progress Report before it is submitted.

- h. ~~Deleted. Requirements of this condition were incorporated into Exhibit F, Condition 65.g. Unocal shall prepare a formal annual report 12 months after the implementation of each applied research plan and annually thereafter. The annual report will be in two parts. The first section will report past results in standard form including Introduction, detailed Methods, Results and statistic analyses, Conclusions, and Literature Cited. The second section will be a proposed research program for the 12 months following the completion of the current research plan with a formal experimental design~~

All of the reporting requirements for research in this section have been incorporated into Condition 65.g, Exhibit F.

~~including the treatments to be tested, physical layouts, laboratory and field methods, and statistical tests. The annual report shall be completed within 60 days after the end of the subject 12 month period and submitted to each member of the scientific advisory panel for review and written comments, and to the County Department of Planning and Building, the Executive Director of the Coastal Commission and appropriate resource agencies for review and approval. Every effort shall be made to obtain the written comments of the scientific advisory panel within 30 days. These comments will be forwarded to the County Department of Planning and Building, the Executive Director of the Coastal Commission, and appropriate resource agencies upon receipt with a cover letter responding to the comments of the scientific advisory panel.~~

66. Every reasonable effort shall be made to avoid impacts to wetlands. Wherever ground-disturbing activities will occur, a preliminary wetland assessment shall be made by a qualified wetland delineator in cooperation with the independent Onsite Environmental Coordinator.

If, in the opinion of the independent Onsite Environmental Coordinator, there is evidence of frequent soil inundation or saturation, hydric soils, or a prevalence of hydrophytic vegetation, a formal wetland delineation shall be conducted by a qualified delineator approved by the County Department of Planning and Building and the Executive Director of the Coastal Commission. The delineation will be conducted in cooperation with the Independent Onsite Environmental Coordinator and will utilize the criteria accepted by the California Department of Fish and Game and the California Coastal Commission. If wetlands are present in areas of potential impact, their boundaries shall be accurately determined and mapped. A report will be submitted to the County Department of Planning and Building and the Executive Director of the Coastal Commission and other appropriate agencies prior to the initiation of site characterization, oil spill remediation, oil field abandonment, or infrastructure removal activities.

67. Prior to the initiation of oil spill remediation, oil field abandonment, or infrastructure removal activities which could result in unavoidable impacts to wetlands, ~~except such activities at sites M4 and L11, the County Planning Commission must approve Unocal shall develop~~ a Wetland Restoration and Mitigation Plan and related site-specific restoration plans developed by Unocal in consultation with the Army Corps of Engineers, the U.S. Fish and Wildlife Service, the California Department of Fish and Game, the County Department of Planning and Building and the Executive Director of the Coastal Commission to be submitted to the Planning Commission for approval. ~~Prior to April 1, 1999, Wetland Restoration and Mitigation Plans for sites M4 and L11 shall be developed by Unocal in consultation with the Army Corps of Engineers, the U.S. Fish and Wildlife Service, the California~~

Originally, M4 and L11 were scheduled for excavation prior to the processing of the Habitat Restoration, Revegetation and Monitoring Plan. The site conditions and resulting priorities changed, allowing these excavations to be delayed. They are now included with all the other wetland restoration projects and have been addressed as part of the Habitat Restoration, Revegetation and Monitoring Plan and the Wetland Restoration and Mitigation Plan.

The Wetland Restoration and Mitigation Plan and Site-Specific Restoration Plans are being prepared in consultation with the Restoration Working Group, which includes San Luis Obispo County, USFWS, ACOE, CDFG and CCC.

~~Department of Fish and Game, the County Department of Planning and Building, and the Executive Director of the Coastal Commission and submitted for approval to the County Planning Commission.~~ The Wetland Restoration and Mitigation Plan and related Site-Specific Restoration Plans shall include, but not necessarily be limited to, the following elements:

- a. The ratio of the area of created or restored wetlands to the area of impacted wetlands shall be 4 to 1, unless otherwise required by resource agencies.
- b. To promote the reestablishment of desired wetland and transition habitats where these habitats have been excavated, post-treatment ground elevations shall be established so as to provide saturated surface soil conditions at the lowest points, surrounded by zones of gradual transition to upland conditions ~~(averaging less than 5 percent slope)~~ to provide a range of microhabitats that can accommodate the requirements of sensitive plant species. Final elevations shall be determined based on monitoring records for the site, ~~and~~ the observation of groundwater depths during remediation and site-specific performance standards.
- c. A plan indicating locations of wells or other monitoring infrastructure for monitoring dissolved-phase diluent, to ensure detection of exposures approaching potential damage thresholds as determined by the U.S. Fish and Wildlife Service and the California Department of Fish and Game Monitoring reports shall be ~~submitted to~~ included in the quarterly groundwater monitoring reports submitted to RWQCB and distributed to the U.S. Fish and Wildlife Service, the California Department of Fish and Game, the County Department of Planning and Building, and the Executive Director of the Coastal Commission ~~quarterly or whenever it thresholds are exceeded~~.
- d. The restored or created wetland and adjacent upland and transitional habitats within 100 feet, or a greater distance if required by appropriate resource agencies, shall be included in the Habitat Restoration, Revegetation and Monitoring Plan described in Condition 64 in Exhibit F.

In developing the Wetland Restoration Plans, it was found that in some instances the 5% slope was too restrictive to achieve the desired design goals for the wetland.

The Site-Specific Restoration Plans need to show the physical infrastructure that will be installed for future monitoring. The Screening Level Ecological Risk Assessment, ratified by the RWQCB, CDFG, USFWS and Unocal, did not identify specific exposure thresholds. The issue of diluent exposure will be handled on a site-by-site basis. Water monitoring is reported in the Quarterly Groundwater Monitoring Report distributed to all the listed agencies.

68. For all activities associated with site characterization oil spill remediation, oil field abandonment, and infrastructure removal, Unocal shall take all feasible steps to avoid or minimize environmental impacts including, but not necessarily limited to, the following actions:

- a. The duration of time each site is disturbed and the total area of disturbance shall be minimized to the extent feasible.
- b. Unocal shall maintain a current database of state or federally listed rare, threatened or endangered species and other sensitive species present in the oil field and seasonal or year round access restrictions or closures required for sensitive species protection.

Unocal shall keep closure information posted in the field office, ~~and~~ contractor trailers or other prominent locations approved by the Independent Onsite Environmental Coordinator and notify all personnel of closed areas and penalties that Unocal will exact from its contractors and employees for non-compliance.

Allows flexibility to post information in the most appropriate location, such as the bulletin board at the front gate, where the largest number of contractors and workers are likely to see the postings.

c. In cooperation with the Independent Onsite Environmental Coordinator in the field, Unocal shall clearly mark any potentially impacted locations of sensitive species in the oil field to exclude vehicles or pedestrians (e.g., with traffic cones, t-bar and caution/DO NOT ENTER tape, t-bar and orange construction fence).

d. Unocal shall confine all off-road vehicular use to designated construction areas and access corridors. ~~These All corridors~~ shall be initially surveyed by qualified biologists in cooperation with the Independent Onsite Environmental Coordinator and routed to avoid impacts to sensitive plant and wildlife species and minimize impacts on native vegetation and soils. The corridors shall be clearly designated in the field using durable and conspicuous markers that can be removed before they degrade or that will degrade completely into environmentally harmless materials unless the Independent Onsite Environmental Coordinator agrees that the corridors are visually obvious and markers are unnecessary. Locations of all off-road vehicle corridors shall also be marked on maps. All personnel operating vehicles capable of off-pavement travel shall be informed of the restrictions on off-pavement travel and made responsible for adhering to them.

