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To : [cray@co.slo.ca.us](mailto:cray@co.slo.ca.us)  
Cc :  
Sent on : 01/03 03:23:50 PM PST  
Subject : Monarch Butterflies and the EIR on Phillips 66 Rail Spur Proposal

Hello Caren:

I live in Trilogy at Monarch Dunes in Nipomo and attended your meeting there in November concerning the Phillips 66 plans to build a rail spur to supplement their supply of crude oil. I am just now getting to the EIR done in contemplation of the plan, and I have questions in relation to the monarch butterflies which are identified in the EIR as one of seven sensitive species that might be affected by the project.

Here at Trilogy we have a monarch butterfly overwintering site. It is managed by volunteers here at Trilogy, but it was created in collaboration with SLO county and is supported by an endowment which the county oversees. It is probably no further than a mile or two from the proposed new rail spur site. I do not see mention of our habitat in particular in the EIR, just a very general mention of monarchs being present in the area. I've tried to find what effects on the monarchs were identified in the EIR and what mitigation is being proposed, but I don't see anything in regards to the monarchs. Maybe you or someone on your staff could point me in the right direction. The monarchs are mentioned in section 4.4 called Biological Resources.

Our group which manages the habitat is called the Monarch Butterfly Habitat Volunteer Committee (we have a web site: [www.monarchdunesbutterflies.org](http://www.monarchdunesbutterflies.org) ). We are very concerned that our overwintering habitat was not mentioned in the EIR because of our proximity to the proposed project. Additionally, we know that any spill or explosion would definitely adversely affect our overwintering monarch site, and I keep reading that such an event is "unlikely" but, of course, all it would take is once to ruin our habitat forever. The Pismo Beach State Park overwintering site for monarchs is also just adjacent to a rail line and would also be adversely affected by any accident along the line.

Thank you for your time and concern for our neighborhoods.

Judy Richards, Chair  
Monarch Butterfly Habitat Volunteer Committee Trilogy at Monarch Dunes Nipomo,  
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RJ-1

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Date: 01/26/2014 03:33 PM  
Subject: Monarch Butterflies and the negative impact of the Phillips 66  
Rail Spur Proposal

Thank you, Mr. Wilson. Due to the fact that the monarch butterflies are mentioned in the DEIR as a sensitive species that might be impacted by both the construction phase of this proposed project and then later by its actual implementation, the Monarch Butterfly Habitat Volunteer Committee here at Trilogy has several questions:

1. How close to our sanctuary will the proposed rail spur be? We are located approximately a quarter of a mile from Highway One and Via Concha Road. There are CC&R's in place here at Trilogy-Monarch Dunes which prohibit wood fires of any kind within a quarter-mile of the sanctuary year round and which prohibit the use of pesticides within a half mile of the sanctuary from October through March (the monarch overwintering season).

RJ-2

2. What kind of study has been done to determine if the monarch butterflies which arrive in our area in September and October are using vegetation and flowering plants on the Phillips property as nectar sources in the late summer/early fall months? What will this project do to this food source for the monarchs?

RJ-3

3. What kind of environmental changes occurring during construction will be detrimental to the overwintering monarchs or to their habitat here at Trilogy? Excessive heat, toxic chemicals, smoke, ash, pollutants, etc.?

RJ-4

4. What kind of environmental changes occurring during the actual operation of the rail spur will be detrimental to the overwintering monarchs or to their habitat here at Trilogy? We are particularly concerned about the diesel engines which will be running round the clock many days of each week to move the trains around the spur for the off-loading of the crude. What will be the effect of constant diesel emissions into the air around our habitat? (Note: we've been taking environmental readings including wind speed and direction at the habitat since the winter of 2010 and while northwest winds are predominant here, we do often get wind from all directions and so any diesel emissions into the air are of concern to us). Is there a safe level for the monarchs? For people visiting our sanctuary? Will it be monitored and adhered to?

RJ-5

5. Several times in the DEIR it is noted that a derailment or explosion would be catastrophic to all of the local biologic community. Unlikely though it may be, we strongly urge you not to take a chance with our monarch butterfly overwintering site. There are very few of them left on the central coast and our goal has been to improve and provide a safe haven for the monarchs that have been coming here to the Nipomo Mesa for many years. All of the plants and animals at Oso Flaco Lake would also be adversely affected by such a disaster. What mitigation/compensation is planned in the event of such a catastrophic event?

RJ-6

We urge you to consider our concerns in this matter and if there is any possible negative effect of this project, either in construction or operation, on the monarch butterfly overwintering site at Trilogy, do not approve it.

