November 21, 2014

Via Email
Mr. Murry Wilson
San Luis Obispo County Planning Department
976 Osos Street, Room 200
San Luis Obispo, CA 93408
Email: p66-railspur-comments@co.slo.ca.us

Subject: Comments on the Phillips 66 Rail Terminal Project Revised Draft Environmental Impact Report

Dear Mr. Wilson:

I am writing to you today to add my voice to the voices of many others in strongly urging adoption of the "no project alternative" over the Rail Terminal Project proposed by Phillips 66. The no project alternative is by far the superior alternative for many reasons. Approval of the proposed Phillips 66 Rail Terminal Project would be bad policy for our environment, bad for the health and welfare of the people of San Luis Obispo County and elsewhere, bad for tourism in our county, pose unwarranted risks to the population in the event of an accident, and be a visual and auditory blight to a beautiful residential and recreational area, all without bringing any significant benefits. In fact as stated in Section 6.2 of the Revised Draft Environmental Impact Report, "... under operation of the Project, the SMR would not increase the importation or exportation of product" and "the Rail Spur Project would be a less energy efficient mode of transportation". WIW-01

Because many others are commenting on many of the above reasons for adopting the no project alternative, I would like to focus my comments here specifically on Sections 4.1.3 and 4.1.4 of the Revised Draft Environmental Impact Report. Section 4.1.4 of the Revised Draft Environmental Impact Report selects Key Viewing Areas or KVAs to illustrate visual changes proposed by the project. However, in the case of KVA-1 (from State Route 1 near Via Entrada Road) and KVA-2 (from State Route 1 near Via Concha Road), the selected views vastly underestimate the actual visual impacts that will result. The selected KVA-1 and KVA-2 are near the base of a significant rise in elevation to the Nipomo Mesa to the east. In fact, within 400 yards from KVA-2 the terrain rises nearly 100 feet to provide commanding views over the area which would be adversely impacted by the proposed project. By ignoring this prominent terrain feature, the DEIR greatly discounts the aesthetic and visual resource impact on the residences and public golf course that occupy this area. WIW-02

From this area of the golf course near the corner of Eucalyptus Road and Louise Lane, golfers and visitors are offered beautiful views of the open areas, dunes, and Pacific Ocean, as well as spectacular sunsets over the ocean. This is an area where I often see golfers, both local and tourists to our area, taking photos and where on many evenings you will find local residents and visitors enjoying the tranquil beauty and magnificent sunsets. Unfortunately, the proposed rail terminal project, if approved, would be highly visible and in the direct line of sight of vistas from this area. To help illustrate this point, I have attached two photos from this scenic point. Please compare these to the photos provided as Figures 4.1-4, 4.1-6 and 4.1-7 in the DEIR to clearly see that the selection of the Key Viewing Area along State Route 1 is a misrepresentation of the true visual impact to this scenic area.

The DEIR purports to mitigate the project's adverse effects on scenic vistas by installing a 10' – 20' berm at the eastern end of the proposed project. However, due to the rise in elevation immediately to the east of the proposed project, such a berm would be ineffective in mitigating the visual impacts and would do essentially nothing to mitigate the noise impacts and light pollution impacts of the proposed project. WIW-03

Additionally, since the view from the golf course and surrounding residences would be toward the side of the proposed rail terminal project rather than toward the end of the project, the berm at the end of the project would provide no mitigation (note that Figures 4.1-6 and 4.1-7 of the DEIR are mislabeled in that Via Entrada Road is south of Via Concha Road and, therefore, Via Entrada Road would have the end view and Via Concha Road the more sideways view of the proposed project). WIW-04

Based merely on the limited information provided above, one would need to conclude that the proposed project would have a substantial adverse effect on a scenic vista (see Section 4.1.3.1 of the DEIR pertaining the California Environmental Quality Act Guidelines) and that the project would be incompatible with San Luis Obispo County plans and policies by creating an aesthetically incompatible site open to public view, introducing a use within a scenic view open to public view, changing the visual character of an area and creating glare or night lighting which may affect surrounding areas (see Section 4.1.3.2 of the DEIR outlining the County of San Luis Obispo Initial Study Checklist for consistency with County Plans and Policies). Further, these significant impacts are not mitigated by the proposals contained in the DEIR and likely cannot be adequately mitigated. WIW-05