Based on the initial survey, the ORV trails were marked on maps. ORV trails will also be marked in the field unless the OEC determines that they are clearly visible to prevent the ORVs from leaving the approved trail.

e. Unocal shall minimize ATV-ORV use and confine it to designated ~~corridors-ORV trails~~ with restrictions on time or season of access, top speed and noise generation. Access to monitoring wells shall be by the established ORV trail or the route employed to install them unless an ecologically preferable route is identified and approved by the independent Onsite Environmental Coordinator. Access routes to sites not accessible by designated ~~corridors-ORV trails~~ shall first be surveyed by a qualified biologist in cooperation with the Independent Onsite Environmental Coordinator. An up-to-date sign-in log shall be maintained by Unocal (and its contractors) of all ATV-ORV trail use (including names of operators ~~and passengers, routes traveled~~ ORV trail used, dates and ~~times in and out, and purpose~~). Using the Habitat Inventory and Ecological Database, Access corridors-ORV trails within 200 feet of wetlands or known listed-species populations shall be ~~periodically~~ surveyed, ~~at a frequency determined by Unocal and the Onsite Environmental Coordinator in consultation with the appropriate resource agencies, by prior to or during use~~ by a qualified biologist in cooperation with the Independent Onsite Environmental Coordinator to monitor their condition, including exotic species establishment, and presence of sensitive species (e.g., new establishment of beach spectacle pod)

Some of the ORV trails are near sensitive species habitats and need to have time or seasonal restrictions on them to avoid potential impacts to these species. These revisions emphasize that trails in proximity to sensitive habitats require more rigorous monitoring than others, and that escorts are required to accompany personnel utilizing them.

and/or evidence of excessive erosion. Eradication efforts shall be implemented if the corridor is facilitating spread of invasive exotic species into areas where they are not already well-established.

- f. ~~Prior to the issuance of a construction permit for each Stage, a~~ Δn exclusion plan shall be prepared by Unocal ~~in cooperation with and approved by~~ the Onsite Environmental Coordinator, ~~and approved by the County Department of Planning and Building and the Executive Director of the Coastal Commission.~~ The plan shall identify and map all exclusion zones that shall not be disturbed or disrupted by any element of the proposed projects. Exclusion zones shall include sensitive habitats such as wetlands, riparian vegetation, important terrestrial habitat and other biological resources.
- g. Unocal shall restrict construction activities and equipment to existing roads, pads or otherwise disturbed areas as much as possible.
- h. Where access to sites or pipeline abandonment must be through native habitats, a qualified biologist in cooperation with the Onsite Environmental Coordinator shall determine the most suitable and least environmentally damaging access route to the site. This access route shall be clearly marked and will be considered part of the construction zone.
- i. Limits of the construction zone shall be clearly marked and delineated by Unocal in the field and approved by the Onsite Environmental Coordinator prior to issuance of grading permit for each excavation project. No unauthorized personnel or equipment shall be allowed in native habitats outside the construction limits.
- j. Unocal shall ~~clearly mark~~ show biologically sensitive areas on grading plans, ~~and mark them~~ on site per Condition 68 and ensure that they are avoided by personnel and equipment.
- k. At oil spill remediation sites, oil field abandonment activities shall be completed prior to or concurrent with remediation, avoiding any redistribution following the completion of remediation. Following on-site remediation activities, foreign material (rock fragments, asphalt, abandoned equipment and debris) shall be removed to the extent feasible from surface soils, ~~except with the approval of the County Department of Planning and Building and the Executive Director of the Coastal Commission in consultation with the independent Onsite Environmental Coordinator. Original topography~~ Ground surface shall be restored ~~to the extent possible, per the contours described in the approved Site-Specific Restoration and/or grading plan~~ and stabilized if necessary by physical means such as jute netting.
- l. For sites where ongoing access is required (such as for monitoring or maintenance), a qualified biologist in cooperation

The reference to "stages" is no longer relevant to the project. The Onsite Environmental Coordinator is the field representative for the various resource agencies, and is most familiar with the site and the locations of the sensitive species.

Clarifies the interpretation of labeling requirements on drawings. Allows biologically sensitive areas to be indicated on drawings by specific type (wetlands, beach spectaclepod population, etc.).

The decisions regarding foreign debris removal need to be made in the field on a case-by-case basis as the removal is underway and therefore should be done by the OEC, who is the field representative of the various resource agencies.

Prior to remediation, sites may have manmade features, such as well pads, that should not be reconstructed or the area may be restored to another habitat type such as a wetland. The contours of the restored site are determined in the Site-Specific Restoration Plan and grading plan approved by the agencies for each site.

with the Independent Onsite Environmental Coordinator shall determine the most suitable access route. Access routes shall be clearly marked in the field unless the Independent Onsite Environmental Coordinator agrees that the corridors are visually obvious and markers are unnecessary. ~~and~~ Off-road travel shall be confined to designated routes. ~~Periodic surveys of the All~~ ORV access routes shall be surveyed at a frequency determined by Unocal's qualified biologist in cooperation with ~~and the~~ Independent Onsite Environmental Coordinator ~~in consultation with the appropriate resource agencies, shall be conducted by a qualified biologist in cooperation with Onsite Environmental Coordinator~~ to determine the presence of sensitive species and need for remedial action for environmental impacts, including weed establishment or excessive erosion on the disturbed corridor. Field personnel accessing the ORV trails shall note excessive weeds or signs of erosion on their log forms. If the Independent Onsite Environmental Coordinator in consultation with Unocal determines that a more suitable route ~~is~~ present ~~should be used~~, then the new route shall be clearly marked and the old route shall be restored ~~to preexisting conditions~~ and clearly marked to preclude entry. Once the access routes are no longer required, ~~they shall be included in the~~ guidelines of the Habitat Restoration, Revegetation and Monitoring Plan shall be implemented as described in Condition 6564.

- m. Lighting shall be shielded and directed away from the beach or sensitive wildlife habitat, to the extent feasible, unless otherwise approved by the Independent Onsite Environmental Coordinator.
- n. Traffic shall be confined to existing roads and defined work areas. No equipment, vehicles, or personnel shall enter any designated exclusion area or area designated by the Independent Onsite Environmental Coordinator as sensitive species habitat, unless approved by the Independent Onsite Environmental Coordinator and appropriate resource agencies. ~~Sensitive species habitat may be traversed only on foot with the permission of the Onsite Environmental Coordinator.~~
- o. Prior to the startup of oil spill remediation activities, and as needed for new personnel, a qualified biologist approved by the County Department of Planning and Building, the Executive Director of the Coastal Commission and appropriate resource agencies shall conduct a brief training session for all personnel working on the oil field. Training shall include a brief description of all sensitive species potentially occurring on or near sites, details on each species habitat, the protective measures to be implemented for each species, a description of the role of the Independent Onsite Environmental Coordinator, Ecological Coordinator and Biological Monitors, and the responsibilities of those on site to protect resources. A video may be produced to satisfy this requirement.

ORV trails will be marked in the field unless the OEC determines that they are clearly visible, as discussed for Condition 68.d.

Currently, all of the ORV trails are surveyed at least once every three years. ORV trails near sensitive species are surveyed prior to or during every use. The wording change clarifies that Unocal, in cooperation with the OEC, will determine the frequency of surveying the ORV trails on a case-by-case basis.

Any needs to enter designated exclusion areas or sensitive species habitat are reviewed on a case-by-case basis with the OEC and appropriate resource agencies to determine necessity and specific procedures before approval and implementation.

