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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF ALAMEDA**

13
14 SAN FRANCISCO BAYKEEPER, INC., a
California non-profit corporation

15 Petitioner and Plaintiff,

16 v.

17 CALIFORNIA STATE LANDS
18 COMMISSION; and DOES 1 through 25,
inclusive,

19 Respondents and Defendants.
20

21 MARTIN MARIETTA MARINE
OPERATIONS, LLC; LIND MARINE
22 INC.; and DOES 26 through 50, inclusive,

23 Real Parties in Interest.
24
25
26
27
28

Case No.

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

CEQA Case

(California Code of Civil Procedure §§
1085, 1088.5, 1094.5; California Public
Resources Code §§ 21167, 21168, 21168.5,
6900; California Public Trust Doctrine)

1 **INTRODUCTION**

2 1. Petitioner and Plaintiff San Francisco Baykeeper, Inc. (“Baykeeper” or
3 “Petitioner”) seeks a writ of mandate compelling the California State Lands Commission
4 (“Commission”) to set aside its February 9, 2026, certification of the Final Supplemental
5 Environmental Impact Report (“FSEIR”) for, and approval of, the San Francisco Bay and Delta
6 Sand Mining Project, State Clearinghouse Number 2007072036 (“Project”). As described
7 below, the Commission’s approval violates the substantive and procedural requirements of the
8 California Environmental Quality Act, California Public Resources Code section 21000 *et seq.*
9 (“CEQA”), the CEQA Guidelines, title 14 California Code of Regulations section 15000 *et seq.*
10 (“Guidelines”) and the Public Trust Doctrine of California.

11 2. The Project authorizes extraction of 1.75 million cubic yards of sand per year from
12 the floor of San Francisco Bay for the next ten years, the vast majority of it from public land. As
13 approved, the Project would accelerate the exhaustion of non-renewable mineral resources in San
14 Francisco Bay, where numerous mined pits already pock the Bay’s floor, making plain the
15 dramatic and persistent sediment loss that has resulted from past and ongoing sand mining. A
16 growing body of new scientific data in the record points to the harmful impact of sand mining
17 on coastal erosion and wildlife habitat – impacts compounded by accelerating sea level rise and
18 climate change. Crucially, new studies have shown that much of the Bay’s sand is ancient and
19 therefore not being actively replenished at rates commensurate with the proposed extraction—
20 and therefore not a renewable resource. Despite the depletion of the Bay’s sand documented in
21 the record, its concomitant erosive effect on the San Francisco coastline and the Bay’s
22 ecosystem, the FSEIR for the Project fundamentally failed to provide agency decision-makers
23 and the public with the information required to evaluate the full scope of these environmental
24 impacts as required by CEQA.

25 3. Perhaps most disturbingly, the FSEIR used an egregiously inaccurate baseline
26 to assess the Project’s environmental impacts. Specifically, the FSEIR compared the impacts
27 of the Project not to the actual or average amount of sand mining being conducted, but to the
28 maximum of sand mining that *could* have occurred under the Commission’s approval of a

1 prior version of the Project in 2012. This use of an artificially inflated baseline rendered the
2 FSEIR’s analysis inadequate as a matter of law and fundamentally misleading to decision-
3 makers and the public. Furthermore, by approving the flawed Project to remove excessive
4 amounts of sand from the Bay’s floor, the Commission inappropriately set aside its obligations as
5 a trustee to protect the Bay’s floor and San Francisco’s coastal shoreline, both of which are vital
6 public trust resources.

7 **PARTIES**

8 4. Petitioner incorporates each paragraph of this Petition herein.