The no project alternative is clearly the environmentally preferred alternative and the Phillips DEIR Executive Summary states that the no project alternative meets most of the objectives of the project (p. ES-16). Phillips DEIR further states that the availability of "competitively priced crudes would be the main driver for the SMR rail project" in the short term (p. 2-36) and offers only speculative needs for the long term. It would be unconscionable to saddle local residents, the people of San Luis Obispo County and others with a rail terminal project with such significant adverse impacts while the proponents own DEIR acknowledges the main driver for the project to be its own economic gain, indicates that the project will not increase the amount of product processed (DEIR p. 4.8-21 and 6-4) and states that the no project alternative meets most of the project objectives. WIW-06

For the reasons stated in this letter and the many letters submitted by others, the "no project alternative" must be adopted.

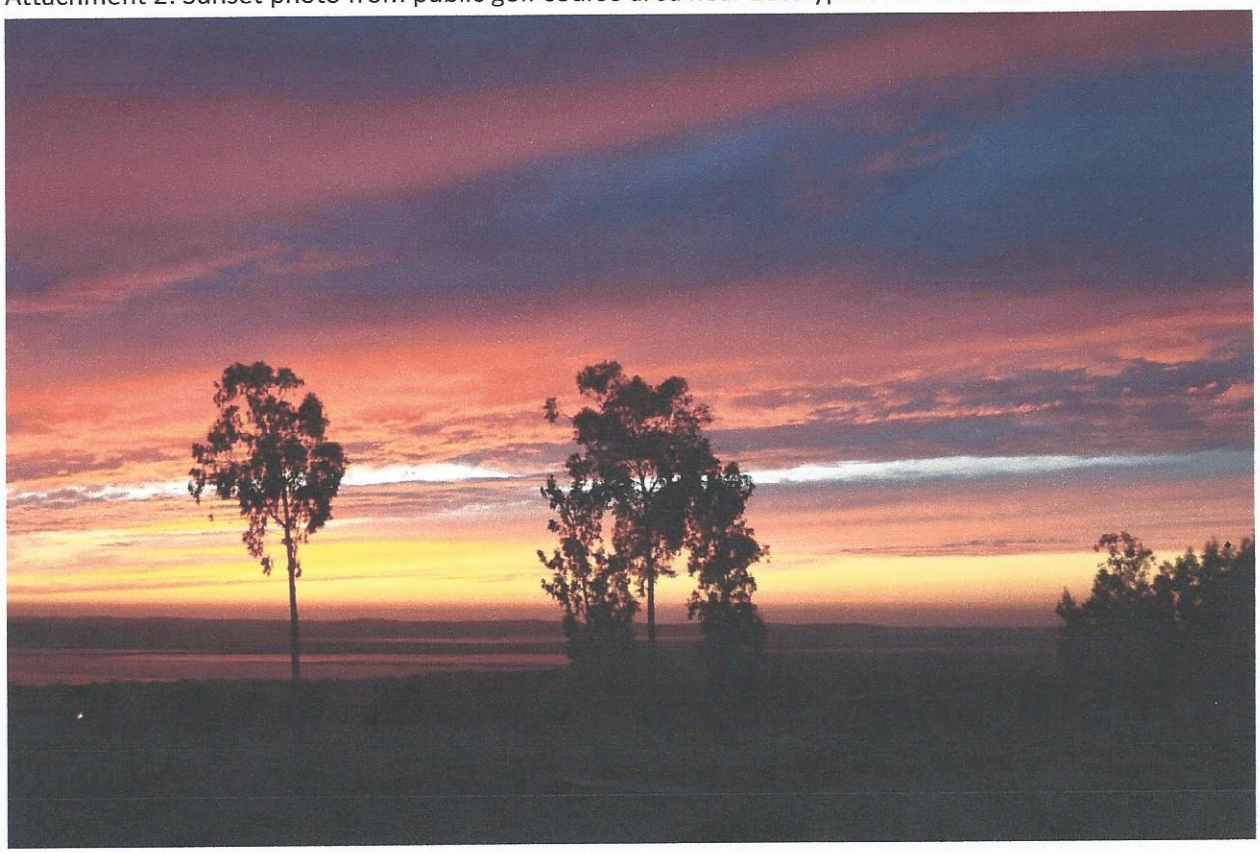
Sincerely,

Weston L. Williams
1748 Louise Ln,
Nipomo, CA 93444
weswilliams1968@gmail.com

Attachments:
Day-time photo from public golf course area near Eucalyptus Rd. and Louise Ln.
Sunset photo from public golf course area near Eucalyptus Rd. and Louise Ln.

