

From: Kerstin Gutierrez <kkgpsyd@yahoo.com>
To: "p66-railspur-comments@co.slo.ca.us"
<p66-railspur-comments@co.slo.ca.us>
Date: 11/25/2014 11:04 AM
Subject: P66 Railspur

Mr. Murry Wilson
SLO PLANNING DEPARTMENT

DEAR MR. WILSON:

This letter is to convey my deepest concerns regarding the proposed P66 Rail Terminal Project in Nipomo.

Firstly, a 45 day comment period does not provide the public with enough time to adequately and thoughtfully consider what could be significant and multiple impact of this project. Secondly, there appear to be several discrepancies in the REIR (such as how the proposed length of the trains will function given the proposed length and numbers of tracks). Lastly, missing from the REIR entirely, is discussion of the potential for noise disruption by train repairs. (Section 2.3.1 notes that existing track 765 will be repurposed as a "bad order" track, requiring repair before being moved again. Which repairs will be done on-site at Phillips, what time of day or night will they occur, what is the projected level of noise, and the proposed means of "mitigation"?).

GUK-01

GUK-02

GUK-03

Based on information from the REIR, it seems clear that there are several aspects of this project that not only cannot be "mitigated", but that can become increasingly noxious and variously threatening if this project is allowed to go through without substantial oversight and revision by the community representatives we've elected, as well as professionals duly equipped to offer substantive evaluation of the issues.

The major concerns of myself and my community include the negative impact from odors, gases and potential spills on the health and safety of the environment as well as on the human inhabitants of San Luis Obispo county; the potential for aesthetic decline from noise and light pollution (Trilogy residents will definitely see the lights from the project); negative consequence resulting from the inherent lack of safety in the construction of the rail cars proposed; and the lack of coordinated and compatible land use of the proposed site in conjunction with the surrounding areas which are agricultural and residential. (As depicted in the REIR, the KVA (Known viewing Area) appears to indicate that the rail terminal project would not be viewed by current residents and individuals participating in recreational activities in the area. However the photos presented are taken from a location that is at the intersection of Highway 1 and Via Concha, at an elevation which is much lower than that of the current residential community of Trilogy. This apparent misrepresentation seems of the proposed project is cause for additional concern, in that decisions about this project should not be made based on misinformation.)

GUK-04

GUK-05

In addition, with regard to odors and air pollutants, as noted in the REIR on page 7 (section 4.3), ozone is already of concern in the Nipomo region. When the additive effect of increased refinery practices and emissions is considered, it is clear that the Nipomo region will be exposed to even greater health risks. It is imperative that the planning commission consider the lack of compatibility of this project with the residential zoning of the region. Although compatible in the past, when raw material was delivered to the refinery by pipeline, the new project would significantly and negatively impact the economic and environmental status of this region, causing irrevocable damage to individual and public real estate values.

GUK-06

Our air quality should not be forfeited. It should be noted that according to the REIR itself, the number of CLASS I (e.g. impacts that cannot be mitigated to less than

significant levels) air quality impacts has been increased to more than double of the previous report. These include criteria pollutant emissions that exceed SLOCAPD thresholds; toxic emissions from the refinery and the activities of trains along the mainline rail route throughout SLOC that would generate toxic emissions that exceed thresholds; and greenhouse gas emissions that would exceed SLOCAPCD thresholds.

GUK-06
cont

Furthermore, please carefully scrutinize the claims that such a project would help the local economy by creating more jobs or adding to the revenues of the area. In fact, if one weighs the benefit of adding what is likely to be a mere ten or twelve jobs against the cost of the potential negative impacts, it doesn't make sense. Additionally, our government representatives should be aware that the economic contributions of the SLO community and the dollars brought to the community by the scenic and cultural attractions of the area would be greatly diminished by this project, whether or not an unwanted gas release occurred, or a rail car derailment occurred, or whether the initial flood of crude-oil-laden train cars failed to arouse concern.

GUK-07

Finally, of major concern, is the fact that P66 Railspur REIR fails to adequately address any of the very real and reasonable concerns of the residents of San Luis Obispo county, concerns that have been the basis of mutually agreed upon standards of living, of governing, and of planning.

GUK-08

If our representatives fail to take adequate steps to protect our health, our environment, and our economy, they will have violated the trust of the community as well as of future generations who deserve the same healthful, clean and beautiful surroundings that have brought so much gratification to those of us fortunate enough to live here now.

GUK-09

Please feel free to contact me.

