Sacramento Area
Council of
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February 4, 2016

Via Certified Mail and Email

Murry Wilson
San Luis Obispo County
Department of Planning and Building
976 Osos Street, Room 200
San Luis Obispo, California 93408-2040

Re: Phillips 66 Crude by Rail Project Final Environmental Impact Report

Dear Mr. Wilson:

On behalf of its 22 city and 6 county member jurisdictions, the Sacramento Area Council of Governments (SACOG) submits the following comments on the Final Environmental Impact Report (FEIR) for the Phillips 66 Crude by Rail Project, which proposes daily shipments of 52,000 barrels of crude oil to the Phillips 66 Santa Maria Refinery.[1]

In November 2014, SACOG submitted a letter expressing concerns regarding this project. As our Board of Directors made clear at that time, SACOG's interest is to ensure that all appropriate measures, based upon a full investigation of the risks, are taken to protect the safety of our residents and their communities, businesses, and property throughout the region. While we appreciated that the Draft Environmental Impact Report (DEIR) acknowledged the significant risks and impacts of the project to our region, and addressed many of the potential mitigation measures of concern to our Board of Directors, we expressed concern that the Draft Environmental Impact Report (DEIR) for the project: (1) failed to address all potential mitigation measures and (2) concluded that the mitigation measures "may" be preempted by the Interstate Commerce Commission Termination Act (ICCTA) and, therefore, that the impacts of the project are significant and unavoidable.

Although we also appreciate that the Final Environmental Impact Report (FEIR) has incorporated additional mitigation measures, in light of the very significant impacts of the project we are concerned that the measures still do not go far enough in meeting our requests. For example, the funding for first response agencies is inadequate to address the needs of all affected communities along potential shipment routes.

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Yuba County

[1] SACOG submits this letter as a joint powers agency, exercising the common powers of its members pursuant to a joint powers agreement. However, this letter is not an exhaustive treatment of the FEIR's compliance with the California Environmental Quality Act or of the concerns of all of its members, some of whom may provide separate comments.

However, our greater concern is the continuing ambiguity in the FEIR regarding preemption, it continues to state that the applicable mitigation measures "may" be preempted. We understand that County staff has recommended denial of the project in part based on these ambiguities. However, based on the analysis in our letter, if the County were to approve the project, we urge the County to condition the project on a full complement of mitigation measures addressing our safety concerns, and adopt a mitigation monitoring and reporting program to ensure enforcement of these measures.

Sincerely,

Don Saylor

Don Saylor
SACOG Immediate Past Chair