

1.0 INTRODUCTION

1 The California State Lands Commission (CSLC) has prepared this Environmental
2 Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) and
3 State CEQA Guidelines,¹ to provide the public and responsible and trustee agencies
4 with information about the potential environmental effects of the proposed Tesoro Avon
5 Marine Oil Terminal Lease Consideration Project (Project). The CSLC is the CEQA lead
6 agency for the Project, because Tesoro Refining and Marketing Company, LLC (Tesoro
7 or Applicant) has applied to the CSLC for a new 30-year lease of sovereign land to
8 continue petroleum import and export operations at the Avon Marine Oil Terminal (Avon
9 Terminal), a tanker loading and unloading facility.

10 Although the Avon Terminal is currently operating, the CSLC has determined that the
11 issuance of a 30-year lease requires the preparation of an EIR because, among other
12 potentially significant impacts, there are inherent risks to public health and safety and
13 the environment at any facility where petroleum products are routinely transferred over
14 water. In addition to the application for a new 30-year lease, Tesoro would also
15 renovate the Avon Terminal to bring the facility into compliance with the Marine Oil
16 Terminal Engineering Maintenance Standards (MOTEMS).²

17 This section provides a brief introduction to the Avon Terminal and Project study area,
18 introduces the Applicant's Project objective, and summarizes the CEQA process for this
19 Project. Section 2.0, Project Description, provides a detailed description of the proposed
20 Project, including existing conditions, proposed renovation, and continued operations.

21 1.1 PROJECT LOCATION AND BACKGROUND

22 The Avon Terminal is located on CSLC Lease No. PRC 3454.1, a General Lease-
23 Industrial Use, which currently consists of an approximately 11.24-acre parcel of
24 sovereign land in lower Suisun Bay, approximately 1.75 miles and 2 miles east of the
25 Benicia-Martinez Bridge and the Tesoro Amorco Marine Oil Terminal (Amorco
26 Terminal),³ respectively (see Figure 1-1). The Avon Terminal and its associated Golden
27 Eagle Refinery (Refinery), which is located approximately 0.5 mile south of the Avon
28 Terminal on privately held lands, have operated at their current locations, offshore and
29 onshore within unincorporated Contra Costa County, since 1925 and 1913, respectively.

¹ Public Resources Code section 21000 et seq. and California Code of Regulations, Title 14, section 15000 et seq., respectively.

² MOTEMS are codified in the California Building Code, Chapter 31F – Marine Oil Terminals (Cal. Code Regs., tit. 24, § 3101F et seq.).

³ The CSLC issued Lease No. PRC 3453.1 for the Amorco Terminal in February 2014 (see http://archives.slc.ca.gov/Meeting_Summaries/2014_Documents/02-21-14/Items_and_exhibits/C41.pdf and Amorco Marine Oil Terminal Lease Consideration Project Final EIR (CSLC 2014, State Clearinghouse [SCH] No. 2012052030).

