

Mr. R. Zachary Wasserman, Chair      *via E-mail:* [jaimemichaels@bcdc.ca.gov](mailto:jaimemichaels@bcdc.ca.gov)  
**San Francisco Bay Conservation and Development Commission**  
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**Comments on Tesoro Refining & Marketing Company  
State of California Marine Oil Terminal Engineering and  
Maintenance Standards (MOTEMS) Project  
BCDC Permit Application No. 2014.006.00**

**DATE** July 13, 2015  
**PAGE** 1/2  
**REF** BCDC Support Letter  
**PROJECT NO** BCG 2011-61

Dear Chairman Wasserman and Chairpersons:

These comments are submitted on behalf of Ben C. Gerwick | COWI (hereinafter "COWI") in support of BCDC Permit Application No. 2014.006.00, submitted by Tesoro Refining & Marketing Company ("Tesoro") for its State of California Marine Oil Terminal Engineering and Maintenance Standards ("MOTEMS") Project. COWI is an engineering design firm that has designed and built numerous waterfront structures in the San Francisco Bay and worldwide over the past 85 years. We have worked with other design firms, contractors, and regulatory agencies to improve the waterfront infrastructure and mitigate the impact to the San Francisco Bay.

First, we would like to acknowledge the efforts of your staff in working with Tesoro and other federal and state regulatory agencies with jurisdiction over this project. The process leading-up to the present determination by BCDC of consistency with the Bay Plan, and approval of the application before the Commission, has been on-going for three years. The BCDC staff has worked in a collaborative manner with Tesoro to incorporate the required MOTEMS design constraints with the BCDC climate change measures.

The Tesoro Avon Terminal MOTEMS project is a **compliance** project alone, required under the Oil Spill Prevention and Response Act of 1990 to ensure ongoing safety operation of marine terminals in the state and to minimize the potential of oil spills that would affect California waters and water quality. The Marine Oil Terminal Maintenance and Engineering Standards were adopted into the California Building Code in 2006 and is recognized as a design standard for marine oil terminal inspection, assessment, analysis and design worldwide. Tesoro was the first California Marine Oil Terminal to submit the mandatory Baseline Audit, which was used to document the existing conditions and the required improvements needed to maintain safe operations on the San Francisco Bay. It is important to note that the planned modifications of Tesoro's terminal will not provide any increase or expansion of existing operations at the Martinez Refinery.

The proposed MOTEMS project includes the following benefits to the safety and use of the San Francisco Bay:

- > Demolition of an existing berth and timber trestle providing increased (approximately 12,000 sf) open San Francisco Bay area habitat.
- > Construction of a new MOTEMS compliant terminal and trestle that has been supported and approved by the State Lands Commission engineering and planning staff.

- > Construction means and measures that mitigate impact to local fish and wildlife and are considered best management practices.
- > New approved infrastructure that has incorporated BCDC adaptive measures for climate change and associated sea level rise.
- > BCDC requested mitigation measures that include new seismic monitoring equipment to measure estimated accelerations and document earthquake response and new funding for increased salt water harvest mouse habitat.

The Tesoro Avon MOTEMS project is being undertaken to both comply with state law and to improve the operational safety of the Tesoro Martinez marine terminal as determined by the California State Lands Commission. It has been approved by every other state and federal agency with jurisdiction over the project (including, USACE, USFWS, NMFS, and the SFRWCB), and the BCDC application before the Commission is the final approval needed for this important work which must begin early next month to meet the limited fish window. We urge you to approve the Tesoro application at your Commission meeting on July 16, 2015 so that environmental, health and safety improvements at the Tesoro marine terminal will not be delayed.

Sincerely,  
BEN C. GERWICK | COWI



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