



## Memorandum

Date: June 11, 2012

To: Ms. Sarah Mongano  
California State Lands Commission  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825

A handwritten signature in blue ink that reads "Scott Wilson".

From: Scott Wilson, Acting Regional Manager  
Department of Fish and Game – Bay Delta Region, 7329 Silverado Trail, Napa, California 94558

Subject: Tesoro Amorco Marine Oil Terminal Lease Consideration, Notice of Preparation of a Draft Environmental Impact Report, SCH #2012052030, City of Martinez, Contra Costa County

The Department of Fish and Game (DFG) has reviewed the Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) provided for the subject project. DFG is providing comments on the NOP as a Trustee Agency and Responsible Agency. As Trustee for the State's fish and wildlife resources, DFG has jurisdiction over the conservation, protection and management of the fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species for the benefit and use by the people of California. DFG is also considered a Responsible Agency if a project requires discretionary approval, such as a California Endangered Species Act (CESA) Permit or a Lake and Streambed Alteration Agreement (LSAA).

Tesoro Refining and Marketing Company (Tesoro) is proposing to obtain a 30-year lease from the California State Lands Commission to continue current operations of their Marine Oil Terminal in the City of Martinez, Contra Costa County.

The NOP states that "The Project also involves periodic dredging activities to maintain approximately 48 feet depth below mean lower low water." Please be advised that a CESA Permit must be obtained if the project has the potential to result in take of species of plants or animals listed under CESA. Issuance of a CESA Permit is subject to California Environmental Quality Act (CEQA) documentation. DFG, as a Responsible Agency under CEQA, will consider the CEQA document for the project. Therefore, the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the project will or has the potential to impact CESA listed species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA Permit. To obtain information about the CESA permit process, please access our website at <http://www.dfg.ca.gov/habcon/cesa/>.

In the EIR, please provide a complete assessment (including but not limited to type, quantity and locations) of the habitats, flora and fauna within and adjacent to the project area, including endangered, threatened, and locally unique species and sensitive habitats. The assessment should include the reasonably foreseeable direct and indirect changes (temporary and permanent) that may occur with implementation of the project. Rare, threatened and endangered species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, Section 15380).