4.8 Land Use and Recreation

This section of the EIR addresses potential impacts resulting from implementation of the Rail Spur Project on existing land uses and future land use compatibility in the vicinity of the Project Site and along the UPRR mainline rail routes. The land uses and recreational resources for all portions of the Project Site and those parcels adjacent to the proposed Emergency Vehicle Access (EVA) route are described below. The section provides a discussion on land use and recreational impacts and provides mitigation measures for any significant impacts. Cumulative impacts for land use and recreation are also discussed in this section.

4.8.1 Environmental Setting

The Project Site is predominantly within the South County Coastal planning area, except for the easternmost 0.1 mile (approximately 600 feet), which extends beyond the coastal zone boundary into the South County Inland planning area (refer to Figure 4.8-1, below).

4.8.1.1 Existing Land Uses and Designations

The Rail Spur Project would be located on the approximately 1,600-acre SMR Site, which is comprised of the following parcels: Assessor Parcel Numbers: 091-192-034, 092-401-005, 092-401-011, 092-401-013, 092-411-002, and 092-411-005. The site currently supports heavy industrial uses associated with the Santa Maria Refinery, a crude oil and carbon processing facility, including the refinery and associated storage tanks, pipelines, offices, parking and appurtenant structures. Other areas of the Project Site are undeveloped and support coastal scrub and native and non-native grasses. This area is used for grazing. A majority of the Project Site is within the Industrial land use category, and a small portion of the southeast corner is within the Agriculture land use category (refer to Figure 4.8-2). Surrounding land uses and land use designations are as follows:

Table 4.8.1 Surrounding Land Uses

Surrounding Area	Land Use Category	Existing Uses
North	Industrial Residential Suburban Residential Rural	Single-family residences, industrial uses in Callender-Garrett
South	Agriculture	Intensive agriculture, row crops, Oso Flaco Creek
East	Recreation Commercial Retail Commercial Service	Golf course, single family residences, rural resort-style residential developments
West	Open Space	Undeveloped dune land, Oceano Dunes State Vehicular Recreation Area

Source: San Luis Obispo County Interactive GIS Mapping Tool, http://www.sloplanning.org/PermitViewMap/MapSearch

4.8.1.2 Combining Designations

Combining designations are special overlay categories applied in areas of the county with hazardous conditions or special resources, where more detailed project review is needed to avoid adverse environmental impacts or effects of hazardous conditions on proposed projects. Combining designations applicable to the Project Site and the surrounding areas include: Coastal Appealable Zone (CAZ), Flood Hazard (FH), Local Coastal Plan (LCP), and Sensitive Resource Area (SRA), including the Environmentally Sensitive Habitat sub-categories of Coastal Streams and Sensitive Riparian Vegetation (SRV). The SRA designations are associated with the tributary of Oso Flaco Creek that runs adjacent to the southern boundary of the Project Site.

The large majority of the Project Site is in the Coastal Zone, and is subject to the County's Local Coastal Program, including Coastal Policies, the South County Coastal Area Plan, and Coastal Zone Land Use Ordinance. This portion of the site is within an area where County decisions can be appealed to the California Coastal Commission, known as the Coastal Appealable Zone (CAZ).

The FH designation applies to the southern portion of the site, and is associated with the 100-year floodplain of Oso Flaco Creek and its tributaries. The SRA, Coastal Stream, and SRV designations apply to a tributary to Osos Flaco Creek, which is located adjacent to the southern property boundary.

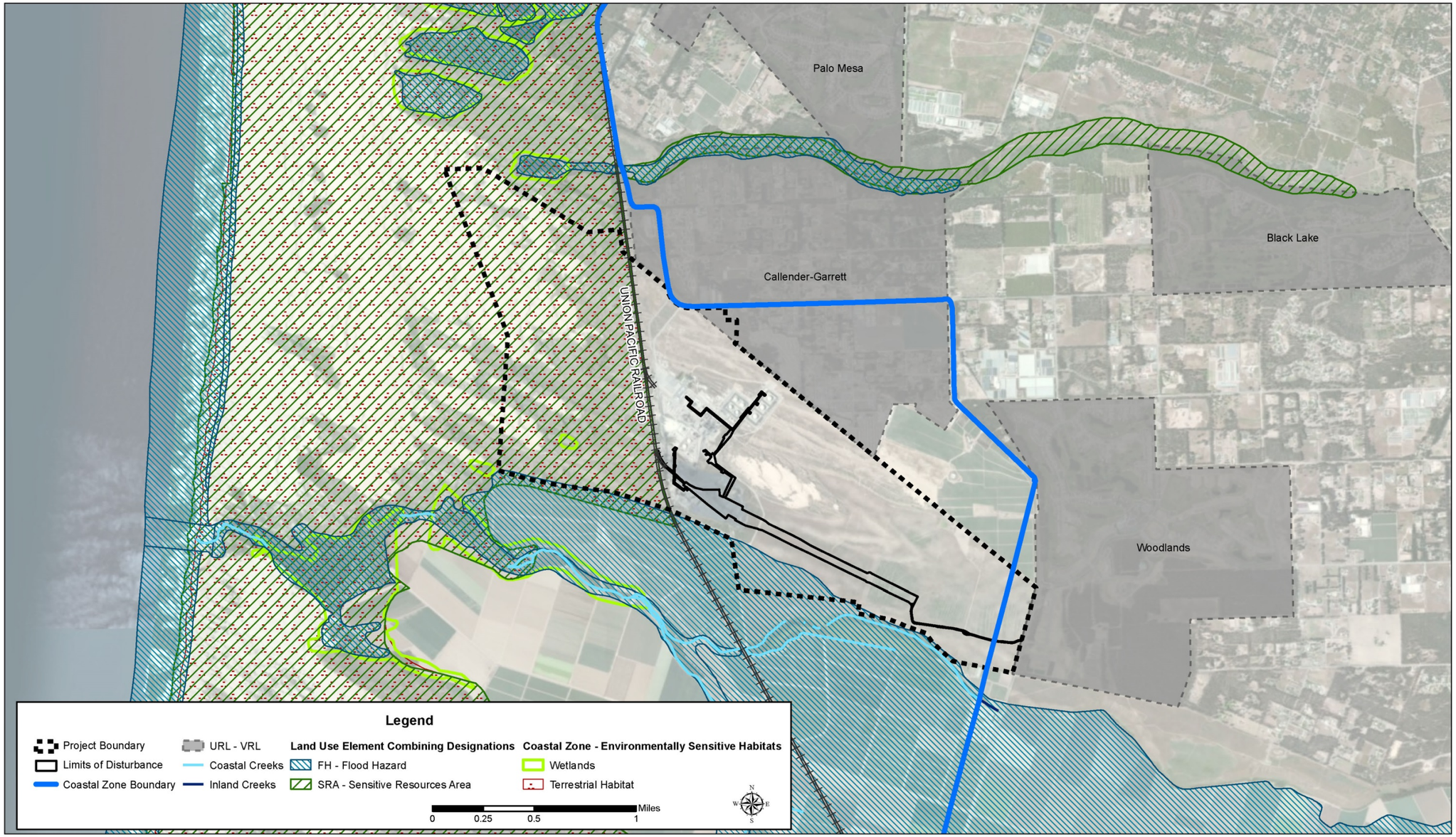
Areas west of proposed Disturbance Area and the Union Pacific Rail Road (UPRR) and owned by the applicant are within the SRA designations for Terrestrial Habitat (TH) and Wetlands (WET). These areas are not included as part of the Rail Spur Project. The Coastal Access Project and associated designations are discussed in Chapter 9 of this EIR.

Aside from the LCP and CAZ designations, no other designations overlay the proposed Rail Spur Project disturbance area, although the County will be required to adopt applicable findings pursuant to the CZLUO to ensure compliance with the ordinance and LCP.

4.8.1.3 Recreational Resources

The Project Site is located east of the Oceano Dunes State Vehicular Recreation Area, and northeast of the Oso Flaco Day Use Area and Oso Flaco Lake Trail. The Nipomo Bluff Trail terminates approximately 0.6 mile east of the rail spur location, and the Juan Batista de Anza National Historic Trail follows State Route 1 through the project area. Numerous public and/or private recreational facilities are located within or near the adjacent Woodlands development, including pedestrian and equestrian trails, golf courses, monarch butterfly habitat, public sidewalks, pocket parks and green spaces, outdoor concert areas, tennis courts, and a bocce court.

