UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Monterey Bay National Marine Sanctuary
99 Pacific Street, Bldg 455a
Monterey, CA 93940

February 3, 2016

Mr. Don Campbell, Chairman
San Luis Obispo County Planning Commission
976 Osos Street, Room 300
San Luis Obispo, California 93408

Dear Chairman Campbell and Planning Commissioners,

I wish to comment on the proposed project to construct a rail spur and oil transfer terminal at the Phillips 66 Santa Maria refinery near Nipomo in San Luis Obispo County.

My office manages Monterey Bay National Marine Sanctuary, a 6,094 square-mile federal marine protected area stretching along the central California coast from Cambria to the Marin Headlands. It is the largest marine sanctuary in the continental United States and protects a dynamic marine ecosystem, teeming with marine life and diverse habitats. The most sensitive of those habitats is Elkhorn Slough, a seasonal estuary in the center of the sanctuary with the second-largest emergent marsh in northern California.

If the proposed oil transfer terminal at the Santa Maria refinery is completed, a significant portion of the several million gallons/week of heavy sour crude oil shipped to the facility will likely pass by rail through the length of Elkhorn Slough, based upon information in the final environmental impact report for the project. Although this aspect of the proposed project lies outside San Luis Obispo County, the full scope of environmental impacts from this project must be documented either through the California Environmental Quality Act or the National Environmental Policy Act (NEPA), including impacts from mainline rail transport. We firmly believe this rail project will have potentially significant environmental impacts upon marine habitat and species protected by federal law and, if the county does not review these impacts, certainly the federal agency with primary oversight for the rail shipment plan should complete such environmental documentation under NEPA.

The Union Pacific rail line through Elkhorn Slough rests upon an earth and gravel dike just a few feet above mean low water. During certain high flood tides, portions of the railway are routinely covered with water. Trains often continue to operate along the line under such conditions, at reduced speeds. The Union Pacific rail segment through Elkhorn Slough presents the highest risk of a hazardous materials spill with immediately significant environmental consequences for the sanctuary. The added routine transport of millions of gallons of heavy sour crude oil through this corridor will markedly increase the risk of harm to the sanctuary's most sensitive habitat and a multitude of protected marine species within the estuary. Furthermore, that risk will grow over the lifetime of the project, as rising sea levels exacerbate flooding of the train tracks in the slough.

A spill of high-sulfur crude oil into Elkhorn Slough from even one 29,000-gallon tank car could be disastrous. Tidal fluctuations in the slough are very strong and a spill into the central channel that abuts the rail line would be quickly transported into the emergent marshes and tide flats ringing the channel. Marshes are the most sensitive of all habitats to lasting damage by oil spills. Crude oil is very persistent, heavy, and contains many contaminants. Since some crude oil fractions would sink in water, while others would float, a spill into this part of the sanctuary would impact the entire water column, and there would be no effective cleanup remedy.

Booming would be largely ineffective due to strong tidal currents in the slough. Mechanical extraction (e.g. skimming) would not be an effective response strategy due to unacceptable collateral damage to marsh infrastructure from heavy equipment and trampling. The slough is too shallow and still for use of dispersants, and in-situ burning would irreparably damage root systems of marsh flora, destroy scores of fauna, and pollute the air. Heavy oil fractions would sink into the mud bottom, making its extraction impractical.

In short, a crude oil spill in the Elkhorn Slough would quickly inundate the tide flats, marsh habitat, and mud floor with toxic matter and create significant long-term environmental impacts, particularly if it occurred during peak winter migration or spring/summer reproduction cycles. Throughout the year, this part of the sanctuary is home to dozens of endangered sea otters, an animal particularly sensitive to oiling. Harbor seals rest and breed in the slough, with young dispersed along its mud flats, an area that would be heavily fouled by an oil spill. The slough provides primary nursery habitat for many key fish species within the marine sanctuary. And though it is essential habitat for dozens of bird species year-round, a winter spill would have wide-reaching effects. The slough boasts one of the most diverse winter bird counts in the country. It is an essential stop along the Pacific flyway for migratory birds, which must feed extensively in the slough before continuing on their journeys. In addition to being part of the national marine sanctuary, the slough is a state marine reserve, a national estuarine research reserve, and a state wildlife area.

We acknowledge that if the county were to deny the proposed rail spur project for the reasons recommended by the county planning staff, and that denial were sustained, the potential impacts described above would not materialize.

Sincerely,

Paul Michel
Superintendent

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