- p. Unocal shall enable an **Independent** Onsite Environmental Coordinator (OEC) to be present at the oil field at anytime, day or night, that ground-disturbing activities associated with site characterization, oil spill remediation, oil field abandonment, or infrastructure removal activities are taking place. Unocal shall notify the **Independent** Onsite Environmental Coordinator of any such activities in a timely fashion. If sensitive species could potentially be affected, at the discretion of the OEC a Biological Monitor under the OEC's direction ~~will~~**shall** be physically present at the site of site characterization, oil spill remediation, oil field abandonment, or infrastructure removal when these activities are occurring and shall monitor the construction zone and suitable sensitive species habitat within the project vicinity. The monitor shall be notified immediately if any sensitive species is observed inside the construction work area or within 200 feet of the zone. Only the Biological Monitor, or other qualified biologists approved by the resource agencies shall handle or approach any sensitive species, except where lack of action would endanger the health of an individual animal. If construction operations threaten to injure individuals of a sensitive species, the Biological Monitor shall request the construction personnel to alter their activities so as to avoid such injury and shall immediately notify a designated Unocal representative and the **Independent** Onsite Environmental Coordinator who ~~will~~**shall** notify the County Department of Planning and Building and the Executive Director of the Coastal Commission as appropriate.

SANDY BEACH

69. Site characterization, oil spill remediation, oil field abandonment or infrastructure removal activities on or near the beach and foredunes shall be scheduled to avoid Western snowy plover and California least tern habitat during their breeding seasons (from March 1 to September 15) to the maximum extent feasible as determined by the US Fish & Wildlife Service. Signs shall be clearly posted excluding vehicle, pedestrian and, to the extent feasible, domestic animal traffic. The language on the signs shall be approved by the USFWS and CDFG. Exceptions to these access restrictions must be approved by USFWS and the OEC must be immediately notified.
70. ~~Under the direction of~~In consultation with the **Independent** Onsite Environmental Coordinator ~~in cooperation with Unocal~~, an independent qualified biologist with western snowy plover and California least tern experience approved by the USFWS, CDFG, the County Department of Planning and Building, and the Executive Director of the Coastal Commission shall visit the site regularly as determined by the USFWS throughout the construction phase and immediately prior to site characterization, oil spill remediation, oil field abandonment or infrastructure removal activities to ensure that

Sign requirements were moved from Exhibit E, Condition 12.

Unocal's Biological Opinion allows access to the beach prior to September 15 if the USFWS confirms that there is data to support the end of the breeding season.

Revised language is consistent with the protocol approved by the County and the Onsite Environmental Coordinator (OEC), which is currently being used. The biologist does not work under the direction of the OEC, but is determined by the approving agencies to be qualified to conduct the work in consultation with the OEC.

all practicable measures are being employed to avoid incidental disturbance of sensitive species and sensitive species habitats.

71. Western snowy plover and California least tern populations shall be monitored by a qualified biologist approved by USFWS, the County Department of Planning and Building and the Executive Director of the Coastal Commission to determine breeding and fledgling success during the remediation and abandonment activities and for a duration determined by the USFWS and CDFG after remediation activities have been completed.

FOREDUNES

72. Unocal shall implement the provisions of Condition 64 with particular attention to Blochman's leafy daisy, dunedelion, beach spectacle-pod, surf thistle and other sensitive species.

BACKDUNE AREAS

73. To the extent feasible, wildlife including California horned lizard, silvery legless lizard, and other sensitive species shall be removed from these areas and relocated to suitable habitat as directed by the appropriate resource agencies.

DUNE SWALES

74. Pre-project surveys shall be conducted by a qualified biologist throughout the proposed area of disturbance and in suitable habitat within 500 feet to document the presence of any sensitive wildlife species including two-striped garter snakes, southwestern pond turtles or other species of concern. If required by appropriate resource agencies, individuals of those species will be removed and relocated to suitable habitat outside the area of impact.
75. At sites where red-legged frog habitat is present, the following requirements will be implemented unless otherwise directed by the U.S. Fish and Wildlife Service.
 - a. No site characterization, oil spill remediation, oil field abandonment or infrastructure removal activities shall occur within 200 feet of suitable California red-legged frog breeding habitat from January 1 to September 15 or as determined by USFWS.
 - b. Pre-project surveys of California red-legged frogs shall be conducted by an independent qualified biologist ~~under the direction of~~ approved by the USFWS, County Department of Planning and Building and the Executive Director of the Coastal Commission in consultation with the independent Onsite

Revised language for approving biologists to conduct California red-legged frog surveys is consistent with the agency-approved protocol currently being used. The biologist does not work under the direction of the Onsite Environmental Coordinator (OEC), but is determined by the approving agencies in consultation with the OEC to be qualified to work independently.

Environmental Coordinator ~~and in cooperation with Unocal~~. The survey shall be conducted according to USFWS guidelines, throughout the proposed area of disturbance and within suitable habitat up to 500 feet away from the remediation area.

- c. ~~Unless otherwise directed by the USFWS~~, Unocal shall fence remediation sites within 500 feet of California red-legged frog habitat to exclude California red-legged frogs from the disturbance zone and the provisions of Condition 64 shall be implemented. Captured red-legged frogs shall be relocated to predetermined suitable habitat outside of the construction zone. All non-native predators to the red-legged frog, including crayfish and bullfrogs captured during the relocation efforts, shall be destroyed.
- d. Nighttime surveys for California red-legged frogs shall be conducted at least twice per week or as directed by USFWS for the duration of construction activities in the vicinity of California red-legged frog habitat to ensure that red-legged frogs are not entering the work area.

Fencing is not necessarily the best exclusion method, since it may expose California red-legged frogs (CRLF) to predators. The USFWS has jurisdiction over actions involving CRLFs under the Endangered Species Act and its representatives are best suited to make case-by-case decisions regarding fencing. In the past, the USFWS has had concerns about the use of fencing.

76. ~~Completed. If the river or lagoon is present in front of the 5X sheetpile wall at the time of its removal, Unocal shall take the following actions:~~

Work at the 5X site is complete.

- a. ~~Schedule sheetpile removal for the period November through January to avoid most nesting by tidewater gobies, unless otherwise allowed by the USF&WS.~~
- b. ~~Prior to removal of the 5X sheetpile wall, contour the land on the west side of the site to a stable slope that would minimize the probability of a cave-in into the lagoon or river after the sheetpile and HDPE walls are removed.~~

PUBLIC SAFETY

77. ~~All areas with where the public may be exposed to~~ hazards associated with mechanical equipment, physical barriers, excavation, and soil/water treatment shall be clearly marked, warning the public of the hazards, and informing the public of the activities that are taking place. Adequate fencing shall be constructed, ~~or other measures approved by the Independent Onsite Environmental Coordinator, shall be implemented~~ around these areas to prevent trespassing and vandalism throughout the remedial and restoration period. During active remediation activities that take place near points of public access at the beach, Unocal shall station a worker at the beach to keep the public at a safe distance from active remediation hazards.

Some project elements are conducted in the interior areas of the site, where public exposure is not anticipated. For project areas that could be subject to trespassing and vandalism, fencing may not provide the most effective prevention. The proposed revisions provide flexibility to work with the OEC to implement the most practical and effective measures to warn and/or protect the public and project area.

78. Physical barriers that extend above ground level, or that have the potential to extend above ground level due to erosional events, shall be removed within the four year duration of the cleanup project.

79. Unocal shall implement erosion control and sand augmentation programs where physical barriers extend above ground level, or have the potential to extend above ground level due to erosional events, until the barriers are removed pursuant to Condition 78.
80. Remedial projects that expose the public to safety hazards shall be scheduled for early completion in order to minimize the time that the public is exposed to the hazards.

VISUAL RESOURCES

81. ~~A licensed Landscape Architect or Architect experienced in choosing colors that blend with the outdoor contexts under conditions of variable lighting and viewing shall be consulted in the choice of~~ Unocal shall use the County-approved colors to paint piping, pipe racks, and well monuments at the 5X, and B12/C12 Sites. ~~The colors should be evaluated relative to each site and the relevant critical views. If the wood-planked equipment enclosure at the B12/C12 Site is noticeable by virtue of its color, it shall be painted to blend with the context as well. The colors for each site shall be approved by the County Department of Planning and Building.~~

A paint color was selected by a licensed architect and approved by the County Department of Planning and Building on 2/22/00. This color is currently in use at the site.