Attachment 1: Day-time photo from public golf course area near Eucalyptus Rd. and Louise Ln.

Attachment 2: Sunset photo from public golf course area near Eucalyptus Rd. and Louise Ln.



Responses to Weston L. Williams Comments

WIW-01	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 health, tourism, hazards, noise, transportation and 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.
WIW-02 through WIW-05	The project proposes to the construct the unloading facility and rail spur tracks adjacent to the southern slopes of a natural landform ridge. This adjacent landform rises to elevations ranging from approximately 120 to 145 feet above sea level. The proposed rail spur tracks are proposed at an elevation of approximately 94 feet above sea level, which would be as much as 55 feet lower than the landform to the north. As a result, views of the unloading facility and railroad spur from the north and the northeast would be substantially blocked. In addition, the eastern segment of the rail spur tracks, closest to Highway 1, are proposed to be constructed in an excavated area maintaining the approximately 94-foot elevation while the adjacent ground rises up eastward, resulting in the easternmost end of the tracks being approximately 20 feet below the surrounding natural terrain. This elevation difference, along with the required 10 to 20-foot tall mitigation berm, would combine for an approximately 30 to 40-foot tall earthen visual screen around the eastern end of the railroad spur. This berm height in combination with the natural ridge to the north will be sufficient to reduce visibility of the project to a less than significant level for viewpoints from the east, including elevated viewpoints on Via Concha, Louise Lane, Eucalyptus Road, Thomas Court, and other viewing areas. 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. 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 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. 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. 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. The lighting associated with the unloading facility would be viewed at a distance of approximately 1.5 miles or more from viewpoints east of Highway 1, and would be seen in the context of the Santa Maria Refinery immediately to the north. In addition the unloading facility proposes a covered canopy over the majority of the area, which would decrease light-trespass. Similar to the lack of visibility of the existing oil refinery's illuminated ground-plane, intervening topography would block views of the illuminated ground-plane of the unloading facility as seen from Highway 1 and the residential areas to the east. Although the unloading facility lights would introduce light into a new area, with applied mitigation measures they would not appear out of place given the relatively close proximity to the existing refinery and coke processing facility, which emits high levels of industrial lighting throughout the night, every night of the year. In addition to the applicant-proposed lighting features such as downward-directed lights with fully shielded lenses, the RDEIR requires substantial mitigation measures that will minimize lighting impacts. Mitigation measures include that the lighting plan be based on a photometric study prepared by a qualified engineer who is an active member of the Illuminating Engineering Society of North America (IESNA), using guidance and best practices endorsed by the International Dark Sky Association. Mitigation measures preclude illumination of adjacent slopes, prohibit placement of perimeter lights (which as previously described would be 15-feet tall) east of the screening berm (which as previously described would be 10 to 20- feet tall), and require the use of motion detectors rather than being

	continuously on. Importantly, following project completion the RDEIR requires the preparation of a Lighting Evaluation Report for review and approval by the County Department of Planning and Building prepared by a qualified lighting engineer not involved in the design of the original lighting plan. The Lighting Evaluation Report will conduct a comprehensive evaluation of in-place lighting, under all expected circumstances, and will require correction of any unexpected or residual lighting impacts based on direct observation of the completed project. The air quality mitigation that would limit rail car unloading from between 7 A.M. and 7 P.M. would also serve to reduce the nighttime lighting impacts to less than significant.
WIW-06	This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The commenter states that the No Project Alternative is environmentally preferred, and that the project is mainly driven by economic concerns, which should be outweighed by the significant adverse impacts of the project The commenter's concerns have been included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.