9 5. Petitioner SAN FRANCISCO BAYKEEPER, INC. (“Baykeeper” or “Petitioner”)
10 is a non-profit, public interest organization that is dedicated to protecting the water quality of
11 San Francisco Bay for the benefit of its ecosystems and surrounding communities. Baykeeper’s
12 office is located at 1736 Franklin Street, Suite 800, Oakland, California, 94612. Members of
13 Baykeeper live, work, travel, and recreate in and near San Francisco Bay, its tributaries,
14 watershed, and the Pacific Coast. These members use the waters and lands affected by the
15 Project for recreational, educational, scientific, conservation, aesthetic, and spiritual purposes.
16 The interests of Baykeeper and its members would be directly, adversely, and irreparably
17 harmed by the Project, until and unless this Court provides the relief prayed for in this Petition.
18 Baykeeper submitted timely comments on the Draft Supplemental Environmental Impact Report
19 (“DSEIR”) for the Project, and on the FSEIR, identifying both legal and scientific inadequacies
20 in each CEQA document.

21 6. Respondent and Defendant CALIFORNIA STATE LANDS COMMISSION is a
22 statewide agency established by the legislature pursuant to the State Lands Act of 1938,
23 California Public Resources Code section 6001 *et seq.*, to manage public lands owned or
24 controlled by the State of California. The Commission’s main office is located at 100 Howe
25 Avenue, Suite 100 South, Sacramento, California, 95825. The Commission voted to certify the
26 EIR and approve the Project at its February 9, 2026, meeting.

27 7. Petitioner does not know the true names of Respondents DOES 1-25 at this time
28 and accordingly names them as DOES 1-25 until such time as the true name of each party so

1 named is discovered.

2 8. Real Party in Interest MARTIN MARIETTA MARINE OPERATIONS, LLC.
3 (“Martin Marietta”) is a corporation that is named as a Project Applicant and recipient of
4 approval in the Commission’s Notice of Determination (“NOD”) filed with the State
5 Clearinghouse on February 11, 2026. Martin Marietta’s main office is located at 4123 Parklake
6 Avenue, Raleigh, North Carolina, 27612. Its registered agent, CT Corporation, is located at 330
7 North Brand Boulevard, Suite 700, Glendale, California, 91203.

8 9. Real Party in Interest LIND MARINE INC. (“Lind”) is a corporation that is
9 named as a Project Applicant and recipient of approval in the NOD. Lind’s main office is
10 located at 1175 Nimitz Avenue, Suite 120, Vallejo, California, 94592. Its registered agent, Eric
11 Sternberger, is located at 1101 Fifth Avenue, Suite 100, San Rafael, California, 94901.

12 10. Petitioner does not know the true names of Real Parties in Interest DOES 26-50
13 and accordingly names them as DOES 26-50 until such time as the true name of each party so
14 named is discovered.

15 11. Martin Marietta, Lind, and DOES 26-50 are collectively referred to herein as
16 “Real Parties in Interest” and/or “Project Applicants.”

17 **GENERAL ALLEGATIONS**

18 **Project Background**

19 12. Petitioner incorporates each paragraph of this Petition, herein.

20 13. The Project proposes to mine construction-grade sand from the San Francisco Bay,
21 Suisun Bay, and Sacramento-San Joaquin Delta, with most activity occurring between the
22 northern San Francisco waterfront and Angel Island. The Project seeks to renew and expand
23 mineral extraction leases to the Project Applicants on five parcels of land owned by the
24 Commission and one privately-owned parcel. The leases authorize the Project Applicants to
25 conduct sand mining over the next 10 years through February 9, 2036.

26 14. The Project encompasses approximately 3,906 acres of the San Francisco Bay
27 floor, including 2,601 acres in the Central Bay, 938 acres in the Suisun Bay/Western Delta, and
28 367 acres in the privately held Middle Ground Shoal lease. While claiming to reduce mining

1 from the prior Commission-authorized maximum of approximately 2,039,866 cubic yards per
2 year, the proposed extraction volume of 1,750,000 cubic yards per year substantially exceeds
3 historical actual extraction rates.

