

APPENDIX A: EIR DISTRIBUTION LIST, NOTICE OF PREPARATION
(NOP), INDEX TO LOCATION WHERE EACH NOP COMMENT IS
ADDRESSED IN THE EIR, AND COMMENTS ON THE NOP

<u>Name</u>	<u>Agency/Organization</u>
Suzanne Bourguignon	Bay Area Air Quality Management District
Suzi Betzler	CA Dept. of Boating and Waterways
Scott Flint	CA Dept.Fish & Wildlife
Scott Wilson	CA Dept.Fish & Wildlife, Dist 3
Denise Tsuji	CalEPA DTSC
Office of Historic Preservation	Calif. Dept. of Parks and Recreation
Elizabeth Fuchs	California Coastal Commission
Allison Dettmer	California Coastal Commission
Brenda Buxton	California Coastal Conservancy
Royer Johnson	California Energy Commission Environmental Office
Erik Alm	Caltrans District 4
Ron Helgeson	Caltrans-Planning MS32
Maurice Shiu	Contra Costa County Flood Control and Water Conservation District
	Contra Costa County Public Works
	Contra Costa Fire Protection District
Louis Pascalli	Contra Costa Health Services HAZ/MAT Occupational Health
Chair	Delta Protection Commission
Noah Tilghman	Department of Parks and Recreation
Bud Getty	Department of Parks and Recreation
Roseanne Taylor	Dept. of Conservation

<u>Name</u>	<u>Agency/Organization</u>
Christine Sproul	Dept. of Justice, Office of the Attorney General Dept. of Toxic Substances Control
Mike Aceituno	NOAA - NMFS Central Valley
Patrick Rutten	NOAA Marine Fisheries Service
Hans Kreutzberg	Office of Historic Preservation
Andrew Barnsdale	Public Utilities Commission
Nadell Gayou	Resources Agency
	San Francisco Bar Pilots Association
Jamie Michaels	San Francisco Bay Conservation and Development Commission
Linda Scourtis	San Francisco Bay Conservation and Development Commission
Rafael Montes	San Francisco Bay Conservation and Development Commission
Bruce Wolf	SF Regional Water Quality Control Board
Craig S. Vassel	U.S. ACE, Planning Branch, SF District
Tom Yocum	U.S. Environmental Protection Agency
Mark Merchant	U.S. EPA
David Tomasovic	U.S. EPA CMD-2
Jan Knight	U.S. Fish and Wildlife Service
Rick Morat	U.S. Fish and Wildlife, Division of Ecological Services
Point Reyes – Farallon Islands	National Marine Sanctuary
Mike Tollstrup	Air Resources Board, Industrial Projects PTSDAQTPB

<u>Name</u>	<u>Agency/Organization</u>
Peggy Saika	Asian Pacific Environmental Network
Brian Wiese	Association of Bay Area Governments
Kathleen Van Velsor	Association of Bay Area Governments
	Bay Institute of San Francisco
	Baykeeper
Pierre T. Bidou	Benicia Marina
John Wolthuis	C&H Sugar Company
Alice Bulos	California Health Initiatives, Inc.
Marina Ortega	California Indians for Cultural and Environmental Protection
Lee Allen	California Maritime Academy
Jerry A. Aspland	California Maritime Academy
Amagda Perez	California Rural Legal Assistance Foundation
John Beuttler	California Sportfishing Protection Alliance
Patrick Roch	CCC Community Development Dept.
Bob Twiss	Center for Environmental Design Research
Warner Chabot	Center for Marine Conservation
	Central Contra Costa Sanitary District
	Children's Environmental Health Network
Carey Corbaley	City of Benicia
Mike Alvarez	City of Benicia Parks and Recreation

<u>Name</u>	<u>Agency/Organization</u>
Beth Bartke	City of Hercules
Terry Segerberg	City of Hercules
	City of Martinez
Dina Tasini	City of Martinez Community Dept.
Anthony Intintoly	City of Vallejo
Adrienne Bloch	Communities for a Better Environment
George Miller	Congressmember
Jeff Wilkes	ConocoPhillips
Gayle Uilkema	Contra Costa County Board of Supervisors
Karl Malamud-Roam	Contra Costa Mosquito and Vector Control District
	Contra Costa Resource Conservation District
Lucretia Edwards	Contra Costa Shoreline Parks Commission
Ron Wilson	Crockett Recreation
Bill Curtiss	Earthjustice Legal Defense Fund
Mike Howe	East Bay Community Foundation
Ted Radke	East Bay Regional Park District
Arlene Wong	EJ Water Coalition c/o Pac. Inst. Environ. Studies
	Environmental Defense
Terry Young	Environmental Defense Fund
Amanda Werhane	Environmental Justice Fund

<u>Name</u>	<u>Agency/Organization</u>
Alan Ramo	Environmental Law and Justice Clinic
William Tanner	Exxon Company USA -State Government Public Affairs
Barbara Davis	Friendship House Assoc. of American Indians, Inc.
Patricia Gloyd	Greater Vallejo Recreation District
Bob Keith	Greater Vallejo Recreation District Greenaction
Stewart J. Grant	Harbor Safety Comm, SF Bay Region,C/O Marine Exch of SF Bay Region
Jan White, Phd	International Wildlife Rehabilitation Council
Michael Demetrios	Marine World/Africa USA
Richard Pearson	Martinez Community Development Dept.
Tina Batt	Muir Heritage Land Trust
Robin Leong	Napa-Solano Audubon Society
Debbie Treadway	Native American Heritage Commission Natural Resources Defense Council
John Patton	Oceanic Society, S. F. Bay Chapter
W.F. "Zeke" Grader	Pacific Coast Federation of Fishermen's Associations
Donald Curran	Pacific Crockett Energy, Inc. 550 Loring Avenue Pacific Institute
John-Paul Nepote	Plains Products Terminals, LLC
Jeff Grotte	Planning Collaborative

<u>Name</u>	<u>Agency/Organization</u>
Al Zurawski	Red and White Fleet Rhone Poulenc North American Chemicals
Myrna Hayes	Save San Pablo Baylands
Gordon Johnson	Shell Oil Products US Environmental Affairs
Joe Huffman	Shore Terminals, LLC Sierra Club, S. F. Bay Chapter
Barbara Kondylis	Solano County
John Taylor	Solano County Environmental Management Dept
Tom Torlakson	State Senate, District 7 Ultramar, Inc.
Ashley Phillips	United Anglers United Indian Nations
Rachel Peterson	Urban Ecology
Commanding Officer	USCG MSO (MEP) Vallejo Convention & Visitors Bureau
Lisa Hammon	WCC Transportation AC
Jean Siri	Western Contra Costa County Conservation League
Bill Nichols	Martinez Environmental Group
Tom Griffith	Martinez Environmental Group

Individuals

Maria D Aguilar
Maria D Aguilar
Russ L Andrews
Jose M Argenal
Roger W Bacon
Alexander Bayardo
Robert L Bennett
Sonny Bennett
Ramona K Bond
Kim M Bravos
Lenee C Brazzell
Luther R Brinlee
Lindsay Brown
Lisa R Butler
George F Calatrello
Richard A Cardenas
Sean Carver
Bonnie D Casey
Connie Catalan
Cheryl A Cerezo

Individuals

Candice L Clemmons
Edwin J Cobos
Guy Cooper
Beverly J Craven
Lorraine Darrah
Lauren E Davis
Theopolis S Davis
Tiffany Davis
Terry R Decarlo
Ray D Decker
Paul E Dobie
Rosemary Douglass
Alan R Downing
Rick J Duncan
De E Duque
Aimee Durfee
Bridget Eason
Erik D Ebding
Deborah J Erwin
Jillian Esparza

Individuals

Clifford F Esslinger
Gary R Etscheid
Kirk R Fidler
Luisa Fonseca
Edward A Foreman
Seamus P Foskin
Lillie M Grisham
Sonia Guerrero
N Guzman
Ivan E Herrera
James L Hise
Floyd H Hunteman
Martin P Jimenez
Richard J Joachim
Richard J Joachim
Ryan Johnson
Bennie R Kennedy
Ronald R Kennedy
Alexandra M Kranyak
James A Krummen

Individuals

Glenn W Lamb
Olga Lemesh
Juan P Leon
Apolinar V Leon
Anneli F Loeffler
Juan F Lopez
Margarito L Lopez
Jose P Lopez
Fidelia Lopez
Christina Lopez
Michael G Malko
David J Marieiro
Margarett E Martin
Elsie E Martin
Margaret C Martinez
Ernesto Martinez
Larry W Mattox
Hoi M Mo
Carl Montano
George E Moore

Individuals

Phillip Morse
Gina Morse
Dustin A Murch
Jim Neu
Vinh Nguyen
Zorahayda N Noguera
Milagros J Ojermark
Yumi Okari
Sarah N Passot
Christina Paulson
Charlotte K Peebles
Ronald D Pence
Roberto D Perez

Individuals

Brenton D Phillips
Matt L Pousson
Brad Preston
Daniel Ramos
Daniel S Rochin
Danny S Rochin
Consuelo M Rodriguez
Michael Rogala
Linda S Roman
Sergio F Ruan
Guadalupe Ruan-Duarte
Angel O Rubio
Louella Selph

Individuals

Nicolas Sergi
Chris A Shelton
Patsy A Silverfoote
Kevin D Skinner
Adam Smith
Patricia A Sommers
Jason D Sterry
Robert D Stolinski
John M Stone
Bonnie Sublett
Patricia E Tice
Philip A Toye
Kristen Vandenbaard

Individuals

Claudia Vasquez
Rafael A Villalobos
Miguel C Villasenor
Doyle L Walker
Kevin R Webb
Lawrence E Wightman
Elton J Williams
Sara R Willis
Kelli M Wong
Marilani R Wright
Adam C Youree
Aimee L Zamora
Filemon B Zepeda

CALIFORNIA STATE LANDS COMMISSION

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



Established in 1938

JENNIFER LUCCHESI, Executive Officer

(916) 574-1800 FAX (916) 574-1810
California Relay Service from TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1890

Contact FAX: (916) 574-1885

April 2, 2014

**NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT
AND NOTICE OF PUBLIC SCOPING MEETING**

File Ref: SCH No. 2014042013
CSLC EIR No. 761;
PRC 3454.1; W30068.19

NOTICE IS HEREBY GIVEN that the California State Lands Commission (CSLC), as Lead Agency under the California Environmental Quality Act (CEQA), will prepare an Environmental Impact Report (EIR), and that CSLC staff will hold a public scoping meeting, pursuant to CEQA (Pub. Resources Code § 21083.9, subd. (a)(2)) and the State CEQA Guidelines (§§ 15082, subd. (c) and 15083), for the project listed below.¹

- Project Title:** **TESORO AVON MARINE OIL TERMINAL LEASE CONSIDERATION** (New 30-year lease to Tesoro Refining and Marketing Company to continue current operations of the Avon Marine Oil Avon Terminal.)
- Applicant:** Tesoro Refining and Marketing Company, LLC (Tesoro)
150 Solano Way
Martinez, CA 94553
- Project Location:** The Avon Marine Oil Terminal is located in the Carquinez Strait, approximately 1.75 miles east of the Benicia-Martinez Bridge, in unincorporated Contra Costa County (**Figure 1**)
- Meeting Information:** **Tuesday, April 22, 2014**; sessions begin at **3:00 PM** and **5:30 PM**
City of Martinez City Council Chambers
525 Henrietta Street
Martinez, CA 94553

The CSLC staff has prepared this Notice of Preparation (NOP) in order to obtain agency and the public's views, in writing and/or at the public meeting, as to the scope and content of the environmental analysis, including the significant environmental issues, reasonable range of alternatives, and mitigation measures that should be included in the EIR. Applicable agencies will need to use the EIR when considering related permits

¹ CEQA is found in Public Resources Code section 21000 et seq. The State CEQA Guidelines are found in California Code of Regulations, Title 14, section 15000 et seq.

or other approvals for the Project. This Notice is also available online at www.slc.ca.gov (under the “Information” tab and “CEQA Updates” link).