82. Unocal shall to the maximum extent feasible schedule excavations that are located within the viewshed of Rancho Guadalupe County Park during periods of lowest visitation (December – March) to Rancho Guadalupe County Park.

AIR QUALITY

The San Luis Obispo APCD is directly addressing project related air quality mitigation measures through its own permitting process. Final mitigation measures ~~will~~shall be established through the SLOAPCD permit process.

83. ~~A-The~~ Dust Control Plan ~~shall be submitted to approved by~~ the SLOAPCD ~~for approval prior to the start of each stage of remediation shall be implemented.~~ The plan shall include measures for watering of disturbed areas, stabilization of stockpiles, limitations of vehicle speeds, limiting of activities on high-wind days, watering and cleaning of paved roads and entry/exit roads, tire cleaning on entry and exit, and inspection of heavy duty equipment to reduce particulate emissions.

The Dust Control Plan was approved by the SLO APCD on 10/21/99 and has been implemented at the site.

84. ~~An-Implement the~~ Emission Reduction Plan designed to reduce emissions from sources not covered by District permits ~~shall be submitted to approved by~~ the San Luis Obispo Air Pollution Control District ~~for approval~~ prior to the initiation of remediation or abandonment activities. The plan ~~shall specifically~~ targets onsite and offsite emissions from sources such as diesel powered mobile

The Emission Reduction Plan was approved by the SLO APCD on 3/8/99 and has been implemented at the site. The NOx reduction measures in 84.a require technology that is out-dated and has been determined to increase emissions, not reduce them. The proposed U.S. EPA Tier 1 standards are consistent with the current reduction requirements and technology.

construction equipment, and heavy-duty on-road trucks and includes. ~~The Plan shall include at a minimum~~ the following components:

- a. NOx reduction strategies for off-road construction equipment; ~~including possible implementation of injection timing retard (2-4 degrees) in conjunction with the installation of high pressure injectors or use of ceramic coated combustion chamber components, or equivalent low emission engine technologies, on~~ shall meet U.S. EPA Tier 1 emission standards for all applicable heavy-duty diesel powered construction equipment to the fullest extent feasible. Unocal shall use CARB-approved diesel fuel for all diesel powered equipment.
- b. NOx and ROG reduction strategies for on-road heavy-duty trucks and other equipment. Potential strategies could include conversion of some equipment to use compressed natural gas (CNG) or other clean fuel; providing incentives to encourage subcontractors to use haul trucks that meet or exceed the 1994 or 1998 California on-road heavy-duty truck certification standard when bidding on contracts to haul contaminated material from Guadalupe; or other similar strategies. Use CARB-approved diesel fuel for all diesel powered equipment.
- c. All construction equipment not modified to reduce NOx and ROG emissions shall be properly maintained to manufacturers' specifications.

85. Exposed hydrocarbon areas associated with excavation shall be kept to a minimum and excavated material handled a little as possible in order to reduce the emissions of ROG due to off-gassing.

86. Unocal shall ~~develop an~~ implement the Emission Reduction Program ~~to be~~ approved by SLOAPCD. Potential emission reduction projects should be located as close to the former Guadalupe Oil field site as possible including potential emission reduction projects in northern Santa Barbara County in the vicinity of Santa Maria and the City of Guadalupe.

The Emission Reduction Program was approved by the SLO APCD on 11/16/98 and has been implemented at the site.

87. Thermal treatment of the contaminated sand may be implemented to reduce the hydrocarbon emissions associated with contaminated material handling, stockpiling and landfarming. However, this mitigation measure would increase the NO_x, SO₂, and PM₁₀ emissions due to the operation of the thermal unit. Installation of a SO_x scrubber ~~would reduce SOx emissions by up to 98 percent and installation of and~~ NOx control such as SCR or other catalytic reduction systems, if feasible, should be considered. If significant thresholds for NOx, SO2 or PM10 will be exceeded, Unocal shall coordinate with SLOAPCD for the best mitigation approach prior to TDU operation. An APCD-approved program of monitoring shall be established to demonstrate that the TDU is operating effectively.

The best available technology would be implemented for emission controls if thermal treatment is implemented.
Mitigation measures will be needed only if significant thresholds are exceeded.
The APCD has authority over air monitoring and would approve the monitoring program.

88. Unocal shall implement an employee trip reduction program designed to reduce emission from employee commute trips including, but not limited to, incentives to facilitate car pooling and a shuttle bus system.

89. Unocal shall use vapor recovery and carbon canisters or other applicable devices to reduce emissions associated with waste water, line draining, purging and abandonment as required by the APCD. These may include covering of waste water collection systems and venting to a vapor recovery and control system. In addition, cover, as soon as possible and to the greatest extent possible, all exposed contaminated soils with appropriate covers.

The SLO APCD is the agency responsible for making any determination with regard to the need for and type of emission control devices.

90. ~~Prior to issuance of a construction permit for any Stage,~~ Unocal shall ~~prepare and implement the~~ Odor Control Plan to be approved by the SLOAPCD. The plan shall include at a minimum, the identification and characterization of potentially odorous compounds (especially the highly odorous sulfur based compounds that can be associated with petroleum products) likely to be emitted during remedial activities, mechanisms of odorous compound release, location and characteristics of potential receptors, the identification of control measures and procedures to be implemented to reduce or abate potential odor nuisance conditions, and procedures for odor complaint response and SLOAPCD notification. This condition shall be included in construction plans submitted to the County Department of Planning and Building and implemented by Unocal prior to the issuance of construction permits.

The Odor Control Plan was approved by the APCD on 10/21/99 and has been implemented at the site.

91. Unocal shall ~~prepare and implement the APCD-approved~~ Ambient Air Monitoring Plan ~~to be implemented~~ during remedial activities. The Plan ~~shall identify, at a minimum, includes~~ the target compounds to be monitored, sampling and analytical methods to be employed, location and frequency of sample collection, collection of supporting meteorological information, appropriate QA/QC measures, health effect criteria upon which to evaluate the significance of findings, and agency review of data. Due to the somewhat remote location of the site with respect to potential receptors, a tiered monitoring plan ~~is suggested~~ was approved that provides greater monitoring and control should high levels of ambient air contaminants be found at "primary" sampling points situated near areas of active excavation, contaminated stockpiles, or land farm areas. ~~The Air Monitoring Plan shall be submitted to SLOAPCD and County Health Department for review and approval prior to issuance of construction permits.~~

The Ambient Air Monitoring Plan was approved by the APCD on 3/18/99 and has been implemented at the site.

TRANSPORTATION/CIRCULATION

92. All project-related traffic shall be restricted from travel on Route 166 between the hours of 4:30 p.m. and 5:30 p.m. Possible alternative routes are presented in Table 5.9.2 of the Final 1998 EIR.

The year of the previous EIR was added for clarification.

93. Unocal shall ~~prepare~~ implement the approved Traffic Control Plan, ~~which~~ to details specific commuter and truck trip vehicle routes, peak hour and route restrictions; road surface maintenance; and traffic safety. The Traffic Control Plan ~~shall be~~ was approved by the County Engineering Department in consultation with the Santa Barbara County Public Works Department, Roads/Traffics Division.

The Traffic Control Plan was approved by the SLO County Engineering Department on 1/20/99 and has been implemented at the site.