4 15. The historic sand mining in these areas is unsustainable, leaving unfilled pits
5 pock-marking the Bay’s floor. Natural replenishment has been severely deficient across the
6 most intensively mined areas. In Suisun Bay lease areas, only 1% of extracted sand was
7 naturally replaced over the 2014–2019 study period—meaning approximately 99% was
8 permanently lost from that portion of the system. In the northern Central Bay lease areas,
9 recovery rates ranged from 14% to 55% averaged between 2008–2019, with rates as low as 11%
10 to 15% during peak mining periods—representing a failure to replace 45% to 89% of extracted
11 material. Even the relatively higher local recovery rates create a sediment sink that reduces
12 supply to the broader Bay and outer coast. Research by USGS-affiliated scientists and
13 published in the peer-reviewed literature documents that over 200 million cubic meters of
14 sediment has been removed from the San Francisco Bay Coastal System through dredging,
15 aggregate mining, and borrow pit mining over the course of the 20th century. Separately,
16 bathymetric change analysis for the period 1997–2008 alone documented a loss of 14.1 million
17 cubic meters of sediment from west-central San Francisco Bay, representing approximately a
18 three-fold acceleration compared to rates observed from 1947 to 1979.

19 16. This sustained depletion of sediment has contributed to erosion at nearby open-
20 coast beaches, including Ocean Beach in San Francisco, by reducing the supply of sand-sized
21 material available for coastal deposition. Continued sand mining will increase erosion at
22 southern Ocean Beach. Aggregate mining and dredging occur along sand transport pathways at
23 removal rates that exceed present-day sediment supply from all Bay watersheds combined. And
24 new scientific information developed since 2012 has substantially advanced understanding of
25 the detrimental effects of sand mining at current volumes—understanding that was not
26 addressed in the 2012 EIR regarding the relationship between in-Bay mining and depletion of
27 sediment supply to adjacent coastlines.

28 17. Erosion at South Ocean Beach in San Francisco is increasing, threatening the

1 Great Highway at Sloat Boulevard. San Francisco is currently implementing long-term coastal
2 protection measures at Ocean Beach—grounded in the 2012 Ocean Beach Master Plan and now
3 advanced through the Ocean Beach Climate Change Adaptation Project—to protect critical
4 infrastructure from severe erosion. Current project components include a buried seawall and
5 managed retreat of the Great Highway. The seawall alone is estimated to cost \$175 million.
6 Reductions in sand extraction in the Bay could limit coastal erosion and significantly lessen the
7 costs to the City for shoreline loss mitigation.

8 **Requirements of CEQA**

9 18. Under CEQA, the lead agency is required to prepare a complete and legally
10 adequate environmental impact report (“EIR”) prior to approving any discretionary project that
11 may have a significant adverse environmental effect. (Pub. Resources Code §§ 21100(a),
12 21150.)

13 19. The purpose of an EIR is to provide public agencies and the public in general with
14 detailed information about the effects that a proposed project is likely to have on the physical
15 environment. (Pub. Resources Code § 21061.) An EIR must fully disclose and analyze all of a
16 project’s potentially significant direct, cumulative, and indirect environmental effects. (Pub.
17 Resources Code § 21100(b)(1); Guidelines § 15064(d).) The EIR should be prepared with a
18 sufficient degree of analysis to provide decision-makers with information that enables them to
19 intelligently account for a project’s environmental consequences when rendering a decision
20 (Guidelines § 15151.)

21 20. The CEQA Guidelines require a description of a baseline for environmental
22 analysis that “examine[s] the existing physical conditions... at the time environmental analysis is
23 commenced as well as the potential future conditions discussed in the plan.” (Guidelines §
24 15125(e).) The Commission must use a measure of environmental quality absent the project
25 when determining whether the project’s environmental impacts are significant.

26 21. The CEQA Guidelines provide that, “[i]n determining whether an effect will be
27 adverse or beneficial, the lead agency shall consider direct physical changes in the environment
28 which may be caused by the project and reasonably foreseeable indirect physical changes in the

1 environment which may be caused by the project.” (Guidelines § 15064(d).) A direct physical
2 change is “caused by and immediately related to the project,” while an indirect physical change
3 occurs “[i]f a direct physical change in the environment in turn causes another change in the
4 environment.” (Guidelines § 15064(d)(1), (d)(2).)

