



Friends of Oso Flaco Lake



Friends of Wild Cherry Canyon

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Subject: Comments on the Draft EIR for the Santa Maria Refinery
Demolition and Remediation Project:
Conservation of the 630-acre "Buffer Area" as Mitigation for Impacts

Dear Ms. Strachan:

Thank you for this opportunity to provide comments on the draft Environmental Impact Report (EIR) for the Santa Maria Refinery's Demolition and Remediation Project. We write this letter acknowledging the hard work that was put into preparing the draft EIR, and commend the thorough analysis it contains.

The draft EIR includes a detailed list of impacts related to the demolition and remediation of the project site. But what it doesn't offer is mitigation that would have lasting significance for the community and for the unique and fragile dune environment (referenced in the draft EIR) that surrounds the project site. For that reason, **we suggest that mitigation for impacts be in the form of permanent land conservation, and specifically the conservation of approximately 630 acres** located within the Phillips 66 Santa Maria Refinery parcels, west of the Union Pacific Railroad, and east of the Oso Flaco Lake Natural Area (see attached map). This land has been called the "**Buffer Area**" by The Nature Conservancy (TNC) and other environmental and community groups.

Conservation of the Buffer Area is not a new idea. In its 1999 "Guadalupe-Nipomo Dunes Preserve Management Program" (Dunes Report), the California State Coastal Conservancy and TNC called for the in-perpetuity conservation of these lands. As that report stated, "In January, 1999, [then-owner] Tosco and State Parks OHV Division signed an agreement to set aside 630 acres of Tosco's property in the Guadalupe-Nipomo Dunes (see Figure 1). The five-year agreement will prevent the 630-acre site from

being developed, in addition to maintaining the sensitive ecosystem that exists on the property within the Guadalupe-Nipomo Dunes.” The Dunes Report also states that although the Buffer Area is not currently part of the Guadalupe-Nipomo Dunes Preserve (because its protection was only temporary), it “could be added in the future” (Dunes Report, page 20).

Protecting the Buffer Area is also compelled by its unique conservation values as a component of the larger Guadalupe-Nipomo Dunes Complex. As stated in the Dunes Report:

In a 1980s inventory of sensitive resources within California, the US Fish and Wildlife Service described the Guadalupe-Nipomo Dunes as “the most unique and fragile ecosystem in the State . . .” and ranked it first on the list of 49 habitat areas in need of protection statewide. At the same time, the U.S. Secretary of the Interior designated the Guadalupe-Nipomo Dunes as a National Natural Landmark for containing the largest, relatively undisturbed coastal dune tract in California. (Dunes Report, page 5).

In addition, when the US Fish and Wildlife Service (FWS) proposed to establish the Guadalupe-Nipomo Dunes National Wildlife Refuge (which succeeded in 2000), it included the Buffer Area in the boundaries, due to the area’s important role in supporting the larger dunes region and in conserving “the central California coastal dune and associated wetland habitats and assist in the recovery of native plants and animals that are federally listed as threatened or habitats.” FWS added that “[d]evelopment along the central coast has reduced the coastal dune scrub community to less than 10 percent of its historic distribution. Significant stands of this habitat are located within the proposed Refuge, and establishment of the Refuge would help protect this rare and relatively intact ecosystem.” (<https://ceqanet.opr.ca.gov/2000014006>)

The conservation of the Buffer Area would be consistent with precedent in adequately mitigating for impacts identified in land-use projects. In the nearby Diablo Canyon Power Plant, for example, land conservation has been approved to mitigate for impacts related to the construction of a training building (resulting in the in-perpetuity designation of the Pecho Coast Trail), the establishment of the dry cask storage site for spent nuclear fuel (resulting in the in-perpetuity designation of the Point Buchon Trail), and the replacement of the plant’s Steam Generator (resulting in the permanent conservation of 1200 acres at Point San Luis). Indeed, in the recently released draft EIR for the decommissioning of the Diablo Canyon Power Plant, SLO County identified the establishment of a public coastal trail as appropriate mitigation for that decommissioning project.

Thank you for your thoughtful work on the draft EIR for the Santa Maria Refinery’s Demolition and Remediation project. We hope you will use this opportunity to mitigate for the project’s many impacts through the conservation of the ecologically unique and significant 630-acre Buffer Area, which is supported by the community and the undersigned, and consistent with relevant, local precedent. Thank you for your consideration.