Figure 4.8-1 Combining Designations Map



Source: Digital Flood Insurance Rate Map Database, San Luis Obispo County, California, USA. Federal Emergency Management Agency. Washington DC. August 28, 2008; des-coastal_zone, des-coastal_creeks, des-inland_creeks, des-flood-FEMA, des-sra, des-wetlands, des-terrestrial, url_vrl_polygon_2009. SLO County Planning & Building Geographic Technology & Design. April 23, 2009.

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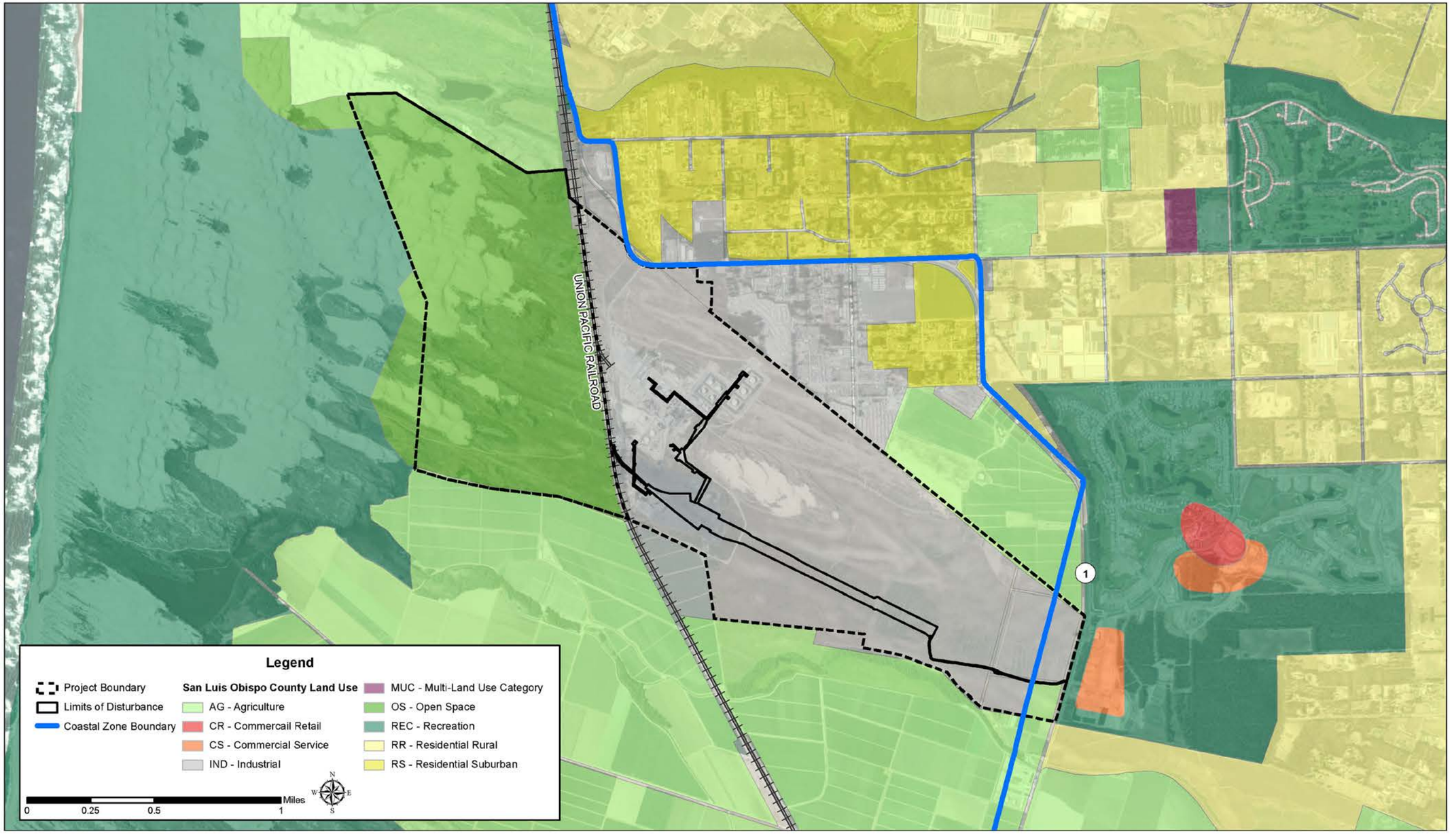
Figure 4.8-2 Land Use Designations



Source: Countywide_luc. SLO County Planning & Building Geographic Technology & Design. April 23, 2009

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The nearest vertical coastal access points are located approximately 3.6 miles to the north (pedestrian and vehicle) and 0.74 mile south (pedestrian only). A permit previously approved for the project site (DRC2008-00146, the "Phillips 66 Throughput Project") included a requirement for an offer of dedication for vertical access at this location as well as evaluation of the suitability and the appropriate intensity of use at this location.

The above referenced permit was reviewed September 11, 2013 on appeal to the California Coastal Commission as a result of an appeal filed with their office of the action taken (approval) by the County Board of Supervisors on the Throughput project in February 2013. The Coastal Commission determined at the September 11, 2013, hearing that no substantial issue existed with the appeal and the appeal was therefore denied.

Please refer to Chapter 9 of this EIR for a discussion regarding the Coastal Access Project. Significant recreational resources in the project vicinity are discussed in further detail below.

Juan Bautista de Anza National Historic Trail

The Juan Bautista de Anza National Historic Trail corridor passes through the Project Site, and a recreational segment of the Anza Trail has been developed along State Route 1 east of the Project Site (refer to Figure 4.8.3, below). The presumed historic trail corridor has been mapped by the National Park Service to indicate the general path believed to have been traveled by the 1776 Anza expedition, the first colonizing expedition from New Spain to come overland into California. The mapped historic corridor does not relate to any physical recreational facility that has been developed on the ground. However, it connects a variety of historic sites related to the Spanish Colonial era and areas along the route, particularly areas where the expedition is known to have camped, have the potential to contain significant artifacts related to the expedition.

Oceano Dunes State Vehicle Recreation Area

Oceano Dunes State Vehicle Recreation Area (SVRA) is a geologically unique sand dune complex that provides over 2,500 acres for public off-highway vehicle (OHV) use. The SVRA is located approximately 1 mile west of the western boundary of the Project Site. One of several OHV areas administered by the California Department of Parks and Recreation, Oceano Dunes SVRA also offers visitors other recreational activities such as swimming, surfing, fishing, camping, and hiking.

Oso Flaco Lake Natural Area

Oso Flaco Lake Natural Area is a public State Park located south of and adjacent to Oceano Dunes SVRA, approximately 1.75 miles southwest of the Project Site. The Natural Area includes public walking trails and opportunities for wildlife viewing.

Guadalupe-Nipomo Dunes National Wildlife Refuge

The Guadalupe-Nipomo Dunes National Wildlife Refuge, administered by the USFWS, was established in August 2000 to protect breeding habitat for the endangered California least tern, California red-legged frog, and threatened Western snowy plover. The Refuge is located in the heart of the Guadalupe-Nipomo Dunes Preserve, along an 18-mile stretch of coastline. Public visitors may hike in from either the Rancho Guadalupe Dunes County Park to the south or the Oso Flaco Lake Natural Area to the north. The Refuge is located approximately 2 miles

southwest of the Project Site and offers numerous recreational opportunities including hiking, wildlife viewing, and fishing.

Recreational resources in the project vicinity are shown in Figure 4.8-3, below.

4.8.1.4 Land Use and Recreational Designations along the UP Mainline Routes

Trains would arrive from different oilfields and/or crude oil loading points depending on market availability. The exact location of the source of crude oil that would be delivered to the refinery is unknown and could change over time based upon market conditions and availability. UPRR would be responsible for delivering the trains to the SMR. Trains could enter California at four different locations (one at the north end of the state from Oregon, one 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. A map showing the UPRR mainline routes is provided in Figure 2-8 in the Project Description.

The UP Mainline Route extends through a wide range of land uses, including undeveloped open space, agricultural land, rural areas, unincorporated communities, recreational areas, and heavily urbanized areas in major metropolitan cities. Other land uses along the UPRR mainline rail routes include various types of residential, light and heavy industrial, business park, and commercial/retail.

Prominent recreational resources along the Mainline Route include San Francisco Bay National Wildlife Refuge, Los Padres National Forest, Pismo State Beach, Gaviota State Park, Refugio State Beach, the Santa Barbara Zoo, extensive stretches of the Pacific Coast Highway (State Route 1), the Ventura Fairgrounds, and multiple local and regional beaches, parks, golf courses, and other recreational facilities.

