

# Victory! Court Rules Against Excessive Sand Mining in the Bay



In a major victory, the California Court of Appeal issued a final ruling that state agencies and private companies no longer have a green light to extract massive amounts of sand from the San Francisco Bay floor. Instead, the public's access, use, and enjoyment of this important Bay resource must be considered first.


This ruling can help keep sand in the Bay and prevent erosion of Ocean Beach. Scientific research shows that extracting sand from the Bay makes erosion worse at Ocean Beach, which reduces beach access for surfers, kiteboarders, and beachgoers.

The legal victory also safeguards species impacted by sand mining. Ocean Beach erosion endangers the habitat of the threatened western snowy plover. In addition, the sand mining area includes sensitive rearing and migratory habitat for species that include Dungeness crab and Chinook salmon.

With this court victory, the state is now required to re-evaluate the amount of sand it will allow to be mined from the Bay floor.

The state is also required to prioritize the benefit to the public, instead of the profits of private companies. Moreover, this ruling sets a legal precedent that can be used to protect natural resources nationwide.

***Species like the western snowy plover will benefit from Baykeeper's recent court victory to limit sand mining.***

Baykeeper will monitor to ensure that new sand mining limits are put in place that protect Ocean Beach, wildlife, and San Francisco Bay. 

## Developer Calls Off Pittsburg Crude Oil Facility

The oil industry's plan for a major expansion of oil refining around San Francisco Bay suffered a setback: WesPac Energy, the developer of a crude oil storage facility proposed for Pittsburg, called off the project in the face of environmental and community opposition.


Baykeeper opposed the oil storage facility because it would have raised the risk of oil spills in the Bay and its watershed. The WesPac project would have led to more oil being shipped by rail on tracks near the Bay shoreline, creating a risk of oil spills and explosions. Future sea level rise could have flooded the

facility's shoreline site, causing significant pollution in Suisun Bay, a San Francisco Bay

inlet. The facility would have also generated air pollution and threatened the health of nearby communities.

Legal pressure and advocacy by Baykeeper and other environmental and community organizations was key to the cancellation of the oil storage facility.

This victory could help defeat other plans for expanding Bay Area oil refining, including Valero Energy Corporation's plan to enlarge the train yard at its Benicia refinery.

If Valero's proposal is approved, two 50-car trains per day would carry dirty and explosive crude oil on tracks beside an important Suisun Bay wildlife habitat area. A train accident could cause an oil spill that could quickly spread throughout San Francisco Bay. Baykeeper is now urging Benicia city leaders to block the Valero rail yard expansion. 



SAN FRANCISCO  
**BAYKEEPER®**

*Safeguarding San Francisco Bay from pollution since 1989.*

*Spring/Summer 2016*

# Letter From the Executive Director



I am excited to share with you this Spring-Summer 2016 issue of *Baykeeper News*, which highlights our latest victories for a healthier San Francisco Bay.

I hope you will take pride in seeing that together we're winning big battles to reduce threats to the Bay—including stopping excessive sand mining, halting the oil industry's plan to increase refining around the Bay, and reducing industrial pollution. It is your support that makes these victories possible.

Your support keeps our boat on the water, patrolling San Francisco Bay for pollution. Your generosity keeps us on alert, ready to take action when residents report problems to our pollution hotline. Your investment keeps us active in court, fighting to defend the Bay and our natural resources.

Thank you for sharing our dedication to making San Francisco Bay healthier for wildlife, safer for recreation, and more sustainable for our children.

A handwritten signature in black ink, appearing to read 'Sejal Choksi-Chugh'.

Sejal Choksi-Chugh, Executive Director

## New Progress to Reduce Industrial Pollution in the Bay

For at least five years, water polluted with nitrate, iron, and other contaminants has been running off the **San Rafael Rock Quarry** directly into San Francisco Bay. But now, as a result of Baykeeper's Clean Water Act lawsuit, the quarry operators will improve operations to protect the Bay from contamination.

The pollution cleanup agreement is the 32nd victory in Baykeeper's Bay-Safe Industry Campaign. The campaign targets

***Baykeeper's efforts are keeping contamination from industrial facilities out of San Francisco Bay—including from San Rafael Rock Quarry, shown here.***


widespread, illegal rainy-season runoff that flows into San Francisco Bay from local industrial facilities. This runoff often contains high levels of pollutants that can harm wildlife and people, including heavy metals, oil, and other toxic substances.

Since the last issue of *Baykeeper News*, San Rafael Rock Quarry and three more industrial facilities have signed legally-binding agreements requiring them to implement controls to keep pollution out of the Bay. These other facilities include: **Shamrock Materials, Inc.**, a concrete production plant in San Rafael; **Mission Trail Waste Systems, Inc.**, a garbage and recycling facility in Santa Clara; and the **Blue Line Transfer** waste disposal and recycling facility on the San Francisco Bay shoreline in South San Francisco.



Photo by Robb Most. Thanks to LightHawk Conservation Flying.

Facilities like Mission Trail and Blue Line are critical to reducing waste in landfills, but outdoor storage of trash and recycling can contribute contaminated runoff to the Bay.

Baykeeper is investigating more industrial facilities and working toward more victories to keep industrial runoff from contaminating San Francisco Bay. 