Sincerely,

Center for Biological Diversity
Friends of Oso Flaco Lake
Friends of Wild Cherry Canyon

Encl: Guadalupe-Nipomo Dunes Preserve Management Program (1999):
Cover and Introduction Pages
“Buffer Area” Description (Page 20)
Area Map (Page 22 - two pages)



Guadalupe-Nipomo Dunes Preserve

Management Program

May, 1999

Prepared by:

The
Nature
Conservancy 


Coastal
Conservancy

Crawford
Multari
Clark &
Mohr

I. Introduction

A. The Guadalupe-Nipomo Dunes

The Guadalupe-Nipomo Dunes are located in San Luis Obispo and Santa Barbara Counties along an eighteen mile stretch of coastline in central California. The dunes stretch from Point Sal in the south to Pismo Beach in the north.



The Guadalupe-Nipomo Dunes complex is actually a collection of three adjacent dune areas. From north to south, these areas are:

- ❑ The *Callender dunes*, which reside on the Nipomo Mesa and on the alluvial strip bounding the shore;
- ❑ The *Guadalupe dunes*, located on the Santa Maria River flood plain north of the river (on which the Guadalupe oil field and Mobil Coastal Preserve lie); and
- ❑ The *Mussel Rock dunes*, which are partly on the flood plain south of the Santa Maria River and partly on the high terrace extending southward to Point Sal and the adjoining mountain slope (see Figure 1).

In a 1980s inventory of sensitive resources within California, the US Fish and Wildlife Service described the Guadalupe-Nipomo Dunes as "...the most unique and fragile ecosystem in the State..." and ranked it first on a list of 49 habitat areas in need of protection statewide. At the same time, the U.S. Secretary of the Interior designated the Guadalupe-Nipomo Dunes as a National Natural Landmark for containing the largest, relatively undisturbed coastal dune tract in California, "where dune succession is exceptionally well displayed and the flora exhibits one

of the highest rates of endemism of any dunes in western North America". (Bayless, 1998). The California Department of Parks and Recreation has likewise stated that the Guadalupe-Nipomo Dunes are "...the most urgently needed landscape preservation project in the State of California."

Although human encroachment into the dunes is evident (including off-highway vehicle use and a significant release of diluent at the Guadalupe oil field), the Guadalupe-Nipomo Dunes remain one of the last, largely undisturbed dune ecosystems along the U.S. west coast. Often the victim of competing interests, undisturbed coastal dunes are becoming more and more rare in California. In spite of these pressures, the Guadalupe-Nipomo Dunes continue to support a rich diversity of plant and animal species, many of which are found only in this area. The richness of these resources is a testament to the size and relative remoteness of the dunes, and its location where northern and southern plant and animal species intermingle at the limits of their ranges. These unique qualities have combined to create one of the great natural wonders of California.

B. The Guadalupe-Nipomo Dunes Preserve

Within the Guadalupe-Nipomo Dunes is a collection of properties or management units that have been set aside for protection of their natural resources as well as for certain human activities (including passive recreation and scientific study). These properties are known as the Guadalupe-Nipomo Dunes Preserve and include the following properties:

- The Mobil Coastal Preserve;
- The Rancho Guadalupe Dunes County Park;
- Black Lake; and
- The Pismo Dunes Natural Preserve.

A description of these properties, along with their ecological resources and permitted recreational activities, is provided in Chapter II of this Management Program. (See also Figure 1.)

Most of the properties comprising the Guadalupe-Nipomo Dunes Preserve are currently, or were historically, managed by The Nature Conservancy ("TNC"), a non-profit conservation organization. However, today -- and even more so in the future -- ownership and management is and will be provided by multiple entities, including the California Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation Division ("State Parks OHV Division"); the California Department of Parks and Recreation (non-OHV Division); the County of Santa Barbara; the U.S. Fish and Wildlife Service; the Center for Natural Lands Management; and the Land Conservancy of San Luis Obispo County.

Preserve: Properties within the Guadalupe-Nipomo Dunes Preserve as shown on Figure 1.

Dunes: The entire dunes ecosystem, including properties within and surrounding the Preserve.

C. Dune Lakes

Just north of Black Lake is an area known as Dune Lakes. The Dune Lakes area contains several fresh water coastal lakes, only a small number of which still exist in a natural state in California. North of the lakes is an area used for agricultural production. As noted earlier, these parcels were part of the 1996 transaction funded by the California State Coastal Conservancy and negotiated by The Nature Conservancy.

The Dune Lakes area is in private ownership and the public is not permitted to enter except by expressed permission of the owner. These parcels are considered protected as they are to remain in their existing state in perpetuity, as a result of the transfer of a conservation easement on the coastal lakes section to The Nature Conservancy and on the agricultural section to the Land Conservancy of San Luis Obispo County. Within the next year, The Nature Conservancy plans to transfer its conservation easement to The Land Conservancy.



