



Richard "Rik" L. Williams
Project Manager

Upstream Business Unit
Chevron Environmental Management Company
PO Box 1332
San Luis Obispo, CA 93406
Tel 805 546 6906
rikwilliams@chevron.com

October 23, 2013

Mr. Bill Henry
SWCA Environmental Consultants
1422 Monterey Street, Suite C200
San Luis Obispo, CA 93401

San Luis Obispo Tank Farm Remediation Project Description: Wetlands Clarification

Dear Mr. Henry:

Pursuant to the request by the Environmental Impact Report (EIR) preparers, I am writing to provide you additional information regarding the aquatic resources found on the San Luis Obispo Tank Farm Site, as well as delineations of the site's waters and wetlands that have occurred over the years. We understand that you believe this information may be necessary to respond to certain comments received on the San Luis Obispo Tank Farm Remediation Project (Project) Draft EIR. While we are happy to provide this information, as is explained further below, we do not believe that this information is required to analyze the potentially significant impacts associated with the Project.

As a starting point, Chevron would like to clarify project description details for three categories of waters and wetlands delineated on the Project site:

1. Waters/wetlands meeting the U.S. Army Corps of Engineers (Corps) definitions that the Corps determined to be federally jurisdictional,
2. Waters/wetlands meeting the Corps' definitions that the Corps determined to not be federally jurisdictional due to isolation, and
3. Waters/wetlands meeting at least one parameter of the Corps' 1987 wetland delineation guidelines, referenced by the EIR preparers using the term "one parameter" wetlands.

Information about the first two categories of wetland/waters is provided in the report *An Analysis of the Geographic Extent of Waters of the U.S., Including Wetlands at the Chevron Tank Farm Facility, San Luis Obispo, California* dated August 5, 2008 (2008 Report). The 2008 Report was prepared by Padre Associates, Inc. (Padre) and WSP Environment & Energy Ecosystem Science & Natural Resources Management Services (WSP).

The 2008 Report includes a summary of previous waters/wetlands delineation and habitat assessment work completed by others from 1999 through 2003. This report also includes the results of additional delineation work conducted by Padre and WSP in 2008. The Corps Wetland Delineation Manual (1987 Manual) and the *Arid West Regional Supplement* (US ACOE 2006) were used to complete the 2008 delineations consistent with definitions provided at 33 CFR 328.3(a)(1-8) and 33 CFR 328.3 (b). The 2008 Report also includes the results of a field visit in June 2008 by the Corps representative, Bruce Henderson. Mr. Henderson conducted a review of the 2008 delineations for each area of waters/wetland and gave verbal approval of the data, delineations, and the determination of federal jurisdiction, as provided in the final 2008 report.

The waters/wetlands in the third category listed above, those meeting at least one parameter of the 1987 Manual, were delineated and the results included in the *FINAL State Wetland Delineation Report, UNOCAL'S San Luis Obispo Tank Farm* dated September 2003 by JENESIS. This report was approved by California Department of Fish and Game in a letter dated December 3, 2003. For ease of reference, in

the attached figure and table, we have called out the areas which were included in the JENESIS delineation but not in 2008 Padre/WSP delineation that was approved by the Corps. We believe that this effort provides the most conservative and inclusive estimate of the areas on the site that could be classified as a water or wetland.

We understand that you are interested in obtaining the "one parameter" delineation in order to respond to comments received from the California Department of Fish and Wildlife (Department) regarding the need to consider impacts to "State wetlands" in the DEIR. We do not agree with the Department's assertion that this analysis is required under CEQA for several reasons.

- First, there is no statewide regulatory definition for "State wetlands."
- Second, the City's adopted thresholds of significance do not require consideration of impacts to "one parameter" wetlands.
- Third, even the referenced Department's policy regarding wetlands does not provide that all areas having one or two wetland indicators (but not all three) should be considered wetlands; rather, the definition provides that the applicability of the Department Commission's wetland policy to areas with less than three wetland indicators should be determined based on the functioning of the areas in question. We are not aware of any established protocols to determine if a "one parameter" wetland meets the wetland wildlife service or biological functions tests described in the Department's definition as being necessary to qualify it as a wetland under its definition.
- Finally, we are not aware of any precedent in San Luis Obispo or elsewhere for utilizing the Department's policy definition as the basis for analyzing impacts to one parameter wetlands in an EIR.