### ***Take Action for a Healthy Bay: Don't use pesticides in your yard or garden***

Pesticides are washed into storm drains and creeks that empty into San Francisco Bay. Urban and suburban pesticide use are a major source of water pollution that kills fish and

aquatic plants and insects. Many weeds and pests are better repelled by physical removal or by beneficial plants and insects that naturally control pest populations.

# Baykeeper Stands Up Against Dangerous Coal Pollution

Baykeeper is opposing coal shipping through two different shoreline export terminals proposed for Oakland and Vallejo. Coal contains arsenic, lead, and other toxins. If either shipping facility is approved to handle coal, more of this toxic material would be delivered to the Bay Area in open train cars, shedding toxic dust and pieces of coal into neighborhoods near railroad tracks and throughout San Francisco Bay's watershed. Coal and coal dust could also be blown into the Bay if the material is stored on the shoreline awaiting export or is loaded improperly onto ships.


Coal dust pollution can have effects that range from asthma in kids to bronchitis in adults. The Bay's smallest creatures can ingest dust and tiny coal particles. From there, the toxins can move into fish that eat the small creatures, and into anything that eats the fish, including harbor seals, birds, and people who fish from the Bay.

In Oakland, the shipping terminal developer got the project approved, and only afterwards admitted that it could be used to export millions of tons of Utah coal. Baykeeper, along with our partner environmental groups and many concerned residents, is advocating for Oakland city leaders to prevent any coal export from Oakland.

In Vallejo, another developer wants to build a shipping port and cement plant along the shores of Mare Island Strait. The shipping terminal could be used to ship petroleum coke—a toxic byproduct of oil refining—and to export coal. The project would also fill several acres of Bay wetlands, reduce public access to the shoreline, and disrupt the San Francisco Bay Trail.





***Coal would arrive in open train cars, shedding toxic dust into the Bay's watershed, including neighborhoods near railroad tracks.***

In partnership with local environmental groups, Baykeeper is urging Vallejo city leaders to reject the project, officially known as the Vallejo Marine Terminal/Orcem Cement project.

On another front, we're supporting state legislation introduced by State Senator Loni Hancock, SB 1277-1280, to restrict the export of coal from California. Baykeeper will continue working to prevent coal contamination of San Francisco Bay. 

## Help Protect the Bay with Your Gift

Please donate to help Baykeeper win even more victories for a safer, healthier, and more sustainable San Francisco Bay.

-  **Donate today by check or online.**  
It's easy to donate right now, using the enclosed envelope, or by visiting [baykeeper.org](http://baykeeper.org).
-  **Sign up for your employer's charitable matching gift program.**  
If there's a charitable gift matching program where you work, request that your employer match your gift.
-  **Become a Bay Steward recurring donor.**  
Regular quarterly or monthly gifts are easy to set up. And spreading your gift out over the year is easy on your budget.
-  **Donate to Baykeeper at no cost when shopping at Amazon.com.**  
When you use the AmazonSmile program to shop online, Amazon will donate 0.5% of the purchase price to Baykeeper—at no cost to you. To get started, go to [smile.amazon.com](http://smile.amazon.com), and select San Francisco Baykeeper as your charity.

Thank you for helping Baykeeper keep pollution out of San Francisco Bay!



CELEBRATE A  
CLEAN AND HEALTHY  
SAN FRANCISCO BAY

JOIN THE  
**BAY PARADE**  
SUNDAY, MAY 22

Swim | SUP | Kayak | Boat

Register at  
[baykeeper.org/bayparade](http://baykeeper.org/bayparade)

Photo by Clay Schmitz



SAN FRANCISCO  
**BAYKEEPER**<sup>®</sup>  
 1736 Franklin Street., Suite 800  
 Oakland, CA 94612

## Spring/Summer 2016 Baykeeper News

# Action Around San Francisco Bay



*Top left:* Baykeeper took photos from the air during the year's highest tides, to show the vulnerability of San Francisco Bay shorelines to sea level rise. *Top right:* After two fireworks shows during Super Bowl 50 festivities, Baykeeper's **Pollution Hotline** received multiple reports of fireworks debris contaminating the Bay. Baykeeper is urging regulators and the fireworks company to prevent future contamination. Thanks to **Shark Stewards** and **Dolphin Club** volunteers for cleaning up much of the debris. *Bottom right:* At Baykeeper's **Dinner at the Dolphin Club** in February, Baykeeper Board Members **Diane Livia** and **Jovita Pajarillo** and guest **Vicki Maffei** were among the 150 people who enjoyed a delicious crab dinner. The event celebrated the 2016 winners of **Baykeeper's Blue Rivet Awards**, which honor heroes of San Francisco Bay: **Roger Castillo**, for volunteer stewardship of the Guadalupe River in San Jose; **Paul Johnson**, for his work toward sustainable fisheries as founder of the Monterey Fish Market; and **Levi Strauss & Co.**, for pioneering sustainability initiatives that reduce water use and limit waterway contamination.



Follow us on Facebook and Twitter  
 Sign up for e-mail updates at [baykeeper.org](http://baykeeper.org)

[baykeeper.org](http://baykeeper.org)  
 info@baykeeper.org | 510-735-9700  
 Pollution Hotline: 1-800-KEEP BAY