4.8.2 Regulatory Setting

The Rail Spur Project is located in the Coastal Appealable Zone of the County of San Luis Obispo. Development of the project would require compliance with the California Coastal Act (CCA) and LCP, County CZLUO and Combining Designation Standards, South County Coastal Area Plan, County of San Luis Obispo General Plan, Central Coast Basin Plan, and San Luis Obispo County CAP. These plans are described below. A preliminary policy consistency analysis is provided in Appendix G. Approval of the Project is appealable to the California Coastal Commission.

4.8.2.1 State Regulations and Policy

California Coastal Act

The California Coastal Act (Public Resources Code [PRC] §30000 et. seq.) is intended to "protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources."

Figure 4.8-3 Surrounding Recreational Uses

Source:url_vrl_polygon_2009. SLO County Planning & Building Geographic Technology & Design. April 23, 2009; PWD.SDE.PWD_BIKEWAYS , v2. San Luis Obispo County Public Works and Transportation Department. 09/01/2010; Anza_Trail_SanLuisObispo. National Park Service, U.S. Department of the Interior, Juan Bautista de Anza National Historic Trail. http://www.anzahistorictrail.org. July 24, 2012.

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By state law, the coastal zone is established by the California Coastal Commission, which has authority to permit, restrict, or prohibit certain development within the zone. The Coastal Act mandates protection of public access, recreational opportunities, and marine and land resources. This umbrella legislation requires local governments to prepare a land use plan and schedule of implementing actions to carry out the policies of the Coastal Act within local jurisdictions.

4.8.2.2 Local Regulations and Policy

Coastal Plan Policies – Local Coastal Program Policy Document

The Local Coastal Program (LCP) Policy Document is part of the County's Local Coastal Program and Land Use Element (LUE). Some of the policies have been implemented in the Coastal Zone Land Use Ordinance (CZLUO) and planning areas standards. The LUE is the coordinating mechanism for incorporating the policies of this document that have land use implications. In addition to amended portions of the LUE and the CZLUO, this document states the policy commitment of the County to implement the mandates of the Coastal Act. The document includes policies related to shoreline access, recreation and visitor-serving facilities, coastal watershed, visual and scenic resources, hazards, and air quality, among others.

Land Use Element, Framework for Planning – Coastal Zone

The LUE is a plan describing the official County policy on the location of land uses and their orderly growth and development. The LUE is one of several parts (elements) of the San Luis Obispo County General Plan. The LUE also incorporates the Land Use Plan portion of the County LCP. The plan has been prepared in accordance with state law regulating General Plans and LCPs, and has been adopted by the County Board of Supervisors and California Coastal Commission. The LUE coordinates policies and programs in other County General Plan Elements that affect land use, and provides policies and standards for the management of growth and development in each unincorporated community and the rural areas of the Coastal Zone. The Framework for Planning includes "General Objectives" of combining designations. These objectives are codified and implemented through the CZLUO combining designation standards.

Coastal Zone Land Use Ordinance

The CZLUO, Title 23 of the County Code, regulates land use in a manner that seeks to encourage and support the orderly development and beneficial use of lands within the county, minimize the effects on the public from such development, and protect and enhance the significant natural, historic, archaeological and scenic resources within the county. The CZLUO includes permit requirements, site design and site development standards, operational standards, and combining designation standards to implement the County General Plan and LCP and meet these goals.

Combining designations are used to identify and highlight areas of San Luis Obispo County having natural or manmade features that are sensitive, hazardous, fragile, of cultural or educational value, or of economic value as extractable natural resources. The purpose of combining designation standards is to require project design that will give careful consideration to the land features, structures, and activities identified by the combining designations. These

standards provide for more detailed project review where necessary to support public safety or proper use of public resources, or to satisfy the requirements of the Coastal Act and the LCP.

South County Coastal Area Plan

The majority of the Project Site is within the South County Coastal Area Plan. The South County Coastal Area Plan describes County land use policies for the coastal zone portion of the South County Planning Area, including regulations which are also adopted as part of the Land Use Ordinance and Local Coastal Program. The Area Plan allocates land use throughout the planning area by land use categories. The land use categories determine the varieties of land use that may be established on a parcel of land, as well as defining their allowable density and intensity. Specific development standards are included to address special problems and conditions in individual communities.

County of San Luis Obispo General Plan – Agriculture Element

The Agriculture Element of the San Luis Obispo County General Plan (separated from the Open Space Element in May 2010) provides a background on agricultural resources within the County. Through the goals, policies, implementation programs, and measures provided within the document, the County's intent is to "Identify those areas of the county with productive farms, ranches and soils, and establish goals, policies and implementation measures that will enable their long-term stability and productivity".

County of San Luis Obispo General Plan – Conservation and Open Space Element

The County Conservation and Open Space Element (COSE) consists of a policy and program document and a technical appendix. The COSE policy and program document includes separate chapters to address air quality, biological resources, cultural resources, energy, mineral resources, open space, visual resources, and water resources. The technical appendix includes the County's first baseline greenhouse gas (GHG) emissions inventory. The COSE is based on the principles of strategic growth, with the intent to preserve unique or valuable natural resources, to manage development within the sustainable capacity of the county's resources, and to reduce the county's contribution to global climate change.

County of San Luis Obispo General Plan – Parks and Recreation Element

The Parks and Recreation Element is an optional component of the County General Plan. The County has had a Recreation Element as part of its General Plan since 1968, showing an early commitment by the County to provide adequate park and recreation opportunities for both residents and visitors. The Parks and Recreation Element establishes goals, policies, and implementation measures for management, renovation, and expansion of existing, and development of new, parks and recreation facilities in order to meet existing and projected needs and to ensure an equitable distribution of parks throughout the county. The purpose of the Parks and Recreation Element is to: 1) provide policy guidance regarding the provision of park and recreation services, 2) document the county's existing park and recreation resources, and 3) facilitate the evaluation of park and recreation needs including those resources that are outside the County's management during the land use decision process.

County of San Luis Obispo General Plan - Noise Element

The County Noise Element provides a policy framework for addressing potential noise impacts in the planning process, and minimizing future noise conflicts. The Noise Element identifies

transportation-related, stationary, and potential operational noise generators in the county, provides a list of noise-sensitive land uses, and identifies acceptable and unacceptable thresholds of noise exposure based on land use. The Noise Element also provides mitigation measures that should be applied to projects when noise attenuation is required to meet identified thresholds.

County of San Luis Obispo General Plan – Safety Element

The two primary principles of the County Safety Element are emergency preparedness and managed development to reduce risk. The Safety Element identifies potential emergency situations and natural disasters within the county, and includes goals and policies for response during an emergency or natural disaster, and avoidance of unnecessary risk.

County of San Luis Obispo EnergyWise Plan

The EnergyWise Plan is required by the COSE of the General Plan and is intended to facilitate the goals of the COSE, though implementation of the reduction measures contained in this plan will require action by the Board of Supervisors. This plan builds upon the goals and strategies of the COSE to reduce local GHG emissions. It identifies how the County will achieve the GHG emissions reduction target of 15% below baseline levels by the year 2020 in addition to other energy efficiency, water conservation, and air quality goals identified in the COSE. This Plan will also assist the County's participation in the regional effort to implement land use and transportation measures to reduce regional greenhouse gas emissions from the transportation sector by 2035. Energy policies relevant to the project are addressed in the COSE consistency analysis.

Land Use Element, Framework for Planning – Inland

The first part of the County Land Use Element is the Framework for Planning. The Inland Framework contains policies and procedures that apply to the unincorporated area outside the coastal zone, and defines how the Land Use Element is used together with the LUO and other adopted plans. The Framework also explains the criteria used in applying land use categories and combining designations to the land, and the operation of the Resource Management System.

Land Use Ordinance

The County LUO, Title 22 of the County Code, includes regulations established and adopted to protect and promote public health, safety and welfare. Regulations are also adopted to implement the County General Plan, guide and manage the future growth of the county in accordance with those plans, and regulate land use in a manner that will encourage and support the orderly development and beneficial use of lands within the county. In addition, ordinance regulations are in place to minimize adverse effects on the public resulting from land use and development, as well as to protect and enhance the significant natural, historic, archeological, and scenic resources within the county as identified by the County General Plan. Article 9 of the LUO includes standards for proposed development and new land uses that are specific to each of the planning areas defined by the Land Use Element, including standards specifically applicable to the Nipomo Urban Area and rural areas. These standards are mandatory requirements, intended to address the local planning issues of each planning area.

County of San Luis Obispo South County Inland Area Plan
The easternmost edge of the Project Site is located outside of the California Coastal Zone, in the area of the South County Inland Area Plan. The plan acts as a guide for the cohesive and comprehensive development of the South County Inland Area, and seeks to guide future development that will balance the social, economic, environmental and governmental resources and activities affecting the quality of life within the area. This plan includes planning area standards for the South County Planning Area and seeks to preserve the character of the communities and rural areas that currently exist in the area.