1.0 Introduction

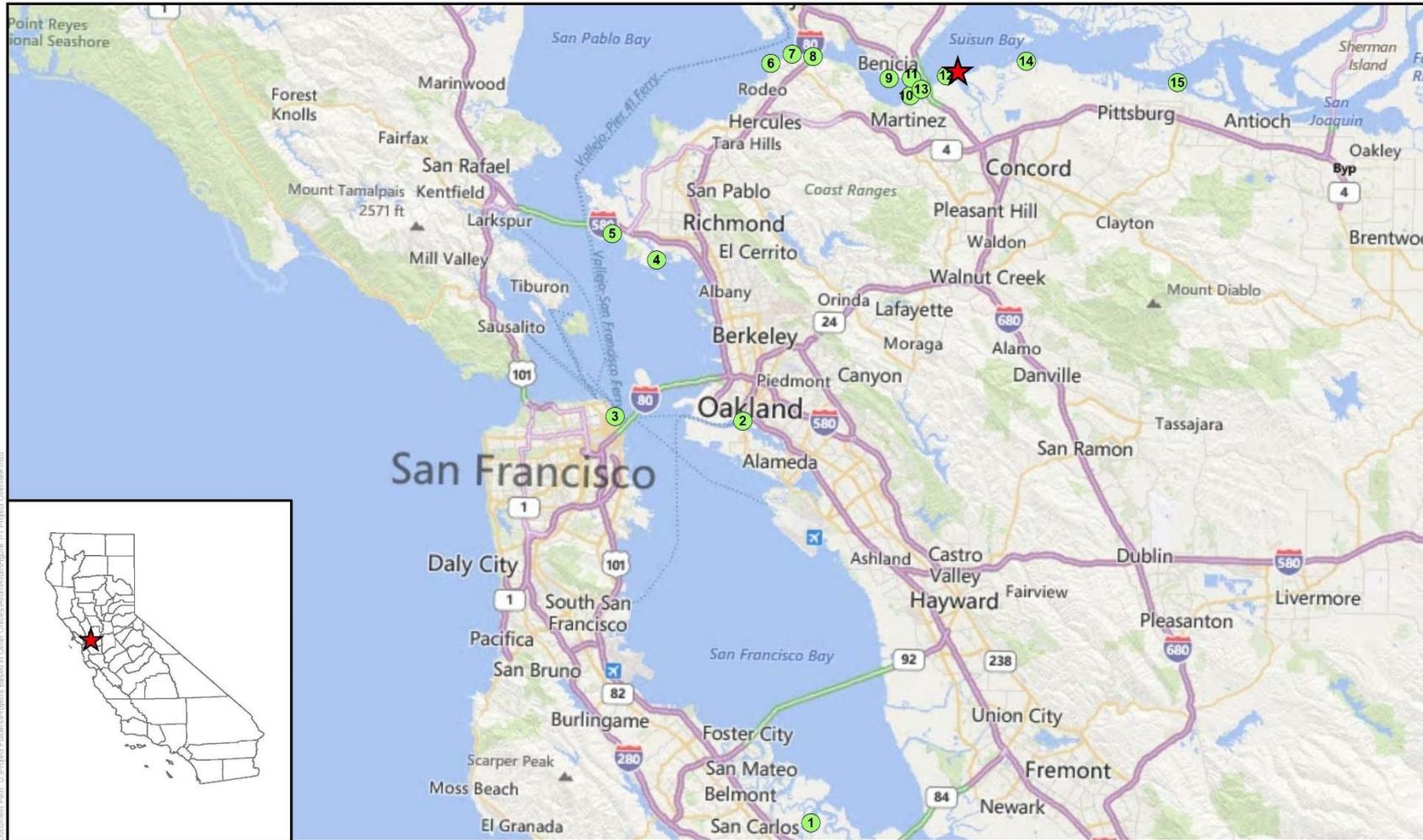


Figure 1-1
Project Overview
 California State Lands Commission
Avon Marine Oil Terminal Lease Consideration Project

- ★ Approximate Terminal Location
 - Major Bay Area Terminals
- | | |
|-------------------------|------------------------------------|
| 1 Port of Redwood City | 7 Shore Selby |
| 2 Port of Oakland | 8 C&H Sugar |
| 3 Port of San Francisco | 9 Port of Benicia |
| 4 Port of Richmond | 10 Shell, Martinez |
| 5 Chevron Long Wharf | 11 Valero, Benicia |
| 6 Phillips 66 Rodeo | 12 Plains Product Terminals |
| | 13 Tesoro, Amarco |
| | 14 Military Ocean Terminal Concord |
| | 15 WesPac Pittsburg |

N

0 3.5 7 Miles



8/26/2014

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1 The CSLC originally issued Lease No. PRC 3454.1 to the Tidewater Oil Company,
 2 beginning July 26, 1964. Subsequently, several amendments and lease assignments
 3 have been authorized to various operators. The current lease agreement had an initial
 4 term of 15 years, with the right to three additional renewal periods of 10 years each, on
 5 “such reasonable terms and conditions the State might impose.” In 2002, the CSLC
 6 authorized the assignment of this lease to Ultramar, Inc., which shortly thereafter sold
 7 the Avon Terminal to Tesoro. In 2003, the CSLC authorized the assignment of the lease
 8 to Tesoro. In 2009, the existing lease expired and Tesoro is presently in a “holdover”
 9 month-to-month tenancy.⁴ Operations at the Refinery, which processes crude oil and
 10 various hydrocarbon fuels delivered through the Avon and Amorco Terminals, and the
 11 Amorco Terminal are not part of the Avon Terminal lease and are addressed in this EIR
 12 as they pertain to Avon Terminal continued operations, or as Project alternatives or as
 13 required by other agencies relying upon this EIR for issuance of permits.

