

7/8/2016

SURFACE TRANSPORTATION BOARD<https://www.stb.dot.gov/>

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Office of Proceedings
July 8, 2016
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Public Record

Ms. Cynthia T. Brown Chief, Section of Administration Office of
Proceedings Surface Transportation Board 395 E Street SW Washington,
DC 20423
STB Finance Docket No. 36036, Petition for Declaratory Order, Valero Refining
Company - California.

Re: Request for due process rights of the public be respected:

Under federal and California regulation for Valero to ask for your comments on this project at this very late date a CEQA/NEPA document, with input from state agency only having the authority to act state wide should have been prepared for your consideration.

CEQA GUIDELINES:

Article 14. Projects Also Subject to the National Environmental Policy Act (NEPA)
SECTIONS 15220 TO 15229 15220. GENERAL This article applies to projects that are subject to both CEQA and NEPA. NEPA applies to projects which are carried out, financed, **or approved** in whole or in part by federal agencies. Accordingly, this article applies to projects which involve one or more state or local agencies and one or more federal agencies. Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21083.5, 21083.6, and 21083.7, Public Resources Code; National Environmental Policy Act of 1969, Public Law 91-190 as amended, 42 U.S.C.A. 4321-4347; NEPA Regulations, 40 Code of Federal Regulations (C.F.R.) Parts 1500-1508. Association of Environmental Professionals 2014 CEQA Guidelines 220 15221. NEPA DOCUMENT READY BEFORE CEQA DOCUMENT (a) **When a project will require compliance with both CEQA and NEPA, state or local agencies should use the EIS** or Finding of No Significant Impact rather than preparing an EIR or Negative Declaration if the following two conditions occur: (1) An EIS or Finding of No Significant Impact will be prepared before an EIR or Negative Declaration would otherwise be completed for the project; and (2) The EIS or Finding of No Significant Impact complies with the provisions of these Guidelines. (b) Because NEPA does not require separate discussion of mitigation measures or growth inducing impacts, these points of analysis will need to be added, supplemented, or identified before the EIS can be used as an EIR. Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21083.5 and 21083.7, Public Resources Code; Section 102(2)(C) of NEPA, 43 U.S.C.A. 4322(2)(C).

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Declaration of Independence, IN CONGRESS, July 4, 1776.

“That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their **Safety and Happiness.**”

Studies have shown poor people who are secure in the knowledge they have enough to meet their basic needs are happier than rich people. Corporate profits aren't everything.

The relief I am asking for: Valero to recirculate the DEIR and ask for your comments in a timely manner at that time.

Sincerely:

James Brian MacDonald

Jbmd56@yahoo.com

274 pebble Beach Loop

Pittsburg, ca 94565

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Party Of Record
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Union Pacific Railroad Company

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Churchwell White Llp
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Sacramento, CA 95814
City Of Benicia

Party Of Record
Derr, Jay P.
Van Ness Feldman
719 Second Avenue, Ste 1150
Seattle, WA 98104
Tesoro-Savage Petroleum Terminal Llc, D/B/A Vancouver Energy

Party Of Record
Kalick, Theodore K
Canadian National Railway Company
601 Pennsylvania Ave., Nw,, Ste. 500 North Bldg.
Washington, DC 20004

Party Of Record
Koss, Rachel Adams Broadwell Joseph & Cardozo
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South San Francisco, CA 94080
Safe Fuel And Energy Resources California

Party Of Record
Marks, Justin
1666 K Street, Nw
Washington, DC 20006

Party Of Record
Prange, Jaclyn H.
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111 Sutter Street, 21St Floor
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Benicians For A Safe And Health Community,
Center For Biological Diversity,
Communities For A Better Environment,
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San Francisco Baykeeper, Sierra Club, And Stand

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1331 Pennsylvania Avenue, Nw, Suite 560
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Thompson, Jocelyn
Alston & Bird
333 South Hope, 16Th Floor
Los Angeles, CA 90071-1410

I certify that I have this day served copies of 7/6/2016 and 7/8/2016 submitted documents upon all parties of record in this proceeding, by certified U.S. mail

Signature Date
Jarvis M. Donald *7/9/2016*
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