4.0 Rail Spur Environmental Analysis

This chapter examines the potential environmental impacts of the Rail Spur and Crude Unloading Project. Each issue area analyzed in this chapter provides background information and describes the environmental setting (baseline conditions) to help the reader understand the underlying conditions against which an impact is evaluated. In addition, each section describes how an impact on those underlying conditions is determined "significant" or "less than significant." Finally, the individual sections recommend mitigation measures to reduce significant impacts. Throughout this chapter, impacts are identified with a letter-number designation (e.g., impact BIO.1, impact AE.3). Corresponding mitigation measures are connected numerically to their impacts (e.g., BIO-1a and AE-3a).

This environmental impact report (EIR) includes many references that have been abbreviated to acronyms. A list of acronyms is included following the Table of Contents, as well as in Appendix H.

Assessment Methodology

The analysis of each issue area begins with an examination of the existing physical setting (baseline conditions as determined pursuant to Section 15125(a) of the California Environmental Quality Act [CEQA] Guidelines) that may be affected by the Rail Spur Project. The effects of the Rail Spur Project are defined as changes to the environmental setting attributable to Rail Spur Project components or operation.

Significance criteria are identified for each environmental issue area. The significance criteria serve as benchmarks for determining if a component action will result in a significant adverse environmental impact when evaluated against the baseline. According to Section 15382 of the CEQA Guidelines, a significant effect on the environment means "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project."

The operation of unit and manifest trains to and from the Rail Spur Project Site would be performed by Union Pacific Railroad (UPRR), on UPRR property, and on trains operated by UPRR employees. The movements of those trains within San Luis Obispo County and other counties and cities to and from the Project Site, while described in this section of the EIR, may be preempted from local and state environmental regulations by federal law under the Interstate Commerce Commission Termination Act of 1995 and the Commerce Clause of the United States Constitution.

Trains could enter California at five different locations (one at the north end of the state from Oregon, two at the northeast from Nevada, one at the southeast from Nevada, and one at the south from Arizona). Depending upon the route taken by the train they could arrive at the Phillips 66 site from the north or the south. It is unknown what route UPRR would use to deliver the trains to the SMR.

Coming from the north the routes merge at the UPRR Roseville Rail Yard. From the south the routes merge at the Colton Rail Yard. Given that the route the trains would travel to get to these two UPRR yards is speculative, the EIR has evaluated in more detail the impacts of trains traveling from these two UPRR yards to the SMR.

Beyond the two UPRR Yards, trains could travel any number of routes. Also, crude oil delivered to California by UPRR would generally pass through either of these two rail yards in route to the SMR. Depending upon the source of the crude oil, crude oil trains could use any portion of the UPRR network between Roseville/Colton and the source location for the crude oil. The exact route that would be taken would depend upon a number of factors, that could include the source of the crude oil, weather conditions, train traffic conditions, etc. Since the routes past Roseville and Colton are somewhat speculative, the EIR has discussed in a more qualitative nature the potential impacts of train traffic beyond these two rail yards.

While the potential impacts of those train movements along the UPRR mainline are described in appropriate chapters of this EIR, the County as CEQA Lead Agency, and other state and local responsible agencies may be preempted from imposing mitigation measures, conditions or regulations on UPRR equipment and train movements on the mainline.

By contrast, all activities performed within the SMR site are not preempted by federal law since they would not occur on UPRR property and would not be operated by UPRR employees. The impacts of the activities that occur on the Rail Spur Project Site are described and evaluated in respective chapters of this EIR, and the County as CEQA Lead Agency, and other state and local responsible agencies have the authority to impose mitigation measures, conditions or regulations to reduce or mitigate potential impacts within the boundaries of the SMR.

As discussed in the Chapter 2.0, Project Description, there are three possible mainline rail routes to the SMR from the Roseville and Colton rail yards. In assessing the impacts associated with each of these routes it has been assumed that all the trains (250 per year) would use the route being evaluated since this represents a worst case for each route. However, it is possible that the trains servicing the SMR could use different routes over time, which would serve to reduce some of the identified impacts since fewer trains would travel a given route.

Rail Spur and Crude Unloading Project Impact Analysis

Based upon the Notice of Preparation (NOP) and scoping comments, 13 issue/resource areas were identified where potentially significant impacts could occur from the Rail Spur Project. The impact analysis for each of these issue areas is provided in the following subsections of Chapter 4. The analysis of each issue area has defined the study area for purposes of the impact analysis. In most cases, the study area is the region that is in the vicinity of the Rail Spur Project.

For each identified impact, the following framework was used:

- Impact Discussion;
- Mitigation Measures; and
- Residual Impacts

The residual impact is the impact classification after any mitigation has been applied. If an impact is found to be *less than significant* then the residual impact would remain *less than significant* with or without mitigation. All residual impacts identified in this document have been classified according to the following criteria:

Class I - Significant and Unmitigable: Significant adverse impacts that cannot be effectively mitigated. No measures can be taken to avoid or reduce these adverse effects to insignificant or negligible levels.