14 In its application, Tesoro has requested a new 30-year lease from the CSLC to allow the
 15 Avon Terminal to continue operations, which would enable the associated Refinery to
 16 continue to export and import petroleum products from tankers that dock at the Avon
 17 Terminal. To bring the Avon Terminal into compliance with the MOTEMS regulations,
 18 the Project includes the renovation of the Avon Terminal vessel loading/unloading area
 19 and its associated approachway; the latter is presently comprised of a
 20 trackway/walkway and pipeway, which would be converted to a roadway/walkway and
 21 pipeway leading from shore to the vessel loading area (see Table 1-1).

Table 1-1: Proposed MOTEMS Renovations at the Avon Terminal

Loading/ Unloading Area	<ul style="list-style-type: none"> • Construct a new Berth 1A vessel loading/unloading platform and mooring dolphin M4 • Construct associated facility structures and electrical, mechanical, and piping systems, including a new fire suppression system and east fire monitoring station • Decommission the existing Berth 1 • Demolish and remove the existing Berth 5
Approachway (see Figure 2-4 in Section 2.0, Project Description)	<ul style="list-style-type: none"> • Demolish and remove the existing trackway/walkway and pipeway from the vessel loading/unloading area to inland of the shoreline and rebuild roadway and pipeway (approximately 2,538 feet total – Areas C & D)* • Repair and retrofit the remainder of the inland walkway and pipeway (approximately 2,886 feet total – Areas A & B)* • Renovate associated facility structures, electrical, mechanical and piping systems, and west fire monitoring station, as necessary

* As discussed in more detail in Section 2.0, Project Description, the approachway is divided for renovation purposes into four areas: Area D (at the north end of the approachway closest to Berth 1); Area C; Area B; and Area A (see Figure 2-4). Each area is denoted by specific bents (a section of piles and pile cap).

⁴ While in lease holdover status, the Avon Terminal is continuing to operate under the terms of its existing lease while a decision on a new lease is pending.

1 Following proposed MOTEMS compliance renovation and demolition, the new 30-year
2 lease would expand temporarily from the 11.24-acre parcel of sovereign land on which it
3 currently operates to a 15.4236-acre parcel to allow additional lease area for renovation
4 and demolition activities. When demolition of Berth 5 is complete and all of the Berth 5
5 structure is removed, the lease area would be reduced to a 13.33-acre parcel, removing
6 the area that had encompassed Berth 5. No changes to Avon Terminal operations are
7 proposed. The net overall increase in lease area for the Avon Terminal is due to the
8 increased area of Berth 1A, and would not result in any changes to Avon's ship traffic or
9 product throughput.

10 **1.2 PROJECT OBJECTIVE**

11 The Applicant has identified the following basic objective for the Project:

12 *To obtain a CSLC lease to continue operations at, and maintain existing transport*
13 *levels of petroleum products for marketing through, the upgraded Avon Terminal,*
14 *thereby maintaining the operation and viability of Tesoro's associated Golden Eagle*
15 *Refinery.*

16 **1.3 OVERVIEW OF THE ENVIRONMENTAL REVIEW PROCESS**

17 CEQA's primary objectives are to:

- 18 • ensure that the significant environmental effects of proposed activities are
19 disclosed to decision makers and the public,
- 20 • identify ways to avoid or reduce environmental damage,
- 21 • prevent environmental damage by requiring implementation of feasible
22 alternatives and/or mitigation measures,
- 23 • make public the reasons for agency approval of projects with significant
24 environmental effects,
- 25 • foster interagency coordination in the review of projects, and
- 26 • enhance public participation in the planning process.

27 With certain limited exceptions, CEQA requires all State and local government agencies
28 to consider the environmental consequences of projects over which they have
29 discretionary authority before taking action on those projects. It establishes both
30 procedural and substantive requirements that agencies must satisfy to meet CEQA's
31 objectives. In accordance with these requirements, the CSLC, as the lead agency with
32 decision-making authority over Tesoro's Project, must first assess whether the Project
33 would result in significant environmental impacts. Because the CSLC determined,
34 based on Tesoro's lease application, that the Project could result in significant
35 environmental impacts, CEQA requires that the CSLC prepare an EIR analyzing both

1 the proposed Project and a reasonable range of potentially feasible alternatives. Other
2 key requirements include carrying out specific noticing and distribution steps to
3 maximize public involvement in the environmental review process and developing a
4 plan for implementing and monitoring the success of the identified mitigation measures.