94. ~~Roads~~ If Thornberry Road is damaged by project-related truck traffic, it shall be properly restored to ~~their~~ its pre-project condition. Prior to the remediation and abandonment activities, Unocal shall survey ~~the proposed routes~~ Thornberry Road to assess ~~the~~ its condition ~~of the roads~~. Road damage monitoring shall be conducted throughout the project. Unocal shall pay for road restoration.

Per the 1998 EIR, Thornberry Road was the only road anticipated to be damaged by project-related truck traffic.

NOISE CONTROLS

95. All construction activities involving motorized equipment shall be conducted between the hours of 7:00 a.m. and 9:00 p.m. to the extent practical.

96. Advance notice of project commencement shall be provided to the local community, including The Nature Conservancy as manager of the Guadalupe-Nipomo Dunes Preserve. Notification shall be by newspaper. The announcement shall state where and when construction will be scheduled. It shall also provide suggestions for residents to reduce noise intrusion (e.g., closing windows facing the oil field).

97. Unocal shall maintain a ~~An~~ 800 telephone number ~~shall be established~~ for receiving complaints and develop procedures ~~shall be developed~~ for responding. The number shall be included in the notification ~~(N-2)~~ for Condition 96.

A toll-free (800) telephone number was established for previous project activities. The reference to Condition 96 was added to clarify which notification needs to include the toll-free number.

98. Mufflers on all internal combustion and vehicle engines shall be maintained to reduce noise to the maximum extent feasible.

99. Noise attenuation barriers shall be installed, as necessary.

100. All back-up beepers on equipment shall be turned down to the minimum allowed by OSHA.

LAND USE & RECREATION

101. Unocal shall coordinate with the Nature Conservancy and the California Department of Parks and Recreation to provide notice to beach users at least one week before beginning project activities that might affect beach goers. Signs in English and Spanish shall be posted at the Rancho Guadalupe County Park and Oso Flaco Lake Natural Area parking lots. It should be made clear that the beach will remain open and that remedial activities do not pose a safety hazard to the public.

Many activities take place in the interior of the site and won't affect beach-goers. Notice would be provided for activities near the beach, where beach-goers could potentially be affected.

CULTURAL RESOURCES

102. Remediation technology activities requiring ground disturbance within the SLO-851 buffer zone shall be preceded by controlled backhoe excavations or alternative assessment procedures approved by, and under the direction of, a County-qualified archaeologist and local Native American representative. The excavations or alternative assessment procedures shall be sufficient to evaluate the potential horizontal and vertical presence of buried cultural resources within the impacted buffer area. A proposal for this backhoe assessment shall be reviewed by the County Department of Planning and Building prior to excavation commencement. In the event potentially significant archaeological materials are identified, a Phase 2 archaeological assessment of the find shall be funded by Unocal. If the materials are determined to be significant under CEQA Appendix K criteria, Unocal shall fund a Phase 3 data recovery mitigation program to collect a representative sample of the materials that would be lost. All investigations shall be performed by a County-qualified archaeologist and local Native American representative retained by Unocal.

The revised language would allow the County-approved archeologist the ability to require the most appropriate cultural assessment method.

103. Remediation ~~technology~~ activities requiring ground disturbance shall be monitored by a County-qualified archaeologist and local Native American representative as determined by a County-approved archaeologist. In the event potentially significant archaeological materials are identified, work shall be temporarily redirected and a Phase 2 archaeological assessment of the find shall be funded by Unocal. If the materials are determined to be significant under CEQA Appendix K criteria, Unocal shall fund a Phase 3 data recovery mitigation program to collect a representative sample of the materials that would be lost. If pre-construction cultural assessments are needed, they shall be performed by a County-qualified archaeologist and a local Native American representative to determine if cultural artifacts are present within the project site. All investigations shall be performed by a County-qualified archaeologist and local Native American representative retained by Unocal.

The revised language would allow the County-approved archeologist the ability to require the most appropriate cultural assessment method.

PUBLIC SERVICES

104. ~~Prior to issuance of a construction permit for Stage 1 remediation activities,~~ Unocal shall ~~submit to implement the Recycling Plan approved by~~ the County Department of Planning and Building for ~~review and approval a detailed recycling plan for~~ all materials leaving the site. The plan ~~shall include~~ (a) the destination of recycled materials, (b) the amount of materials to be recycled and (c) the amount of materials disposed of as solid waste.
105. Emergency response providers shall be notified of remediation and abandonment activities, locations, and dates prior to implementation.

The Recycling Plan was approved by the County Department of Planning and Building on 3/11/99 and has been implemented at the site.

FENCING

106. ~~Deleted. Prior to the issuance of a construction permit for Stage 2,~~ Unocal shall ~~submit to the County Department of Planning and Building and the Executive Director of the Coastal Commission for review and approval a fencing plan that will effectively prohibit the passage of domestic livestock around and into wetland ponds A, B, and C and other wetlands identified in the jurisdictional wetland determination. The fencing shall be installed at the end of each Stage of remediation and abandonment activities in each wetland area.~~

Protection of areas (i.e., fencing) should be addressed on a case-by-case basis in each Site-Specific Restoration Plan, which must be approved by the agencies.

EASEMENTS

107. ~~Completed. Prior to the lapse of existing Offer to Dedicate Instrument No. 23795,~~ Unocal shall ~~offer for dedication to a public agency or private conservation organization approved by the County Planning Director and the Executive Director of the Coastal Commission, a conservation easement covering an area extending from the southerly boundary to the northern boundary of the site, from mean high tide easterly to the east side of the B Road. In order to expedite acceptance of the Offer to Dedicate, Unocal shall also issue a fully executed Indemnification Agreement in form and content as set forth in Exhibit 3 to any entity approved in writing by the County Planning Director and the Executive Director of the Coastal Commission to accept the Offer to Dedicate. The Indemnification Agreement shall provide that it shall take effect upon the recordation by the approved entity of its acceptance of the OTD. The Offer to Dedicate shall be effective for at least 25 years after the issuance of a closure letter for the site by the RWQCB and shall be consistent with the requirements of CDP 409 24 issued by the California Coastal Commission on January 4, 1980. Unocal may seek an amendment to this permit requesting a modification of the requirements of this condition on the ground that circumstances beyond Unocal's control, such as a refusal to the current owners of~~

An Indemnification Agreement was issued and Offer to Dedicate 23795 was assumed by the Coastal Conservancy on June 5, 2001.

~~the Guadalupe Dunes to transfer title to that property to Unocal despite Unocal's best efforts to effectuate such a transfer, make it impossible for Unocal to comply with such requirement by the deadline specified for such compliance. The San Luis Obispo Planning Commission and the Coastal Commission must consider this amendment request.~~

108. ~~Completed. Prior to the lapse of existing Offer to Dedicate Instrument No. 23796, Unocal shall offer for dedication to a public agency or private conservation organization approved by the County Planning Director and the Executive Director of the Coastal Commission a public access easement covering an area extending from the mean high tide line, east 300 feet from the southerly to the northerly property lines of the site for the purpose of managed public access (e.g., no public access during the nesting season of the snow plover). In order to expedite acceptance of the Offer to Dedicate, Unocal shall also issue an Indemnification Agreement in form and content as set forth in Exhibit 3 to any entity approved by the County Planning Director and the Executive Director of the Coastal Commission to accept the Offer to Dedicate and the Indemnification Agreement shall provide that it shall take effect upon the recordation by the approved entity of its acceptance of the OTD. The Offer to Dedicate shall be effective for at least 25 years after the issuance of a closure letter for the site by the RWQCB and shall be consistent with the requirements of CDP 409-24 issued by the California Coastal Commission on January 4, 1980. Unocal may seek an amendment to this permit requesting a modification of the requirements of this condition on the ground that circumstances beyond Unocal's control, such as a refusal to the current owners of the Guadalupe Dunes to transfer title to that property to Unocal despite Unocal's best efforts to effectuate such a transfer, make it impossible for Unocal to comply with such requirement by the deadline specified for such compliance. The San Luis Obispo Planning Commission and the Coastal Commission must consider this amendment request.~~

An Indemnification Agreement was issued and Offer to Dedicate 23796 was assumed by the Coastal Conservancy on June 5, 2001.