5 22. CEQA also requires that an EIR for a proposed project consider reasonably
6 foreseeable cumulative impacts from a project. (Pub. Resources Code § 21100, Guidelines §
7 15130.) The EIR must evaluate “the incremental effects of an individual project ... when viewed
8 in connection with the effects of past projects, the effects of other current projects, and the
9 effects of probable future projects.” (Pub. Resources Code § 21083(b)(2); Guidelines §§
10 15065(a)(3), 15355(b).) Cumulative impacts can result from “individually minor but collectively
11 significant projects taking place over a period of time.” (Guidelines § 15355(b).) Therefore, the
12 lead agency may not simply compare the magnitude of the project’s impacts to the whole of the
13 cumulative effects including other past, present, or future projects, but rather it must consider
14 the significance of the combined cumulative physical change to the environment.

15 23. The CEQA Guidelines ask the lead agency to consider whether a proposed project
16 would have a significant direct, indirect, or cumulative impact “[r]esulting in substantial soil
17 erosion,” or “[s]ubstantially alter[ing] the existing drainage pattern of the site or area ... in a
18 manner which would result in substantial erosion . . . on- or off-site.” (Guidelines app. § G.)

19 24. The CEQA Guidelines ask the lead agency to consider whether a proposed project
20 would have a significant direct, indirect, or cumulative impact “[r]esult[ing] in the loss of
21 availability of a known mineral resource that would be of value to the region and the residents of
22 the state.” (Guidelines app. § G.)

23 25. CEQA requires the Commission to adopt feasible mitigation measures to
24 substantially lessen or avoid the otherwise significant adverse environmental impacts of
25 proposed projects. (Pub. Resources Code § 21002.) The Commission is required pursuant to
26 CEQA to consider mitigation measures and alternatives to the Project, to adopt all feasible
27 mitigation measures and/or alternatives, to determine that proposed mitigation measures will or
28 will not be effective in avoiding or substantially lessening the Project’s significant

1 environmental impacts, and to make an adequate statement of overriding considerations for
2 those significant environmental impacts deemed unavoidable. (Pub. Resources Code §§
3 21002(b), 21081.)

4 26. CEQA requires that an EIR include a reasonable range of alternatives for a
5 proposed project that will reduce or avoid significant environmental impacts of the project and
6 foster informed decision-making and public participation. (Guidelines § 15126.6.)

7 27. CEQA requires the lead agency to notify and consult with responsible agencies,
8 trustee agencies, and public agencies having jurisdiction over the natural resources affected by
9 the project prior to completing an EIR, and at any time after which significant new information
10 is added to an EIR after the close of public comment. (Pub. Resources Code §§ 21104, 21153,
11 21092.1.)

12 28. CEQA requires the lead agency to provide written responses to written comments
13 received on a draft EIR for a project during the public review and comment period prescribed by
14 law. (Pub. Resources Code § 21092.5; Guidelines § 15088.) Responses must meet all
15 requirements applicable to preparation of an EIR, and may not be conclusory, incomplete,
16 inaccurate, contradictory, unsupported, or otherwise contrary to the requirements of CEQA. (*Id.*)

17 29. CEQA requires the Commission to “recirculate” an EIR for public and agency
18 review and comment when “significant new information is added to an environmental impact
19 report” after public and agency review and comment on the DEIR is closed, and prior to
20 certification of the EIR and approval of the project. (Pub. Resources Code § 21092.1; Guidelines
21 § 15088.5.)

22 30. CEQA requires the Commission to conduct a new EIR, rather than rely on a
23 supplemental EIR when substantial changes, new information, or new circumstances arise. (Pub.
24 Resources Code § 21166.)

25 31. CEQA requires a state agency to file a NOD with the state Office of Planning and
26 Research within five days of deciding to carry out or approve a project for which an EIR has
27 been prepared. (Pub. Resources Code § 21108; Guidelines § 15094.) CEQA also requires, within
28 the same timeframe, the agency to deposit in United States mail a written copy of the notice

1 addressed to any person who has made a written request to receive CEQA notification on the
2 project. (Pub. Resources Code § 21167(f).)

3 **The Commission’s CEQA Analysis of the Project**

4 32. On July 10, 2007, the Commission, acting in its role as the CEQA lead agency,
5 released a Notice of Preparation (“First NOP”), soliciting public and agency comments on its
6 intention to prepare an EIR for the Project.

