



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

Northwest Regional Office 3190 160th SE Bellevue, Washington 98008-5452 (425) 649-7000

July 2, 2015

Rebecca Spurling
Tesoro Refining & Marketing Company, LLC
P.O. Box 700
Anacortes, WA, 98221

RE: Wetland Findings for Tesoro Clean Products Upgrade

Dear Ms. Spurling:

As a wetland specialist with the Washington State Department of Ecology (Ecology), I want to thank you for providing a tour of the proposed Clean Products Upgrade (CPU) site at the Tesoro refinery. This inspection on June 19, 2015 also included John Cooper with Skagit County Planning and Development Services, Hans Ehlert with CH2M Hill, and Zacky Nightingale with Tesoro.

The proposed action that potentially could affect wetlands and shoreline areas includes the wharf and causeway area and new tanks area. The wharf and causeway area involves installing a new 3" natural gas line on the existing wharf and causeway, and building a dock safety unit near the end of the wharf. The new tanks area involves building three aboveground storage tanks that will be surrounded by a berm to prevent spills. The remaining components of this project are located within developed portions of the refinery and will not affect critical areas.

Literature Review Findings

Prior to the inspection, I reviewed the following documents:

- Joint Aquatic Resources Permit Application (JARPA) and drawings for Clean Products Upgrade, received on June 4, 2015
- *Tesoro Refinery Wetland Delineation and Ditch Assessment, Northwest Study Area—Wetlands W47 and W48*, prepared by CH2M Hill, Inc., dated May 21, 2015
- *East March Point Wetland Mitigation Site, Wetland Mitigation Plan—Tesoro Refining and Marketing Company LLC*, prepared by CH2M Hill, Inc., dated January 2014
- Letter from Kristina Tong with the U.S. Army Corps of Engineers (Corps) to Rebecca Spurling with Tesoro regarding jurisdictional determination of wetlands on refinery site, dated June 1, 2015

Site Inspection Findings

During the site visit on June 19, Ecology inspected the new tanks area north of North Texas Road and a wetland mitigation area near East March Point Road. The new tanks area is located within a livestock pasture that drains west toward Fidalgo Bay. The proposed action will permanently impact 3,905 ft² of Wetland W47 and 652 ft² of Wetland W48 in this area. As described in the June 1, 2015 letter from Kristina Tong, the Corps did not take jurisdiction over these two isolated wetlands. The wetland mitigation area is located within a livestock pasture that drains east toward Padilla Bay. This mitigation area will be created to compensate for a separate parking lot expansion project but could be expanded to provide mitigation for the CPU project.

During the site visit, I examined the new tanks area where Wetlands W47 and W48 are located (see Photos 1 and 2). This area consists of a fill pad that was created in the 1950's by excavating soil from the existing tank area to the east and compacting this soil into a level terrace. Because this soil type (Xerorthents) was artificially created and the soil compaction perches precipitation, it does not match the surrounding livestock pasture on this western slope of March Point. Shallow ditches were excavated within this fill pad to drain storm water that ponds in shallow depressions (see Photos 3 and 4).

After examining a soil pit in Wetland W47, I determined that although the wetland criteria (hydrophytic vegetation, hydric soils, and hydrology) may be met, this depressional area is a man-made feature that should not be regulated as a wetland. This area is not mapped for hydric soil, there is no historical record of wetlands in this area, the compacted soils perch runoff in shallow depressions that are drained by the ditches, and they provide minimal wetland functions. Although I did not dig a soil pit in Wetland W48, it appeared to have similar characteristics.

Recommendations

Because the two depressional areas (Wetlands W47 and W48) delineated by CH2M Hill appear to have developed in upland soils as a result of construction activities, they would not be regulated as waters of the state by Ecology. Therefore, no formal authorization is needed from Ecology for filling these depressional areas nor is compensatory mitigation required for that filling.

I understand you are working with Rebekah Padgett in our office to address construction impacts and best management practices so I encourage you to continue this coordination. If you have any questions or would like to discuss my comments, please give me a call at (425) 649-7199 or send an email to Doug.Gresham@ecy.wa.gov

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Sincerely,

A handwritten signature in black ink that reads "Doug Gresham". The signature is written in a cursive, flowing style.

Doug Gresham, PWS

Wetland Specialist

Shorelands and Environmental Assistance Program

DEG:awp

E-cc: Randel Perry, Corps of Engineers
Doug Thompson, Washington Department of Fish and Wildlife
Paul Anderson, Bob Fritzen, and Rebekah Padgett, Ecology
John Cooper, Skagit County
Rachael Chang, CH2M Hill



Photo 1—Wetland W48 along fence line.



Photo 2—Wetland W47 in foreground.



Photo 3—Ditch 2 looking east toward existing tank area.



Photo 4—Ditch 3 looking west toward Fidalgo Bay.