PUBLIC SHORELINE ACCESS

109. ~~Completed. Prior to the issuance of a construction permit for Stage 1, Unocal shall fund the construction of public access improvements at the Rancho Guadalupe County Park according to the Vision Statement items 3b, 3c and 3d published by the Nature Conservancy. These improvements, at a minimum shall be located above the mean high tide line and in the least environmentally sensitive areas and shall include the following:~~
- ~~a. Construct roadside view point~~
 - ~~b. Construct new public facilities including yearly maintenance for a period of five years.~~

Improvements at the Rancho Guadalupe County Park were funded on 3/10/99.

- ~~e. Provide interpretive signs for parking lot and roadside viewpoint~~

ENVIRONMENTAL ENHANCEMENT EASEMENTS

110. ~~Complete. The Class I impacts of the past and proposed cleanup, and abandonment and site characterization projects require further mitigation pursuant to CEQA, the County's LCP and the Coastal Act. The approved project will result in significant temporal losses and will have fifteen unavoidable and unmitigable Class I environmental impacts as identified in the certified Final EIR. CEQA requires decision makers to find that benefits of a project override the unavoidable and unmitigable negative environmental impacts of the project. The entire Guadalupe Oil Field site is designated as environmentally sensitive habitat in the San Luis Obispo County certified LCP and the Santa Barbara County certified LCP.~~

Unocal acquired the property in 2002 and Offers to Dedicate a Site-wide Conservation Easement were recorded in San Luis Obispo and San Luis Obispo Counties in September 2004.

~~Prior to the issuance of a construction permit for Stage 5 or June 30, 2001 (whichever comes first), Unocal shall in order of preference either:~~

- ~~I. Execute and record a document in a form and content acceptable to the County Planning Director and the Executive Director of the Coastal Commission, after consultation with the Planning and Development Director of Santa Barbara County, irrevocably offering to dedicate to a public agency or private non-profit association approved by the County Planning Director and the Executive Director of the Coastal Commission after consultation with the Planning and Development Director of Santa Barbara County an open space, habitat protection and public access easement for the purpose of visual resource protection, habitat protection, and managed public access to the Guadalupe Dunes and to the shoreline (consistent with protecting habitat values, e.g., no public access during the nesting season of the snowy plover). Consistent with those purposes, the offer to dedicate shall include the Indemnity Agreement in Exhibit 3. Such easement shall be located over the entire Guadalupe Oil Field (approximately 2,700 acres) as shown in Exhibit 1. The recorded document shall include the legal descriptions of the entire Guadalupe Oil Field (approximately 2,700 acres).~~

~~The offer shall provide that **no development**, as defined in section 30106 of the Coastal Act, and **no grazing**, unless part of an approved habitat restoration plan, shall occur in the entire easement area **except for the following, subject to all otherwise applicable governmental approval requirements:**~~

~~(1) removal of non-native vegetation, and implementation of County and Coastal Commission approved habitat restoration programs; and~~

~~(2) cleanup, remediation and abandonment activities as ordered by the RWQCB and as approved in this or future CDPs or amendments thereto by the County of San Luis Obispo and the Coastal Commission.~~

AND

~~(3) the following development, if approved by San Luis Obispo County as an amendment to this coastal development permit:~~

- ~~• removal of roads or maintenance of roads for managed public access, installation of minor drainage pipes, planting of native vegetation to improve habitat value, greenhouse or other support facilities for the habitat restoration program, and minor, small scale development for a potential interpretive center.~~

~~The offer shall be recorded free of prior liens and encumbrances which the County Planning Director and the Executive Director of the Coastal Commission determine may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recordation;~~

~~OR,~~

~~II. Unocal shall grant fee title to the entire Guadalupe Oil Field (approximately 2,700 acres), as shown in Exhibit 1, to a public agency or private non-profit association for the purposes specifically described and conditioned in I above;~~

~~OR,~~

~~III. acquire or cause the acquisition of irrevocable protective easements over a combination of the foredune, backdune, and/or wetland environmentally sensitive habitats in the Guadalupe Nipomo Dunes Complex totaling approximately 2,700 acres which are the functional biological equivalent of the Guadalupe Oil Field (valued as if the entire Guadalupe Oil Field (approximately 2,700 acres) site were in a natural condition) as determined by habitat experts and agreed upon by the County Planning Director and the Executive Director of the Coastal Commission in consultation with other resource protection agencies. The content and disposition of these~~

~~easements shall be carried out as specifically described in I above;~~

~~OR,~~

~~IV. if Unocal demonstrates to the satisfaction of the Board of Supervisors and the California Coastal Commission that implementation of Options I, II, or III is infeasible, at the discretion of the Board of Supervisors and the California Coastal Commission, Unocal shall pay to the County by June 30, 2001, a mitigation fee in an amount equal to the monetary value of such open space, habitat protection and public access easement (valued as if the entire Guadalupe Oil Field (approximately 2,700 acres) site were in a natural condition) which value shall be agreed upon by Unocal and the County Planning Director and the Executive Director of the Coastal Commission, or if there is no agreement, then by appraisal by an MAI appraiser chosen by the Presiding Judge of the San Luis Obispo Superior Court. The funds will be placed in an interest-bearing account and used by the County within ten years of receipt solely for the purchase and/or habitat restoration of property in the Guadalupe Nipomo Dunes Complex.~~

~~Unocal agrees not to seek any amendment to this condition that would weaken or contravene the intent and purpose of this field-wide irrevocable protective easement or its equivalent option as specified in I, II, III, or IV.~~

ENFORCEMENT

111. Failure to satisfy the requirements of any condition of this permit shall constitute a violation under the Coastal Act enforceable by all appropriate means including but not limited to, a cease and desist or a restoration order issued by the Coastal Commission.

REIMBURSEMENT OF COSTS FOR PERMIT OVERSIGHT

112. Unocal shall fund all necessary costs for condition compliance and the enforcement of this permit by San Luis Obispo County and the California Coastal Commission. These costs will include staff salaries, equipment, travel, and associated operating costs incurred by San Luis Obispo County and the Coastal Commission to monitor compliance with and enforce the conditions of this permit. San Luis Obispo County holds the majority of the responsibility for compliance and enforcement of this permit and holds an ongoing reimbursement agreement with Unocal.

The Executive Director of the Coastal Commission ~~will~~shall determine the form and manner of payment by Unocal for the Coastal Commission staff's involvement consistent with requirements of State law and which will ensure efficiency and reasonable costs to Unocal. The Executive Director of the Coastal Commission will prepare a budget and work program specifying all needed funding for the Coastal Commission's involvement in the team effort with San Luis Obispo County to implement this coastal permit.

113. In accepting this permit, Unocal agrees to waive any and all rights to challenge this permit under any legal theory.

114. All plans by Unocal pursuant to this permit shall be submitted to the County Planning and Building Department, the Coastal Commission, and other regulatory agencies in hard copy and electronic form so that the information can be made readily available to the public including via the Coastal Commission's and other agency's internet web pages. Unocal shall ~~work with Cal Poly and University of California Santa Barbara to~~ establish a depository of Guadalupe Oil Field ecological and geological information for use by the public and the universities.

Unocal has established a website for the project that is available to the public and universities that provides access to the Guadalupe Oil Field ecological and geological information.

EXHIBIT G CONDITIONS OF APPROVAL OIL FIELD ABANDONMENT

Abandonment activities are complete with the exception of facilities associated with future excavation sites. Removal of those facilities will be done concurrent with excavation, pursuant to Exhibit F, Condition 62.f.

