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Santa Lucia Chapter
P.O. Box 15755
San Luis Obispo, CA 93406
(805) 543-8717
www.santalucia.sierraclub.org

August 5, 2013

Phil Dunsmore, Senior Planner
Community Development Department
City of San Luis Obispo
919 Palm Street, San Luis Obispo CA 93401

RE: DEIR for Chevron Tank Farm Remediation and Development Project

Dear Mr. Dunsmore,

Thank you for the opportunity to comment on this project's Draft Environmental Impact Report. We regret that the City did not heed requests for extension of the minimal 45-day period for public comment on this extremely large and complex document, and that our review therefore is relatively cursory.

For the Sierra Club, some of the most problematic text in the DEIR is this:

At the time of preparation of the EIR, it was unclear what the Applicant was proposing to do with the portion of the Project Site that would not be developed. At some point in the future, the Applicant may dedicate the open space land to a municipality or non-governmental organization. (ES-20)

We strongly urge that this issue be resolved in the course of preparing the Final EIR, which should provide certainty as to the fate of the undeveloped portion of the project site. This area is the site of a significant amount of the mitigation proposed for the impacts from the remediation and development project ("The restored habitats throughout the entire Project area would mitigate the loss and disturbance to habitats for native populations of plants and animals in the City Development Plan portion of the Project boundary.... The City's AASP encourages the environmentally sensitive portions of the Project Site – comprised of approximately 250 acres – be kept in open space"). For this reason, it is not acceptable for the EIR to state that the ultimate disposition of these lands is "unclear" or to be determined "at some point in the future." If the proposed mitigation lands are to have value as mitigation, they must be secured and managed for that purpose in perpetuity, and the mechanism for doing so must be described in the EIR.

The EIR states that "a number of stakeholders have raised the issue that the Applicant should do more to remediate the Project Site by removing more of the existing contamination" but, per a Human Health Risk Assessment (HHRA) and a Predictive Ecological Risk Assessment (pERA),

“these risks were found to be less than significant with the implementation of the proposed remediation. In addition, the California Office of Environmental Health Hazard Assessment (OEHHA) and the County of San Luis Obispo Environmental Health Services have both submitted letters explicitly stating that the revised HHRA is adequate”(ES-18). The DEIR goes on to state that “Some open space areas would have levels of contamination remaining even after remediation that would not be suitable for some forms of recreational use” (ES-20). We suggest the Final EIR clarify the apparent conflict between assurances of the adequacy of remediation of the site to a less than significant level of risk and warnings that contamination after remediation will leave areas unsuitable for some types of recreation.

The DEIR states:

Under Section 3511 of the Fish and Game Code, CDFW designates species that are afforded “fully protected” (FP) status. Under this protection, designated species can only be taken or possessed with a permit.

The FEIR should clarify, per CDFW, that authorization for the take of fully protected species is issued in conjunction with the approval of a Natural Community Conservation Plan (NCCP) by the Department of Fish and Wildlife. The Final EIR should include or reference an approved NCCP for any Fully Protected Species for which the impacts of the project may result in take.

Thank you for your consideration of these issues,

A handwritten signature in black ink, appearing to read "Andrew Christie". The signature is fluid and cursive, with a large initial "A" and "C".

Andrew Christie
Chapter Director