



April 15, 2019

The Honorable Laura Friedman, Chair
Assembly Committee on Natural Resources
State Capitol
Sacramento, CA 95814

RE: AB 1191 (Bonta) - OPPOSE

Dear Assemblymember Friedman and Members of the Committee:

I am writing to register Save The Bay's opposition to Assembly Bill 1191, the Oakland Waterfront Ballpark Act, which issues a premature direction to the State Lands Commission to facilitate a project that has not yet been evaluated by City of Oakland or interested parties. The Committee should suspend consideration of AB 1191 until completion of an Environmental Impact Report that defines a proposed project, to determine what legislative direction is merited regarding trust land exchanges, if any.

Save The Bay is the largest organization working to protect and restore San Francisco Bay for people and wildlife, with more than 60,000 supporters. Since 1961, we have tackled the biggest threats to the Bay and united Bay Area residents to build Bay Smart Communities for everyone who lives here.

The Oakland A's have indicated their desire to build a new stadium, 4,000 units of high-end residential living space, one million square feet of retail, and a 400-room hotel at the Howard Terminal site. This is a particularly challenging and complex location within the Port of Oakland that is reserved for heavy industry and shipping uses, surrounded by a working waterfront employing thousands of people. It is not served by public transit or easily accessible freeway off-ramps, and is separated from downtown Oakland by Interstate 880 and busy railroad tracks.

The California Environmental Quality Act (CEQA) requires major projects to develop and share detailed information on impacts and analyze alternatives in an environmental impact report for the public to review before any project is approved. The A's and the City of Oakland have initiated that CEQA process, and received significant critiques on the Notice of Preparation in January, including an incomplete project description and incorrect designation of the lead agency. The EIR is not expected to be completed in 2019.

Your Committee should conclude that no statute is needed now, rejecting AB 1191's suggestion that a special statute is necessary because of unique circumstances regarding the Howard Terminal property. Because no specific project has been defined at Howard Terminal, and no project impacts or alternatives have yet been detailed in even a draft Environmental Impact Report, no action by the State Lands Commission to exchange public trust lands is justified or required at this time and no statute is needed.

We appreciate the author's April 11, amendments clarifying his intent not to limit the permitting, planning or enforcement authority of the San Francisco Bay Conservation and Development

Commission, after public and private comments suggested the legislature should limit the ability of several state agencies to regulate uses and activity on the Howard Terminal Site. However, it is also premature to make legislative findings and declarations, and to authorize the conditions for public trust land exchanges at that site.

Passage of AB 1191 would be contrary to your committee's mandate to preserve strong statutory protections for California's environment, including those properties the State Lands Commission oversees on behalf of the public trust, and would establish a dangerous precedent. The regulations and procedures to implement these statutes preserve natural areas for wildlife, beaches and trails for recreation, and ports and airports for commerce. They should apply equally to all parties and should not be waived prematurely and without justification for special interests, even for beloved institutions we have cheered for years, like the Oakland A's.

For these reasons, we are opposed to AB 1191, and we urge the Committee not to approve it.

Sincerely,

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

David Lewis
Executive Director