7 33. Three years later, the Commission released a Draft Environmental Impact Report
8 (“DEIR”) on July 27, 2010, and accepted public comments until August 30, 2010.

9 34. The Commission circulated a Revised Draft Environmental Impact Report
10 (“RDEIR”) on November 16, 2011.

11 35. While the RDEIR largely characterized the effects of mining on sediment loss and
12 coastal erosion as uncertain, it nevertheless concluded that “no morphological impacts (erosion
13 or accretion) are likely to occur outside the immediate vicinity of the sand mining areas.”
14 (RDEIR, p. 4.3-34.)

15 36. The RDEIR also found that, although the Project would further deplete the
16 already-dwindling amount of Bay sediment from the lease areas, the Project’s impacts on
17 mineral resources, including Bay sediment, would be less than significant.

18 37. The RDEIR set forth a baseline extraction rate relying on the average amount of
19 sand actually mined for the five years before the NOP, or 2002 to 2007.

20 38. The Commission released a Final Environmental Impact Report (“FEIR”) on
21 September 18, 2012.

22 39. The FEIR introduced scientific studies performed by the United State Geological
23 Survey demonstrating that sand mining in San Francisco Bay has negative effects upon Bay
24 morphology, sediment transport, and coastal erosion.

25 40. The FEIR confirmed these effects, finding that if the Project were approved and
26 sand mining continued at the proposed volume for a 10- year period, there would likely be a
27 reduction of 5,000-7,000 cubic yards of sediment transported from Central Bay through the
28 Golden Gate annually.

1 41. The FEIR determined that the Project’s direct, indirect, and cumulative physical
2 environmental impacts to Bay morphology, sediment transport, coastal erosion, and recreation
3 would be less than significant.

4 42. Baykeeper filed suit over the approval of the FEIR, resulting in two published
5 opinions by the First District California Court of Appeal.

6 43. In *Baykeeper v. State Lands Commission* (2015) 242 Cal.App.4th 202 (*Baykeeper*
7 *I*), the court found that the approval of the leases in 2012 was consistent with CEQA but violated
8 the public trust doctrine for failure to analyze impacts on sand as a public trust resources. The
9 court approved the use of the average **actual** amount of sand mined over the five-year period
10 prior to the NOP as an appropriate baseline.

11 44. In *Baykeeper v. State Lands Commission* (2018) 29 Cal.App.5th 562 (*Baykeeper*
12 *II*), the court found that private, for-profit sand mining was not a public trust use of the resource,
13 rejecting the Commission’s contrary assertion, but deferred to the Commission’s analysis of
14 impacts on the public trust in the Commission’s approval of the leases.

15 45. In May 2023, the Commission issued a new Notice of Preparation (“Second
16 NOP”) to begin the process of analyzing and updating the previously approved leases.

17 46. In August 2025, the Commission released the Draft Supplemental EIR analyzing
18 proposed ten-year lease extensions allowing for additional sand mining.

19 47. The DSEIR was tiered off the prior FEIR from 2012.

20 48. Baykeeper, and many others, including the Bay Conservation and Development
21 Commission (“BCDC”) timely commented on the DSEIR.

22 49. In January 2026, the Commission released the Final Supplemental EIR.

23 50. Baykeeper and others again commented on the FSEIR prior to the Commission’s
24 adoption and approval and at the Commission’s adoption hearing.

25 51. The Commission adopted and approved the FSEIR and the Project at its February
26 9, 2026 meeting. The Commission issued a Notice of Determination on February 11, 2026
27 approving the FSEIR.

28 ///

Requirements of the California Public Trust Doctrine

52. Under the Public Trust Doctrine, the Commission holds title to and manages the State's tidelands and navigable waterways and the lands submerged beneath them for the benefit of the people of California for public trust uses, which include navigation, fishing, water-related recreation, waterborne commerce, habitat preservation, and open space.

53. The Public Trust Doctrine extends beyond traditional interests in a waterway to require the protection of ecological values including, but not limited to, the scenic beauty of a waterway, the purity of the air and waters, and the preservation of the tidelands and shoreline in their natural state.