On April 16, 2002, agreement was received from the County that abandonment was complete on the site. Since abandonment is complete, the majority of the Conditions in this Exhibit G are also complete. The text box for those conditions will have a shortened version of this explanation: "The abandonment activities covered by this condition have been completed".

APPROVED PROJECT

1. ~~Completed. Prior to commencement of abandonment activities, Unocal shall submit to the County Department of Planning and Building and the Executive Director of the Coastal Commission an amended Final Pipeline and Surface Facility Abandonment Workplan dated February 1996 that includes removal of the asphalt pad at Tank Battery 8 when it is no longer needed for remediation activities.~~
2. ~~Completed. This Coastal Development Permit/Development Plan (CDP/DP) approval authorizes Unocal to conduct abandonment activities at the Guadalupe oil field pursuant to the Final Pipeline and Surface Facility Abandonment Workplan dated February 1996 (the "Workplan") as amended pursuant to Condition 1 and consistent with the mitigation measures of the certified Final EIR.~~
3. ~~Completed. To make changes to the approved project described in the Workplan, Unocal shall submit to the County Department of Planning and Building a written request with supporting materials pursuant to 23.02.038 of the Coastal Zone Land Use Ordinance. The Planning Director may approve a requested change upon verification of its conformity with Title 23, provided that such approval shall not modify the effective date of the land use permit. Major changes to the project, as determined by the Planning Director in consultation with the Executive Director of the Coastal Commission, shall be requested through a CDP/DP modification application for Planning Commission consideration. Unocal shall send a copy of all proposed project amendments to the Executive Director of the Coastal Commission concurrent with its submittal to the County. This condition shall be implemented by Unocal throughout the project.~~

An amendment was submitted to satisfy this Condition on November 6, 2000 and approved by the County on December 4, 2000.

The abandonment activities covered by this condition have been completed.

The abandonment activities covered by this condition have been completed.

PHASING SCHEDULE

4. ~~Completed. Abandonment activities as described in the Workplan will be completed by the end of Stage 6 remediation projects. This approval authorizes an extended phasing schedule pursuant to CZLUO section 23.02.042 allowing abandonment activities to be conducted concurrently with remediation activities.~~

The abandonment activities covered by this condition have been completed.

COMMENCEMENT OF APPROVED ACTIVITIES

5. ~~Completed. Abandonment activities shall commence prior to or concurrently with Stage 1 remediation projects. Unocal shall request issuance of a Notice To Proceed from the County Department of Planning and Building after compliance with all pre-project conditions.~~

Notice to Proceed was obtained from the County in September 1999, after which abandonment activities commenced.

The abandonment activities covered by this condition have been completed.

SURFACE RESTORATION AND REVEGETATION

6. ~~Prior to September 1, 1999, Unocal shall submit to implement the **Surface Restoration and Revegetation Plan as approved by the** County Department of Planning and Building and the Executive Director of the Coastal Commission **for review and approval a Surface Restoration and Revegetation Plan.** The Plan shall be based on the presumption that all man-made features established on the Guadalupe oilfield for oil field purposes shall be removed and the areas recontoured, restored and revegetated, unless Unocal demonstrates to the reviewing agencies' satisfaction that justification exists to allow any features to remain in place. The purpose of this plan is to identify the operations that must take place in order to accomplish this goal and establish a time schedule. A precise schedule cannot be prepared for all tasks because site characterization is ongoing and because oil spill remediation, oilfield abandonment and infrastructure removal will occur in temporal phases and stages within phases. Nevertheless, a phased approach can be described with a realistic schedule for the first stages. Biannually beginning September 1, 2001, Unocal shall submit to the County Department of Planning and Building and the Executive Director of the Coastal Commission for review and approval an update of this plan with changes and revised schedules. The Surface Restoration and Revegetation Plan shall include, but not necessarily be limited to, the following requirements:~~
- ~~a. Description of the ultimate disposition such as removal, recontouring and revegetation of all oil well pads, roads, pipeline corridors, surface facilities and pads, storage tanks and pads, office sites, power line poles, traffic barriers and all other site features related to oil field operations. Unless separate performance criteria are developed as part of the Plan, ripping of roads may be considered an acceptable restoration technique so long as the vegetation restoration performance criteria are met for the ripped areas.~~
 - ~~b. Identification, designation, and mapping of all features to be removed.~~
 - ~~c. Phasing of removal and surface restoration activities and, to the extent feasible, a schedule for completion.~~

The Surface Restoration and Revegetation Plan was approved by the County in September 1999 and has been implemented at the site.

- d. ~~All sites subject to removal and surface restoration activities shall be included in the Habitat Restoration, Revegetation, and Monitoring Plan (Condition 64 in Exhibit F).~~
- e. ~~Surface restoration shall be coordinated with the Revegetation, Habitat Restoration and Monitoring Plan.~~
- f. ~~Surface restoration and revegetation activities shall be coordinated with the property owner.~~
- g. ~~Consultation with appropriate agencies.~~
- h. ~~Determination of acreage of the area proposed for restoration.~~
- i. ~~The site specific plans, as ultimately approved by County Department of Planning and Building, the Executive Director of the Coastal Commission, and, as appropriate, CDFG, USFWS, and ACOE shall be implemented in phases as remediation and abandonment activities on the site allow.~~

PROJECT MONITORING

7. ~~Completed. **Prior to the commencement of abandonment activities**, Unocal shall fund the hiring of an independent project monitor(s) to be selected by the County, the RWQCB and the Executive Director of the Coastal Commission after consultation with Unocal and other permitting agencies. The monitor(s) shall be under contract with the County, to act as project monitor(s) and condition compliance inspector for the County of San Luis Obispo, the RWQCB, the Coastal Commission and other permitting agencies. The monitor shall prepare a specific mitigation monitoring tracking plan and submit it to County Department of Planning and Building, the RWQCB, the Executive Director of the Coastal Commission and other permitting agencies for review and approval.~~
8. ~~Completed. **Prior to the commencement of abandonment activities**, Unocal shall submit evidence to the County Department of Planning and Building that permits from all regulatory agencies have been issued. These agencies include but are not limited to:
 - a. ~~Regional Water Quality Control Board~~
 - b. ~~California Dept. Of Fish & Game~~
 - c. ~~U.S. Army Corps of Engineers~~
 - d. ~~U.S. Fish & Wildlife Service~~
 - e. ~~California Coastal Commission~~
 - f. ~~State Lands Commission~~
 - g. ~~Air Pollution Control District~~
 - h. ~~Division of Oil & Gas and Geothermal Resources~~~~

An independent project monitor was funded for abandonment activities before abandonment commenced.

The abandonment activities covered by this condition have been completed.

Evidence of permits was submitted on 3/11/99, prior to commencement of abandonment activities.

The abandonment activities covered by this condition have been completed.