Written comments must be received or postmarked by May 1, 2014 (State CEQA Guidelines § 15103 requires that responses to a NOP must be provided within 30 days). Please send your comments at the earliest possible date to:

Sarah Mongano Senior Environmental Scientist California State Lands Commission 100 Howe Avenue, Suite 100-South Sacramento, CA 95825	E-mail: CEQAcomments@slc.ca.gov FAX: (916) 574-1885 Phone: (916) 574-1890
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PROJECT SUMMARY

Tesoro has applied to the CSLC to implement the Tesoro Avon Marine Oil Terminal Lease Consideration (Project) (Lease No. PRC 3454.1). Please see Attachment 1 for more details. The proposed Project has three components.

- Tesoro is seeking approval from the CSLC for a new 30-year lease to continue current operations of the Avon Marine Oil Terminal (Avon Terminal). The Avon Terminal exists and is currently operating; however, issuance of a new 30-year lease will require the preparation of an EIR because, among other potentially significant impacts, there is an inherent risk of oil spills at any facility where petroleum product is routinely transferred over water.
- Tesoro will also be conducting upgrades on the Avon Terminal to meet Marine Oil Terminal Engineering Maintenance Standards (MOTEMS).² Upgrades will include: the decommissioning (demolition and removal) of Berth 1; construction of a new berthing area, Berth 1A; repairs, retrofits, and construction on the existing approach trestle; and demolition and removal of existing Berth 5.
- The Project also involves periodic dredging activities to maintain approximately 44 feet depth below mean lower low water (MLLW).

PUBLIC SCOPING MEETING

Each session of the scoping meeting noticed above will begin with a brief presentation on the proposed Project. The CSLC staff will then receive comments on the potential significant environmental issues, Project alternatives, and mitigation measures that should be included in the EIR, until all persons present who wish to provide oral comments have done so, at which time staff will close the session. If persons present are still providing comments 30 minutes before the scheduled start of the second session, staff may suspend the first session but will continue to take comments after the second session begins. A three-minute time limit on oral comments may be imposed.

² MOTEMS, which became effective on February 6, 2006, are codified in Chapter 31F of the California Building Code – Marine Oil Terminals (Cal. Code Regs., tit. 24, § 3101F et seq.).

IMPORTANT NOTES TO COMMENTERS

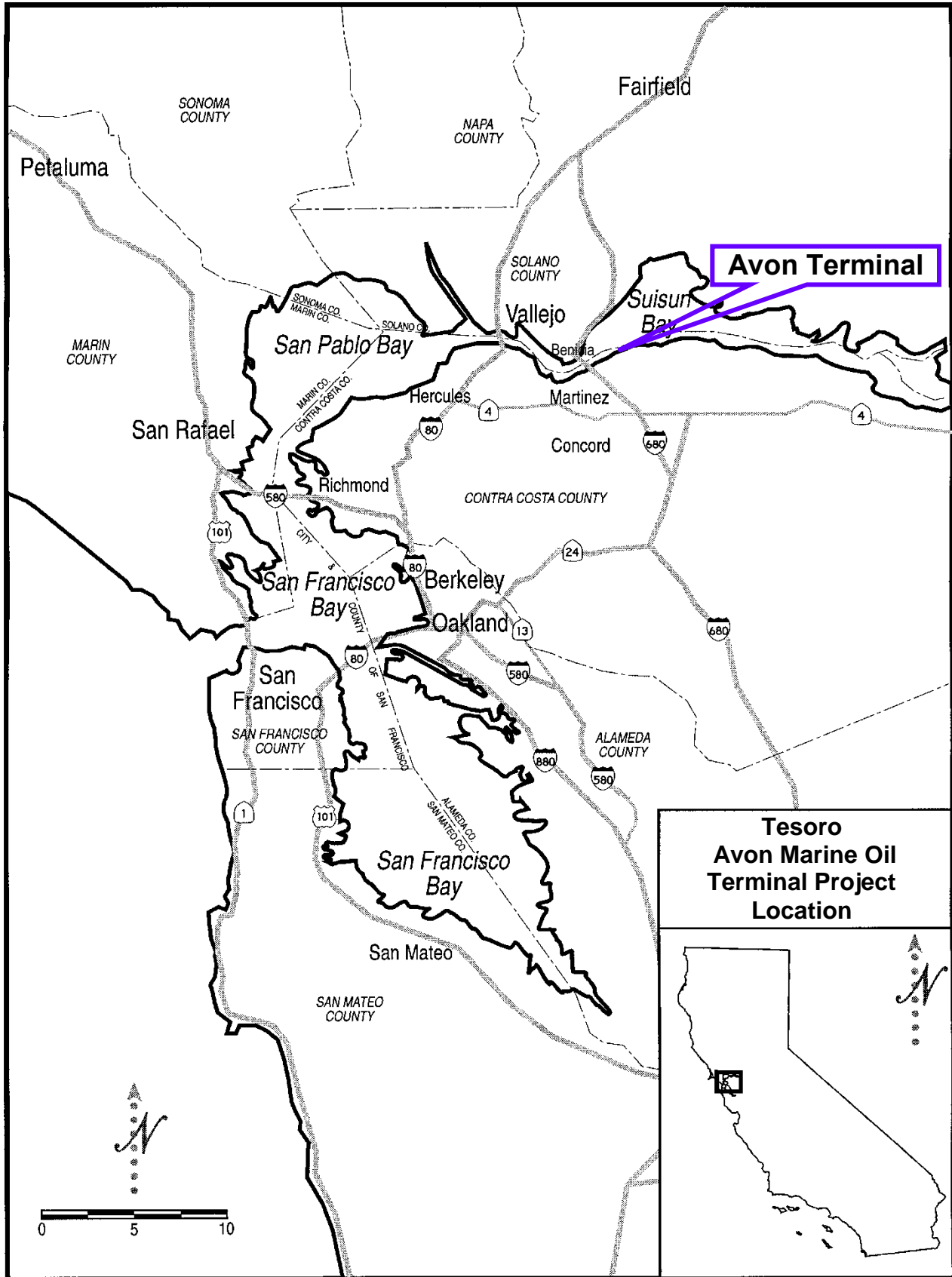
1. If you submit written comments, you are encouraged to submit electronic copies by e-mail to CEQAcomments@slc.ca.gov and write “**Tesoro Avon MOT NOP Comments**” in the subject line of your email. If written comments are faxed, please also mail a copy to ensure that a readable copy is received by this office.
2. Before including your mailing or email address, telephone number, or other personal identifying information in your comment, please be aware that the entire comment—including personal identifying information—may become publicly available, including in the EIR and posted on the Internet. The CSLC will make available for inspection, in their entirety, all comments submitted by organizations, businesses, or individuals identifying themselves as representatives of organizations or businesses.
3. If you represent a public agency, please provide the name, email address, and telephone number for the contact person in your agency for this EIR.
4. If you require a sign language interpreter, or other reasonable accommodation to conduct business with CSLC staff at the scoping meeting for a disability as defined by the Federal Americans with Disabilities Act and California Fair Employment and Housing Act, please contact the CSLC staff person listed in this NOP at least 48 hours in advance of the meeting to arrange for such accommodation.
5. Please contact the staff person listed in this NOP by phone at (916) 574-1889 or by email at sarah.mongano@slc.ca.gov if you have any questions.

Signature: _____

Date: _____

Sarah Mongano
Senior Environmental Scientist

Figure 1. Project Location



ATTACHMENT 1 PROJECT DESCRIPTION

1.0 PROJECT BACKGROUND AND LOCATION

The Avon Terminal is located in the Carquinez Strait, approximately 1.75 miles east of the Benicia-Martinez Bridge, in unincorporated Contra Costa County (see Figure 1). The existing Avon Terminal currently operates on approximately 11.24 acres of sovereign (state owned) land leased from the CSLC (PRC 3454.1).³ Tesoro's Golden Eagle Refinery (Refinery) is located upland approximately 0.5 mile south of the Avon Terminal and Tank Farm on approximately 2,000 acres of Tesoro-owned property. While the Refinery is not subject to a CSLC lease, the rail track and pipelines that connect the Avon Terminal to the Refinery traverse trestle structures over open bay and wetland areas, sections of which are part of Tesoro's current lease agreement.

The current Tesoro lease agreement was authorized by the CSLC with a 15-year term beginning in 1964, with the right to three additional renewal periods of 10 years. Since the lease agreement's expiration in 2009, Tesoro has operated under the "holdover" provisions of the lease (i.e., the Avon Terminal continues to operate under the terms of Lease PRC 3454.1 until the CSLC either terminates the current lease or authorizes the issuance of a new lease).