Basin Plan for the Central Coast Region
The Water Quality Control Plan for the Central Coast Region (Basin Plan) is the Central Coast Regional Water Quality Control Board's (RWQCB) master water quality control planning document. It designates beneficial uses and water quality objectives for waters of the state, including surface waters and groundwater. It also includes programs of implementation to achieve water quality objectives. Periodically, the RWQCB considers amendments to the Basin Plan. Each amendment is subject to an extensive public review process. At a public hearing, the RWQCB may act to adopt the amendment. Adopted amendments are subject to approval by the State Water Resources Control Board (SWRCB), the Office of Administrative Law, and, in most cases, the U.S. Environmental Protection Agency (EPA).

2001 Clean Air Plan
As part of the California Clean Air Act, the San Luis Obispo County Air Pollution Control District (SLOAPCD) is required to develop a plan to achieve and maintain the state ozone standard by the earliest practicable date. The Clean Air Plan (CAP) outlines the SLOAPCD's strategies to reduce ozone precursor emissions from a wide variety of stationary and mobile sources. The 2001 CAP was adopted by the SLOAPCD on March 26, 2002.

4.8.3 Significance Criteria

The significance of potential land use and recreation impacts is based on thresholds identified within the County of San Luis Obispo Initial Study Checklist, which was developed in accordance with Appendix G of the CEQA Guidelines. The County Checklist provides the following thresholds for determining impact significance with respect to land use and recreation. Impacts would be considered significant if the proposed project would:

Land Use
- Be potentially inconsistent with land use, policy/regulation (e.g., general plan [County Land Use Element and Ordinance], Local Coastal Plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects;
- Be potentially inconsistent with any habitat or community conservation plan;
- Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project; or
- Be potentially incompatible with surrounding land uses.

Recreation

- Increase the use or demand for parks or other recreation opportunities; or
- Affect the access to trails, parks or other recreation opportunities.

4.8.4 Project Impacts and Mitigation Measures

The following sections discuss the Rail Spur Project's potential to result in adverse environmental effects to land use and recreational resources based on the thresholds identified above.

4.8.4.1 Land Use

CEQA Guidelines §15125(d) requires an EIR to discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans. While CEQA requires a discussion of consistency with public plans, inconsistency does not necessarily lead to a significant impact. Inconsistency with public plans creates significant impacts under CEQA only when an adverse physical effect on the environment would result from the inconsistency. The key plans and policies applicable to the proposed project are described in Section 4.8.2, above. It is the responsibility of the County, the lead CEQA decision maker, to make the final determination regarding consistency issues as it relates to applicable County of San Luis Obispo policies. Appendix G provides a preliminary analysis of the Rail Spur Project's consistency with relevant goals, policies, regulations, and implementation measures set out in these County of San Luis Obispo plans. The EIR does not attempt to determine consistency with other County and City polices since the local decision makers can only determine consistency with their land use policies. In addition, no other local or State agency has a discretionary action on this project. The County of San Luis Obispo's discretionary action is related to approval of the onsite portion of the project that is being proposed by Phillips 66. No discretionary action is required by any governmental agency regarding the movement of crude oil trains by UPRR along their mainline tracks.

Some of the impacts discussed in various issue areas are based upon consistency with San Luis Obispo County local plans and/or policies. For example, the Noise section includes an assessment of the Rail Spur Project's consistency with the standards identified in the Noise Element of the County's General Plan. The air quality section addresses impacts as it relates to applicable air quality standards. Therefore, there may be instances where a potential inconsistency is identified that could result in adverse physical effects on the environment, but those effects have already been discussed as a potentially significant impact in other sections of this EIR (i.e., an exceedance of the noise thresholds identified in the Noise Element would be considered a potentially significant impact in the Noise section of the EIR). In those instances, this section will refer to the discussion in the individual resource section, rather than discuss the potential for an additional significant impact under a land use threshold, based on the same adverse environmental effect.

The remainder of this section discusses applicable San Luis Obispo County land use plans, policies, or regulations where it was determined an inconsistency may result in significant adverse physical effects on the environment.

Conservation and Open Space Element-Chapter 8 Soil Resources (Impacts to Important Agricultural Soils)

The Rail Spur Project would convert Important Agricultural Soils identified in the COSE, but mitigation through development of an agricultural easement or preserve is not recommended in the EIR. Therefore, the Rail Spur Project would be potentially inconsistent with this policy. Permanently converted Important Agricultural Soils would include approximately 22.3 acres of Farmland of Statewide Importance (associated with underlying Oceano Sand, 0 to 9 percent slopes) and 0.25 acres of Other Important Soils (associated with underlying Oceano Sand, 9 to 30 percent slopes). Refer to Figures 4.2-2 and 4.2-3 for Soils and Important Agricultural Soils Maps.

As described in Section 4.2, Agricultural Resources, the conversion of 22.3 acres of Farmland of Statewide Importance was determined to be a less than significant impact on agricultural resources due to a variety of factors that limited the area's potential for agricultural production. Factors minimizing the agricultural viability of the area include minimal existing agricultural use (grazing of between 0 to 30 head on the undisturbed 750-acre portion of the Rail Spur Project Site), existing and historic industrial uses at the site and potential soil contamination issues, private land use preferences, the Industrial zoning designation, coastal development permitting requirements, and the presence of a known endangered State- and Federally-listed plant species that would likely preclude authorization of a request to convert this area to row crops. Despite the presence of Important Agricultural Soils, the area is not otherwise particularly well suited for agricultural use. Therefore, the conversion of these soils to the proposed Rail Spur Project, consistent with existing uses and zoning, was not considered a significant loss of important agricultural farmlands.

The conversion of 0.25 acres of Other Important Soils would result from pipeline installation adjacent to an existing dirt roadway and industrial infrastructure within the fenced refinery area. Soils within this area are heavily disturbed by industrial development activities, and are limited in their use for agricultural production by the same factors described above. Therefore, this conversion would also be an insignificant loss of agricultural farmlands.

Without a significant impact, the County is not required to implement mitigation such as an agricultural easement pursuant to CEQA Guidelines Section 15041(a) and relevant case law (regularly cited cases on the nexus required to implement mitigation include *Nollan v. California Coastal Commission* (1987) 483 U.S. 825 and *Dolan v. City of Tigard* (1994) 512 U.S. 374).

The conversion and loss of these agricultural soils and farmlands would be less than significant. Because multiple site and regulatory constraints would likely preclude intensive agricultural use of this area in the future, the absence of a mitigating agricultural easement would not result in a loss in the amount of agriculturally viable farmland in the County, which is what the policy is designed to protect. The conversion of this area would also therefore not impact the County's immediate or long-term agricultural economy or any other agricultural commodity or supporting

industry. Therefore, construction impacts would be potentially consistent with this policy. Therefore, from a land use perspective the impacts would be less than significant.

There is the potential for oil spills occurring at the SMR rail unloading facility. As discussed in the Agricultural Section (Section 4.2), the maximum oil spills are likely to be contained within the project site. If an oil spill was to impact surface water or groundwater it could impact agricultural soils and farmland. However, given the composition of the soils on the project site it is unlikely that an oil spill would impact surface waters. With the implementation of the mitigation measures identified for oil spills at the SMR, the project would be potentially consistent with this policy. Therefore, from a land use perspective the impacts would be less than significant.

The UPRR Coastal Line is an existing transportation corridor that is currently used to transport crude oil and other hazardous materials through San Luis Obispo County. The Rail Spur Project would increase the use of this existing transportation corridor, which would increase the potential for oil spills to impact agricultural soil and farmland. Based upon the hazards analysis, the probability of an incident on the UPRR mainline tracks involving a crude oil spill greater than 100 gallons in San Luis Obispo County would be about one in 126 years. This represents the probability for the entire length of the mainline tracks within San Luis Obispo County. The probability of impacting agricultural soils and farmland would be less since the spill would have to occur in proximity to these resources, and not all of the Coast Line is in proximity to agricultural soils and farmland. Given this low probability and the fact that the mainline rail is an existing transportation corridor the project would be potentially consistent with this policy. Therefore, from a land use perspective the impacts would be less than significant within San Luis Obispo County.