5 The EIR is an informational document used in the planning and decision-making
6 process. It is not the purpose of an EIR to recommend either approval or denial of a
7 project. Consistent with CEQA requirements, the CSLC has engaged in a good-faith,
8 reasonable effort toward full public disclosure of the potential effects of Tesoro's Project.
9 Prior to a decision on whether and how to issue the lease requested by Tesoro, the
10 CSLC must certify that (State CEQA Guidelines, § 15090, subd. (a)):

- 11 • the final EIR has been completed in compliance with CEQA,
- 12 • the final EIR was presented to the CSLC and the CSLC reviewed and considered
13 the information contained in the final EIR prior to approving the project, and
- 14 • the final EIR reflects the CSLC's independent judgment and analysis.

15 In addition to disclosing the environmental effects, CEQA requires that a lead agency:
16 (1) avoid or reduce significant effects to the extent feasible (Pub. Resources Code, §
17 21002), and (2) prepare written findings of fact for each significant environmental impact
18 identified in the document upon certification of the EIR and prior to approval of the
19 Project (State CEQA Guidelines, § 15121, subd. (b)). The possible findings are (State
20 CEQA Guidelines, § 15091, subd. (a)):

- 21 • changes or alterations have been required in, or incorporated into, the Project,
22 which avoid or substantially lessen the significant environmental effect as
23 identified in the final EIR;
- 24 • such changes or alterations are within the responsibility and jurisdiction of
25 another public agency and not the CSLC. Such changes have been adopted by
26 such other agency or can and should be adopted by such other agency; or
- 27 • specific economic, legal, social, technological, or other considerations make
28 infeasible the mitigation measures or project alternatives identified in the final
29 EIR.

30 Under CEQA, if the CSLC finds that the above-specified considerations make identified
31 mitigation measures or alternatives infeasible, and as a result, implementation of the
32 Project would result in the occurrence of one or more significant effects, the CSLC
33 would only be allowed to approve the lease if it prepares a written statement that the
34 Project's environmental benefits (including economic, legal, social, technological, or
35 other region-wide or statewide benefits) outweigh the unavoidable adverse
36 environmental effects. This statement of "overriding considerations" must be supported
37 by the specific reasons and evidence in the record for making such a determination.

1 **1.4 USE OF THIS EIR**

2 The CSLC, as lead agency, is responsible for considering the effects, both individual
 3 and collective, of all activities involved in a project, while each responsible agency is
 4 responsible for considering only the effects of those activities involved in a project that it
 5 is required by law to carry out or approve (Pub. Resources Code, § 21002.1, subd. (d)).
 6 The State CEQA Guidelines indicate that the EIR should identify the ways in which the
 7 lead and responsible agencies would use this document in the approval or permitting
 8 processes. The following subsections summarize the roles of the agencies and the
 9 public participation process for this EIR.

10 **1.4.1 The CSLC’s Role**

11 In administering the sovereign land underlying Tesoro’s project, the CSLC has
 12 discretionary authority in determining whether to approve Tesoro’s request for a 30-year
 13 lease. In addition, the CSLC’s Marine Facilities Division has regulatory responsibility
 14 over the proposed renovations at the Avon Terminal pursuant to MOTEMS (Cal. Code
 15 Regs., tit. 24, § 3101F et seq.), which apply to all existing and new marine oil terminals
 16 in California.⁵ These renovations are analyzed in this EIR because they are a factor in
 17 the CSLC’s consideration of whether to grant a new 30-year lease to Tesoro.

18 **1.4.2 Responsible and Coordinating Agencies/Permitting**

19 The Project may require permits and approvals from other local, State, federal, and/or
 20 regional reviewing authorities and regulatory agencies that may have oversight over
 21 aspects of the Project activities, including the agencies listed in Table 1-2.

Table 1-2: Agencies with Potential Project Oversight

Local and Regional	Contra Costa County
	Bay Area Air Quality Management District (BAAQMD)
State	California Air Resources Board (CARB)
	California Building Standards Commission (CBSC)
	California Coastal Commission (CCC)
	California Department of Fish and Wildlife (CDFW), including Office of Spill Prevention and Response (OSPR)
	California Department of Resources Recycling and Recovery (CalRecycle)

⁵ MOTEMS include criteria for: audits; maintenance; inspection; structural and seismic analysis and design; mooring and berthing; geotechnical considerations (including site-specific assessment); and analysis and review of the fire, piping, mechanical, and electrical systems. MOTEMS requires each terminal to conduct periodic audits and inspections to determine its level of compliance, and an evaluation of the continuing fitness-for-purpose of the facility. Depending on the results, operators (such as Tesoro) must then determine what actions are required and provide Marine Facilities Division staff with a schedule for implementation of deficiency corrections and/or rehabilitation.