RJ-6

Judy Richards, Chair

Monarch Butterfly Habitat Volunteer Committee Trilogy at Monarch Dunes

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Date: 01/27/2014 03:42 PM  
Subject: DEIR Comment on Phillips Rail Spur Proposal--Impact on Biological Resources

Re: Rail Spur DEIR, Section 4.4, Biological Resources

This section begins by stating: "The Rail Spur has potential to impact a variety of biological resources within the adjacent Project Site." (4.4 p.14) Several sensitive plant and animal species are later identified as present on the proposed Rail Spur site or within a ten mile radius of that site, but the actual impact of the project on many of these sensitive species is NOT addressed in the DEIR, or if a negative impact is identified, no mitigation is proposed. An example would be the monarch butterfly, identified as a sensitive species in the DEIR, which overwinters in the immediate area at a protected sanctuary within a mile of the projected rail spur site. Another example would be the Native Nipomo lupine which germinates only in rainy years so it might take several years before a survey of the proposed site might indicate whether this sensitive species is present or not. Endangered species such as the least tern and the California condor are identified in Appendix C-4 as possibly present at the site, but no mitigation for damage to their habitat is explored. Why not?

RJ-7

In section 4.4, pp. 28 to 31, the DEIR discusses the monumental mitigation plans that will need to be undertaken in the event of an oil spill disaster, at the Rail Spur site or on the Union Pacific mainline tracks. Please note: "...the Rail Spur Project will result in permanent impacts to common and rare plant species and wildlife which utilize this habitat. The Rail Spur Project also increases the potential for oil and other materials spills within the property." The cumulative impacts on the property noted in the DEIR are rated as a "significant but mitigable level." p.31 Who would monitor this mitigation effort? Who would be financially responsible for the damage caused by such a spill? what about damage done that is not mitigable? who will provide compensation? who would determine that compensation? shouldn't we get another opinion as to what is and isn't "mitigable"?

RJ-8

However, more disturbing is that the effects of an oil spill on the Union Pacific Rail Lines leading to the Rail Spur Project property are determined to be "significant and unavoidable" p. 29. "In the unlikely event of an oil spill along the UPRR mainline tracks, there would likely be no oil spill containment or clean up equipment available, and it would likely take some time for emergency response teams to mobilize adequate spill response equipment. Depending upon the location of the spill, this could allow enough time for the spill to impact sensitive habitat and plants and animal species. Therefore, oil spills along the UPRR mainline tracks could be significant and unavoidable." p.29

RJ-9

Please protect all our local biological resources in San Luis Obispo County and beyond. Although an oil spill is called "unlikely" it is not called "impossible"

and the DEIR plainly states that the impact of such an event would be catastrophic to the local environment. Do not approve this project.

Judy Richards

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Date: 01/26/2014 05:21 PM  
Subject: DEIR comment--Phillips 66 rail spur proposal

To SLO County Board of Supervisors:

For several years, Phillips 66 (used to be Conocco Phillips) has been telling its residential neighbors that it has a safe and reliable pipeline method for delivery of its supply of crude oil. The pipeline is monitored for leaks and pressure/temperature extremes. Last year, residential neighbors did not protest a request of the refinery to increase their operating capacity by 10 % because we were assured that nothing would noticeably change at the refinery.

Today, Phillips 66 is proposing a huge change: to supplement their very expensive pipeline supply with a much cheaper supply delivered by rail. This is a measure designed solely to make more money for Phillips 66. Management has assured residential neighbors that the refinery will NOT close if this project is not approved. Phillips 66 will use the dwindling local oil supply and have to pay more for its crude oil, but it will continue to operate. If the project is approved, the sum total of additional jobs (after the construction phase) will be three.

RJ-10

The rail delivery system is fraught with difficulties, the most significant of which is the possibility of a catastrophic derailment or explosion which could occur anywhere along the rail line, putting lives, natural resources and property at huge risk throughout our entire county, throughout our entire state (Phillips 66 refuses to identify potential sources of crude oil, trains could come from north, south or east of the refinery). No mitigation or compensation will be enough if the unthinkable occurs anywhere in our beautiful county or state.

RJ-11

We already have serious air quality issues here on the Nipomo Mesa and the addition of diesel engines running constantly so near residential neighborhoods will only add to the problem.

RJ-12

Please review the EIR in its entirety. Several times it indicates that there will be only catastrophic and irreparable damage in the event of an explosion or fire anywhere along the rail line. Preserve the natural beauty of the Nipomo mesa dunes area, including Oso Flaco State Park, located very near this rail spur project and the Pismo Beach butterfly overwintering habitat, which is also located within ten miles of the refinery and adjacent to rail tracks.

RJ-13

Please do not approve the Phillips 66 rail spur proposal.

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