



March 16, 2020

Kate Gordon, Director  
Office of Planning and Research  
State of California  
1400 10<sup>th</sup> St.  
Sacramento, CA 95814

Delivered via e-mail: [California.jobs@opr.ca.gov](mailto:California.jobs@opr.ca.gov)

**RE: Oakland Sports and Mixed-Use Project at Howard Terminal (#2019039102)  
PROJECT INELIGIBLE FOR ENVIRONMENTAL LEADERSHIP PROJECT CERTIFICATION**

Dear Director Gordon:

On behalf of the undersigned, this letter is submitted in response to the request by OPR for public comments by March 17, 2020 regarding the Supplemental Information Received for the Oakland Sports and Mixed-Use Project at Howard Terminal (the "Project") and to advise OPR that the Project is ineligible for judicial streamlining under AB 900 and AB 734 and that the Project may not be presented to the Governor for certification.

The Project is ineligible for certification as the Governor's authority to take such action expired January 1, 2020. The question of eligibility is governed by Public Resources Code §§ 21168.6.7(e)(2) and 21181, and is confirmed on the OPR website (<http://www.opr.ca.gov/ceqa/california-jobs.html>) as follows:

- "Pursuant to Public Resources code Section 21181, the Governor must certify a project as an environmental leadership development project by **January 1, 2020** in order for the project to be eligible for judicial streamlining."
- "These guidelines apply to projects requesting certification for streamlined judicial review under Assembly Bill 734 (Chapter 959, Statutes of 2018) ... to the extent that the Guidelines are applicable and do not conflict with the language contained within those statutes."

Accordingly, the Governor lacks power or authority to certify the Project at this time. We respectfully request that no action on certification be taken by OPR or the Governor for this Project, and that your office promptly confirm in writing that the power to certify the Project has expired.

In the meantime, pending your written confirmation, and in order to ensure the protection of legal rights, a legal action is being filed in Alameda County Superior Court for a ruling that the certification power has expired.

Sincerely,

***Pacific Merchant Shipping Association  
Harbor Trucking Association***

***California Trucking Association  
Schnitzer Steel Industries***