While we disagree with the premise, we do not object to providing you the information. Further, in this case, we are willing to work cooperatively with the Department to focus on wetland conservation and restoration as provided in the California Wetland Policy (California Wetlands Information System, California Wetlands Conservation Policy (1993)).

To this end, we are willing to mitigate impacts to the additional areas with "one parameter" waters/wetlands at the same ratios as those proposed for waters/wetlands reviewed with the Corps and listed as categories 1 and 2 above. Specifically, we will agree to revise our Restoration Plan to replace impacted one parameter wetlands with one parameter wetland mitigation at a ratio of 1:1 for impacts in areas that will become restored open space, and a 2:1 ratio for impacts in areas to be developed.

We believe that this proposal clearly meets all the goals of the Department's and the State's wetland policies.

A figure and table are attached to summarize this information.

Please contact me if you have any questions or require additional information regarding this clarification.

Sincerely,

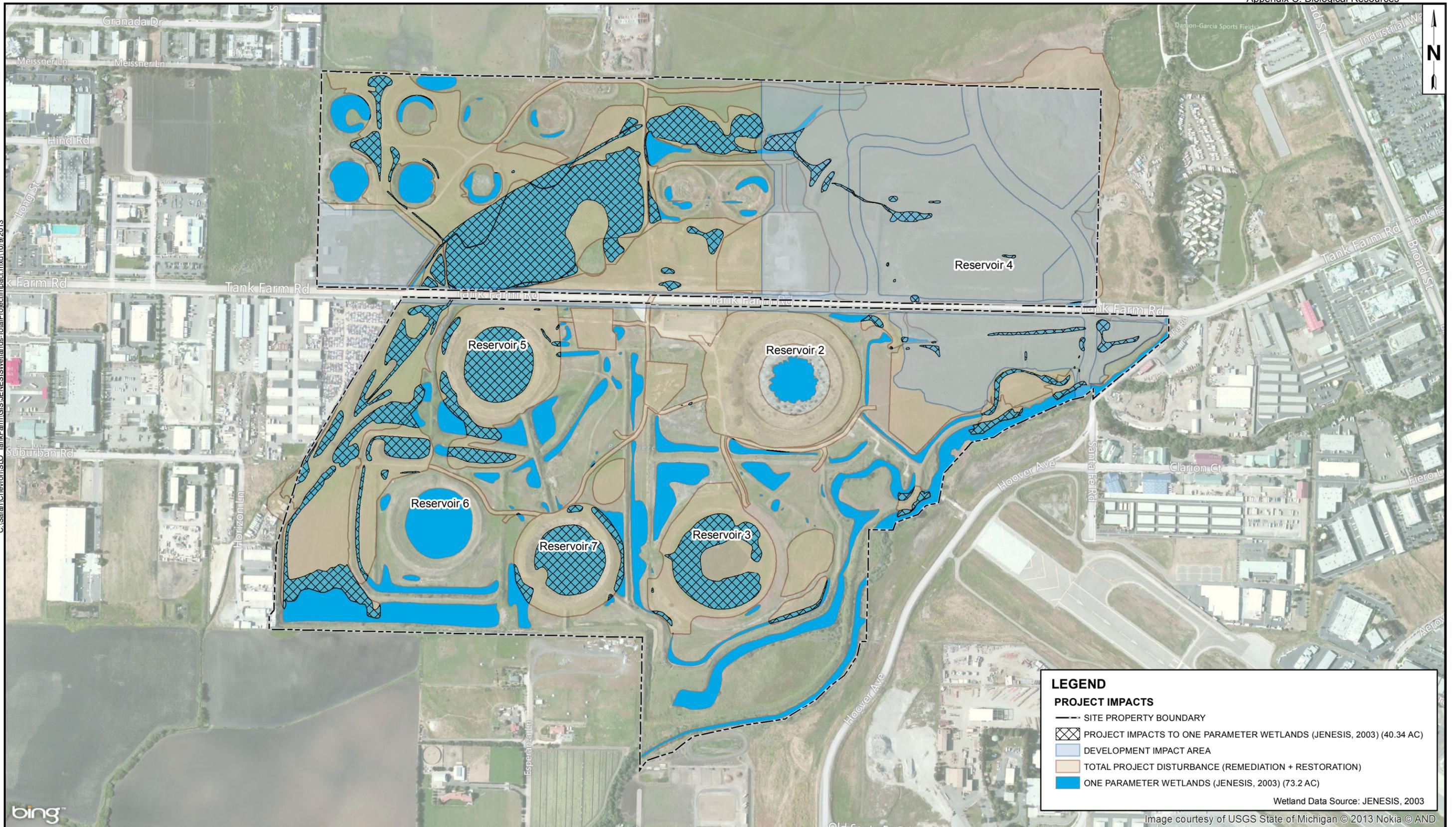


Rik Williams
Project Manager

cc: Bill Almas, Chevron
Kim Tulledge, Chevron
Eric Snelling, Padre
Robert Van Hyning, Avocet
John Peirson, MRS
Phil Dunsmore, City of SLO
Jay Johnson, County of SLO

SLOTF Wetland Summary Table
(All Areas in Acres) Rev 10.18.13

	2008 Delineation (WSP 2008) ¹				JENESIS Delineation ²	
	Federal Jurisdiction Wetlands	Federal Jurisdiction Waters	Isolated Wetlands / Waters	TOTAL	JENESIS Areas Outside of 2008 Delineation	TOTAL
Delineated Onsite	49.0	3.9	19.2	72.1	16.85	73.2 ⁵
Impacts:						
Remediation	19.42		8.90	28.32	4.18	28.55
Restoration	11.45		0	11.45	2.69	11.79
Impact Area TOTAL ³	30.87		8.90	39.77	6.87	40.34