South County Coastal Area Plan-Chapter 6 Land Use (Rural Area Land Use-Industrial-Buffer Area Around Santa Maria Refinery)

Although the Rail Spur Project would expand industrial uses into the undeveloped portion of the SMR site, the proposed development in this area would be limited in scale and located in the central portion of the large (approximately 750-acre) undeveloped area, leaving remaining buffers of approximately 400 feet between any proposed development and the closest adjoining property, which is to the south. Approximately 18.6 acres would be converted into industrial use as part of the Rail Spur Project, consisting of approximately 2.5 percent of the total undeveloped buffer area.

The proposed unloading facility would be located within the existing refinery area, and uses proposed within the undeveloped area would be limited to the intermittent holding, movement and staging of trains. Therefore, the buffer would continue to serve as an area where wind-carried air pollutants from the heavy refining and processing activities within the coke processing facility and fenced refinery area could be deposited. However, the primary source of emissions of Reactive Organic Gases (ROG), Nitrous Oxide (NO_x) and Diesel Particulate Matter (DPM) would be the diesel-powered train locomotives that would operate within the buffer area. Environmental effects related specifically to air quality are discussed in Section 4.3, Air Quality and Greenhouse Gases. The DPM would represent a potential health hazards to the surrounding residential areas. A health risk assessment conducted as part of the air quality analysis

determined that the health risk associated with the existing SMR was above the thresholds established by the SLOAPCD using the most recent California Office of Environmental Health Hazard Assessment (OEHHA) methodology for estimating health risk impacts from toxic air emissions. With the addition of the Rail Spur Project the health risk would be above the thresholds established by the SLOAPCD. Implementation of the identified mitigation measures would not reduce the health risk to below the thresholds established by the SLOAPCD. Therefore, this impact could potentially be inconsistent with this policy.

The policy identifies the buffer as particularly important to surrounding agricultural uses. The operation of train locomotives in this area is not expected to result in significant impacts to agricultural crops in the area, as these uses currently co-exist throughout the project vicinity in very close proximity to the UPRR, with intensive row crops extending within 50 feet of both sides of the UPRR through the Nipomo Mesa area. The proposed development within the buffer area would still accommodate an approximately 400-foot buffer between the nearest agricultural areas; therefore, no land use incompatibility issues would occur.

The buffer zone is also important for protecting surrounding residential areas for increased noise and hazards at the SMR. The use of the buffer zone for the Rail Spur Project would increase noise levels within this area. As discussed in Section 4.9, Noise and Vibration, the noise associated with the positioning of the trains for unloading could result in an exceedence of the exterior noise standards in the County's Noise Ordinance and Element. With the implementation of the identified noise mitigation measures (N-1a through N-1c) and the air mitigation that limits the hours when trains can be unloaded (AQ-4c). The noise levels would be below the thresholds established in the County Noise Ordinance and Element. Baseline noise levels would be projected to increase by about one to five decibels at night and less than one decibel during the daytime hours. These noise levels would only occur during the time there are trains being positioned for unloading. During the actual unloading operations the noise levels would be lower. Positioning of trains would be expected to occur for about two hours five times per week. Therefore, the noise impact of the Rail Spur Project would be less than significant.

Section 4.7, Hazards and Hazardous Materials, found that the hazards associated with the unloading operations at the Project Site would not extend off of the SMR property, and therefore, were found to be less than significant.

The policy recognizes the potential for additional oil and gas processing facilities at this location in the future and identifies this location as potentially appropriate for such uses. Although the language specifically references offshore drilling activities, no known expansions or alterations to the existing operations were foreseen at the time the plan was adopted. The Rail Spur Project would allow the SMR to receive crude oil by rail rather than exclusively by pipeline and truck (oil is currently trucked to the Santa Maria Pump Station and then delivered by pipeline to the SMR), and would not otherwise substantially alter the amount or type of processing activities that occur at the SMR. This proposed modification is within the reasonable range of potential modifications or expansions of the refinery referred to in the policy language. Therefore, the Rail Spur Project would likely be consistent with the intent of the policy, and any remaining inconsistencies would not result in adverse physical effects on the environment due to the compatibility of the proposed use with existing uses and surrounding areas and the limited nature of the changes proposed to existing operations.

Due to the significant and unavoidable health risk impact, the Rail Spur Project could be inconsistent with this policy. Therefore, from a land use perspective the impacts would be significant and unavoidable.

Coastal Plan Policies/Title 23 Coastal Zone Land Use Ordinance–Environmentally Sensitive Habitat Areas (ESHA)

The Rail Spur Project was evaluated for consistency with coastal policy law and policies including the County's Local Coastal Program including Coastal Plan Policies, the South County Coastal Area Plan, and the Coastal Zone Land Use Ordinance (see Appendix G) The Rail Spur Project is not located within any mapped combining designations for ESHA as currently shown in the South County Coastal Area Plan. The County also has not historically identified areas in the County as unmapped ESHA.

To determine whether the Rail Spur Project area qualifies as unmapped ESHA, the County reviewed the wildlife and botanical survey reports prepared by the applicant's consultant (Arcadis), conducted a site visit to review the reports content and accuracy, conducted independent review of existing literature, database queries, and mapping data, and corresponded with species experts. The results of these efforts were compared to the criteria within the County ordinance defining Unmapped ESHA.

The Department of Planning and Building made a preliminary determination that the Rail Spur Project site did not qualify as Unmapped ESHA. However, based on the best available information that was collected during the preparation of the EIR, the presence of sensitive communities and sensitive plants Unmapped ESHA was determined to be present within the project area. This is discussed in greater detail in Section 4.4.4 of this Final EIR.

Following the circulation of the Public Draft EIR, additional survey efforts were conducted in 2015 by Arcadis and Leidos to ensure accuracy and consistency with vegetation type mapping. Based on the best available information, it was determined that the Project Site:

1) Is not currently occupied by rare, threatened or endangered species protected under the California or Federal Endangered Species Act;
2) Is not currently occupied by "fully protected species", but does provide habitat for, and has been occupied by, "species of special concern" by the California Department of Fish and Wildlife;
3) Is currently occupied by plant species that are listed as Rank 1B status by the California Native Plant Society; and,
4) Is currently occupied by sensitive communities recognized by the California Department of Fish and Wildlife.

Due to these factors, the Rail Spur Project area meets the definition of ESHA as defined in the guidelines set forth by the California Coastal Commission for defining ESHA (CCC 2013). The Rail Spur Project site also appears to meet the definition of Unmapped ESHA in the County's LCP (CZLUO Section 23.11) since the area contains sensitive plant and animal species needing protection, which includes California Rare Plant Rank 1B species (i.e., Blochman's leafy daisy

and dune larkspur), burrowing owls, and coast horn lizard. Utilizing this definition, and as discussed below in impact BIO.5, the Rail Spur Project would permanently impact approximately 20.88 acres of habitat that is considered sensitive by California Department of Fish and Wildlife (CDFW).

It is important to also consider that the Rail Spur Project area has been highly disturbed and degraded from agricultural, industrial, and human activities for several decades and does not appear to contain features that have an equivalent characteristic or natural function as other mapped ESHA. This conclusion is based on a qualitative comparison with ESHA habitat that is located to the west of the UPRR mainline, which contains a high habitat value and supports numerous special-status species. Removal of agricultural practices and large-scale restoration efforts would be necessary to restore the functions and values to the area. Similar efforts have shown to be successful in the area east of the UPRR east and north of the SMR and the area west of the UPRR.

Potential impacts to habitat and vegetation was identified in the Public Draft EIR, and mitigation is identified to mitigate potential effects. This analysis, including potential impacts to Unmapped ESHA, is provided in EIR Section 4.4 Biological Resources.

Coastal Plan Policies/Title 23 Coastal Zone Land Use Ordinance - Coastal Access

The project applicant (Phillips 66) was recently required to provide a vertical public right of coastal access at the Rail Spur Project Site as a condition of approval of the Phillips 66 Throughput Increase Project (approved by the County Board of Supervisors in February 2013), unless it is determined that an exemption to the coastal access requirement applies. In March 2015 the County issued a final notice to proceed for the Throughput Project. As part of the requirements for a notice to proceed, Phillips 66 provided to the County an Irrevocable Offer to Dedicate Vertical Public Access Easement.

Unless exempted, the condition of approval for the Throughput Increase Project requires that the coastal accessway be developed within 10 years of permit issuance or at the time of any subsequent use permit approval at the project site, whichever occurs first. Therefore, if the Rail Spur Project is approved (presumably in less than 10 years), the Throughput coastal accessway requirement would have to be met at that time to be consistent with the County's conditions.