2.0 PROJECT DESCRIPTION

Tesoro Refining and Marketing Company (Tesoro) has applied to the California State Lands Commission (CSLC) for a new 30-year lease of sovereign land to allow Tesoro to continue operations at the Avon Terminal. The Avon Terminal primarily operates as an export facility, transferring refined petroleum products (including premium fuel oil, gas oil, diesel, and cutter stock) from Tesoro's Golden Eagle Refinery (Refinery), located upland approximately 0.5 mile south of the Avon Terminal, to tanker vessels. The Avon Terminal is capable of operating as both an import and export facility and infrequently imports small quantities of refinery feedstocks, as needed, however, the majority of crude oil imports are typically conducted at Tesoro's Amoco Marine Oil Terminal located approximately 2.5 miles west of the Refinery.⁴

In addition to an application for a new 30-year lease, Tesoro will also be conducting upgrades on the Avon Terminal to successfully meet the Marine Oil Terminal Engineering Maintenance Standards (MOTEMS). The Project scope will include:

- decommissioning of Berth 1;

³ The current lease area is 11.24 acres; however the lease area acreage will change under the new lease to account for the construction and demolition activities and also to accommodate the area occupied by more modern, larger vessels berthing at the terminal.

⁴ The Refinery is served by Tesoro's Avon and Amoco Marine Oil Terminals. The Refinery and Amoco Marine Oil Terminal are not part of the Avon Terminal lease. Refinery operations are addressed here only as they pertain to Avon Terminal import and export operations. The Amoco Marine Oil Terminal has a separate CSLC lease (Lease No. PRC 3453).

- construction of a new berthing area, Berth 1A; repairs, retrofits, and construction on the existing approach trestle; and
- demolition and removal of existing Berth 5.

The existing Berth 1 is located on the eastern end of the Avon wharf, with Berth 1-A to be installed immediately east, in what is currently open water. Existing Berth 5 is located on the western end of the Avon wharf and is currently inactive.

The Project also involves periodic dredging activities to maintain approximately 44 feet depth below mean lower low water (MLLW). Bathymetric surveys are conducted quarterly and maintenance dredging is only conducted as required to maintain minimum required depths. Dredging events are small and infrequent and are conducted with all required agency permits and approvals. The last Avon dredging event, conducted in 2012, entailed removal of 6,000 cubic yards of sediment. The next dredging event, which is scheduled for December 2014, is expected to remove 4,500 cubic yards of sediment.

The Project objective, as stated by the Applicant, is to maintain the operational viability of the Refinery by continuing current Avon Terminal operations through which the refinery exports its petroleum products.

3.0 PERMITS AND PERMITTING AGENCIES

In addition to action by the CSLC, the Project may also require permits and approvals from other reviewing authorities and regulatory agencies that may have oversight over aspects of the proposed Project activities, including but not limited to the following:

Local & Regional	Contra Costa County
	Bay Area Air Quality Management District (BAAQMD)
State	California Department of Fish and Wildlife (CDFW)
	California Coastal Commission (CCC)
	San Francisco Bay Conservation and Development Commission (BCDC)
	San Francisco Bay Regional Water Quality Control Board (SFBRWQCB)
	State Water Resources Control Board (SWRCB)
	State Fire Marshal
Federal	National Oceanic and Atmospheric Administration (NOAA)
	National Marine Fisheries Service (NOAA Fisheries Service or NMFS)
	U.S. Army Corps of Engineers (USACE)
	U.S. Coast Guard (USCG)
	U.S. Fish and Wildlife Service (USFWS)

4.0 SCOPE OF THE EIR

Pursuant to State CEQA Guidelines section 15060, the CSLC staff conducted a preliminary review of the proposed Project and determined that an EIR was necessary

based on the potential for significant impacts resulting from the proposed Project. A preliminary list of environmental issues and alternatives to be discussed in the EIR is provided below. Additional issues and/or alternatives may be identified at the public scoping meeting, and in written comments, as part of the EIR process. The CSLC invites comments and suggestions on the scope and content of the environmental analysis, including the significant environmental issues, reasonable range of alternatives, and mitigation measures that should be included in the EIR.

In general, the CSLC uses the following designations when examining the potential for impacts according to CEQA issue areas; not all of these designations may apply to the proposed Project.

Significant and Unavoidable (SU)	Significant adverse impact that remains significant after mitigation
Less than Significant with Mitigation (LTSM)	Significant adverse impact that can be eliminated or reduced below an issue's significance criteria
Less than Significant (LTS)	Adverse impact that does not meet or exceed the identified significance criteria
No Impact (NI)	The Project would not result in any impact to the resource area considered
Beneficial Impact (B)	The Project would provide an improvement to an issue area

The estimations of impact levels used for this Notice of Preparation are based solely on preliminary documents and do not preclude findings of significance that would be made during the preparation of the EIR, including findings that could change the significance of an impact and how it would need to be addressed within the EIR.

4.1 EIR Alternatives Analysis

In addition to analyzing the potential impacts associated with the proposed Project, in accordance with the State CEQA Guidelines, an EIR must:

...describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. (§ 15126.6, subd. (a).)

The State CEQA Guidelines also require that the EIR evaluate a “no project” alternative and, under specific circumstances, designate an environmentally superior alternative from among the remaining alternatives. Alternatives will be identified as a result of the environmental analysis and on information received during scoping. The EIR will:

- provide the basis for selecting alternatives that are feasible and that would reduce significant impacts associated with the proposed Project;
- provide a detailed explanation of why any alternatives were rejected from further analysis; and

- evaluate a reasonable range of alternatives including the “no project” alternative.

Examples of possible alternatives, or combinations of alternatives, to be evaluated include the following.

- No Project Alternative - Tesoro’s Avon Terminal lease would not be renewed and the existing Avon Terminal would be subsequently decommissioned with its components abandoned in place, removed, or a combination thereof. The decommissioning of the Avon Terminal would be governed by an Abandonment and Restoration Plan, and an Abandonment Agreement, both of which would require CSLC review and approval.
- Restricted Lease Taking Avon Terminal Out of Service for Oil Transport Alternative (Restricted Lease Alternative) - Tesoro’s Avon Terminal lease would be renewed with modification to restrict its allowed use such that the existing Avon Terminal would be left in place, taken out of service and placed into caretaker status for any petroleum product transfer, and not decommissioned or demolished. Because the structure of the terminal would remain in place, Tesoro would retain the option to apply to bring it back into service for oil transport at some time in the future, should the need arise. Any future change in use of the Avon Terminal would require a lease action and potential separate CEQA review by the CSLC.

4.2 Currently Identified Potential Environmental Impacts

Based on initial internal scoping, the Project is not anticipated to affect the following environmental factors identified in State CEQA Guidelines Appendix G (Environmental Checklist Form), which could therefore be eliminated from consideration in the EIR.

- Aesthetics
- Agricultural Resources
- Mineral Resources
- Population and Housing
- Public Services
- Utilities and Service Systems

The following provides information on the currently identified issues that may have potentially significant environmental effects.

4.2.1 Operational Safety/Risk of Accidents

Certain aspects of the existing environment and structural integrity of the Avon Terminal may impact operational safety, or may influence impacts from an accident associated with the operation of the offshore portion of the Avon Terminal wharf, including the transportation of petroleum products to and from the offshore facilities. Additionally, exchange of petroleum cargoes at the Avon Terminal presents an inherent risk of accidents that may involve fire, explosions and/or spills. The EIR will address the potential adverse consequences—such as exposure to toxic and hazardous substances, fire, explosions or spills—in conjunction with continued use of the facility.

The analyses will include:

1. A review of past and present vessels calling at the Avon Terminal (including barges) and operational characteristics including: throughput quantities and mix; vessel size, age and design; frequency of vessel visits; terminal and vessel personnel requirements; technologies applied; terminal management practices; operational condition of the equipment on the vessels; and oil spill response capabilities;
2. Evaluation of alternatives for meeting future petroleum product transportation needs in the safest and most environmentally protective manner;
3. Analysis of existing and proposed Federal, State and local laws, regulations, plans and policies affecting Avon Terminal location and operations;
4. Determination of potential hazard/impact footprint of the Avon Terminal;
5. Assessment and evaluation of the safety of terminal operations, both human and technological, with particular consideration of the environment in which it operates; and
6. Assessment of the potential risk of terminal related accidents resulting in an oil spill or other damage to the environment and identification of feasible steps for eliminating or minimizing that risk.

4.2.2 Biological Resources

The area surrounding the Avon Terminal wharf contains diverse and rich assemblages of resident marine flora and fauna. Issues associated with the Avon Terminal lease include:

- Its potential adverse effects on the on- and offshore environments in the event of an accidental oil spill or subsequent clean-up activities, as well as fisheries losses resulting from discharge, oil spills, vessel traffic, or conflicts with vessels;
- The potential for introduction of non-indigenous species into the surrounding marine environment; via ballast water discharge or hull fouling; and
- The potential for continued vessel traffic serving the terminal to, over time, cause deterioration of existing fish or wildlife habitats.
- The construction-related impacts associated with the MOTEMS upgrades.

The EIR will analyze the potential for impacts from such accidents on biological resources.

4.2.3 Water Quality

The EIR will analyze the potential of impacts to water quality and to water column chemistry in the Carquinez Strait during Avon Terminal operations and from oil spills. The significance of impacts will be considered in the context of whether Avon Terminal operations would likely result in pollutant levels above ambient water quality and sediment levels that would exceed SFBRWQCB or SWRCB water quality objectives. The potential for accidental discharge into surface waters as petroleum product flows

between the refinery and the offshore terminal, and is transported to and from the Avon Terminal by marine vessels, will be examined. Oil spills could result from mechanical failure, structural failure, human error, or geologic hazards. Such spills could potentially result in water quality impacts within inland marshes and to Carquinez Strait, Suisun Bay, San Francisco Bay, and Pacific Ocean. Potential impacts to the marine environment include increased water column turbidity and the introduction of toxic contaminants into the water column. The EIR will analyze the potential for impacts from such accidents on water quality.

In addition, construction activities associated with the MOTEMS upgrades may create temporary water quality impacts. These potential impacts will be analyzed in the EIR.

4.2.4 Air Quality and Greenhouse Gas (GHG) Emissions

Air emissions from the Avon Terminal are regulated by the BAAQMD. The environmental analysis of the proposed Project will evaluate any emissions estimates above the current baseline conditions against applicable significance criteria and in accordance with the BAAQMD Guidelines and permits. The EIR will analyze:

- Sources of emissions that would be associated with the Project, including maintenance dredging operations, construction activities, and the types and amounts of different pollutants that could be emitted, and their duration of impact;
- Potential increases in emissions from projected vessel traffic;
- Potential impacts associated with odor and toxic air contaminant emissions; and
- Potential for effects that would add to greenhouse gas emissions, which in turn could affect the California Air Resources Board's ability to meet the mandates of Assembly Bill (AB) 32 (California Global Warming Solutions Act).