SURFICIAL GEOLOGY

9. ~~Completed. For Category A or B pipelines in steep slope areas (> 25 percent slope), the pipeline segments shall be abandoned in place if preliminary activities cause shallow sliding. For Category C pipelines in steep slope areas, the number of access points shall be minimized to maximize the lengths of individual pipe runs cut, capped, and filled.~~
10. ~~Completed. To impede the initiation of sliding during abandonment activities Unocal shall apply a degradable binder to the sand surface to form a temporary, low strength crust after receiving approval from the County Department of Planning and Building.~~
11. ~~Completed. Prior to commencement of abandonment activities, Unocal shall submit to the County Department of Planning and Building, CDFG/OSPR and the Executive Director of the Coastal Commission an analysis of the maximum potential drainage volume for each pipeline segment to be abandoned. During abandonment of pipelines equal to or larger than 6 inches, emergency oil spill response equipment, sufficient to contain and cleanup the maximum spill volume, shall be brought to the site where the pipeline is to be cut.~~
12. ~~Completed. To minimize vibrations Unocal shall use the lightest suitable equipment for activities near steep slopes.~~
13. ~~Completed. Slope areas shall be visually observed during vibration-inducing activities, such as driving sheetpile, to detect early indications of slope movement. Construction activities will be halted temporarily, if necessary.~~
14. ~~Completed. Sections of pipelines shall be drained, prepared for removal or abandonment, removed or filled with concrete or sand slurry, and the area restored to pre-existing contours and vegetation over a period of consecutive days.~~
15. ~~Completed. Both Category A and B steel pipelines must be pulled along the pipeline axis wherever feasible or alternatively may be lowered down the face of a dune as opposed to dragging the pipe up the face of the slope.~~
16. ~~Completed. Depressions caused by pipeline removal shall be backfilled along pipeline routes that are in active and stable dunes if their alignment is closer than 20 degrees to the dominant wind direction (i.e., northwest to southeast) unless otherwise determined by the independent Onsite Environmental Coordinator. Sediment of a~~

The abandonment activities covered by this condition have been completed.

The abandonment activities covered by this condition have been completed.

The abandonment activities covered by this condition have been completed.

The abandonment activities covered by this condition have been completed.

The abandonment activities covered by this condition have been completed.

The abandonment activities covered by this condition have been completed.

The abandonment activities covered by this condition have been completed.

The abandonment activities covered by this condition have been completed.

~~compatible grain size must be used as backfill material in active dune areas consistent with the requirements of Condition 12 in Exhibit F.~~

17. ~~Completed. Unocal shall consult with a qualified geologist approved by the County Department of Planning and Building and the Executive Director of the Coastal Commission to determine if backfill is required, to monitor sand migration in areas where depressions are deeper than six inches, and to evaluate stability at the toe of slopes steeper than 25 degrees.~~
18. ~~Completed. All Category C pipelines seaward of the "B" road and located in bare sand areas shall be removed not simply abandoned in place. Excavation procedures and mitigation measures for Category A and B pipelines shall apply.~~
19. ~~Completed. All bell hole excavations and stockpile areas must be restored to pre-construction contours and revegetated to stabilize the areas pursuant to Conditions 63 and 64 of Exhibit F.~~
20. ~~Completed. Bare sandy areas shall be revegetated immediately after facilities have been removed and grading has taken place.~~
21. ~~Completed. Any temporary roads or vehicle accessways that need to be constructed shall be aligned at angles farther out than 20 degrees to the dominant wind direction (i.e., northwest to southeast) and shall not cross ridgelines unless otherwise determined by the monitors.~~

The abandonment activities covered by this condition have been completed.

The abandonment activities covered by this condition have been completed.

The abandonment activities covered by this condition have been completed.

The abandonment activities covered by this condition have been completed.

The abandonment activities covered by this condition have been completed.

BIOLOGICAL RESOURCES

22. ~~Completed. Unocal shall implement all Conditions under the heading Onshore Biological Resources in Exhibit F (Conditions 62—76).~~

The abandonment activities covered by this condition have been completed.

AIR QUALITY

23. ~~Completed. The former Guadalupe Oil field Cleanup Project is subject to the federal requirements specified in Code of Federal Regulations (CFR) section 61.145 "Standards for Demolition and Renovation", as well as other applicable CFR sections. This includes, but is not limited to:~~
 - ~~• The removal of any load bearing wall; or the removal or disturbance of any asbestos containing materials; or renovation of any structure.~~
 - ~~• The moving of any structure.~~
 - ~~• The demolition of any structure.~~

The abandonment activities covered by this condition have been completed.

~~Unocal shall prepare, to the satisfaction of the SLOAPCD, an Asbestos Management Plan showing compliance with the applicable~~

The Asbestos Management Plan was approved by the SLO APCD on 10/15/98 and has been implemented at the site.

~~CFR requirements. The Plan shall include, but not be limited to, the following information:~~

- ~~a. contractors roles and responsibilities for work involving the asbestos survey, renovation and demolition, air monitoring clearance checks, etc.~~
- ~~b. an asbestos survey of the site and all affected structures by an accredited person;~~
- ~~c. a detailed time schedule and task list;~~
- ~~d. provision for an independent, accredited person to work with the District to assure compliance;~~
- ~~e. appropriate training in asbestos work hazards specified for all workers on-site;~~
- ~~f. other elements as appropriate.~~

~~The project is considered to be one site for the purpose of asbestos requirements. Thus, it is required that Unocal shall submit a comprehensive notification initially, with appropriate updates as required.~~

24. ~~Completed. Emissions from pipeline and tank draining and purging operations shall be controlled with a suitable vapor recovery and removal system. Proposed pipeline and tank purging and draining techniques and emission control systems shall be reviewed by the SLOAPCD prior to initiation of abandonment activities.~~

Proposed pipeline and tank purging and draining techniques and emission control systems were approved by SLO APCD on March 8, 1999 and implemented at the site. The abandonment activities covered by this condition have been completed.

ENVIRONMENTAL ENHANCEMENT EASEMENT

25. ~~Deleted. The Class I impacts of the past and proposed clean up and site characterization projects require further mitigation pursuant to CEQA, the County's LCP and the Coastal Act. The approved project will have fifteen unavoidable and unmitigable Class I environmental impacts as identified in the certified Final EIR. CEQA requires decision makers to find that benefits of a project over ride the negative environmental impacts of the project.~~

The abandonment activities covered by this condition have been completed, and the requirements are addressed in Exhibit F, Condition 110.

~~Unocal shall implement Condition 110 of Exhibit F.~~

ENFORCEMENT

26. ~~Deleted. Failure to satisfy the requirements of any condition of this permit shall constitute a violation under the Coastal Act enforceable by all appropriate means including but not limited to, a cease and desist or a restoration order issued by the Coastal Commission.~~

The abandonment activities covered by this condition have been completed, and the requirements are addressed in Exhibit F, Condition 111.

REIMBURSEMENT OF COSTS FOR PERMIT OVERSIGHT

27. ~~Completed. Unocal shall fund all necessary costs for condition compliance and the enforcement of this permit by San Luis Obispo County and the California Coastal Commission. These costs will include staff salaries, equipment, travel, and associated operating costs incurred by San Luis Obispo County and the Coastal Commission to monitor compliance with and enforce the conditions of this permit. San Luis Obispo County holds the majority of the responsibility for compliance and enforcement of this permit and holds an ongoing reimbursement agreement with Unocal.~~

The abandonment activities covered by this condition have been completed, and the requirements are addressed in Exhibit F, Condition 112.

~~The Executive Director of the Coastal Commission will determine the form and manner of payment by Unocal for the Coastal Commission staff's involvement consistent with requirements of State law and which will ensure efficiency and reasonable costs to Unocal. The Executive Director of the Coastal Commission will prepare a budget and work program specifying all needed funding for the Coastal Commission's involvement in the team effort with San Luis Obispo County to implement this coastal permit.~~

28. ~~Completed. In accepting this permit, Unocal agrees to waive any and all rights to challenge this permit under any legal theory.~~

The abandonment activities covered by this condition have been completed, and the requirements are addressed in Exhibit F, Condition 113.

29. ~~Completed. All plans by Unocal pursuant to this permit shall be submitted to the County Planning and Building Department, the Coastal Commission, and other regulatory agencies in hard copy and electronic form so that the information can be made readily available to the public including via the Coastal Commission's and other agency's internet web pages. Unocal shall work with Cal Poly and University of California Santa Barbara to establish a depository of Guadalupe Oil Field ecological and geological information for use by the public and the universities.~~

The abandonment activities covered by this condition have been completed, and the requirements are addressed in Exhibit F, Condition 114.