Impacts Breakdown by Future Use :						
Acreage of Impact Located w/in Development Areas ⁴	1.83		1.02		0.86	
Acreage of Remediation / Restoration Impact Located w/in Restoration / Open Space Areas ⁴	29.04		7.88		6.01	
Notes:						
¹ 2008 delineation was conducted by WSP and Padre, see <i>An Analysis of the Geographic Extent of Waters of the U.S., Including Wetlands at the Chevron Tank Farm Facility, San Luis Obispo, California</i> dated August 5, 2008 (2008 Wetland Report) ² <i>FINAL State Wetland Delineation Report, UNOCAL'S San Luis Obispo Tank Farm</i> dated September 2003 by JENESIS ³ Impact Area Total = Remediation + Restoration. No new impacts will result from development. ⁴ For evaluation purposes, Total Impacts have been divided into those within development areas and those outside the development areas in remediation/restoration areas ⁵ Only includes acreage within current SLOTF property. Original JENESIS delineation reported 75.95 acres of state wetlands, but this included areas mapped outside of current SLOTF property boundary.						



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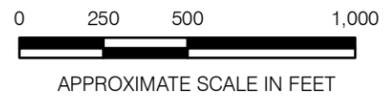
bing

LEGEND

PROJECT IMPACTS

- SITE PROPERTY BOUNDARY
- ▣ PROJECT IMPACTS TO ONE PARAMETER WETLANDS (JENESIS, 2003) (40.34 AC)
- DEVELOPMENT IMPACT AREA
- TOTAL PROJECT DISTURBANCE (REMEDIATION + RESTORATION)
- ONE PARAMETER WETLANDS (JENESIS, 2003) (73.2 AC)

Wetland Data Source: JENESIS, 2003
Image courtesy of USGS State of Michigan © 2013 Nokia © AND



<p>padre associates, inc. ENGINEERS, GEOLOGISTS & ENVIRONMENTAL SCIENTISTS</p>	PROJECT NAME: CHEVRON EMC - SAN LUIS OBISPO TANK FARM RESTORATION AND RE-DEVELOPMENT PROJECT	<p>TOTAL PROJECT IMPACTS TO ONE PARAMETER WETLANDS (JENESIS, 2003)</p>	FIGURE
	PROJECT NUMBER: 0601-3284 DATE: 2013		