4.2.5 Geological Resources / Structural Integrity Review

The Avon Terminal is located in proximity to, and could be susceptible to damage as a result of an earthquake on, several active faults. Extension of the life of the existing facility could result in oil spills due to seismically induced ground failure or other geologic hazards, such as corrosion or excessive coastal erosion. Remediation of such spills would, in turn, potentially cause water quality impacts to San Pablo Bay, Carquinez Strait and San Francisco Bay. The EIR will analyze these potential impacts.

4.2.6 Cultural Resources

State CEQA Guidelines section 15064.5 defines "historical resources" as follows:

- A resource listed in or determined to be eligible for listing in the California Register of Historical Resources;
- A resource included in a local register of historical resources; or
- Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically or archaeologically significant, or is

significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

Generally, a resource shall be considered by the lead agency to be “historically or archaeologically significant” if the resource has integrity and meets one or more of the criteria for listing on the California Register of Historical Resources:

1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

Any cultural resource listed in the National Register of Historic Places is automatically listed in the California Register of Historical Resources. The EIR will describe any cultural resources in the area of potential effects and evaluate the Project’s potential disturbance of those resources. Significant effects on historical resources would be avoided or mitigated in compliance with existing laws and regulations.

4.2.7 Land-based Transportation

Both construction activities associated with the MOTEMS upgrades and the Restricted Lease Alternative could potentially impact land-based transportation. While the majority of construction and staging will use water-based transport, some work may stage on land or require land-based access. If the Restricted Lease Alternative is selected, Tesoro would likely have to shift to a more land-based method for exporting petroleum products from the Refinery, such as tanker trucks or rail. These potential impacts will be analyzed in the EIR.

4.2.8 Land Use and Recreation

The Avon Terminal is an existing facility, and therefore the proposed Project would not result in any conflicts with any existing land use designations. Recreational activities in the Project vicinity include hiking, bird watching, nature viewing, and near shoreline picnicking and park activities. Water uses on the Carquinez Strait and Suisun Bay include commercial navigation to upstream and inland ports, recreational boat users and sport fishermen, and recreational marinas such as the Martinez Marina, Benicia Marina and Pier, and Glen Cove Marina. An oil spill could impact any of these uses and activities. These potential impacts will be analyzed in the EIR.

4.2.9 Noise

The Avon Terminal is an existing facility in an industrial zone, and the ongoing operation part of the proposed Project would not result in any conflicts with any existing noise

ordinances. The construction associated with the MOTEMS upgrades may create temporary noise impacts. These potential impacts will be analyzed in the EIR.

4.2.10 Visual Resources

The Avon Terminal is an existing facility, and therefore the proposed Project would not result in any conflicts with any existing visual resources. However, an oil spill could impact visual resources in the Carquinez Strait. These potential impacts will be analyzed in the EIR.

4.3 SPECIAL IMPACT AREAS

4.3.1 Cumulative Impacts

The State CEQA Guidelines require an EIR to discuss the cumulative impacts of a project when the project's incremental effect is "cumulatively considerable" (§ 15130). A cumulative impact is created through a combination of the project being analyzed in an EIR and other projects in the area causing related impacts. The EIR will:

- define the geographic scope of the area affected by cumulative effects ("Cumulative Projects Study Area"), which for the proposed Project is presently defined as proposed and approved projects in Contra Costa County;
- discuss the cumulative impacts of the proposed Project, in conjunction with other closely related past, present, and reasonably foreseeable probable future projects in the study area; and
- identify, if appropriate, feasible measures to mitigate or avoid the Project's contribution to cumulative effects.

4.3.2 Growth-Inducing Impacts

CEQA requires a discussion of the ways in which a proposed project could foster economic or population growth, including the construction of additional housing, in the project's vicinity under State CEQA Guidelines section 15126.2, subdivision (d). A project may be growth-inducing if it fosters or removes obstacles to economic or population growth, provides new employment, extends access or services, taxes existing services, or causes development elsewhere. The EIR will contain a discussion of the potential growth-inducing impacts of the proposed Project.

4.3.3 Socioeconomics and Environmental Justice

The CSLC adopted an Environmental Justice Policy in 2002 to ensure equity and fairness in its own processes and procedures (see www.slc.ca.gov, under the "Information" tab and "Policy Statements" link). This Policy stresses equitable treatment of all members of the public and commits to consider environmental justice in the CSLC's processes, decisions and programs. The policy is implemented, in part, through identification of, and communication with, relevant populations that could be adversely and disproportionately impacted by CSLC projects or programs, and by

ensuring that a range of reasonable alternatives is identified that would minimize or eliminate environmental impacts affecting such populations.

The Environmental Justice section will make a determination of the consistency of the proposed Project with the CSLC's Environmental Justice Policy, and analyze the distributional patterns of high-minority and low-income populations on a regional basis. The consistency analysis will focus on whether the proposed Project would have the potential to affect area(s) of high-minority population(s) and low-income communities disproportionately.

The proposed Project is located in the Carquinez Strait, approximately 1.75 miles east of the Benicia-Martinez Bridge, in unincorporated Contra Costa County (**Figure 1**).

4.3.4 Commercial and Sport Fisheries

The Avon Terminal is an existing facility with an existing level of operations and vessel traffic is not expected to increase beyond existing levels. Ongoing operations will not cause any new impacts to commercial and sport fisheries. However, the inherent risk of an oil spill and the risk of introducing non-indigenous species via ballast water or other vessel vectors do create potential impacts to commercial and sport fishing. Issues associated with the Avon Terminal lease include:

- Its potential adverse effects on the on- and offshore environments in the event of an accidental oil spill or subsequent clean-up activities, as well as fisheries losses resulting from discharge, oil spills, vessel traffic, or conflicts with vessels; and
- The potential for introduction of non-indigenous species into the surrounding marine environment; via ballast water discharge or hull fouling.

INDEX TO NOP COMMENTS

Appendix A includes a copy of the Notice of Preparation (NOP) for the Tesoro Avon Marine Oil Terminal Lease Consideration Project, notification list, transcripts of the public scoping meetings, copies of all comment letters received on the NOP during the public comment period, and an indication (section or subsection) where each comment is addressed in the Environmental Impact Report (EIR). Table A-1 lists all commenters and shows the comment set identification number for each letter or commenter. Table A-2 identifies the location where each comment is addressed in the EIR.

**Table A-1
NOP Commenters and Comment Set Numbers**

Agency/Affiliation	Name of Commenter	Date of Comment	NOP Comment Set
Comment Letters			
California Department of Transportation (Caltrans), District Branch Chief Local Development – Intergovernmental Review	Erik Alm, AICP	4/15/14	A
Interested Party – Resident	Jim Neu	4/20/14	B
California Department of Fish and Wildlife (CDFW), Regional Manager	Scott Wilson	4/28/14	C
Public Scoping Meeting Comments			
Martinez Environmental Group	Tom Griffith	4/22/14	D
Martinez Environmental Group	Bill Nichols	4/22/14	D
Interested Party – Resident	Jim Neu	4/22/14	D
Interested Party – Resident	Guy Cooper	4/22/14	D
Martinez Environmental Group	Tom Griffith	4/22/14	D
Interested Party – Resident	Aimee Durfee	4/22/14	E

**Table A-2
Responses to the NOP Comments**

Comment #	Response
Caltrans	
A1	Comment noted. See Section 4.9, Land-based Transportation. No mitigation measures are proposed for land-based traffic or transportation.
A2	Section 4.9, Land-based Transportation, addresses traffic impacts. No vehicular activity is associated with existing Avon Marine Oil Terminal (Avon Terminal) continued operations beyond employees and delivery vehicles;

Comment #	Response
	hence, no new traffic impacts would result from continued Avon Terminal operations. The majority of delivery and removal of materials to the renovation site would be by water, and there would be minimal truck traffic to deliver materials, including concrete and new piping. Therefore, a land-based traffic impact study is not necessary.
A3	Section 4.9, Land-based Transportation, addresses traffic impacts. No state highway system improvements, or improvements to bicycle, pedestrian, or other transportation facilities resulting from increased demand due to the Project, would be necessary.
Jim Neu	
B1	Comment noted.
B2	Comment noted.
B3	Comment noted.
B4	The steps Tesoro would take in the event of an oil spill, the equipment in place, training, and the Avon Terminal's oil spill response capabilities are addressed in Section 2.4.16, Emergency Response.
B5	Comment noted.
B6	Sections 2.4.16, Emergency Response, and 4.1.1.3, Bay Area and Avon Oil Spill Response Capability, address the financial liability that Tesoro and other shippers and oil companies have for oil spills in California.
B7	Water quality monitoring is addressed in Section 4.3.1.2, Offshore Project Area, and the locations of the water quality monitoring stations are depicted on Figure 4.3-2.
B8	Comment noted.
B9	Comment noted.
B10	Comment noted.
B11	The steps Tesoro would take in the event of an oil spill and the Avon Terminal's oil spill response capabilities are addressed in Section 2.4.16, Emergency Response.
B12	Comment noted.
B13	Comment noted.
14	Comment noted.
CDFW	
C1	Comment noted. Potential impacts to animals listed under the California Endangered Species Act (CESA) and mitigation measures are addressed in Section 4.2, Biological Resources. The mitigation monitoring and reporting program for the Project is provided as Section 8.0, Mitigation Monitoring Program. Tesoro is currently in active consultation with the California Department of Fish and Wildlife for this project.
C2	A complete assessment of the habitats, flora, and fauna within and adjacent to the Project area, including reasonably foreseeable direct and indirect changes as a result of the Project, are addressed in Section 4.2, Biological