54. The Commission must evaluate any allocation or diversion of a public trust resource in light of the impacts upon public trust interests and "avoid or minimize any harm to those interests." (*Nat'l Audubon Soc'y v. Superior Court* (1983) 33 Cal. 3d 419, 426 ("Nat'l Audubon").)

55. The Commission has a continuing and ongoing duty to protect and manage public trust resources for the benefit of the people of the State and to review and change the management of those resources to protect public interests. In light of new knowledge or needs, the Commission has the responsibility to "reconsider allocation decisions even though those decisions were made after due consideration of their effect on the public trust." (*Nat'l Audubon*, 33 Cal.3d at 447.)

56. The Commission may favor one public trust use over another, but it may not authorize a use inconsistent with the trust. The Commission cannot grant tidelands for use outside of the trust merely because the grant serves some public purpose. The public trust invokes an affirmative duty that may be surrendered "only in rare cases when the abandonment of that right is consistent with the purposes of the trust." (*Nat'l Audubon*, 33 Cal.3d at 440-441.)

Application of the Public Trust Doctrine

57. The Commission may grant leases for the extraction of minerals from the State's tidal and submerged lands "whenever it appears that the execution of such leases and the operations thereunder will not interfere with the trust upon which such lands are held or

1 substantially impair the public rights to navigation and fishing.” (Pub. Resources Code § 6900.)

2 58. The California coastal zone “is a distinct and valuable natural resource of vital and
3 enduring interest to all the people and exists as a delicately balanced ecosystem; the permanent
4 protection of the state’s natural and scenic resources is a paramount concern to present and
5 future residents of the state and nation;” and “...it is necessary to protect the ecological balance
6 of the coastal zone and prevent its deterioration and destruction.” (Pub. Resources Code §
7 30001.)

8 59. San Francisco Bay, the sediment submerged under the Bay, and the California
9 coastline are public trust resources under California’s Public Trust Doctrine.

10 60. San Francisco Bay is a navigable waterway that serves public trust uses including
11 navigation, fishing, ecosystem functions, recreation, and tourism.

12 61. San Francisco Bay sediment serves public trust uses that include replenishing the
13 coastal shoreline.

14 62. The coastal shoreline provides for public trust uses including navigation, fishing,
15 recreation, fish and wildlife habitat, tourism, and scenic beauty, as well as the location of public
16 health wastewater infrastructure for the City of San Francisco and transportation infrastructure
17 for California.

18 63. The Commission’s authorization of unsustainable rates of sand extraction is
19 inconsistent with established public trust uses and is detrimental to vital public trust resources.

20 64. New scientific research demonstrates that historic sand extraction levels in the Bay
21 have resulted in adverse impacts to Bay morphology, sediment transport, and coastal erosion
22 and confirms that future sand mining volumes must be reduced to avoid significant and adverse
23 effects on the Bay’s sediment and coastal beaches.

24 65. The San Francisco Bay ecosystem and coastal shoreline will be significantly
25 affected by the increased unsustainable extraction rates approved under the new leases.

26 **JURISDICTION, VENUE, AND PROCEDURAL REQUIREMENTS**

27 66. Petitioner incorporates each paragraph of this Petition, herein.

28 67. Petitioner files this Petition for Writ of Mandate pursuant to California Code of

1 Civil Procedure sections 1085, 1088.5, and 1094.5 and California Public Resources Code
2 sections 21168 and 21168.5. This Court has the authority to issue a writ of mandate directing the
3 Commission to vacate and set aside its approval of the Project and certification of the FSEIR for
4 the Project under California Code Civil Procedure sections 1085 and 1094.5.

5 68. Venue for this action properly lies in the Alameda County Superior Court because
6 the Project has impacts in Alameda County. The FEIR for the Project states that several of the
7 offloading sites for the sand mined from Project are in the City of Oakland, within Alameda
8 County. The Project also will have recreational and fishing impacts on Baykeeper members who
9 reside in Alameda County. The Attorney General maintains an office in the City Oakland, in
10 Alameda County.

