From: Judy Richards <judithrichards@charter.net>
To: p66-railspur-comments@co.slo.ca.us
Date: 11/24/2014 11:22 AM
Subject: Phillips-66 Rail Spur REIR Response

Mr. Murry Wilson, SLO County Planning Department:

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

Today, Phillips 66 is proposing a huge change: to supplement their expensive pipeline supply with a much cheaper supply delivered by rail. RIJ-01
This is a measure designed solely to make more money for Phillips 66.
Management has assured residential neighbors that the refinery will NOT close if this project is not approved. Phillips 66 will use what they claim is a dwindling local oil supply and have to pay more for its crude oil, but it will continue to operate. If the project is approved, the sum total of additional jobs (after the construction phase) will be minimal.

The rail delivery system is fraught with difficulties, the most significant of which is the possibility of a catastrophic derailment or explosion which could occur anywhere along the main rail line, putting lives, natural resources and property at huge risk throughout our entire county, throughout our entire state (Phillips 66 refuses to identify potential sources of crude oil, trains could come from north, south or east of the refinery). No mitigation or compensation will be enough if the unthinkable occurs anywhere in our beautiful county or state. This issue alone should result in a "no project" vote by each of our county supervisors. RIJ-02

The REIR addresses several Class I air quality issues associated with the operation of the Rail Spur facility which cannot be avoided or mitigated, including the generation of toxic emissions that exceed SLOCAPCD thresholds and GHG (greenhouse gas) emissions that also exceed SLOCAPCD thresholds. RIJ-03
We already have serious air quality issues here on the Nipomo Mesa and the addition of diesel engines running constantly so near residential neighborhoods will only add to the problem.

Please review the REIR in its entirety. Several times it indicates that there will be only catastrophic and irreparable damage in the event of a rail car derailment or associated explosion or fire anywhere along the rail line. Preserve the natural beauty of the Nipomo mesa dunes area, including Oso Flaco State Park, located very near this rail spur project, the Monarch Dunes butterfly overwintering sanctuary, located within a mile of the proposed rail spur site, and the Pismo Beach butterfly overwintering habitat, which is also located within ten miles of the refinery and adjacent to rail tracks. RIJ-04

Please do not approve the Phillips 66 rail spur proposal.

Judith Richards
1874 Northwood Rd
Nipomo, CA 93444
email: judithrichards@charter.net

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judithrichards@charter.net
Judy Richards
judithrichards@charter.net

From: trilogymonarchs@aol.com
To: p66-railspur-comments@co.slo.ca.us
Date: 11/24/2014 05:05 PM
Subject: Phillips 66 Rail Spur REIR Response

Mr. Murry Wilson, SLO County Planning Department:

As a mitigation to the development of the Trilogy at Monarch Dunes master planned community on the Nipomo Mesa, SLO county required that the overwintering monarch butterfly site which existed on the proposed project land be protected and maintained in perpetuity. A nineteen acre monarch sanctuary was subsequently created, a $250,000 endowment was funded for exclusive use to protect the monarch butterfly sanctuary, and a volunteer committee of residents was created to oversee the continued maintenance and protection of the sanctuary. This sanctuary exists as a public park, open dawn to dusk year round, with an asphalt walking path, picnic tables, educational signage and a large parking lot.

A second mitigation to the development of the Trilogy at Monarch Dunes master planned community was the creation and maintenance of extensive horse trails around and throughout the community for use by the general horse riding population in Nipomo. One of these horse trails encircles the monarch butterfly sanctuary and is frequently used by horse riders to visit the monarch sanctuary. Most of these horse trail riders are not Trilogy at Monarch Dunes residents. RIJ-05

This monarch butterfly sanctuary at Trilogy Monarch Dunes currently supports approximately 5000 monarch butterflies each overwintering season and is located within one mile of the proposed Phillips 66 rail spur site.
While the REIR again does not make any mention of our specific monarch overwintering habitat and its proximity to the proposed rail spur site, it does cite the monarch butterfly as one of the sensitive species that could be negatively effected by the proposed rail spur operation.

In section 4.4-43 of the REIR (see below for full account), biologist Dr. Kingston Leong is quoted as stating that "there is no scientific literature currently available which evaluates pollutants on the monarch butterfly." Dr. Leong further concludes that " it is reasonable to assume that long-term impacts from pollutants cannot be discounted, although the effects are unknown."

Although the scientist states unequivocally that there is no scientific evidence available to determine the effects of the rail spur project on this habitat at Trilogy or on the other monarch butterflies which are present on the rail spur site property, the REIR goes on to compare the limited exposure monarch overwintering habitats along the main rail line experience with exposure monarch populations within a mile of the rail spur facility would experience and then concludes there would be no significant harm. This comparison is both specious and disingenuous. Of course, the habitat exposure to passing trains would be significantly different from the exposure of a 24/7 year round operation within one mile of the Trilogy habitat, just as humans are less impacted by second hand smoke when passing by a cigarette smoker on the street than they are when living with a smoker. Listen to the scientist: "It is reasonable to assume that long term impacts cannot be discounted." The fact is we do not know what the negative RIJ-06

effects will or will not be on the monarch sanctuary but common sense says it won't be beneficial. RIJ-06 cont