Comment #	Response
	Resources. Appendix C provides tabular lists of special-status species within the San Francisco Bay Estuary, their potential for occurrence, and potential impacts on the species by the Project. The tables include the federal Endangered Species Act and CESA listings of each species.
C3	Water quality issues associated with continued operation of the Avon Terminal are addressed in Section 4.3, Water Quality. Potential water quality impacts on aquatic species and their habitats are analyzed under Impact Biology-17 in Section 4.2, Biological Resources. Tesoro has an existing Oil Spill Contingency Plan in place.
Transcript from Public Scoping Meeting Held 4/22/14 at 3:05 p.m.	
<i>Tom Griffith</i>	
D1	CEQA Guidelines section 15082, Notice of Preparation (NOP) and Determination of Scope of EIR, requires the lead agency (California State Lands Commission [CSLC]) to “send to the Office of Planning and Research and each responsible and trustee agency a notice of preparation stating that an environmental impact report will be prepared. This notice shall also be sent to every federal agency involved in approving or funding the project.” The NOP was mailed to the relevant agencies on April 2, 2014. In addition to the required agency notifications, the mailing included approximately 100 local and regional organizations that may have an interest in the Project. The CSLC went beyond the CEQA notification requirements and published an NOP of the draft Environmental Impact Report (EIR) and of public scoping meetings in the <i>Contra Costa Times</i> on April 21, 2014, and held two public scoping meetings in Martinez on April 22, 2014 at 3:00 PM and 5:30 PM. Individuals who were present at the scoping meetings and who requested to be added to the mailing list have been added for all future notifications regarding the CEQA process for the Tesoro Avon Marine Oil Terminal Lease Consideration Project. In addition, the closest residences (approximately 2 miles from the Project) to the Project have been added to the mailing list for the Notice of Availability of the draft EIR.
D2	The CSLC followed the requirements in CEQA Guidelines section 15082, Notice of Preparation and Determination of Scope of EIR, regarding the Tesoro Amorco Marine Oil Terminal Lease Consideration Project EIR (Project). In addition, the CSLC went beyond the CEQA notification requirements with mailed notices, newspaper publications and local public scoping meetings for all phases of the Project.
D3	Air quality analyses of both continued operations and renovation activities are provided in Section 4.4, Air Quality.
D4	The transfer of oil from the Avon Terminal to vessels and from vessels to the Avon Terminal and oversight authority is addressed in Section 2.4.9, Transfers. Spill reporting is addressed in Section 4.1.1.4, Spills from Bay Area Marine Terminals and Avon Terminal. All spills must be reported by Tesoro, no matter how small.
D5	Comment noted. As described in Section 1.5, Purpose and Scope of the EIR and Section 2.0, Project Description, the scope of the Project is to renew the CSLC lease for the Avon Terminal and to perform renovations

Comment #	Response
	required to comply with Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) at the Avon terminal. The Golden Eagle Refinery operations, including the product inputs related to refinery operations, are not a part of the lease and therefore are not included in the Project scope. Please see Section 4.4, Air Quality, for a discussion of air quality impacts. For oil spill impacts, as described in Sections 1.0 and 4.1, the marine terminal will primarily serve as an export facility for a variety of oil products. The mitigation measures developed and identified in Section 4.1 include prevention and response elements designed to reduce or eliminate impacts from a spill of any petroleum product handled by the Avon Terminal regardless of its quality or characteristic. See Section 2.0, Project Description, for a description of the types of product transferred at the Avon Terminal, and Section 4.1, Operational Safety/Risk of Accidents, for a discussion of potential impacts and mitigation measures.
D6	Comment noted. Refer to response to Comment D5. Tesoro is not proposing rail transportation of crude oil as part of the Avon Terminal lease renewal.
D7	Comment noted. A description of the potential dredging activities, the location where dredged material would be disposed, and the schedule are provided in Section 2.0, Project Description. The potential impacts and mitigation measures associated with dredging are addressed in Section 4.2, Biological Resources, and Section 4.3, Water Quality. Sensitive species in the vicinity of the Project are addressed in Section 4.2, Biological Resources.
D8	Comment noted.
D9	Tesoro is required to pay annual rent for the use of State land. However, the amount has not yet been set and will not be available until the Commission staff report is made public prior to the Commission meeting date where the EIR and Project application will be considered. Please review Calendar Item C41 on the Commission's February 21, 2014 agenda for comparable information on Tesoro's nearby Amorco Marine Oil Terminal. While rent is important to the economic and business sense of the lease, it is the physical impacts of the lease area use as described in the EIR that primarily drive the Commission's consideration.
<i>Bill Nichols</i>	
D10	Comment noted. The steps Tesoro would take in the event of an oil spill and the Avon Terminal's oil spill response capabilities are addressed in Section 2.4.16, Emergency Response.
D11	Refer to response to Comment D7.
<i>Jim Neu</i>	
D12	Comment noted. Cumulative impacts are addressed in each resource section of the Draft EIR.
D13	Comment noted.
D14	Refer to response to Comment D5. Spill response equipment is addressed in Section 2.4.16, Emergency Response.

Comment #	Response
<i>Guy Cooper</i>	
D15	Operations at the Avon Terminal are addressed in Section 2.0, Project Description and would remain unchanged after lease renewal. Also refer to response to Comment A2.
D16	Comment noted.
<i>Tom Griffith</i>	
D17	The vessel calls to the Avon Terminal are addressed in Section 2.4.10, Vessel Calls.
Transcript from Public Scoping Meeting Held 4/22/14 at 5:33 p.m.	
<i>Aimee Durfee</i>	
E1	Comment noted. Refer to response to Comment D1 and D2.

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
 OAKLAND, CA 94612
 PHONE (510) 286-6053
 FAX (510) 286-5559
 TTY 771



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April 15, 2014

CCVAR021
 SCH# 2014042013

Ms. Sarah Mongano
 California State Lands Commission
 100 Howe Avenue, Suite 100-South
 Sacramento, CA 95825-8202

Dear Ms. Mongano:

Tesoro Avon Marine Oil Terminal Lease Consideration – Notice of Preparation

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the environmental document and have the following comments to offer.

Lead Agency

A1

As the lead agency, California State Lands Commission is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Traffic Impact Study (TIS)

One of Caltrans' ongoing responsibilities is to collaborate with local agencies to avoid, eliminate, or reduce to insignificance potential adverse impacts by local development on State highways. We recommend using the Caltrans *Guide for the Preparation of Traffic Impact Studies (TIS Guide)* for determining which scenarios and methodologies to use in the analysis. The TIS Guide is a starting point for collaboration between the lead agency and Caltrans in determining when a TIS is needed. The appropriate level-of-service (LOS) is determined by the particulars of a project, the prevailing highway conditions, and the forecasted traffic. The environmental document should include an analysis of the impacts of the proposed project on all State highway facilities in the project's area.

A2

Please ensure your analysis includes any rail conflicts and / or truck traffic with potential to affect the State Highway System (SHS).

The TIS Guide is available at the following website address:

http://dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf

The TIS should include:

1. Vicinity map, regional location map, and a site plan clearly showing project access in relation to

nearby State roadways. Ingress and egress for all project components should be clearly identified. The State right-of-way (ROW) should be clearly identified. The maps should also include project driveways, local roads and intersections, parking, and transit facilities.

2. Project-related trip generation, distribution, and assignment. The assumptions and methodologies used to develop this information should be detailed in the study, and should be supported with appropriate documentation.
3. Average Daily Traffic, AM and PM peak hour volumes and LOS on all roadways where potentially significant impacts may occur, including crossroads and controlled intersections for existing, existing plus project, cumulative and cumulative plus project scenarios. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect study area roadways and intersections. The analysis should clearly identify the project's contribution to area traffic and any degradation to existing and cumulative LOS. Caltrans' LOS threshold, which is the transition between LOS C and D, and is explained in detail in the TIS Guide, should be applied to all State facilities.
4. Schematic illustration of traffic conditions including the project site and study area roadways, trip distribution percentages and volumes as well as intersection geometrics (i.e., lane configurations) for the scenarios described above.
5. The project site building potential as identified in the General Plan. The project's consistency with both the Circulation Element of the General Plan and the Congestion Management Agency's Congestion Management Plan should be evaluated.
6. Identification of mitigation for any roadway mainline section or intersection with insufficient capacity to maintain an acceptable LOS with the addition of project-related and/or cumulative traffic. As noted above, the project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should also be fully discussed for all proposed mitigation measures.

We look forward to reviewing the TIS, including Technical Appendices, and environmental document for this project. Please send two copies to the address at the top of this letterhead, marked ATTN: Keith Wayne, Mail Stop #10D.

Traffic Impact Fees

To ensure the SHS improvements necessary from the increase demand be funded, we recommend the California State Lands Commission work with the WCCTAC committee, the Contra Costa Transportation Authority (CCTA) and Caltrans to help mitigate regional impacts resulting from the proposed project. In addition to and mitigation projects or programs, please identify traffic impact fees to be used for plan mitigation. Development plans should require traffic impact fees based on projected traffic and / or based on associated cost estimates for bicycle, pedestrian, or public transportation facilities necessitated by development. Scheduling and costs associated with planned improvements on the State ROW should be listed, in addition to identifying viable funding sources correlated to the pace of improvements for roadway improvements, if any.

Ms. Sarah Mongano, California State Lands Commission

April 15, 2014

Page 3

Should you have any questions regarding this letter, please contact Keith Wayne of my staff by telephone at (510) 286-5737, or by email at Keith_Wayne@dot.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik Alm". The signature is fluid and cursive, with a large initial "E" and "A".

ERIK ALM, AICP
District Branch Chief
Local Development – Intergovernmental Review

c: Scott Morgan, State Clearinghouse

B

Tesero Avon MOT NOP Comments

From: jjneuses2@gmail.com
Sent: Sunday, April 20, 2014 8:44 AM
To: Comments, CEQA@SLC
Cc: Jessie Neu ICE
Subject: Tesero Avon MOT NOP Comments

To: California State Lands Commission
Attention: Sarah Mongano: Senior Environmental Scientist
Re: Tesero Avon Marine Terminal Lease Consideration
Date: April 20, 2014
From: Jim Neu
3334 Ricks Ave
Martinez, Ca. 94553

Ms. Mongano,

B1 | This proposed lease is one of many new energy projects that must be placed on hold until the full extent of their impacts are known. There are four different fossil fuel projects proposed for the Bay Area and three projects in other regions (two in Bakersfield and one in Santa Maria) that may supply Bay Area refineries with much dirtier crude oil. We need the air district to fully investigate the effects and implications of lower quality crude oil being refined in the Bay Area.

B2 | Specific outcomes associated with degradation of crude oil quality of concern include greater risks of chemical spills, fires, explosions, increased emissions of heavy metals, toxic hydrocarbons and other pollutants, increased production of toxic petroleum coke, increased odors and other health and safety hazards proposed by new crude oil sources.

B3 | This analysis is not only essential, but these projects should be on hold until the refinery emissions tracking regulation is in place. Air quality monitoring is grossly inadequate considering the four immediate refineries, the number of marine terminals and many railroad spurs and main lines that are in the immediate area of the Tesero Avon Marine Terminal.

B4 | The state oil spill recovery fund is immensely underfunded for marine spill disasters. Most local response equipment is for surface recovery. Heavier tar sand oil sinks and is very difficult and if not impossible to retrieve from the water. The local Clean Bay oil spill fleet in the Martinez Marina is for surface recovery of liquid contaminants. What steps and equipment is in place to handle a disaster of this type of heavier crude? Where will the equipment for a spill of this type of crude product be stored? Who will operate this equipment? How much local training has gone in to a spill of this type of product? Where can the reports of this local training be publicly found?

