



February 14, 2019

Hon. Rob Bonta
California State Assembly
State Capitol

Hon. Nancy Skinner
California State Senate
State Capitol

Hon. Buffy Wicks
California State Assembly
State Capitol

OPPOSE - Potential Legislation to Further Relax Environmental Protection Laws for Oakland A's Stadium Project at Howard Terminal

Dear Senator Skinner, Assemblymember Bonta, and Assemblymember Wicks,

Our diverse coalition of business, environmental, labor, maritime and shipping stakeholders strongly urge you to avoid the introduction of any bills which would further erode the state environmental laws that apply to a stadium project at Howard Terminal in the City of Oakland.

Our coalition would OPPOSE any legislation relaxing the environmental laws that apply to the construction of a stadium project at Howard Terminal. These include all of the following:

- Changing BCDC Protections for Bay Developments. We OPPOSE any reduction of the oversight by, jurisdiction of, or planning and permitting requirements of BCDC. BCDC must retain its full discretion over permit requirements for activities within its jurisdiction, as well as the adoption of findings and amendments to the Seaport Plan, to justify public benefits of the projects at Howard Terminal and around the San Francisco Bay. This oversight is critical for protecting limited Bay resources.
- Eliminating Public Trust Protections for State Tidelands. We OPPOSE any reduction or removal of the oversight, control, or application of the public trust to the state tidelands at Howard Terminal. The Legislature should not tie the hands, or in any way limit the authority, of the State Lands Commission (SLC) to conclude when waterfront projects are inconsistent with the Public Trust. Such a move would also be a drastic departure from how the Legislature and relevant regulatory authorities handled similar past questions about altering the Public Trust to accommodate new development.
- Undermining Existing Hazardous Materials Restrictions on Howard Terminal. We OPPOSE any legislative efforts to undermine the authority of the Department of Toxic Substances Control (DTSC) to enforce the existing Deed Restrictions on Howard Terminal. Howard Terminal is currently identified as a significantly-polluted hazardous materials site. The DTSC has concluded that the only use for the property that does not present an unacceptable threat to human safety or the environment is when the site is capped and undisturbed in its current use as a marine terminal, and housing and other development on this site are explicitly prohibited. The legislature should avoid playing politics with the existing DTSC restrictions.
- Further Degrading CEQA Obligations at Howard Terminal. We OPPOSE any further attempts to remove or minimize CEQA obligations from the Oakland A's for their proposed stadium project. The proposed project has already significantly exceeded the physical scope and boundaries of the Howard Terminal location, and the project sponsors have expanded the scope of their EIR beyond what was described to the Legislature in AB 734. Additional exemptions are not justified and would set a dangerous precedent for the state's cornerstone environmental protection law.

The Legislature already passed AB 734 for this location and should not give any additional passes on the environmental obligations and scrutiny applicable to a potential baseball stadium and significant housing and commercial project at this site. These important and long-standing safeguards exist to protect significant State and public priorities, including the protection of public health, conservation of the San Francisco Bay, and preservation of protected wildlife. Any legislation that undermines these safeguards not only poses immediate public risks, it opens a Pandora's Box for the future erosion of critical environmental protections and presents threats to ongoing waterfront investment in the coming years.

It is in the best interests of the State, the Bay, and the public that the existing protections in law, and the authorities vested in the state agencies that police them, be maintained and enforced when or if the Oakland A's' stadium project at Howard Terminal progresses through its entitlement processes.

Sincerely,

***Agriculture Transportation Coalition
American Waterways Operators
California Trucking Association
Customs Brokers and Forwarders Association of Northern California
Golden Gate Audubon Society
Harbor Trucking Association
Inlandboatmen's Union of the Pacific
International Longshore and Warehouse Union – Local 6
International Longshore and Warehouse Union – Local 10
International Longshore and Warehouse Union – Local 34
International Longshore and Warehouse Union – Local 91
Marine Engineers' Beneficial Association
Marine Firemen's Union
Pacific Merchant Shipping Association
Sailors Union of the Pacific
Save the Bay
Schnitzer Steel Industries, Inc.
Sierra Club - California
Sierra Club - San Francisco Bay Chapter
Transportation Institute***

cc: California State Assembly, Members, Bay Area Delegation
California State Senate, Members, Bay Area Delegation
Jared Blumenfeld, Secretary, California Environmental Protection Agency
Wade Crowfoot, Secretary, California Natural Resources Agency
Lt. Governor Eleni Kounalakis, Chair, State Lands Commission
Zachary Wasserman, Chair, Bay Conservation and Development Commission
Meredith Williams, Acting Director, Department of Toxic Substances Control
Jennifer Lucchesi, Executive Officer, State Lands Commission
Larry Goldzband, Executive Director, Bay Conservation and Development Commission
Libby Schaaf, Mayor, City of Oakland
Cestra Butner, President, Port of Oakland