



February 2, 2016

County of San Luis Obispo
Planning Commission
Attn: Ryan Hostetter, Senior Planner
County Government Center
San Luis Obispo, CA 93408
Via email rhostetter@co.slo.ca.us and fax (805) 781-1282

Re: Support for Staff Recommendation of Denial of Coastal Development Permit for Phillips 66 Company, File Number DRC2012-00095

Dear Honorable Planning Commissioners:

Surfrider Foundation San Luis Obispo Chapter urges the Planning Commission to deny, in accordance with staff's recommendation, the application for Development Plan/Coastal Development Permit of Phillips 66 Company regarding the extensive modification of the existing rail spur on the southwest side of Santa Maria Refinery. The transport and unloading of crude oil in the manner proposed would allow five 80-car trains each week to gravely threaten the coastal environment of millions of Californians who live in the "blast zone". Surfrider Foundation is a non-profit 501(c)(3) organization that is dedicated to the protection and enjoyment of the ocean, waves and beaches through a powerful activists network. The proposed project is unacceptable to our organization for its overriding environmental impacts, explained in depth in the Final Environmental Impact Report and the Planning Commission's own staff report, including the eleven Class I significant and unavoidable impacts and, as elaborated upon in this letter, the harm to California's priceless coastal resources.

As stated in the staff report, the Department of Planning and Building has found the project to be inconsistent with the goals and policies of the Coastal Plan Policies, South County Area Coastal Plan and Coastal Zone Land Use Ordinance. Additionally, the proposed project contravenes the state's implementation of the Coastal Zone Management Act, through the California Coastal Act, in several ways, including:

Impacts to ESHA. The Environmentally Sensitive Habitat Area (ESHA) requirements of the County's General Plan (under the CZLUO) and the California Coastal Act, found in Division 20 of the Public Resources Code, require protection of the ecologically-significant lands. The current project could permanently destroy over 20 acres of habitat and/or lead to potential mortality for special-status species, including the

endangered Nipomo Mesa lupine, the silver dune lupine-dune heather shrubland alliance, as well as sensitive ground-dwelling animals, including the American badger, coast horned lizard, and slivery legless lizard.

As stated in the FEIR, there will be Class 1 impacts to biological resources, including significant impacts to sensitive plant and wildlife species, as well as wetlands, creeks, rivers and waterways. This project represents illegal encroachment into environmentally sensitive habitat area ("ESHA"), including dune vegetation, per Coastal Act section 30240. The proposed encroachment is not necessary for a coastal-dependent use and therefore violates coastal resource protection laws.

Impacts to water quality. There could be substantial degradation of water resources as a result of a leak, rupture or spill from a rail car(s) that impacts surface water and/or groundwater that contains a direct or indirect hydrological link to coastal waters. The beach-going public in California enjoy swimming, surfing, fishing and other activities that rely on unimpaired water quality. Unimpaired coastal water resources are critical to maintain public health and protect the coastal economy. These protections are embodied throughout the California Coastal Act, especially in Chapter 3, Article 4 protections of the marine environment. The proposed project would allow up to 250 trains annually to deliver heavy crude for refinement to the Santa Maria Refinery in the California coastal zone, with each train carrying 2.5 million to 3 million gallons of crude oil.

Loss to beach access. The greenhouse gas emissions associated with this project are exorbitant. Greenhouse gases exacerbate climate change and sea level rise. The rising sea levels, in turn, narrow the sandy beach that the public uses for recreation. This loss of public access contravenes the Chapter 3, Article 2 of the Coastal Act that protect access opportunities for California residents and visitors. (Sections 30210, 30211, 30212, 30213, and 30214).

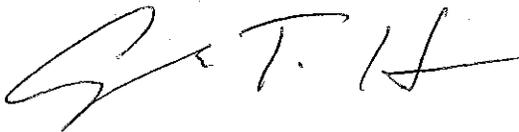
Additionally, any beach closures due to oil spills associated with this crude oil transport would also gravely impact beach access, as recently occurred on the beaches of Santa Barbara in summer of 2015, when on May 19, 2015, Refugio State Beach suffered a disastrous crude oil spill due to a pipeline rupture near the ocean's edge. The spill contaminated Refugio Beach and the nearshore ocean waters, killing marine life and closing off this important coastal resources to visitors for a number of weeks, including the opening summer Memorial Day weekend. Officials are still studying the profound consequences of this 142,800 gallon spill. The geographic footprint for the environmental impacts also stretched throughout the Southern California coast. Considering each 80 to 100-car train planned for the Santa Maria Refinery under this proposal would carry up to 3 million gallons of crude oil, the consequences of a spill could magnify these disastrous consequences to the coast recently experienced in the Santa Barbara spill by orders of magnitude.

Impacts to coastal recreation. Degradation or closure of coastal beach areas due to a resource contamination, resources loss (such as the loss of a surf break) or oil spill will impact a vital resource protected under the Coastal Act. The project poses far too great a risk to coastal resources and, therefore, should be considered inconsistent with the coastal recreation policies of Chapter 3, Article 3 of the Coastal Act. (Sections 30210, 20220, 30223,30240(b)). Additionally, loss of coastal access, described in the section above, necessarily affects the availability of coastal recreation and would also apply here.

Impacts to marine resources. Oil spills on the coast present immediate harm to ocean fishing and fisheries. An oil spill may permanently affect fisheries and marine life protected areas. Long-term ecological effects include: poisoning marine and coastal organic substrate, interrupting the food chain and creating areas of “dead zone” because of low oxygen. The harms posed by the project contravene the marine resource protections of the Coastal Act, including Sections 30230, 30231, 30232, and 30234.5.

The potential illegal impacts on coastal resources under the Coastal Act as briefly described above, combined with the obvious threat to public safety and health, make the Planning Commission’s only reasonable action to be rejection of this project as unacceptable. We thank you for the ability to comment on this project and urge your denial of the Development Plan application/Coastal Development Permit.

Sincerely,

A handwritten signature in black ink, appearing to read "A. T. H.", written in a cursive style.

Angela T. Howe, Esq.
Legal Director
Surfrider Foundation