B5 | A 450,000 gallon oil spill on April 23, 1988 at the Shell Oil Marine Terminal from a storage tank resulted in an ecological disaster that required the refinery to acquire resources from Louisiana because the Shell Refinery was ill equipped to handle the event. The delay in cleanup and magnitude of the spill coupled with the marine environment of the Carquinez Strait killed thousands of fish, birds

B5 (cont.) ↑ and wildlife in the area.

B6 Many communities in the Bay Area and the Contra Costa Water District receive their drinking water from this body of water that this Lease Consideration is located. What recompense to the local communities will there be if water supplies are contaminated by a spill of this heavy crude? What financial protections do individuals and communities have from an oil spill that fouls a water shoreline and ecosystem such as the Carquinez Strait where an in and out movement of water is daily? What water monitoring is currently done on a regular basis in this area and where are these monitors located in relation to the marine oil terminals in the Carquinez Strait from Rodeo to Pittsburg? B7 If there currently is no water quality monitoring in the area, will it be required with this new Lease Agreement? A spill at the Avon Terminal could have an effect on the local environment from Richmond to Oakley and Vallejo to the Sacramento Delta.

B8 The current draft refinery regulations, if enacted now, would not prevent increased emissions or risks of accidents with dirtier crude oil. The proposed regulation urgently needs an overhaul to effectively protect health and safety as the Bay Area receives more sour crude oil.

B9 The Bay Area Air Quality Management District has not evaluated cumulative regional impacts of all the dirty crude oil refinery and infrastructure projects; the Tesero Avon Marine Terminal Lease one of them. The proposed Phillips 66 Propane Recovery Project in Rodeo, the proposed Valero Expanded Rail Project in Benicia, and the proposed WesPac LLC Oil Marine and Rail Distribution Center in Pittsburg lie within a few miles of each other. If these projects continue forward ahead of the proposed refinery regulation, the projects would secure dirty crude oil rendering the new regulation worthless before it is adopted.

B10 Not one jurisdiction or air quality monitoring agency either private or governmental has done a study or evaluated in any way how much pollution will increase with the influx of extremely dirty crude by the sum of all these project's approvals. This is more than an Avon Terminal Lease Extension, it encompasses the major refineries in this area; Tesero Golden Eagle, Phillips 66, Valero, Shell, and Chevron.

B11 The Tesero Refinery has demonstrated gross negligence and contempt of regulators recently, exposing its workers and the public to health and safety risks with an acid spill that sent employees to the hospital. Two acid spills happened within weeks of each other and when Federal Safety Board Inspectors went to investigate, they were denied access. Cal / OSHA had to order Tesero's processing to be shut down. It was not done voluntarily by the refinery management. Should there be a spill at the Tesero Avon Marine Terminal, would Safety Board Inspectors be denied

Tesero Avon MOT NOP Comments

B11 (cont.) ↑ access?
Would an oil spill on the water be deemed a minor incident by Tesero Management that posed no health or environmental risks to the public?

B12 The attitude of Tesero is that they are above the regulations and the regulators. The Tesero Golden Eagle site has a history of an excessive accident rate and has opted out of the Triangle of Prevention Safety Program much to the admonishment of county supervisors and state senators. Because of this refinerie's deplorable safety history, Tesero's performance had to technically become ineligible to participate in this safety program and has led the US Refinery Industry in number of environmental and safety code violations.

B13 In the late 1990's, five Tesero Golden Eagle Refinery employees died and several were injured in hydro cracker and naptha explosions. This refinery has had oil spills at the wharf in May 2008 and December 2013 and had to pay close to half a million dollars in civil penalties for 35 violations.

B14 With this refinerie's tarnished record of health, safety, environmental violations, and employee injuries and deaths, I urge this governing body to not proceed with this Marine Lease Consideration until Tesero Golden Eagle can demonstrate compliance with regulators and a cumulative regional impact study of all fossil fuel projects in the Bay Area can be completed.

Respectively submitted,
Jim Neu

Sent from my iPad

C



Memorandum

Date: April 28, 2014

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

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

Subject: Tesoro Avon Marine Oil Terminal Lease Consideration, Notice of Preparation of a Draft Environmental Impact Report, SCH #2014042013, City of Martinez, Contra Costa County

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) provided for the subject project. CDFW is providing comments on the NOP as a Trustee Agency and Responsible Agency. As Trustee for the State's fish and wildlife resources, CDFW 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. CDFW 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 Avon 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 44 feet depth below mean lower low water" and "...upgrades on the Avon Terminal...will include: the decommissioning (demolition and removal) of Berth 1, construction of a new berthing area, Berth 1A; repairs, retrofits, and construction on the existing approach trestle; and demolition and removal of existing Berth 5." 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. CDFW, 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/>.

C1

C2 | 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).

C3 | The EIR should address water quality issues associated with the long-term operation of the Tesoro Avon Oil Terminal, including potential impacts on aquatic species, their habitats, and plants along the shoreline from oil spills. The EIR should also address the current status of Tesoro's Oil Spill Contingency Plan with the Office of Spill Prevention and Response.

If you have any questions, please contact Mr. Clint Elsholz, Environmental Scientist, at (209) 234-3447; or Ms. Crystal Spurr, Senior Environmental Scientist (Supervisory), at (209) 234-3442.

cc: State Clearinghouse

PUBLIC SCOPING MEETING
STATE OF CALIFORNIA
LANDS COMMISSION

CITY OF MARTINEZ
COUNCIL CHAMBERS
525 HENRIETTA STREET
MARTINEZ, CALIFORNIA

TUESDAY, APRIL 22, 2014
3:05 P.M.

SUSAN M. OHANESIAN, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 13528

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STAFF:

Ms. Sarah R. Mongano, Project Manager

Mr. Jonathan Scheiner, TRC

ALSO PRESENT:

Bonnie Sublett

Jim Neu

Tom Griffith

Bill Nichols

Guy Cooper

Christine McDowell

I N D E X

PAGE

Opening remarks by Ms. Mongano

4

Mr. Griffith

10

Mr. Nichols

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Mr. Neu

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Mr. Cooper

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Mr. Griffith

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P R O C E E D I N G S

1
2 MS. MONGANO: All right. Good afternoon. At this
3 time we're going to start the public scoping meeting for
4 the Tesoro Avon Marine Oil Terminal lease consideration.
5 It's April 22nd, 2014, at 3:05 p.m.

6 Welcome all and thank you for coming. We
7 appreciate your interest in this project. My name is
8 Sarah Mongano. I'm a senior environmental scientist
9 with the California State Lands Commission, Division of
10 Environmental Planning and Management. I will be
11 overseeing the preparation of the environmental impact
12 report, or EIR, for this project in compliance with
13 California Environmental Quality Act for CEQA. Also
14 with me representing our consultant, TRC, is Jonathan
15 Scheiner.

16 The purpose of this meeting is for the public to
17 provide input and comment on the scope of the issues and
18 analysis that the State Lands Commission should consider
19 in our EIR. The secondary purpose is to insure that all
20 oral comments presented here today are recorded for our
21 transcript. We have a Court Reporter here for that
22 purpose. Comments can also be provided in writing or by
23 e-mail through May 1st, 2014.

24 Before we open the meeting for public comment, I
25 have a brief presentation to share with you describing

1 the project and the CEQA process that will follow. When
2 the presentation is complete, I'll open the comment
3 section. Before the presentation, I just want to go
4 over a few logistics and details. There's a sign-in
5 sheet available on the back table over there so we can
6 have a complete record of the meeting, and also so that
7 you can be added to our mailing list for the draft EIR
8 and to receive any notices to do with this project.

9 We also have speakership slips on the back table
10 next to the sign-in sheets for those of you who would
11 like to speak of the scope and content of the proposed
12 Tesoro Avon Marine Oil Terminal Lease consideration of
13 EIR.

14 You can also use those slips to provide brief,
15 written comments on the back. And, as stated earlier,
16 you can also e-mail, fax or mail your comments to the
17 address on the Notice Of Preparation, NOP. Additional
18 copies of the NOP and the attached project description
19 are also available on the back table. Again, the 30-day
20 comment period ends May 1st, 2014.

21 We're having a second session here at 5:30
22 tonight. You don't need to sign up and attend both
23 sessions for your comments to be recorded; it's purely
24 for convenience.

25 Okay. The Avon Terminal and its associated Golden

1 Eagle Refinery have operated at their current location
2 since 1913. They are located on the Carquinez Strait,
3 1.75 miles east of the Benicia-Martinez Bridge in the
4 unincorporated Contra Costa County. Tesoro Refining and
5 Marketing Company leases 11.24 acres of sovereign,
6 public land from the State Lands Commission for the Avon
7 Terminal. The terminal is currently operating, and no
8 changes in ship traffic or oil transfer volumes are
9 proposed of the renewed lease.

10 I need to point out at this time that the State
11 Lands Commission has limited jurisdiction. The lease
12 area that you see on this diagram up to the land point
13 is where our jurisdiction ends. We have no jurisdiction
14 over the refinery itself.

15 The proposed project has three components. Tesoro
16 is seeking approval from the State Lands Commission for
17 a new 30-year lease to continue its current operation at
18 the Avon Marine Oil Terminal. Normally, a lease renewal
19 for an existing facility to continue its operation
20 doesn't require the preparation of the EIR. However,
21 the State Lands Commission has determined that the
22 issuance of new leases for Marine Oil Terminal
23 specifically will always require the preparation of the
24 EIR to fully analyze the inherent risk of spills in any
25 facility where petroleum product is routinely

1 transported over water, and those risks can't be fully
2 mitigated.

3 The second component of this project includes
4 Tesoro conducting upgrades to the Avon Terminal to meet
5 marine oil terminal engineering maintenance standards.
6 This is the section of the building code known as
7 MOTEMS. Upgrades are going to include the
8 decommissioning of Berth 1, construction of a new
9 berthing area called Berth 1-A. See in green on the
10 diagram. Repairs retrofit in construction are included
11 in the approach trestle and the demolition and removal
12 of the unused but existing Berth 5.

13 The third component of the project is periodic
14 dredging activities to maintain approximately 44 feet
15 depth below water. These dredging events are small and
16 infrequent and they are conducted with all required
17 agency permits and approval, but they will also be
18 analyzed by the EIR.

19 The Avon Terminal primarily operates as an export
20 facility transferring refined petroleum products
21 including crude oil, gas oil and diesel for Tesoro's
22 Golden Eagle Refinery located upland approximately half
23 mile south of the Avon Terminal to tanker vessels which
24 carry the product to the final destinations.