State (continued)	California Department of Transportation (Caltrans)
	California State Fire Marshal (CSFM)
	California State Historic Preservation Office (SHPO)
	San Francisco Bay Conservation and Development Commission (BCDC)
	San Francisco Bay Regional Water Quality Control Board (SFBRWQCB)
	State Water Resources Control Board (SWRCB)
Federal	National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS)
	U.S. Army Corps of Engineers (USACE)
	U.S. Coast Guard (USCG)
	U.S. Environmental Protection Agency (USEPA)
	U.S. Fish and Wildlife Service (USFWS)

1 While permits could vary, requirements likely to apply to the Project include compliance
2 with the following:

- 3 • All regulations under the authority of the Public Resources Code section 8750, et
4 seq., USCG, and/or CSFM inspection requirements and regulations for a marine
5 oil terminal operations manual;
- 6 • California Marine Invasive Species Act of 2003 (Pub. Resources Code, §§
7 71200–71271), including subsequent amendments;
- 8 • OSPR regulations and guidelines for oil spill response plans, including spill
9 prevention, response planning, and response capability (Gov. Code, § 8670.28);
- 10 • USCG Certificate of Adequacy as an oily waste reception facility (33 Code of
11 Federal Regulations [CFR] § 158); and
- 12 • Federal, State, and local regulations and standards regarding air pollutant
13 emissions, including a BAAQMD Major Facility Review Permit.

14 Other requirements that might be triggered by renovation, demolition, or other regulated
15 Project activities may include compliance with the following:

- 16 • California Building Code and construction permitting requirements of local
17 jurisdictions;
- 18 • BCDC permit(s);
- 19 • Provisions of the federal and State Endangered Species Acts, including USFWS
20 and/or NMFS Section 7 Consultation;
- 21 • Federal Clean Water Act (CWA) stipulations regarding placement of fill materials
22 in jurisdictional waters of the United States, including USACE CWA Section 404
23 Permit and Rivers and Harbors Act Section 10 Permit;

- 1 • SFBRWQCB Section 401 Water Quality Certification and National Pollutant
2 Discharge Elimination System Permit requirements;
- 3 • Federal and State protection of cultural, historical, and paleontological resources,
4 including State Historic Preservation Office Section 106 Permit; and
- 5 • CSLC lease and Dredged Material Management Office requirements for dredging
6 adjacent to the Project area.

7 Additional information on relevant regulations and likely compliance requirements for
8 various types of resources is presented in Section 4.0, Environmental Impact Analysis.

9 **1.4.3 Public Participation**

10 Opportunities for public involvement in the EIR process are summarized below.

11 **Scoping**

12 On April 2, 2014, pursuant to CEQA section 21080.4 and State CEQA Guidelines
13 section 15082, subdivision (a), the CSLC provided a Notice of Preparation (NOP) for the
14 Project to responsible and trustee agencies and to other interested parties. Through the
15 NOP, the CSLC solicited both written and verbal comments on the EIR's scope during a
16 30-day comment period and provided information on a forthcoming public scoping
17 meeting. On April 22, 2014, the CSLC staff held a public and agency scoping meeting in
18 the city of Martinez to solicit verbal comments on the scope of the EIR. Verbal
19 comments were received in response to the NOP from the following:

- 20 • Tom Griffith, Martinez Environmental Group;
- 21 • Bill Nichols, Martinez Environmental Group;
- 22 • Jim Neu, Martinez resident;
- 23 • Guy Cooper, Martinez resident; and
- 24 • Aimee Durfee, Martinez resident.

25 Written comments were received in response to the NOP from the following:

- 26 • Jim Neu, Martinez resident;
- 27 • Erik Alm, AICP, District Branch Chief, Local Development – Intergovernmental
28 Review, Caltrans; and
- 29 • Scott Wilson, Regional Manager, CDFW, Bay Delta Region.

30 Appendix A contains a copy of the NOP, mailing list, comment letters received, and an
31 index indicating where the scoping comments are addressed in the EIR.

