July 5, 2016
Dear Assemblymember Bonta,
Thank you so much for meeting with our group from No Coal in Oakland, Sierra Club, 350 Bay Area, Wellstone Renewal Democratic Club and the Northern CA Climate Mobilization on July 1. And thank you for being a sponsor of SB1279 and supporter of SB32. (I forgot to ask whether you are planning to be a sponsor of SB32--That would be great!) We believe that SB1279 will mean that Californians can breathe more easily with the knowledge that no state funds will be used to support coal exports from any port in the state.
As you know, we spent most of our meeting discussing SB1277. We certainly agree with your position that we should do everything we can to make sure coal is not allowed to come to Oakland. And we appreciate any efforts you can make to avoid a lawsuit by the developer against the city. This is one of the main reasons why we think SB1277 is a good idea. Adding this state law as another obstacle to exporting coal will make it even less likely that the developer will try to sue the city.
We also strongly agree with you that the redevelopment of the former Oakland Army Base is a good project and should proceed. As Ted Franklin mentioned in the meeting, the vast majority of the former Oakland Army Base project is proceeding independently from the bulk terminal project, under sponsorship from Prologis, CenterPoint, and others. Based on a tour of the site several of us have seen that the whole Oakland Global project includes a warehousing and logistics center being developed by Prologis, a new rail yard, a truck service center, and two recycling operations in addition to the Oakland Bulk and Oversized Terminal (OBOT). Like you, we support all these additional operations, none of which depends on when and/or whether the OBOT gets built. Construction of the warehousing and logistics center is supposed to begin this summer and the first warehouse in the complex is expected to be operational next year. And we also support the OBOT bulk terminal project itself with its list of nearly 15,000 commodities, excluding coal.
As we discussed, Ted Franklin will send you section 3.4.2 of the Development Agreement, and why, based on that, we do not believe SB1277 is a violation of vested rights of the developer. The City Council members, City staff, and No Coal in Oakland supporters believe the three professional, objective studies on the health effects of the transport, storage, shipment, and burning of coal on Oakland residents and workers are overwhelmingly convincing. Ted will send links to the studies (they are a bit too large to attach). These studies with their negative conclusions, together with the extensive public hearing process conducted by the City, constitute a firm basis (we would add "obligation") on which the City can and must ban coal in Oakland.
Again, we thank you for meeting with us, and we appreciate your support. Please keep us informed of any progress you make in preventing litigation in this matter, and if you have additional questions/concerns regarding SB1277.

We look forward to working with you on many climate and environmental justice issues as climate crisis continues to deepen.

Sincerely,

Jack Lucero Fleck—350 Bay Area (and John George Democratic Club)
Ted Franklin and David Gassman—No Coal in Oakland
Brittany King—Sierra Club
Misao Brown—Northern California Climate Mobilization (and Alameda resident like yourself!)
Pamela Drake—Wellstone Democratic Renewal Club

cc: Justin Rausa, Senior Field Representative