25 The Avon Terminal is capable of operating as both

1 an import and export facility, and infrequently imports
2 small quantities of the refined stuff as needed.
3 However, the majority of crude oil imports are typically
4 conducted at Tesoro's Amarco Marine Oil Terminal,
5 located approximately two-and-a-half miles west of the
6 refinery. The Avon Terminal operates 24 hours a day,
7 365 days a year.

8 As you can see in this slide, the Avon Terminal is
9 a single berth facility constructed of marine timbers
10 and concrete. The terminal accommodates one vessel at a
11 time. Access from the Avon Terminal from shore is
12 provided by indoor approach trestles.

13 The NOP starts the CEQA scoping process to solicit
14 comments regarding the scoping process and content of
15 the EIR, including the significant environmental issues
16 to be addressed, range of alternatives and mitigation
17 measures which should be considered.

18 The State Lands Commission is not taking any
19 action on the project today, nor is our Commission
20 preparing this EIR to either support or oppose any
21 actions or potential approvals by other regulatory
22 agencies. The project that the Commission will be asked
23 to consider is the proposed 30-year lease renewal for
24 the Tesoro Avon Marine Oil Terminal.

25 We'll now open up for comments on the scope and

1 contents of the NLP. The testimony that we're
2 interested in receiving this afternoon involves the
3 project's range of action, potential effects, mitigation
4 measures and project alternatives that you'd like to see
5 considered in the EIR. Please limit your testimony to
6 these issues.

7 We'll be accepting comments but not answering
8 questions or engaging in dialogue at this time. The
9 comments today will be transcribed by the Court
10 Reporter, so please speak as clearly as possible.

11 If you prefer to contact in writing, my contact
12 information is on this slide. It's also on copies of
13 the NLP that's on the back table. And, again, I'll put
14 some of my cards up there, as well.

15 At this time I'd like to open up to any comments
16 that you might have.

17 Would you like to turn this in in writing?

18 MR. GRIFFITH: No.

19 MS. MONGANO: Okay, go ahead.

20 This is Mr. Tom Griffith with Martinez
21 Environmental Group.

22 MR. GRIFFITH: Okay. Let's see here. I'm concerned
23 about a number of issues. How is the Martinez Community
24 being told about this process? So far as we know,
25 there's been no information about this project in the

D1



D1
(cont.)

1 local newspaper or mail directly to residents.
 2 Notifications of future hearings we would like to be
 3 sent to people present at this hearing today, as well as
 4 all Martinez residents, the Martinez News Gazette and
 5 the Contra Costa Times. Residents recently became aware
 6 that Tesoro also extended the lease on the Amorco Marine
 7 Terminal, but the community was given no information
 8 about this process.

D2

9 The lack of public input is clear from the final
 10 EIR, with documented that only two comment letters were
 11 submitted, one was from the Bay Area Air Quality
 12 Management District, and the other from Tesoro. No oral
 13 comments were submitted. We're concerned this would
 14 happen again.

D3

15 How will air quality be measured at the point
 16 where crude is being transferred from the refinery to
 17 the ships? Is there an air monitor at the site? How
 18 will oil spills be monitored at the point where crude is
 19 being transferred from the refinery to the ships? What
 20 agency is charged with monitoring oil spills? What is
 21 the threshold size of the spill that must be reported by
 22 Tesoro?

D4

D5

23 The State Lands Commission should not approve this
 24 lease renewal if Tesoro will be exporting or importing
 25 products derived from tar sands or Bakken crude. Tesoro

1 is already receiving Bakken crude via truck -- we have a
 2 source from KPIX5 -- and tar sands, the source is, "Tar
 3 Sands Refineries: Communities at Risk Forest Ethics"
 4 September, 2012.

5 Our community cannot afford to refine any more of
 6 either of these types of crude. The refining of tar
 7 sands produces increased levels of sulfur dioxide which
 8 worsens air quality and respiratory health.
 9 Additionally, tar sands spilled in the water will sink
 10 to the bottom. This not only makes clean up extremely
 11 difficult if not impossible, but it also makes it
 12 possible for a spill to be concealed or minimized by
 13 Tesoro or a vendor because the oil is not floating on
 14 the surface.

15 Bakken crude is extremely volatile. Trains
 16 carrying Bakken crude have exploded and killed dozens of
 17 people in North America. The State Lands Commission
 18 needs to insure that Tesoro's EIR includes up-to-date
 19 assessments of all current environmental effects at the
 20 site.

21 The proposed projects includes dredging. What
 22 potential toxics could dredging disturb and bring to the
 23 surface? If methylmercury is exposed by dredging, how
 24 will people be notified if they are using the water for
 25 recreation or fishing? Where will the dredge material

D5 (cont.)

D6

D7

1 be taken? What is the dredging schedule, and will it
 2 affect seasonal spawning or egg laying of marine
 3 species? What sensitive species are now in the area?

4 We are concerned because in the project lease
 5 application Tesoro relies on environmental data from the
 6 Shell Martinez Refinery Marine Terminal Lease final EIR
 7 dated May, 2011, which is three years old.

8 What is the dollar amount that Tesoro will pay to
 9 lease this land from the state of California? Will
 10 Tesoro pay any fees or taxes to the City of Martinez or
 11 Contra Costa County as part of their use of this land?
 12 Last year, Tesoro made \$37.6 billion in revenue and
 13 \$412 million in profit.

14 Thank you.

15 MS. MONGANO: Thank you, Mr. Griffith.

16 Do we have any other commenters today?

17 We have Mr. Bill Nichols next.

18 MR. NICHOLS: Hello. I'm also with the Martinez
 19 Environmental Group. And it's kind of an important
 20 week. It's earth day week, and it's -- also, tomorrow
 21 is the 26th anniversary of the April 23rd 1988 Shell oil
 22 spill at Martinez, which -- in which 440,000 gallons of
 23 San Joaquin crude were released through a combination of
 24 human error and technological breakdown, decimating the
 25 Carquinez Straits and turning what is now the Water Bird

D7
(cont.)

D8

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D10

1 Preserve into the equivalent of the La Brea Tar Pits
 2 North. Thousands of birds, mammals, fish and other
 3 living forms were killed in this spill. And the
 4 response from Shell is extremely slow. We didn't get
 5 any help at our shorelines for two or three days.

6 My question is, given the propensity and the
 7 potential for disaster in this specific area which we
 8 have experienced before in which I just commented on,
 9 what has Tesoro done to insure a quick and rapid
 10 response at the terminal itself? And if there is an
 11 industrial accident will they allow investigators on
 12 scene to investigate as they have not done recently in
 13 their upland facility when there was an acid spill which
 14 actually injured some workers?

15 I'm also concerned with results of the dredging.
 16 We've seen in the last 10 to 15 years industrial
 17 businesses along the straits between Crockett and
 18 Martinez have slowly disappeared to the point where now
 19 the only industrial use between Crockett and Martinez,
 20 the first business is the Ozal Martinez Railroad
 21 Switchyard. There used to be a lot of businesses in
 22 that area all the way along the shoreline.

23 Subsequently, we've seen a return of many
 24 different species to the straits including ospreys, sea
 25 lions, beavers and otters. I'm concerned with what the

D10
(cont.)

D11

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(cont.)

1 dredging and what the stirring up of the mercury would
2 have on those specific species.

3 Thank you.

4 MS. MONGANO: Thank you, Mr. Nichols.

5 Do we have any other commenters?

6 MR. NEU: I didn't fill out a card.

7 MS. MONGANO: That's okay.

D12

8 MR. NEU: Hi, my name is Jim Neu. I submitted a copy
9 of my concerns to Ms. Mongano for the record, but there
10 are a couple that I wanted to discuss today. The main
11 is the cumulative effect of the refinery projects that
12 are happening along the Carquinez Strait.

13 We have the Valero Railroad Project, the Richmond
14 Project, their modernization project, Phillips 66
15 Propane Recovery Project and now the Tesoro Avon. And
16 there's been no studies done what the cumulative effect
17 would be of all these projects as far as error and
18 environmental testing.

D13

19 Tesoro's record has been very suspect of late,
20 especially very defiant of regulators who -- Cal OSHA
21 had to actually come in and shut their facility down
22 because they were defiant of regulators, and these are
23 people that were overseeing this terminal. And it
24 worries me that something happens at the terminal that
25 they would keep that feeling going.

1 Heavy crude oil sinks. The clean bay equipment
2 that's stationed down at the Martinez marina is for
3 surface cleanup only, and I think a spill along this
4 stretch of shoreline would have disastrous effects,
5 especially because we get a lot of our drinking water
6 from the straits and from the Bay Area here.

7 Thank you.

8 MS. MONGANO: Thank you, Mr. Neu.

9 Mr. Guy Cooper?

10 MR. COOPER: I will try to do this.

11 The comment that was made that this will not
12 increase traffic. If increased traffic comes about at a
13 later date, will that require further review or will
14 that just automatically be permitted? The reason I ask
15 is because I know Tesoro also has a project going on in
16 Washington State to increase their facility to ship tar
17 sand and Bakken crude products down the west coast and
18 into the Bay Area for refining. Where is it going to go
19 unless there's an increased capacity to facilitate it?

20 With regard to the tar sand product itself, I'm
21 concerned that the sink crude production, the sink crude
22 being the stuff that they make out of the tar sands that
23 they can jam through a pipe or load onto tankers, leads
24 to increased yields of petroleum coke. Either it's
25 produced or of the refineries of the supply chain. And

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D15

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D16
(cont.) ↑ 1 these petcoke stores will be used to fuel traditionally
2 coal fire power plants to keep them operating. It's
3 also typically mounded up in huge piles outside
4 surrounding communities uncovered and left to blow
5 around, full of toxic materials.

6 What's going to happen locally with petcoke? I
7 believe there is some down the road. Also, petcoke has
8 a 30 percent higher CO2 content than coal, yet we're
9 burning more and more of it in substitute for coal.
10 That doesn't seem to make a lot of sense to me.

11 And I won't go through the rest of this stuff, but
12 it just makes no sense to me that in reaping these tar
13 sand products we're tearing up the Boreal Forest of
14 Canada, which sequesters CO2, then we're ripping out the
15 carbon, burning it and putting it back in the
16 atmosphere. That seems like a dumb idea to me.

17 This just seems like a little pure revamping
18 project, but anything that we do has -- local actions
19 always have global consequences, and global consequences
20 tend to come back and effect us locally. So, I would
21 like you to consider this project with a broad brush,
22 not as an isolated incident in what's happening here in
23 the Bay Area.