1 Public Comment

2 This EIR is being circulated to local, regional, federal, and State agencies; property
3 owners and occupants adjacent to the Project; and to other interested parties. Written
4 comments may be submitted to the CSLC during a 45-day public review period. Verbal
5 and written comments on this EIR will be accepted at a noticed public meeting (either
6 noticed in this document or under separate cover). All comments received will be
7 addressed in a finalizing addendum, which, together with this EIR, will constitute the
8 Final EIR for the Project.

9 EIR Information and Repository Sites

10 Placing CEQA documents in “repository” sites in or near the Project area can be an
11 effective way to provide ongoing information about a project to the public. This EIR is
12 available for public review at the locations listed below and is also posted on the CSLC
13 website (www.slc.ca.gov, under the “Information” tab and “CEQA Updates” link).

Martinez Library 740 Court Street Martinez, CA 94553 (925) 646-2898	CSLC, Marine Facilities Division 750 Alfred Noble Dr., Ste. 201 Hercules, CA 94547 (510) 741-4950	CSLC, Division of Environmental Planning and Management 100 Howe Ave., Ste. 100-South Sacramento, CA 95825 (916) 574-1310
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14 1.5 PURPOSE AND SCOPE OF THE EIR

15 1.5.1 Baseline Conditions

16 The purpose of an EIR is “to provide public agencies and the public in general with
17 detailed information about the effect which a proposed project is likely to have on the
18 environment; to list ways in which the significant effects of such a project might be
19 minimized; and to indicate alternatives to such a project” (Pub. Resources Code §
20 21061). With an existing, ongoing operation for which an applicant is seeking
21 entitlements to continue activities (rather than to initiate new activities), both the project
22 and the baseline condition against which significant impacts are to be measured must
23 be defined carefully to ensure that the environmental analysis focuses on any proposed
24 changes that constitute the project. With respect to the environmental setting assumed
25 for the impact analysis, State CEQA Guidelines section 15125, subdivision (a) states:

26 *An EIR must include a description of the physical environmental conditions in the*
27 *vicinity of the project, as they exist at the time the notice of preparation is published,*
28 *or if no notice of preparation is published, at the time environmental analysis is*
29 *commenced, from both a local and regional perspective. This environmental setting*
30 *will normally constitute the baseline physical conditions by which a Lead Agency*
31 *determines whether an impact is significant. The description of the environmental*

1 *setting shall be no longer than is necessary to an understanding of the significant*
2 *effects of the proposed project and its alternatives.*

3 The California Supreme Court confirmed that, while conditions at the time of the NOP
4 “normally” constitute the baseline for the environmental analysis under CEQA, the lead
5 agency has flexibility in defining the appropriate baseline (*Communities for a Better*
6 *Environment v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 328).
7 Therefore, CEQA allows a lead agency some leeway in its determination of the baseline
8 by stating that the environmental setting at the time the NOP is published will “normally”
9 constitute the baseline physical conditions against which the impacts of a project are
10 evaluated. In some instances, as here, where an existing operation is present, and the
11 level of that operation can vary substantially from year to year, a lead agency may opt to
12 consider a more representative baseline, such as an average level of operations over a
13 period of years to characterize that existing operation.

14 The vessel traffic numbers used as the baseline for the analysis in this EIR is the
15 average number of vessel calls per year from 2004 to 2013 (i.e., the average of the 10
16 years of Avon Terminal operations that occurred prior to publication of the NOP for this
17 EIR). This approach recognizes that the number of vessels using the Avon Terminal can
18 fluctuate substantially from year to year, depending on Refinery operations, economic
19 conditions, and other factors. The average of the 10 years of Terminal operations best
20 characterizes the overall level of vessel traffic activity at the time the NOP was
21 published, without singling out a specific year that may have experienced unusually high
22 or low numbers of vessel calls due to economic conditions and other factors. This
23 environmental setting will constitute the baseline physical conditions by which the CSLC
24 will determine whether or not impacts from the proposed Project and alternatives are
25 significant. The impacts of the Project are defined as changes to the environmental
26 setting that are attributable to Project components, renovation, or continued operations.