11 69. Petitioner has complied with the requirements of Public Resources Code section
12 21167.5 by serving a written notice of Petitioner's intention to commence this action on the
13 Commission, via email and U.S. Mail, on March 11, 2026. A true and correct copy of the
14 written notice and proof of service is attached hereto as Exhibit A.

15 70. Petitioner will comply with the requirements of Public Resources Code section
16 21167.7 and Code of Civil Procedure section 388 by sending a copy of this Petition to the
17 California Attorney General. A true and correct copy of the letter that will transmit this Petition
18 is attached hereto as Exhibit B.

19 71. Petitioner will comply with the requirements of Public Resources Code section
20 21167.6 by concurrently filing a notice of its election to prepare the record of administrative
21 proceedings related to this action.

22 **STANDING**

23 72. Petitioner incorporates each paragraph of this Petition, herein.

24 73. Respondent has a mandatory duty to comply with CEQA by preparing and
25 certifying an EIR that complies with CEQA's procedural and substantive requirements before
26 issuing any approvals in furtherance of the Project.

27 74. Respondent has an affirmative duty to uphold the Public Trust Doctrine in the
28 planning and allocation of natural resources and to protect public trust uses and to limit impacts

1 on public trust uses where feasible.

2 75. Petitioner is beneficially interested in Respondent's full compliance with CEQA
3 and the Public Trust Doctrine before issuing any approval in furtherance of this Project.

4 76. Petitioner has the right to enforce the duties that CEQA and the California Public
5 Trust Doctrine impose on Respondent.

6 77. Petitioner has no other plain, speedy and adequate remedy in the ordinary course
7 of law and will suffer irreparable injury unless this Court issues the relief requested in this
8 Petition.

9 EXHAUSTION OF ADMINISTRATIVE REMEDIES

10 78. Petitioner incorporates each paragraph of this Petition, herein.

11 79. Petitioner has exhausted all administrative remedies by submitting written
12 comments on the Project requesting compliance with CEQA, including the completion of full
13 and adequate environmental review, and requesting compliance with the Public Trust Doctrine.

14 80. All relevant CEQA and Public Trust Doctrine comments raised by Baykeeper and
15 other interested individuals, agencies, and organizations were made prior to Respondent's
16 approval of the Project and the close of the public hearing on the Project before Respondent's
17 issuance of the NOD for the Project.

18 STATUTE OF LIMITATIONS

19 81. Petitioner incorporates each paragraph of this Petition, herein.

20 82. Petitioner timely filed this Petition prior to expiration of any applicable statute of
21 limitations and in accordance with California Public Resources Code section 21167 and CEQA
22 Guidelines section 15112.

23 FIRST CAUSE OF ACTION

24 **(Violations of CEQA, Pub. Resources Code § 21100 *et seq.*; Guidelines § 15130 *et seq.*)**

25 **Failure to Utilize a Proper Baseline**

26 83. Petitioner incorporates each paragraph of this Petition, herein.

27 84. The Commission violated CEQA, prejudicially abused its discretion, failed to
28 proceed in a manner required by law, and failed to support its findings and conclusions with

1 analysis and facts by certifying the FSEIR and approving the Project using a baseline for
2 environmental analysis of sand extraction levels unrepresentative of the existing environmental
3 conditions at the time of the environmental review, resulting in an analysis of significant
4 impacts that underestimates the impacts to Bay sediment, mineral resources, fish and wildlife,
5 coastal erosion, public trust resources, and recreation.

6 85. The DSEIR and FSEIR “baseline” changed from the baseline used in the 2012
7 FEIR. In 2012, the Commission used a baseline of the average volume of sand actually mined
8 between 2002 and 2007—the five year period prior to issuance of the NOP. The Commission
9 used this amount because it believed it more accurately reflected existing conditions than
10 reliance on just 2007 sand mining volumes. In the DSEIR and subsequent FSEIR, the
11 Commission did not use the average sand mined at any time between 2012 and 2022, nor did it
12 use the prior baseline of actual sand mined from 2002 to 2007. Instead, it changed the baseline
13 and used an improper and misleading one – the total *potential* volume of sand mining allowed
14 by the Commission under the prior ten-year leases.

