



July 17, 2020

Kate Gordon, Director
Office of Planning and Research
State of California
1400 10th St.
Sacramento, CA 95814
Delivered via e-mail: California.jobs@opr.ca.gov

**RE: Supplemental Document Received for Oakland Sports and Mixed-Use Project (#2019039102)
PROJECT INELIGIBLE FOR ENVIRONMENTAL LEADERSHIP PROJECT CERTIFICATION**

Dear Director Gordon:

On behalf of the undersigned, this letter is submitted in response to the recent addition of a supplemental document and re-opening of the record for public comments on the supplemental document with respect to the Oakland Sports and Mixed-Use Project at Howard Terminal Project (the "Project"). We must continue to advise OPR that the Project remains ineligible for judicial streamlining under Public Resources Code §§ 21168.6.7(e)(2) and 21181 and, accordingly, the Governor lacks power or authority to certify the Project at this time.

As OPR is well-aware, in order to ensure the protection of legal rights, a legal action was filed by the undersigned organizations in Alameda County Superior Court seeking a ruling that the certification power under AB 900 / AB 734 has expired. The questions raised in this legal action have yet to be addressed by that Court and the relief which has been requested has not yet been considered.

We respectfully request that all affirmative actions regarding this Project, including receipt of supplemental documents or opening of the record for public comments, be suspended by OPR while the legal questions regarding the authority for certification remain outstanding.

The undersigned organizations reserve all rights and privileges to comment on this supplemental document and all other documents submitted on the application regarding the Project subject only to and consistent with the decision of the Court on this matter. The public should not be asked to comment on the substantive provisions of this technical document and any other supplemental documents submitted to OPR after December 31, 2019 unless, until, and if at all the Court has determined the authority of OPR and the Governor to continue to process the application.

Sincerely,

**California Trucking Association
Pacific Merchant Shipping Association**

**Harbor Trucking Association
Schnitzer Steel Industries**