Sincerely,

K. Kerstin Gutierrez
968 Michele Court
Nipomo, CA 93444

Cc: file

K. Kerstin Gutierrez, Psy.D.
Licensed Clinical Psychologist

CONFIDENTIALITY NOTICE:

This email is intended solely for use of the individual to whom it is addressed and may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law. If the reader of this e-mail is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify me by replying to the original sender of this e-mail, or by calling me at (925) 552-5255. Thank you.

Responses to Kerstin Gutierrez Comments

GUK-01	<p>The County determined that a 45-day comment period was adequate for the RDEIR. The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse (CEQA Guidelines Section 15105(a)).</p>
GUK-02	<p>As shown in Appendix A of the RDEIR each of the 80 tank cars and two buffer cars would be 60 feet long, and the three locomotives would be 90 feet long. This would make the total train length 5,190 feet ($82*60+90*3=5,190$). Text has been added to Section 2.5 of the FEIR that provides additional information on the length of a unit train. Appendix A of the RDEIR contains detailed track drawings that provide the length of each of the tracks. Figure 2-4 of the FEIR has been modified to provide the length of each of the tracks.</p>
GUK-03	<p>The main purpose of the “bad order track” is to hold tank cars that have crude oil that does not meet the require specifications. With regard to rail car and locomotive repairs, the SMR facilities do not have the equipment or operations to conduct major repairs to rail cars and locomotives. If a rail care or locomotive broke down and needed repair UPRR would have to move them to one of its rail yard facilities. Mitigation has been added to the FEIR to ensure that any minor car or locomotive repairs occur only during daylight hours (refer to mitigation measure N-2a), when background noise levels are higher and noise from rail spur activities has less of an impact. Note also that UPRR may do minor car and locomotive repairs along the existing siding near the SMR for any trains currently being transported by UPRR, so a degree of repairs are already a part of the baseline noise environment.</p>
GUK-04	<p>These comments do not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The commenter’s concerns about odors, hazards, aesthetics and visual resources are included in the FEIR for the decision-makers’ consideration as part of the County’s deliberations on the proposed project.</p>
GUK-05	<p>The RDEIR Aesthetics section considers all public viewpoints surrounding the project, and specifically addresses viewpoints associated with the developments east of Highway 1. The project location was directly viewed and analyzed from each of these potential viewpoints. The analysis, potential impacts and mitigation measures identified in the RDEIR Aesthetic section include and specifically address views from the residential and recreational developments east of Highway 1.</p> <p>Key Viewing Areas (KVAs) along Highway 1 provide a fair representation of how the majority of the public will experience the project. Highway 1 has the greatest traffic volume, is the closest public roadway and is a primary regional and local transportation route. KVAs along Highway 1 were positioned at</p>

Responses to Kerstin Gutierrez Comments

	<p>major entrances to the Trilogy and other east side development to further increase their representative value. KVA-2, at the intersection of Highway 1 and Via Concha is at an elevation of approximately 200 feet above sea level. The closest residential street (and golf course) east of the project is at an elevation of approximately 235 feet above sea level. Potential viewpoints along Louise Lane and Eucalyptus Road rise to approximately 250 feet above sea level.</p> <p>Although the 35 to 50-foot viewpoint elevation difference between Highway 1 and the viewpoints to the east is not substantial when applied to the 0.5 to 1.5 mile viewing distance, field analysis showed that some public viewpoints would have slightly increased visual exposure to the project compared to views from Highway 1. This increased visual exposure would mostly occur through the 600-foot gap in the existing approximately one-mile long windrow of mature eucalyptus trees paralleling the east side of Highway 1. The RDEIR analyzed views from these elevated viewpoints, and includes mitigation measures which would minimize visual impacts from these areas.</p> <p>In addition, field review showed that this somewhat increased exposure also includes greater visibility of the existing Santa Maria Refinery, coke processing facility, railroad tracks and other development. As seen from these elevated locations the project would not block views of the Pacific Ocean, coastline, dunes, riparian corridors, or agricultural field patterns. Direct observation showed that from the vast majority of potential public views within the developed and recreation areas east of Highway 1, views of the project would be substantially or completely blocked by some combination of intervening vegetation, landform, distance or existing residential and recreational development.</p>
GUK-06	<p>The RDEIR addresses the potential impacts and recommends mitigation measures for the proposed Project consistent with the requirements of CEQA. Section 4.3 (Air Quality and Greenhouse Gases) addresses GHG emissions and health risks. The commenter's statement about air issues are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.</p>
GUK-07 through GUK-09	<p>These comments do not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The commenter's concerns about land use and economics are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.</p>