Dune Lakes

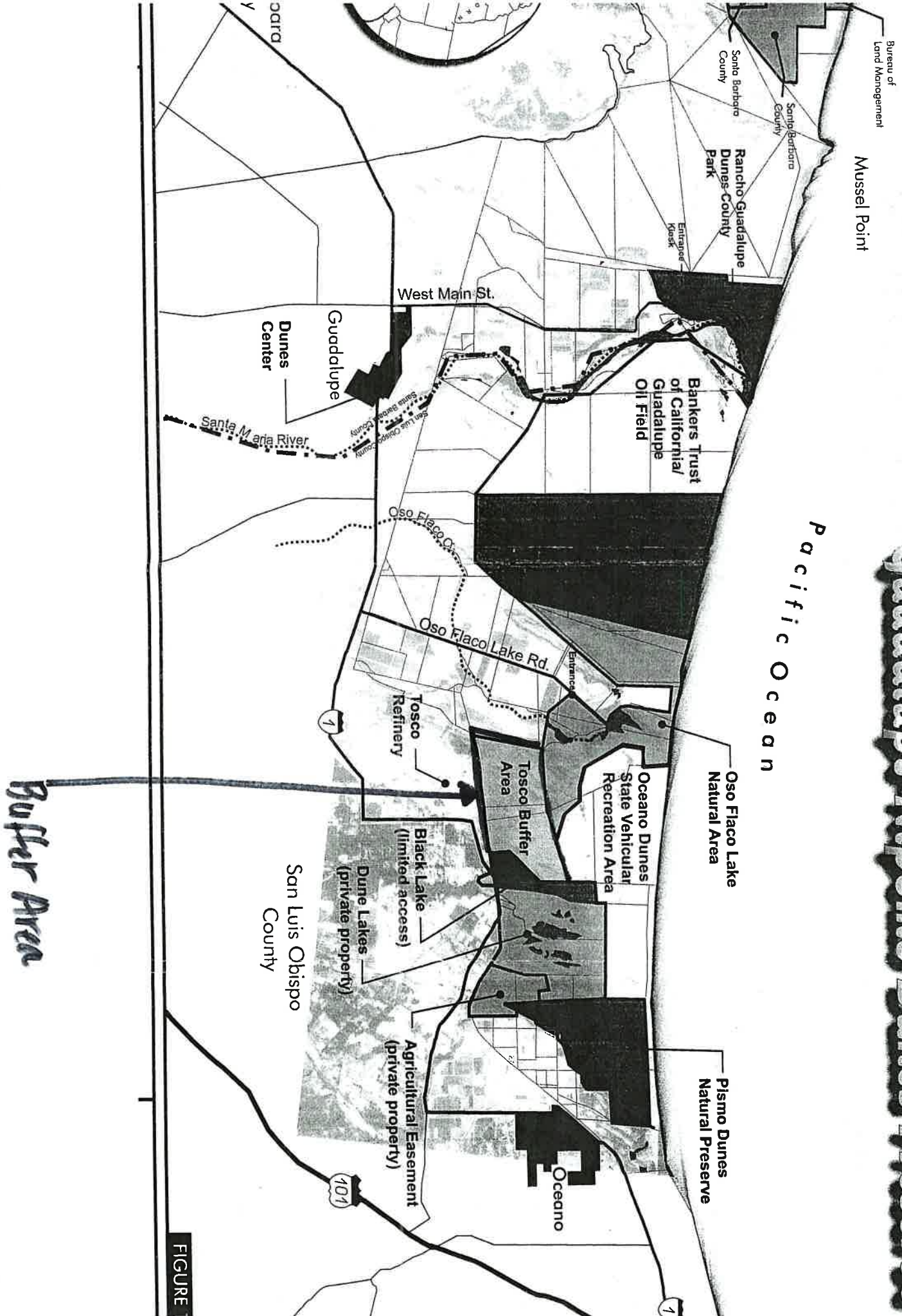
D. Tosco Property

The Tosco Refining Company owns 1,780 acres adjacent to Highway 1 on the Nipomo Mesa. The refinery which occupies a portion of this site refines oil supplied from the Central Coast and from the San Joaquin Valley. The facility has been on this site for over 40 years and currently employs about 150 people.

In January, 1999, Tosco and State Parks OHV Division signed an agreement to set aside 630 acres of Tosco's property in the Guadalupe-Nipomo Dunes (see Figure 1). The five-year agreement will prevent the 630 acre site from being developed, in addition to maintaining the sensitive ecosystem that exists on the property within the Guadalupe-Nipomo Dunes.

Although these properties are not currently part of the Preserve, they could be added in the future pursuant to the participation of willing land owners. Indeed, it is hoped and anticipated that the Preserve will, in the long run, be defined by all properties in the Guadalupe-Nipomo Dunes that have been set aside in perpetuity for the protection of their natural resources and the compatible use by people, and where the owners of

Guadalupe-Nipomo Dunes Preserve



FIGURE