Since the monarch sanctuary was created to mitigate the effects of the building of the housing development on the monarch butterfly, the rail spur project could well negate that mitigation by creating an unsuitable environment for the continued use of the sanctuary by the monarch butterflies it was made to protect. Further, the REIR cumulative analysis (section 4.4.5, see below) states:

The Rail Spur Project significantly increases human activity in portions of the Phillips 66 property that consist of sensitive coastal scrub habitat that has been historically used for cattle grazing. Although this area has been historically cattle grazed, the Rail Spur Project would result in permanent impacts to common and rare plant species and wildlife which utilize this habitat. The Rail Spur Project also increases the potential for oil and other materials spills within the property and along the UPRR mainline. RIJ-07

Thus, not only could unsafe emissions from the diesel engines create an unsuitable environment for the overwintering monarchs, but an oil spill or train derailment and explosion could also have harmful consequences for the monarch sanctuary at Trilogy Monarch Dunes, as well as for the other sensitive species and habitats in the area. Please protect our sanctuary and vote no on the Phillips 66 Rail Spur Proposal.

Judy Richards, Chair
Monarch Butterfly Habitat Volunteer Committee Trilogy at Monarch Dunes Nipomo, CA 93444 www.monarchdunesbutterlies.org
email: Trilogymonarchs@aol.com

REIR Findings, re: the monarch butterfly

Biological Resources, Section 4.4-43

"To evaluate the potential long-term impacts to monarch butterfly, Dr. Kingston Leong and Dr. Francis Villablanca were contacted to determine if scientific literature was available to evaluate the potential impact. Dr. Leong confirmed that there is no scientific literature currently available which evaluates pollutants on monarch butterfly. Dr. Leong added that he has conducted unpublished research regarding the effects of smoke on monarch butterfly and has observed that smoke directly impacts the species causing the individuals to fall from their roosting location.

Upon recovery, these individuals exhibited behavior indicating that they do not prefer to return to the existing roosting habitat at which the pollutant (smoke) was applied to them. Although the Rail Spur project would not result in any additional pollutants due to smoke, this unpublished observation by Dr. Leong supports that idea that the species may be affected by other environmental pollutants. Therefore, it is reasonable to assume that long-term impacts from pollutants cannot be discounted, although the effects are unknown.
Because of the unknown effects of pollutants on this species, impacts to this species have been inferred based existing conditions elsewhere along the UPRR route where diesel and particulates likely exceed the levels that are expected

with construction and operations of the Rail Spur project. For comparison purposes, the UPRR railroad is directly located adjacent to overwintering habitat located at the Pismo Preserve and at overwintering locations near Carpentaria. Given the level of air and noise pollutants associated with operational activities along this route due to commuter rail traffic and cargo traffic, it is reasonable to assume that this activity is a greater impact than impacts associated Rail Spur project.

Considering the long-term continued success of the overwintering populations at these locations, it is inferred that the potential impacts due to construction and operational activities of the Rail Spur Project would be less than significant (Class III).

Mitigation Measures

No mitigation measure is needed since the impact is less than significant.
Residual Impacts

Impacts from construction and operational activities on monarch butterfly are unknown due to a lack of sufficient scientific information. However, impacts to the species are expected to be less than significant (Class III) based on a qualitative comparison of nearby successful overwintering sites for monarch butterfly."
October 2014

4.4.5 Cumulative Analysis

The Rail Spur Project significantly increases human activity in portions of the Phillips 66 property that consist of sensitive coastal scrub habitat that has been historically used for cattle grazing. Although this area has been historically cattle grazed, the Rail Spur Project would result in permanent impacts to common and rare plant species and wildlife which utilize this habitat. The Rail Spur Project also increases the potential for oil and other materials spills within the property and along the UPRR mainline.

Responses to Judy Richards Comments

RIJ-01	This comment provides information on the Applicant's engagement with the community and does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. No further response is required.
RIJ-02	This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The commenter's concerns about the safety and environmental impacts of the project are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
RIJ-03	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, criteria air 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. The EIR concludes that emissions of criteria, GHG and toxic pollutants would exceed the SLOCAPCD thresholds and would be a significant impact.
RIJ-04	This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The commenter's concerns about hazards, aesthetics and visual resources, and biological resources are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.
RIJ-05	Impact BIO-10 specifically addresses impacts to overwintering monarch butterfly habitat approximately 1-mile east of the Rail Spur Project. The only known overwintering site that is one mile east of the Rail Spur Project is located in the Trilogy development.
RIJ-06	CEQA requires that the project be reviewed based on the baseline conditions using the best scientific information available. The EIR concludes that there is a potential for impacts and they are considered less than significant. No changes to this determination are justified as a result of this comment.
RIJ-07	The impact of the Rail Spur Project on the Monarch butterflies is discussed in impact BIO.10 (See Section 4.4, Biological Resources). Impacts to plant species and wildlife from construction and operation of the Rail Spur Project are discussed in Section 4.4, Biological Resources. The remainder of this comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The commenter's concerns about biological impacts are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the

	proposed project.