

The EIR should address water quality issues associated with the long-term operation of the Tesoro Marine Oil Terminal, including potential impacts on aquatic species, their habitats, and plants along the shoreline from oil spills. The NOP indicates that Tesoro's Oil Spill Contingency Plan with the Office of Spill Prevention and Response (OSPR) will expire in 2013. We recommend that Tesoro contact OSPR to coordinate the approval of a new Oil Spill Contingency Plan when the current plan expires.

If you have any questions, please contact Ms. Crystal Spurr, Senior Environmental Scientist, at (209) 948-3777; or Mr. Jim Starr, Environmental Program Manager, at (209) 941-1944.

cc: State Clearinghouse



Making San Francisco Bay Better

June 7, 2012

Sarah Mongano
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 94825-8202

SUBJECT: Notice of Preparation of Draft Environmental Impact Report for
Tesoro Amorco Marine Oil Terminal Lease Consideration
BCDC Inquiry File CC.MZ.7134.2; SCH# 2012052030;

Dear Ms. Mongano:

Thank you for the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report (EIR) for the Tesoro Amorco Marine Oil Terminal Lease Consideration (NOP). Although the San Francisco Bay Conservation and Development Commission (Commission or BCDC) has not reviewed the document, the following are staff comments based on our review of the NOP in the context of the Commission's authority under the McAteer-Petris Act (California Government Code Sections 66600 et seq.), the federal Coastal Zone Management Act (CZMA), and the provisions of the Commission's *San Francisco Bay Plan* (Bay Plan).

Jurisdiction. The Commission exercises permitting authority over San Francisco Bay to the line of mean high tide, including all sloughs, and marshlands lying between mean high tide and five feet above mean sea level. The Commission also has jurisdiction within a shoreline band between the edge of the Bay and a line 100 feet landward and parallel to the shoreline. Any person or government agency wishing to place fill, extract materials, or make any substantial change in use to any land, water or structure within the Commission's jurisdiction must first secure a permit from the Commission. The Commission is able to issue a permit if the proposed project is consistent with the McAteer-Petris Act and the provisions of the *San Francisco Bay Plan* (Bay Plan).

The Commission also designates certain shoreline areas for uses that must be located on the waterfront, such as ports and water-related industry (which includes the shipment of crude oil and related products via tanker or barge), to avoid potential filling of the Bay to accommodate water-related uses where the waterfront has been developed for uses that do not require a shoreline location. The MOT is located in a water-related industry priority use area, as shown on Bay Plan Map 2, Carquinez Strait.

The EIR should contain a discussion of the Commission's jurisdiction as it applies to the MOT. The wharf and dolphins are, of course, fully subject to our Bay authority. The EIR should include clear illustrations of the location of the shore side facility in relation to the Commission's 100-foot shoreline band inland boundary. Additionally, for your information, because the Amorco Terminal is designated a water-related industry priority use area, in the event any work may be proposed in the future requiring a federal permit, or federal funding is provided a project at the MOT, the Commission has the authority to determine whether the activity is consistent with its law and policies.

Please correctly identify BCDC as a State agency and the coastal zone management authority for areas east of the Golden Gate (a line drawn between Point Lobos in San Francisco and Point Bonita in Marin), to the Sacramento River (a line between Stake Point and Simmons Point, extended northeasterly to the mouth of Marshall Cut in Solano County). The California Coastal Commission exercises its authority over the near-shore waters and shoreline of the Pacific Ocean beyond the Golden Gate. This project therefore falls within BCDC's jurisdiction.

Dredging. The NOP states that the depth of the docking face at the MOT is periodically dredged to maintain a depth of 48 feet below MLLW. Please discuss in the EIR how dredging and disposal activities would be conducted to minimize adverse impacts to Bay resources, such as water quality; adherence to seasonal restrictions—environmental work windows—designed to protect sensitive fish species; and limiting in-Bay disposal of dredged material ideally through its beneficial reuse. The Commission's dredging policies are published in the Bay Plan, available on our website.

Oil Spill. According to the NOP, the EIR will discuss operational safety as it relates to preventing oil spills at the MOT, possible adverse effects to the environment if such a spill were to occur, and will identify feasible steps to eliminate or mitigate the risk. Oil spill contingency plans and appropriate, strategically located spill response equipment are important parts of effective oil spill response strategies for San Francisco Bay. The NOP refers to the facility's approved contingency plan and to reels located at either end of the MOT designed for emergency deployment of containment boom in the event of a spill.

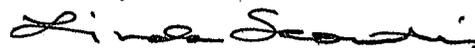
In its role under the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, BCDC works with industry and other agencies (including the State Office of Spill Prevention and Response and the U.S. Coast Guard), to prevent maritime accidents that could lead to spills in San Francisco Bay; maintain a regional plan to protect sensitive habitats from the effects of a spill; and in the event of a spill, assist by consulting on the need for and issuing emergency permits for certain response activities. We therefore look forward to the EIR discussion of the analyses on topics related to the risk of oil spill associated with the lease renewal.

MOTEMS. The NOP states that the terminal operator has no plans to expand operations or equipment at the MOT at this time, but references the possible future need for actions to meet requirements of the CSLC Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS). Any work that may occur with the Commission's jurisdiction would, as stated in the NOP, also require a permit from BCDC.

Public Access. Any work done within the Commission's shoreline band jurisdiction is required to provide maximum feasible public access, consistent with the proposed project. If on-site access is not feasible, in lieu access at an appropriate location should be considered. The EIR should recognize this important element as it may apply to a development proposal.

In preparing the EIR, please refer to www.bcdc.ca.gov for specific language of our law and policies. Should you have any questions related to these comments, please do not hesitate to contact me at 415.352-3644 or lindas@bcdc.ca.gov. Thank you again for the opportunity to review the NOP.

Sincerely,



LINDA SCOURTIS
Coastal Planner

Mongano, Sarah@SLC

From: Awan, Afifa@SLC on behalf of CEQAComments@SLC
Sent: Monday, May 21, 2012 2:51 PM
To: Mongano, Sarah@SLC
Subject: FW: Tesoro Amorco MOT NOP comments

From: Shane McAfee [<mailto:smcafee@gvrd.org>]
Sent: Tuesday, May 15, 2012 3:18 PM
To: CEQAComments@SLC
Subject: Tesoro Amorco MOT NOP comments

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The Greater Vallejo Recreation District supports the renewal of the lease for 30 years to Tesoro Refining and Marketing Company for the operations of the Amorco Marine Oil Terminal.

Shane McAfee, General Manager
Greater Vallejo Recreation District