The County's condition of approval on the Throughput Project requires that the access be consistent with the standards of Section 23.04.420, including provisions that a vertical right of access be provided for each mile of coastal frontage, unless that access would be inconsistent with public safety, military security needs, or the protection of fragile coastal resources. Compliance with this condition would ensure consistency with Section 23.04.420 regardless of whether the coastal access is ultimately developed at this location. If developed, then adequate vertical access would already exist at the Project Site and no additional access would be necessary as a result of the Rail Spur Project. If, on the other hand, it was determined that coastal access at this location was not feasible or appropriate due to safety concerns, sensitive resources, or other conditions that fall within the exceptions listed in Section 23.04.420, then those conditions would be equally applicable to a consideration of coastal access as a component of the Rail Spur Project.

Because the Applicant has already been required to comply with the coastal access requirement at the Project Site, and the requirement is conditioned such that timing could coincide with approval of the Rail Spur Project (if approved), there is no reason to conduct an additional assessment of coastal access requirements for the Rail Spur Project. Compliance with the previous conditions of approval would ensure the Rail Spur Project's consistency with these policies. Therefore, the Rail Spur Project would be potentially consistent with this policy. Therefore, from a land use perspective the impacts would be less than significant.

Conservation and Open Space Element - Chapter 2 Air Quality

As discussed in Section 4.3, Air Quality and Greenhouse Gases, San Luis Obispo County is in non-attainment for the State 1-hr and 8-hr ozone standards and well as for the State PM_{10} standard. The Rail Spur Project would generate NO_x and ROG emissions, which are precursors to ozone. The NO_x and ROG emissions at the SMR can be offset using emission reduction credits. However, the NO_x and ROC emissions from the locomotives on the mainline rail routes likely cannot be offset due to Federal preemption. These additional NO_x and ROG emissions would further exacerbate the ability of the County to attain the State ozone standard. This was found to be a significant and unavoidable impact in the air quality section of the EIR.

The Rail Spur Project would generate fugitive dust and DMP that would contribute to PM_{10} emissions within the County. It is unlikely that these PM_{10} emissions could be offset at the SMR due to a lack of available emission reductions. Also, the PM_{10} emissions from the locomotives on the mainline rail routes likely cannot be offset due to Federal preemption. These additional PM_{10} emissions would further exacerbate the ability of the County to attain the State PM_{10} standard, and were found to be a significant and unavoidable impact in the air quality section of the EIR.

As discussed in Section 4.3, Air Quality and Greenhouse Gases, the air toxic emissions from the operation of the Rail Spur Project would exceed the acceptable cancer risk levels determined by the SLOCAPCD, based upon a health risk assessment. Operation of the proposed Rail Spur Project at the SMR would exceed the cancer risk threshold. Toxic emissions from the locomotives operating on the mainline rail routes would exceed the cancer risk threshold for areas where speeds are limited to 30 miles per hour or less. The Rail Spur Project would not result in the violation of any air quality standards at the SMR property fence line. These toxic emissions were found to be a significant and unavoidable impact in the air quality section of the EIR.

General Plan - Safety Element

As discussed in Chapter 2, Project Description and Section 4.11 Public Services and Utilities, the Rail Spur Project would have a fire protection system installed at the unloading racks at the SMR. Mitigation measure PS-3a requires the facility to have a Fire Protection Plan that meets the applicable requirements of API, NFPA, UFC, and Cal Fire. Implementation of this measure would reduce the threat to life, structures and the environment from a fire at the rail unloading facility. Therefore, the portion of the Rail Spur Project at the SMR would be potentially consistent with the requirements of Safety Element. Impacts to fire protection and emergency response were found to be less than significant at the SMR as discussed in Section 4.11 of the EIR.

As discussed in Section 4.11, Public Services and Utilities, there is the potential for fire and explosions along the mainline rail tracks due to a train derailment, which could impact life, structures, and the environment depending upon the location of the accident. A number of mitigation measures were identified (PS-4a through PS-4e) that would serve to improve emergency response to crude train accidents. However, the County may be preempted from implementing these measures so the project could potentially be inconsistent various Safety Element policies. Impacts to fire protection and emergency response along the mainline rail routes was found to be significant and unavoidable as discussed in Section 4.11 of the EIR.

Conflict with Adopted Habitat or Natural Community Conservation Plans

There are no adopted habitat conservation plans (HCP) or natural community conservation plans (NCCP) that encompass the Project Site that would be affected by onsite operations of the Rail Spur Project. Based on a search of the USFWS HCP Database, the closest HCPs to the Project Site are located in Los Osos and Morro Bay, over 20 miles away from the project site.

A HCP is currently being drafted by the California Department of Parks and Recreation (State Parks) for all state parks in the County, including the Oceano Dunes SVRA west of the Project Site (refer to Figure 4.8-3). However, the HCP has not yet been adopted; therefore, no inconsistency would occur. Additionally, because the Rail Spur Project proposes only internal modifications and improvements to its on-site processing operations, it would not likely affect uses within the adjacent Oceano Dunes SVRA that would have implications under any HCP ultimately adopted for the site.

The UPRR Coastal Line is an existing transportation corridor is currently used to transport crude oil and other hazardous materials through San Luis Obispo County. The Rail Spur Project would increase the use of this existing transportation corridor, which would increase the potential for oil spills to impact areas that are covered by HCPs. Based upon the hazards analysis, the probability of a incident involving a crude oil spill greater than 100 gallons in San Luis Obispo County would be one in 126 years. This represents the probability for the entire length of the Coast Line within San Luis Obispo County. The probability of impacting an HCP area would be less since the spill would have to occur in proximity to this area, and not all of the Coast Line is in proximity to an HCP. Given this low probability and the fact that the mainline rail is an existing transportation corridor the project would be potentially consistent with this policy. Therefore, from a land use perspective the impacts would be less than significant within San Luis Obispo County.

Compatibility with Surrounding Land Uses

The Rail Spur Project would modify existing industrial refinery operations that have been ongoing at the Project Site since 1955. Therefore, it would not introduce a new industrial use in the area. The Rail Spur Project would not affect the amount (throughput volume) of material processed at the refinery, as these are capped by the County and San Luis Obispo Department of Planning and Building and the local APCD, and would not affect the existing processing methods utilized at the refinery. Although the Rail Spur Project would increase the transport of crude along the UPRR mainline routes, the addition of up to five trains per week would not constitute a change in existing use of that route, which currently transports crude oil, coke processed at the Santa Maria Refinery, and other hazardous materials.

Although an existing rail spur extends into the coke processing area and is currently used to transfer coke off-site via the UPRR, development of the project would accommodate receipt of crude oil by rail as opposed to only pipeline. This would require an expansion of necessary infrastructure beyond the existing footprint of the refinery into undeveloped areas in the eastern portion of the Project Site currently used for grazing.

Therefore, while not introducing a new use at this location, the proposed expansion would bring industrial uses within closer proximity to sensitive residential and recreational areas immediately east of the Project Site and agricultural lands northeast and southeast of the Project Site.

The South County Coastal Area Plan specifically identifies the undeveloped areas of the Project Site as providing a desirable buffer from the heavy industrial activities and more sensitive adjacent land uses. The rail spur extension would extend a total of approximately 1.3 miles (6,915 feet), including approximately 0.5 mile (2,445 feet) within the existing industrial coke area. This would result in an extension of industrial uses approximately 0.85 mile into the undeveloped area in the eastern portion of the Project Site. The buffer between residential and recreational uses east of State Route 1 would be reduced from approximately 1.4 miles to 0.6 mile. The rail spur extension would similarly reduce existing buffers between the industrial structures and agricultural crops located northeast and southeast of the Project Site.

The proposed unloading facility where all train cars carrying crude oil would be unloaded would be located entirely within the existing refinery area (see Figure 2-4). Therefore, the operational uses proposed in the area currently serving as an undeveloped buffer between adjacent land uses would be limited to the rail extension for the movement, staging and holding of train cars (both full and empty) and an emergency vehicle access road. This area would also include safety lighting and fencing, and routine maintenance activities in this area.

Development of the secondary emergency vehicle access would encompass approximately 0.7 acre in this area; the alignment would follow and stay within an existing dirt road to the extent feasible. Increased use of the road is not anticipated because use would be limited to emergency situations.

Mitigation required in Section 4.5 of this EIR would require a minor realignment of the emergency vehicle access road to avoid a known cultural resource. Therefore, if approved, the emergency access road would actually follow the existing dirt road as described above, except for the small portion affected by measure CR-1a. The area of disturbance and types of soils affected by this change would not be substantial. These secondary impacts that would result from the implementation of this mitigation measure are discussed in Section 4.5, Cultural Resources.