Class II – Less Than Significant with Mitigation: These impacts are potentially similar in significance to those of Class I impacts, but can be eliminated or reduced below an issue area's significance criteria threshold by the implementation of mitigation measures.

Class III – Less Than Significant: An adverse impact that does not meet or exceed an issue's significance criteria threshold. Generally, no mitigation measures are required for such impacts, although they may still be recommended should the lead or responsible agency deem it appropriate to reduce the impact to the maximum extent feasible.

Class IV - Beneficial: Effects are beneficial to the environment.

If the impact remains at or above the pertinent significance criteria after mitigation is applied, it is deemed to be *significant and unavoidable, Class I*. If a "significant impact" is reduced, based on compliance with mitigation, to a level below the pertinent significance criteria, it is determined to no longer have a significant effect on the environment (i.e., to be *less than significant with mitigation, Class II*). If an action creates an adverse impact above the baseline condition, but such impact does not meet or exceed the pertinent significance criteria, it is determined to be *less than significant, Class III*. An action that provides an improvement to an environmental issue area in comparison to the baseline information is recognized as a *beneficial* impact, *Class IV*.

Formulation of Mitigation Measures and Mitigation Monitoring Program

When significant impacts are identified, feasible mitigation measures are formulated to eliminate or reduce the severity of the impacts and focus on the protection of sensitive resources. The effectiveness of a mitigation measure is subsequently determined by evaluating the impact remaining after its application. The impacts remaining after mitigation are considered residual impacts. The residual impacts can be either *significant* or *less than significant*. Implementation of more than one mitigation measure may be needed to reduce an impact below a level of significance. The mitigation measures recommended in this document are identified in the impact sections and presented in a Mitigation Monitoring Plan, provided in Chapter 8 of the EIR.

Measures that have been incorporated as part of an Applicant's Project design are considered design features and are not considered as mitigation measures under CEQA. If they eliminate or reduce a potentially significant impact to a level below the significance criteria, they eliminate the potential for that significant impact since the "measure" is a component of the action. However, if the Project is approved, the Applicant-proposed measures would be part of the conditions of approval.

Public Resources Code Section 21081.6 establishes two distinct requirements for agencies involved in the CEQA process. Subdivisions (a) and (b) of the section relate to mitigation

monitoring and reporting, and the obligation to mitigate significant effects where possible. Pursuant to subdivision (a), whenever a public agency completes an EIR and makes a finding pursuant to Section 21081(a) of the Public Resources Code taking responsibility for mitigation identified in the EIR, the agency must adopt a program of monitoring or reporting which will ensure that mitigation measures are complied with during implementation of an approved project.

San Luis Obispo County (County) will be responsible for monitoring of the mitigation measures adopted pursuant to this EIR. One important step in monitoring is defining the responsibility of the Applicant to support this process. Mitigation Measure EM-1 defines this process, and is required to support all other mitigation measures and Applicant-proposed measures defined in this EIR.

EM-1 Prior to issuance of the first grading and/or construction permits, the Applicant shall enter into agreements with the County to provide funding for an environmental monitor to ensure compliance with each Agency's environmental Conditions of Approval. The monitor shall assist the Agencies in condition compliance and mitigation monitoring for all applicable construction and operational stages of the Rail Spur Project, as specified in a scope of work, as approved by the Agencies.

The monitoring plan shall include a post-construction program to monitor measures that extend beyond the construction period (e.g., success of revegetation and landscaping, etc.), as well as monitor certain mitigation measures required during the operational phase.

The monitor will prepare a working monitoring plan that reflects the Agencies -approved environmental mitigation measures/conditions of approval. This plan will include:

1. *goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations;*
2. *lines of communication and reporting methods;*
3. *daily and weekly reporting of compliance;*
4. *construction crew training regarding environmental sensitivities;*
5. *authority to stop work; and*
6. *action to be taken in the event of non-compliance.*

The environmental monitor shall be under contract to the Agencies. Costs of the monitor, and any Agency administrative fees, shall be paid by the Applicant.

The Applicant shall also be responsible for funding work required by permit conditions requiring use of individuals with special expertise (e.g., botanist, wildlife biologist). The Agencies' environmental monitor will coordinate the monitoring efforts of the specialist, including communication with the Agencies, reporting and availability (at appropriate times: prior to issuance of construction permits, or during construction, as required by applicable permit conditions).

Cumulative Projects Impact Analysis

Each issue area in this chapter includes a cumulative impact analysis, which identifies the potential impacts of the Rail Spur Project that might not be significant when considered alone, but that might contribute to a significant impact in conjunction with the other cumulative projects. The list and description of cumulative projects is included in Chapter 3.0, Cumulative Projects.