27 **1.5.2 Study Area Boundary**

28 The scope of this EIR covers the significant environmental impacts associated with the
29 continued operation of, and MOTEMS compliance renovation (construction of Berth 1A,
30 repair and rebuild of the approachway, and removal of Berth 5) at the Avon Terminal,
31 with particular emphasis on oil transfer operations and vessel transit along shipping
32 routes within San Francisco Bay and along the outer coast, during the proposed 30-year
33 lease period. This scope does not cover construction at, operation of, or maintenance to
34 any associated Tesoro-owned upland facilities, including the Refinery. A brief
35 description of the environmental setting within the Project area is provided in Sections
36 4.1 through 4.11, 6.0, and 7.0 of this EIR, as it pertains to understanding the significant
37 effects of the proposed Project and its alternatives relative to each environmental factor
38 (e.g., biological resources, water quality, etc.) analyzed in the EIR.

1 The environmental setting includes other projects in the Project area, since the
 2 proposed Project and these other projects may have a “cumulative impact” on the
 3 environment; State CEQA Guidelines section 15130 requires that an EIR discuss the
 4 cumulative impacts of a project when the project’s incremental effect is “cumulatively
 5 considerable.”⁶ Section 3.0, Alternatives and Cumulative Projects, defines the
 6 geographic scope of the cumulative analysis (“Cumulative Projects Study Area”) and
 7 lists projects to be included in the cumulative environment.

8 **1.5.3 Impacts of Proposed Project and Summary of Alternatives Evaluated**

9 This EIR identifies the potential significant environmental impacts of the Project on the
 10 existing environment, and indicates if and how those impacts can be avoided or
 11 reduced by mitigation measures and/or Project alternatives. This document is intended
 12 to provide the CSLC with the information required to decide whether to issue the lease
 13 required to continue operations at the Avon Terminal. As described in more detail in
 14 Section 4.0, Environmental Impact Analysis, and Section 6.0, Commercial and Sport
 15 Fisheries, potentially significant impacts or no significant impacts are anticipated for the
 16 following resource areas:

<i>Potentially Significant Impacts</i>	<i>No Significant Impacts</i>
<ul style="list-style-type: none"> • Operational Safety/Risk of Accidents • Biological Resources • Water Quality • Land Use and Recreation • Visual Resources, Light and Glare • Commercial and Sport Fisheries 	<ul style="list-style-type: none"> • Air Quality • Greenhouse Gas Emissions and Climate Change • Geology, Sediments, and Seismicity • Cultural Resources • Land-based Transportation • Noise

17 Pursuant to State CEQA Guidelines section 15126, subdivision (d), an EIR must also
 18 describe and evaluate a reasonable range of alternatives that would feasibly attain most
 19 of the Project’s basic objectives, and, when feasible, would avoid or substantially lessen
 20 any of the significant impacts of the Project as proposed. The State CEQA Guidelines
 21 also state that the range of alternatives required to be evaluated in an EIR is governed
 22 by the “rule of reason”—that is, an EIR needs to describe and evaluate only those
 23 alternatives necessary to permit a reasoned choice, and to foster informed decision
 24 making and public participation. This EIR will be used by the CSLC in determining
 25 whether to approve Tesoro’s proposal for a new 30-year lease of State sovereign lands.

⁶ Cumulative impacts are defined as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts” (State CEQA Guidelines, § 15355). A project has “cumulatively considerable” impacts when its incremental effects “are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects” (Pub. Resources Code, § 21083, subd. (b)).

1 The following is a summary of the alternatives analyzed in this EIR. They are explained
2 in greater detail in Section 3.0, Alternatives and Cumulative Projects.

- 3 • **No Project.** Under Alternative 1, Tesoro's Avon Terminal lease would not be
4 renewed and the existing Avon Terminal would be subsequently
5 decommissioned. Tesoro would have to pursue other means of export to
6 continue to meet existing regional demands and the current throughput from the
7 Avon Terminal. Options that Tesoro might pursue include: (1) transitioning the
8 Amorcó Terminal (currently an import-only facility) to absorb export operations
9 from the Avon Terminal; (2) land-based alternatives such as pipeline, rail, or
10 truck transportation; or (3) some combination of these alternatives. All of these
11 alternatives would require the construction or modification of facilities and
12 infrastructure, as well as lengthy and complex regulatory processes and
13 subsequent environmental review. This alternative assumes Refinery operations
14 would be dependent on various other sources to export petroleum products
15 (including premium fuel oil, gas oil, diesel, and cutter stock) from the Refinery to
16 tanker vessels.
- 17 • **Restricted Lease Taking Avon Terminal Out of Service for Oil Transport.**
18 Under Alternative 2, Tesoro's Avon Terminal lease would be renewed with
19 modification to restrict its allowed use. The existing Avon Terminal would be left
20 in place, but would be taken out of service for any petroleum produce transfer.
21 This alternative also assumes Refinery operations would be dependent on
22 various other sources to export petroleum products to meet regional refining
23 demands.