The project-related impacts that would affect other issue areas evaluated in the EIR provide a good indication of the Rail Spur Project's compatibility with surrounding land uses, including the evaluation of air quality, noise, odor, and hazards of the Rail Spur Project. Typical effects of impacts associated with these types of incompatibilities include health risks, public safety issues, and the inability to sleep, relax, or enjoy the full use of one's property. More detailed information on the impacts associated with each of these issue areas is provided in their

respective section in Chapter 4.0 of the EIR. A significant impact to one of these other issue areas would constitute a significant impact related to land use incompatibility.

The Air Quality analysis identifies significant impacts from ROG, NO_x and DPM emissions, some of which may not be mitigable. Operation of the Rail Spur Project at the SMR would exceed the cancer risk threshold at the nearest residential receptor. Cancer risk impacts along the mainline would exceed the allowable threshold or areas where train speeds are limited to 30 miles per hour or less. The operation of the Rail Spur Project would result in ROG, NO_x and DPM emissions that exceed the daily thresholds and therefore, would be significant. These health-related impacts (cancer risk) and ROG, NO_x and DPM emissions generated by the Rail Spur Project would result in land use incompatibilities that would be significant and unavoidable.

The Noise section of the EIR (Section 4.9) indicates that, after implementation of mitigation measures N-2a through N-2c, the nighttime noise level at one noise-sensitive receptor would increase 3.6 dBA (residences along Louise Lane). Daytime noise levels would only increase by as much as 1.4 dBA at the most significantly impacted residential noise-sensitive receptor (Olivera Street). A three dBA increase is considered "barely perceptible" to most people, while a five dBA increase is "readily noticeable". Therefore, the nighttime noise level increase at Louise Lane would be the only barely perceptible noise impact to a sensitive adjacent use to result from the project, and the increase in this area would likely be perceptible.

Despite the perceptible increase at night, the total noise level after development of the Rail Spur Project would not exceed recommended daytime or nighttime noise levels established in the County Noise Element. The ambient noise levels would be within the reasonable range for residential uses and, therefore, the Rail Spur Project would not be likely to disrupt sleep patterns or cause significant disturbances to adjacent residential or recreational activities. These sensitive areas are also currently exposed to similar noise associated with the UPRR located approximately 1.5 miles to the west, as well as traffic noise along State Route 1. Mitigation AQ-4c would limit the hours trains could be unloaded to between 7 A.M. and 7 P.M. This would serve to further reduce the nighttime noise impacts. Therefore, noise generated by the Rail Spur Project would not result in land use incompatibilities, and potential land use impacts would be less than significant.

While visual impacts may be disliked by adjacent land uses, they pose no real risk of harm other than annoyance and disturbance caused by the perceived negative visual and aesthetic effect and any resulting economic effect. The visual and aesthetic effects of the Rail Spur Project are discussed in Section 4.1, and any indirect economic effects would be less than significant. Industrial use has existed at this site long before the residential areas to the east were developed, and views of SMR are prominent in the otherwise undeveloped views towards the Pacific Ocean. Mitigation has been proposed to minimize visual impacts of the development, which include development of an earthen berm that would be designed to look like the surrounding natural dunes. Therefore, visual impacts generated by the Rail Spur Project would not result in land use incompatibilities, and potential land use impacts would be less than significant.

Potential onsite impacts include oil spills and fires associated with the operation of the rail tank car unloading facilities. Public hazards from the onsite Rail Spur project facilities would be limited to the Santa Maria Refinery Site and were found to be less than significant. Impacts to

agricultural, biological and water resources from onsite oil spills were found to be less than significant with mitigation. Therefore, the impacts of an oil spill and public hazards for the Rail Spur Project at the SMR on surrounding land use compatibility would be less than significant.

A quantitative risk assessment (QRA) was conducted of the hazards associated with rail transportation along various mainline rail routes within California. The results of the QRA found that the rail transportation risks associated with the Rail Spur Project were significant and unavoidable for all of the mainline rail routes evaluated.

The proposed Rail Spur Project has the potential to result in oil spills and resultant fires that could impact natural resources, scenic areas, and agricultural land along the mainline rail routes. An oil spill could result in significant impacts to agricultural, biological, and water resources, as was discussed in each of the respective issue areas. Within San Luis Obispo County, the trains would use the UPRR Coastal Line, which is an existing transportation corridor that is currently used to transport crude oil and other hazardous materials through San Luis Obispo County. The Rail Spur Project would increase the overall probability of an oil spill occurring along the UPRR Coastal Line.

Due to the significant and unavoidable health risk impacts, ROG, NO_x and DPM emissions, and potential oil spill impacts to agricultural, biological, and water resources, the Rail Spur Project impacts to surrounding land use compatibility would be significant and unavoidable.

4.8.4.2 Recreation

Impact #	Impact Description	Phase	Impact Classification
REC.1	The Rail Spur Project would increase use or demand for parks and recreational opportunities.	Construction and Operations	Class III

The Rail Spur Project would expand and/or modify existing industrial uses at the Project Site and is not expected to induce population growth or increase demand on recreational resources in the project vicinity. No increase in demand for parks and recreational opportunities would result from use of the UPRR mainline rail routes for transporting crude oil to the SMR, as this would not constitute a change in use from existing UPRR operations. The project would, however, generate the need for as many as 200 temporary construction workers and 12 permanent operational employees to construct and operate the new facilities.

Phillips 66 anticipates that most or all of these employees would come from the local workforce (up to 90%). This increase would not cause a significant permanent increase in population or demand on local recreational resources. Any marginal increase in demand resulting from employment demands associated with development of the project could be easily met with existing recreational parks and recreation facilities in the project vicinity (refer to Figure 4.8-3, above). Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation measures would be necessary because the potential impact would be less than significant.

Residual Impacts

Residual impacts associated with the increase in demand for parks and recreational opportunities would be *less than significant (Class III).*

Impact #	Impact Description	Phase	Impact Classification
REC.2	The Rail Spur Project would affect access to existing trails, parks or recreational opportunities.	Construction and Operations	Class III

The Rail Spur Project would be predominantly located within an area designated for industrial use, which currently supports the Santa Maria Refinery and grazing activities outside of the active refinery area, as well as a small section of Agricultural designated land in the southeast portion of the Project Site where the emergency vehicle access is proposed. There are no trails, parks or other recreational opportunities within the Project Site other than the historic Anza corridor, which is not supported by any physical recreational facilities or uses within the Project Site. Development of the Rail Spur Project (particularly the proposed secondary emergency access which would connect to State Route 1) would not affect existing trails or bike paths adjacent to State Route 1. No closure or detour of any portion of the existing bike paths adjacent to State Route 1 would occur during the construction of the EVA road.

The Anza Trail staff of the National Park Service (NPS) was consulted during preparation of the EIR regarding potential effects to the de Anza Trail. The NPS concluded that it did not have any concerns associated with the Rail Spur Project because the proposed modification of the existing refinery operation would not result in any impacts to Anza Trail resources, including historic resources and existing or planned recreational resources. NPS determined that it was extremely unlikely that there would be any artifacts from the Anza expedition within the historic corridor at this location due to the very transitory nature of the expedition and lack of a camp near the Project Site. NPS staff also concluded that views of the project from the recreational trail along State Route 1 would be largely obstructed by existing vegetation and topography; therefore, no direct or indirect impacts to the experience of visitors on the trail would occur.

Additional information related to potential visual impacts resulting from development of the Rail Spur Project from the Anza recreational trail, is provided in Section 4.1, Aesthetics and Visual Impacts. That section similarly determined that views of the Rail Spur Project from the Anza recreational trail would be generally precluded by intervening topography and development until an approximately 0.5 mile segment located generally from the State Route 1 / Via Concha Road intersection south to the southeastern corner of the Rail Spur Project Site. Mitigation is proposed in Section 4.1 to minimize potential effects through construction of an earthen berm designed to appear as a natural dune landform consistent with surrounding undeveloped areas (refer to AV-1a).

The probability of a crude oil train release incident is discussed in the Hazardous and Hazardous Materials Section (Section 4.7) for between the SMR and Roseville/Colton and the California border. These probabilities represent the probability of a release incident for the entire length of the rail routes. In order for there to be an impact to recreational areas, the incident would need to occur in the vicinity of these facilities. This would lower the probability of an oil train release impacting recreational areas.

As discussed in the Hazards and Hazardous Materials Section (Section 4.7), the worst case spill from a unit train on the mainline tracks was assumed to be 180,000 gallons (about six tanker cars).

