

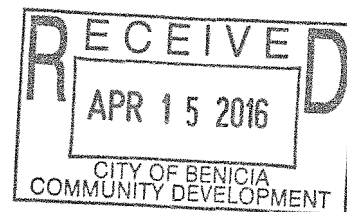
Amy Million

From: Marilyn Bardet <mjbardet@comcast.net>
Sent: Thursday, April 14, 2016 7:21 PM
To: Amy Million
Subject: Fwd: Comment Letter, regarding the Attorney General's Letter
Attachments: 2016-04-14 Valero Benicia CBR Project - AGO Comment Letter.pdf; ATT00001.htm

Hi Amy,

Please include my letter, forwarded below, as part of the public record and comment on Valero's Appeal.

Thank you,
Marilyn



Begin forwarded message:

From: Marilyn Bardet <mjbardet@comcast.net>
Subject: Comment Letter, regarding the Attorney General's Letter
Date: April 14, 2016 at 7:07:17 PM PDT
To: Elizabeth Patterson <epatterson@ci.benicia.ca.us>, Mark Hughes <Mark.Hughes@ci.benicia.ca.us>, Christina.Strawbridge@ci.benicia.ca.us, Alan Schwartzman <Alan.Schwartzman@ci.benicia.ca.us>, Tom Campbell <Tom.Campbell@ci.benicia.ca.us>

Dear Mayor Patterson and Councilmembers Hughs, Strawbridge, Schwartzman and Campbell,

The April 18th Staff Report, for the upcoming hearing on the 18th, was published before the City had received the California Attorney General's latest letter, dated today, April 14th. In case you haven't yet seen it as posted on the City's website, I've attached the pdf below.

The AG's letter upholds the legality of the Planning Commission's decision to deny the FEIR's certification and spells out fundamental reasons why the FEIR cannot and should not be certified on the basis of extreme claims for preemption's scope and authority. The letter also states the limited role of the STB, suggesting the reason to deny Valero's request for delay.

Most pertinent to your deliberations is the letter's footnote # 3: *"To the extent that the Final EIR has not addressed the deficiencies outlined in this Office's previous comment letter, we reiterate the objections to the adequacy of the City's analysis."* [my italics].

I believe that with the the clear and reasoned views of the Attorney General's letter, you may take courage to vote unanimously to deny Valero's appeal, and unanimously uphold the Planning Commission's decisions to deny the FEIR's certification and deny the permit for the Crude By Rail Project. The myriad reasons previously and repeatedly cited in public comments, inclusive of professional experts and attorneys for recognized environmental organizations, should also give you strength for a just consensus decision.

Thank you very much for your consideration.

Most respectfully,

Marilyn Bardet
707-745-9094
333 East K Street
Benicia