24 Thank you.

25 MS. MONGANO: Thank you, Mr. Cooper.

1 Do we have any more commenters?

2 MR. GRIFFITH: I have one more comment to say.

3 MS. MONGANO: Sure.

4 MR. GRIFFITH: I believe in the Amorco Terminal they
5 were increasing their tanker -- incoming tankers from 60
6 to 90 tankers coming in per year, and so I'm wondering
7 if that's going to be the case here. Is there going to
8 be increase in the tankers?

9 MS. MONGANO: That was a further comment from Mr. Tom
10 Griffith.

11 We have no other commenters at this time. The
12 next public hearing on this project will be held during
13 the release of the public draft environmental impact
14 report. We're anticipating that meeting or meetings to
15 occur in early September, according to our current
16 schedule.

17 At this time I'm going to close the meeting, and
18 thank you all for coming.

19 --o0o--

20 (Whereupon the meeting adjourned at 3:29 p.m.)

21 --o0o--

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D17

1 State of California
2 County Contra Costa

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4 I, SUSAN M. OHANESIAN, License No. 13528, Certified
5 Shorthand Reporter of the State of California, do hereby
6 certify:

7 That the said proceeding was under my direction
8 transcribed with the use of audio capabilities and
9 computer-assisted transcription, and that the foregoing
10 transcript constitutes a true and correct record of the
11 proceedings which then and there took place.

12 I am a disinterested person to the said action.

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18 SUSAN M. OHANESIAN, CSR
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PUBLIC SCOPING MEETING
STATE OF CALIFORNIA
LANDS COMMISSION

CITY OF MARTINEZ
COUNCIL CHAMBERS
525 HENRIETTA STREET
MARTINEZ, CALIFORNIA

TUESDAY, APRIL 22, 2014
5:33 P.M.

SUSAN M. OHANESIAN, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 13528

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STAFF:

Ms. Sarah R. Mongano, Project Manager

Mr. Jonathan Scheiner, TRC

ALSO PRESENT:

Matthew Buell

Bonnie Sublett

Aimee Durfee

I N D E X

PAGE

Opening remarks by Ms. Mongano

4

Ms. Durfee

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P R O C E E D I N G S

1
2 MS. MONGANO: Good evening. This is Sarah Mongano
3 with the California State Lands Commission. The time is
4 5:30 p.m. on April 22nd, 2014. We have no members of
5 the public in attendance yet. I'm going to close the
6 public record for 15 minutes and see if we have any
7 attendees. Thank you.

8 (Off the record.)

9 MS. MONGANO: Good evening. At this time we're going
10 to start the public scoping meeting for the Tesoro Avon
11 Marine Oil Terminal Lease consideration. It's April
12 22nd, 2014, at 5:45 p.m.

13 Welcome and thank you for coming. We appreciate
14 your interest in the project. My name is Sarah Mongano,
15 and I'm a Senior Environmental Scientist of the
16 California State Lands Commission, Division of
17 Environmental Planning and Management. I'll be
18 overseeing the preparation of the environmental impact
19 report for the EIR for this project in compliance with
20 the California Environmental Quality Act for CEQA.

21 Also with me representing our consultant TRC is
22 Jonathan Scheiner. And representing Tesoro is Christina
23 McDowell and Matt Buell.

24 The purpose of this meeting is for the public to
25 provide input and comment on the scope of the issues and

1 analysis that the State Lands Commission should consider
2 the EIR.

3 A secondary purpose is to insure that all oral
4 comments presented here today are reported for the
5 transcript. We have a Court Reporter here for that
6 purpose. Comments can also be provided in writing
7 through May 1st, 2014.

8 Before we open the meeting to public comment, I
9 have a brief presentation to share with you describing
10 the project and the CEQA process that will follow. When
11 the presentation is complete, I'll open the comment
12 session.

13 Before the presentation, I just want to go over a
14 few logistics and details. There is a sign-in sheet
15 available on the back table so we can have a complete
16 record for the meeting, and also so that you can be
17 added to the mailing list to receive notices regarding
18 the EIR.

19 We have speaker slips in the same location for
20 those who would like to speak on the scope and content
21 of the proposed Tesoro Avon Marine Oil Terminal Lease
22 consideration EIR. Those slips can also be used to
23 provide brief, written comments on the back of the form.
24 As stated earlier, you can also e-mail, fax or mail your
25 comments to the address on the notice of preparation or

1 NOP. Additional copies of the NOP and the attached
2 project description are also available on the back
3 table. And 30-day comment period ends on May 1st, 2014.
4 This is the second of two sessions. If you already
5 spoke or submitted comments at the first session, you
6 don't need to speak again.

7 The Avon Terminal and its associated Golden Eagle
8 Refinery has operated at its current location since
9 1913. They're located on the Carquinez Strait. The
10 terminal is 1.75 miles east of the Benicia-Martinez
11 Bridge in unincorporated Contra Costa County. Tesoro
12 Refining and Marketing Company leases 11.24 acres of
13 sovereign, public land from the State Lands Commission
14 for the Avon Terminal. The is terminal currently
15 operated with no changes in ship traffic or oil transfer
16 volumes proposed under the renewed lease.

17 The proposed project has three components. The
18 first is, Tesoro is seeking approval from the State
19 Lands Commission for a new 30-year lease to continue
20 operation for the Avon Marine Oil Terminal. Normally, a
21 lease renewal for an existing facility to continue its
22 operation does not require the preparation of the EIR.
23 However, the State Lands Commission has determined that
24 the issuance of new leases for the Marine Oil Terminal
25 specially will always require the preparation of the EIR

1 to fully analyze the inherent risk of spills of any
2 facility where petroleum product is routinely
3 transported over water, because those risks can't be
4 fully mitigated.

5 The second component is, Tesoro will also be
6 conducting upgrades to Avon Terminal to meet marine oil
7 terminal engineering maintenance standards, MOTEMS.
8 Those Upgrades are going to include the decommissioning
9 of Berth 1, the current berth that Tesoro uses for its
10 vessels and the construction of a new berthing area
11 called Berth 1-A. Repairs retrofit construction on
12 existing approach trestle and the demolition and removal
13 of the existing but unused Berth 5.

14 The third element of the project involves periodic
15 dredging activities to maintain approximately 44 feet of
16 depth below water. Dredging events are small and
17 infrequent and are conducted with all required agency
18 permits.

19 The Avon Terminal primarily operates as an export
20 facility transferring refined petroleum products
21 including crude oil, gas oil and diesel into Tesoro's
22 Golden Eagle Refinery, located approximately a half mile
23 south of the Avon Terminal to the tanker vessels which
24 carry the product to the final destinations.

25 The Avon Terminal is capable of operating as both

1 an import and export facility. It infrequently imports
2 small quantities of refinery as needed. However, the
3 majority of the crude oil imports are typically
4 conducted at Tesoro's Amorcó Marine Terminal located
5 approximately two-and-a-half miles west of the refinery.
6 The Avon Terminal operates 24 hours a day, 365 days a
7 year.

8 As you can see on this slide, the Avon Terminal is
9 a single berth facility constructed with marine timbers
10 and concrete. The terminal accommodates one vessel at a
11 time. And access to the terminal from shore is provided
12 by indoor approach trestles.

13 The NOP starts the CEQA scoping process to solicit
14 comments regarding the scoping process of the EIR,
15 including the significant environmental issues to be
16 addressed, range of alternatives and mitigation measures
17 that should be considered.

18 The State Lands Commission is not taking any
19 action on the project today, nor is the Commission
20 preparing this EIR in order to either support or oppose
21 any actions or potential approvals by other regulatory
22 agencies. The project that the Commission will be asked
23 to consider is the proposed 30-year lease renewal for
24 the Tesoro Avon Marine Oil Terminal.

25 We'll now accept any comments on the scope and

1 contents of the NOP. The testimony we're interested in
2 receiving this evening involves the project's range of
3 actions, the potential affects, mitigation measures and
4 project alternatives that you would like to see
5 considered in the EIR. Please limit your testimony only
6 to these issues.

7 We'll be accepting comments but not answering
8 questions or engaging in dialogue at this time. The
9 comments today will be transcribed by the Court
10 Reporter, so please speak as clearly as possible. If
11 you prefer to comment in writing, my contact information
12 is on this slide and also on the NOP, copies of which
13 are available on the back table.

14 Do we have any members of the public who would
15 like to give comments at this time?

16 MS. DURFEE: My name is Aimee Durfee, I live in
17 Martinez. Thank you for having this hearing.

18 My primary concern is about the lack of notice of
19 this process to people who live here in Martinez. I
20 know that you had several people here earlier giving
21 comments, but it's very disturbing that there was no
22 public notice apparent that I knew about to find out
23 about this hearing. We found out about it through an
24 external source, not here in the town of Martinez.

25 This is a very important project. It has

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(cont.)

1 implications for our air quality, as you know. And I'm
2 very, very thankful that the State Lands Commission
3 decided to do an EIR on this project because of the risk
4 of oil spills. But it's disturbing to me, not only in
5 this process, that's had there's been very little
6 outreach to the public, if any at all.

7 And that the export terminal, the Amorco
8 Terminal -- I'm sorry, the import terminal for Amorco,
9 looking at that final EIR there were only two sets of
10 written comments there, one from Bay Area Air Quality
11 Management District, the other from Tesoro, and there
12 were no oral comments. So what that tells me is that
13 this process is not really about public accountability.
14 This is a project that's going to affect me, the people
15 I care about, my neighbors, people who live here. And
16 the fact that there's been such little notice to the
17 community I think is a major flaw in the process.

18 I'm not an expert on CEQA. I don't know what the
19 notice requirements are. I imagine there are some. And
20 I'm just questioning whether or not this process has met
21 the threshold. So, thank you.

22 MS. MONGANO: Thank you for your comments.

23 Do we have any other comments at this time? Okay.

24 The next public hearing on this project will be
25 held during the release of the public draft of the

1 environmental impact report. We anticipate that meeting
2 or meetings occurring in early September, according to
3 our current schedule.

4 At this time, I'm going to chose the meeting.
5 Thank you all for your comments and your attendance.

6 --o0o--

7 (Whereupon the meeting adjourned at 5:56 p.m.)

8 --o0o--

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1 State of California
2 County Contra Costa

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4 I, SUSAN M. OHANESIAN, License No. 13528, Certified
5 Shorthand Reporter of the State of California, do hereby
6 certify:

7 That the said proceeding was under my direction
8 transcribed with the use of audio capabilities and
9 computer-assisted transcription, and that the foregoing
10 transcript constitutes a true and correct record of the
11 proceedings which then and there took place.

12 I am a disinterested person to the said action.

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18 SUSAN M. OHANESIAN, CSR

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