The northern and southern UPRR mainline track from the Santa Maria Refinery the California border, would pass in close proximity to a number of recreational areas. Although it is unlikely, derailment of a train could result in the release of crude oil from rail tanker cars, which could affect a recreational area. This could prevent public access to these areas during the cleanup process. Depending upon the location and extent of the spill, the cleanup effort could take anywhere from a few days to months. During this period, public access to the affected recreational area could be limited, but would be temporary.

In the event of a crude oil spill UPRR would rely first upon local emergency response agencies (police and fire). If needed, UPRR has standing contracts with emergency response firms that are available around the clock to manage any release of crude oil. UPRR maintains spill response contracts with companies throughout their rail network in California. All of the UPRR response firms are rated Oil Spill Response Organization (OSRO) by the State of California and classified Oil Spill Removal Organization by the United States Coast Guard. Depending upon the location and extent of a spill local response teams, UPRR response personnel, and State and Federal response agencies would be involved in the containment and cleanup operations.

Given the low probability of a spill impacting recreational areas and that access to a recreational area would be temporary, the impact would be considered less than significant.

Mitigation Measures

Implement of mitigation measures BIO-11 and PS-4a through PS-4e would serve to further reduce any potential impact on access to recreational areas from an oil spill.

Residual Impacts

Implementation of mitigation measure BIO-11 and PS-4a through PS-4e would serve to reduce the likelihood of an oil spill and the ability of first response agencies to respond to a crude oil spill. In particular, PS-4b would require the use of safer tank cars that would reduce the likelihood of a spill in the event of an accident.

The County may be preempted by federal law from implementing BIO-11, and PS-4a through PS-4e as they require particular contractual provisions that might be determined to improperly impact interstate commerce.

OSPR is currently in the process of implementing the requirements of SB 861, which will require railroads to have detailed oil spill response plans and to conduct oil spill response drills. This

legislation also would require UPRR to pay for and cleanup any spilled oil. The final rules to implement this legislation are expected to be issued in the fall of 2014. However, the timing of when the plans will have to be in place and the drill would start is not yet know. Implementation of this legislation would improve oil spill response for train derailments that lead to spills.

In addition, the USDOT is evaluating proposed rules that would require rail operators of crude oil trains to have a comprehensive OSRP that addresses may of the same requirements as the plans required by SB 861. If the DOT adopts a final rule covering crude oil trains, it would improve oil spill response for train derailments that lead to spills.

The USDOT has also proposed rules covering enhancements to tank car standards and operational controls for high-hazardous flammable trains, which would include crude oil trains. If this proposed rule is adopted, it would serve to reduce the likelihood of a train derailment and release of crude oil. Section 4.7, Hazards and Hazardous Materials provides additional information on this proposed USDOT rule.

Given the low probability of a spill impacting recreational areas and that access to a recreational area would be temporary, the impact would be considered *less than significant (Class III)*.

4.8.5 Cumulative Analysis

Land Use

Consistency of projects listed as part of the cumulative development scenario for the Rail Spur Project with applicable San Luis Obispo County plans and policies is generally addressed on a project-by-project basis. The Rail Spur Project would be consistent with existing uses at the Project Site and along the UPRR mainline rail routes, the Industrial land use designation, and generally consistent with plans and policies applicable to the Rail Spur Project (refer to Appendix G). Therefore, no substantial inconsistency with applicable planning documents would contribute to a more cumulative impact.

The cumulative development scenario includes several additional industrial land use proposals, and the potential for cumulative land use compatibility impacts associated with an increase in industrial use throughout the County is possible. However, potential cumulative impacts are minimized through proper designation of industrial areas, and all developments are proposed in areas currently used for similar industrial purposes or designated or otherwise appropriate for the proposed use. Proposed developments are also not limited to industrial development, but also include clean up and remediation of existing industrial activities, which would further reduce potential impacts.

Therefore, cumulative impacts related to land use would be less than significant. Potential cumulative impacts related to a specific resource area (i.e., biological resources, air quality, noise and vibration, agricultural resources, etc.) are analyzed and discussed in the relevant impact sections of this EIR.

Recreation

The Rail Spur Project would potentially result in a less than significant increase in demand on recreational resources and potentially cause an insignificant construction-related effect on

recreational trails. Several proposed developments in the project vicinity would result in additional population growth and increase demand; however, recreational projects are also proposed in the vicinity, including the Nipomo Community Park Master Plan and the Coastal Access Project discussed in Chapter 9 of this EIR. The growth that would occur is within the reasonable growth expectations in the South County area, and there is no indication that recreational resources would be insufficient to serve the growing population. Cumulative impacts to recreational resources would be less than significant.

There is the potential for cumulative impacts associated with the crude by rail project discussed in Chapter 3. In conducting the cumulative analysis for crude by rail it has been assumed that the cumulative projects listed in Table 3.1 would use the same rail car tank design as the SMR Rail Spur Project, and that the cumulative crude by rail projects, with the exception of the Phillips Rail Spur Project, would transport a Bakken type crude, which is a worst case assumption.[1] It has also been assumed that all of the Rail Spur Project crude oil trains would use routes discussed below.

If all of the crude by rail projects travel via the UPRR Roseville Rail Yard, then up to eight crude oil trains per day could travel on the stretch of track between Sacramento and the California boarder (two for Valero, one for Kinder Morgan, two for Alon, one for Targa, one for Plains All American, and one for the SMR). From Roseville, rail traffic would likely follow two different routes; one following the I-80 corridor to Reno, Nevada, with the other heading north along the I-5 corridor to Oregon. A third route through the Feather River Canyon was not considered for further analysis.

From Sacramento the crude oil trains servicing the Valero Benicia and Kinder Morgan projects could use the same UPRR tracks as the Rail Spur Project from Sacramento to the Bay Area. This portion of track could have up to four crude oil trains per day (two for Valero, one for Kinder Morgan, and one for the SMR).

From Sacramento the crude oil trains servicing the Alon, Targa, and Plains All American projects could use the same tracks as the Rail Spur Project from Sacramento to Stockton a distance of about 46 miles. This portion of track could have up to five crude oil trains per day (two for Alon, one for Plains All American, one for Targa, and one for the SMR).

This level of crude oil train traffic would increase the probability of an oil spill along these mainline routes. Assuming all of the cumulative crude oil trains use the same route from Sacramento to the California border, the cumulative probability of a 100 gallon or greater oil spill would be about once every seven years for the route from the SMR to the Oregon border, and once every six years for the route from the SMR to the Nevada border.

None of the other cumulative crude by rail projects would use the mainline tracks along the southern route thorough the Los Angeles Basin since the crude oil trains going to Bakersfield

[1] Canadian Crude, as specified in the Project Description, was assumed for the Phillips Rail Spur Project as part of the project and cumulative analysis.

would use Tehachapi Pass via Barstow and would not travel has far west as Colton. However, up to four unit trains per day could share the route between Nevada and Barstow (two for Alon, one for Plains All American, and one for the SMR). Assuming these cumulative crude oil trains use the same route from Barstow to the California border, the cumulative probability of a 100 gallon or greater oil spill would be about once every 25 years for the southern route from the SMR to the Nevada border.

For all of these route segments, in order for there to be an impact to recreational access, the incident would need to occur in the vicinity of a recreational area. This would lower the probability of an oil train release impacting recreational access. In the event of an accident along these stretches of track, a spill of transported crude could occur, potentially impacting access to recreational areas during the cleanup process.

Implementation of mitigation measures PS-4a through PS-4e identified for the Rail Spur Project would reduce the likelihood of an oil spill and the ability of first response agencies to respond to a crude oil spill. In particular, PS-4b would require the use of safer tank cars that would reduce the likelihood of a spill in the event of an accident by about 74 percent.

Implementation of the requirements specified in SB 861 could also serve to reduce the impacts of a spill by having equipment staged in places near sensitive biological resources, and improving the response activities to an oil spill.

Under Federal and State law, UPRR and the owner of the crude oil would be responsible for cleanup and remediation of any oil spill. SB 861 requires that operators demonstrate they have the financial resources to pay for spill response, cleanup, and damages based upon a reasonable worst case spill volume.

In the unlikely event that a spill reached a recreational area, and was sufficient enough to limit public access to the recreational area, the limits on access would be temporary, during the clean up period. Given the low probability of an oil spill impacting a recreational area, and the temporary nature of the cleanup, cumulative impacts on public access to recreational areas would be less than significant.

4.8.6 Mitigation Monitoring Plan

A mitigation summary/monitoring plan for land use is not included in this section because the mitigation measures that were used to address land use impacts are outlined in other issue areas. See the specific issue area sections for the applicable mitigation monitoring plans.

No mitigation was required for recreational impacts. Therefore, no mitigation monitoring plan is needed.

4.8.7 References

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