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Sent Via Email: [p66refinery@co.slo.ca.us](mailto:p66refinery@co.slo.ca.us)

Re: Phillips 66 Santa Maria Refinery Demolition and Remediation Project Draft Environmental Impact Report

Dear Ms. Strachan,

The Santa Lucia Chapter of the Sierra Club represents the Club's 3,000 members and supporters in San Luis Obispo County. While we applaud the statement of the DEIR that "due to the restorative nature of the Project, the long-term impacts on biological resources would ultimately be beneficial," we note that the project has the potential to result in significant and unavoidable (Class 1) impacts to air quality and, in two project alternatives, to black abalone. Numerous Class 2 impacts to biological resources from the demolition of existing structures and remediation activities, could result in impacts to special-status species and their habitats. ("Direct impacts could include trampling, being exposed to predation, being collected, being entombed, and loss of habitat. Indirect impacts could include stress and loss of reproductive success among relocated individuals, excessive noise resulting in site or nest abandonment, increased human activity resulting in changes to wildlife movement and behaviors, increased dust that could impact the suitability of potential roosting habitat or pollinator activity, vehicle use of the area exacerbating road kills, or introduction of invasive plant species that could change future habitat conditions.")

As is always the case with Class 2 impacts -- impacts that would be less than significant with mitigation -- much depends on the effective implementation of every proposed mitigation measure and monitoring plan, carried out over a long span of time and producing exactly the results hoped for. Such real-world outcomes seldom result from such mitigation plans. Another problem is evident in the DEIR's discussion of the presence of Nipomo Mesa lupine within and adjacent to the Project site, and the presence of suitable habitat in undocumented portions of the site. Demolition and remediation activities could have significant direct and indirect impacts to Nipomo Mesa lupine, and the multiple mitigation measures proposed acknowledge that "little is known about Nipomo Mesa lupine's breeding system.... If the ability for the plant to successfully outcross is diminished from demolition and remediation activities interrupting pollinator behavior, this could either reduce successful reproduction or further reduce genetic diversity."

This level of uncertainty and the general failure rate of biological resource mitigation measures point to the need for additional mitigations to ensure the biological integrity of the entire environmentally sensitive area the project will impact. In the spirit of the DEIR's aspirational goal that "mitigation measures would result in the net increase in sensitive dune scrub habitat and habitat for special-status

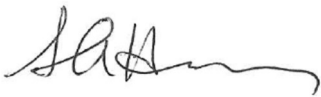
plant and wildlife species,” we urge the County to require mitigation in addition to the proposed mediation measure BIO.1-3, Habitat Restoration and Revegetation Plan (HRRP).

This additional mediation measure should require the conservation of the 630-acre “Tosco Buffer Area” adjacent to the active refinery site and the Oso Flaco Lake Natural Area, identified in 1999 in the Nature Conservancy’s “Guadalupe-Nipomo Dunes Preserve Management Program” as a key property worthy of protection to sustain the biodiversity of the dunes region and provide public access.

The Tosco Buffer Area is part of the larger dune complex that is the focus of remediation proposals in the DEIR. In 1999, then-owner Tosco signed a temporary agreement to set aside this property for conservation and to prevent future development. The agreement expired after five years, and the land now has no deed restrictions or conservation easements, leaving the diverse dune habitat and sensitive plant species at risk. Placing a conservation easement on this land would greatly enhance the restoration efforts contemplated in the DEIR and go a long way to ensuring their success.

Thank you for this opportunity to comment and your attention to this issue.

Kind regards,

A handwritten signature in black ink, appearing to read 'SAH', with a long, sweeping horizontal line extending to the right.

Susan Harvey, Chair  
Conservation Committee

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