24 1.5.4 Organization of the EIR

25 In addition to this Introduction, the EIR contains the following sections.

- 26 • **Section 2.0 – Project Description** describes the proposed Project, its location
27 and components, an overview of MOTEMS compliance renovation and
28 operation, and schedule.
- 29 • **Section 3.0 – Alternatives and Cumulative Projects** describes the alternatives
30 to the Project carried forward for analysis, the alternatives that were considered
31 but eliminated from detailed evaluation, and those projects considered during the
32 evaluation of cumulative impacts to the Project.
- 33 • **Section 4.0 – Environmental Impact Analysis** describes existing
34 environmental conditions within issue areas, Project-specific impacts and
35 associated mitigation measures, and includes impact analysis of Project
36 alternatives and cumulative impacts.
- 37 • **Section 5.0 – Other Required CEQA Sections** addresses other required CEQA
38 elements, including evaluation of growth-inducing impacts of the Project.

- 1 • **Section 6.0 – Commercial and Sport Fisheries** addresses impacts on these
2 resources.
- 3 • **Section 7.0 – Socioeconomics and Environmental Justice** describes existing
4 conditions and Project-related effects related to socioeconomics and
5 environmental justice.
- 6 • **Section 8.0 – Mitigation Monitoring Program** provides a tabular summary of all
7 applicant-proposed measures and recommended mitigation measures identified
8 to avoid or reduce significant impacts, the party(ies) responsible for tracking each
9 mitigation measure, and how compliance with the mitigation measure would be
10 reported.
- 11 • **Section 9.0 – List of Preparers and References** presents information on the
12 individuals who prepared the EIR and their qualifications, and a list of reference
13 materials used to prepare the EIR.

14 The EIR also contains ~~six~~ seven appendices.

- 15 • **Appendix A** – includes the EIR distribution list of agencies/organizations and
16 individuals that will receive notice that the EIR is available, a copy of the NOP, an
17 index indicating where all scoping comments are addressed in the EIR, and a
18 copy or transcript of each letter received in response to the NOP and verbal
19 comment presented at the scoping meetings.
- 20 • **Appendix B** – contains the oil spill trajectory models and results that were used
21 as part of the risk of accidents analysis.
- 22 • **Appendix C** – includes tabular lists of the biological resources in the study area.
- 23 • **Appendix D** – includes detailed baseline condition and annual operating
24 emissions calculations and renovation-related emissions calculations.
- 25 • **Appendix E** – contains the Project-related Native American Heritage
26 Commission correspondence.
- 27 • **Appendix F** – includes tabular lists of San Francisco Bay charter boat and
28 commercial fisheries landings for catch block 308.
- 29 • **Appendix G** – contains the Osprey Nest Deterrence and Relocation Plan.

30 Information from relevant documents, including the Tesoro Amorco Marine Oil Terminal
31 Lease Consideration Project Final EIR (CSLC 2014, SCH No. 2012052030), Shell
32 Martinez Marine Terminal Lease Consideration Project EIR (CSLC 2011, SCH No.
33 2004072114), and Shore⁷ Marine Oil Terminal Lease Project Final EIR (CSLC 2012,

⁷ Formerly known as the Wickland Marine Oil Terminal, this marine oil terminal is currently known as the Shore Selby Terminal under current ownership by NuStar.

1 SCH No. 2007112108) has been referenced, as appropriate, for the preparation of this
2 EIR. Information from previous EIRs pertinent to oil spill modeling has been reviewed
3 for applicability to the Project. The types of significant impacts that could occur from
4 vessels transiting to and/or from the Avon Terminal in the San Francisco Bay and along
5 the outer coast have remained similar to impacts discussed in previous analyses.
6 Particularly relevant are the data presented in the Amorcó and Shell Martínez Marine Oil
7 Terminal EIRs, as both Tesoro and Shell facilities are located on the Carquinez Strait,
8 just west of the Benicia-Martínez Bridge (refer to Figure 1-1). Other resource information
9 referenced has been reviewed for the age of data and validity to the current Project.
10 Where appropriate, these information sources have been included.