15 86. The mischaracterization of the baseline allowed the Commission to claim a ~14%
16 reduction in sand mining, while obscuring that the new leases would allow for a substantial
17 increase as compared to actual sand mined over the prior 10-year leases or the baseline used in
18 2012. The difference between a 14% reduction and the actual increase must be disclosed and
19 analyzed. The FSEIR’s approach here instead led to mischaracterizations of (a) the impacts on
20 biological resources, including endangered fish species, (b) impacts on mineral resources, (c)
21 impacts on public trust resources, and (d) analysis of alternatives to the proposed ten-year leases.
22 The purported, but in fact nonexistent, 14% reduction in sand mining was the basis for the
23 Commission’s determination that there were less than significant impacts to mineral resources
24 and public trust resources, and was material in the Commission’s approval of the Project.

25 87. As the FSEIR explained, “mining is inherently not a sustainable activity because it
26 extracts sand at a rate greater than natural resources can create and/or natural processes can
27 replenish sand. ... The Revised Project described in the Draft SEIR continues the extractive
28 mining activity. Nevertheless, the Draft SEIR finds that these Revised Project activities result in

1 a less-than-significant impact to mineral resources (Draft SEIR, Section 3.3.5.2). This finding is
2 based on the fact that the Revised Project proposes to decrease mining volumes for the new sand
3 mining leases.” (FSEIR at II-16, emphasis added; *see also* FSEIR at II-28 to II-29.) In reality,
4 the Project does not decrease sand mining volumes but rather significantly increases those
5 volumes.

6 88. Had the Commission used a legally appropriate baseline, its determinations that
7 reductions in volume were needed to avoid significant impacts to endangered species, public
8 trust resources, and mineral resources would have been inconsistent with its approval of the
9 Project.

10 **Failure to Consider Substantial New Evidence, Information and Changed Circumstances**

11 89. Petitioner incorporates each paragraph of this Petition, herein.

12 90. Substantial new evidence and changed circumstances required the Commission to
13 perform a new EIR, not merely to tier a Supplemental EIR off the 2012 FEIR.

14 91. New evidence and scientific studies commissioned pursuant to BCDC permit
15 conditions have materially changed the understanding of San Francisco Bay sand supply,
16 transport connectivity, and the sustainability of mining from existing lease areas. This new
17 information raises substantial questions as to whether the Project will have significant
18 environmental effects beyond those analyzed in the 2012 EIR, and whether the severity of
19 impacts to Bay geomorphology, sediment budgets, and dependent biological resources has been
20 understated.

21 92. The Independent Science Panel concluded that sand is a non-renewable resource
22 over the long term in San Francisco Bay, and that sand is mined faster than it is replenished. In
23 low-replenishment areas—most acutely in Suisun Bay and the northern Central Bay lease
24 areas—mining-induced depressions persist and merge over time, resulting in progressive
25 lowering of the Bay floor. Sand mining operations also result in the disturbance and loss of
26 benthic habitat, fauna that form the base of the food web for fish, marine birds, and marine
27 mammals that use the mining lease areas. The long-term net reduction of sand in the Bay-ocean
28 system poses risks to shoreline resilience and demonstrates the incompatibility of the Project

1 with the Commission’s public trust obligations.

2 93. In June 2024 the Independent Science Panel issued new findings that represent
3 material new information. This included: the volume of mined sand is significant relative to the
4 Bay’s overall sand budget and is mined faster than it is replenished; Suisun Bay sand is not
5 replenished and mining-related bed depressions persist because transport into those areas is
6 negligible; and Central Bay sand is largely relic sand, deposited thousands of years ago, and
7 there is no longer a significant source of sand input from the Delta to the Bay or the ocean as
8 had been previously assumed.

9 94. Changed circumstances related to marine mammals also required additional
10 analysis and a new EIR. Since the 2012 EIR, documented changes in marine mammal presence
11 in San Francisco Bay include: harbor porpoises (*Phocoena phocoena*) reoccupying the Bay
12 year-round after more than a 60-year absence, with the San Francisco-Russian River stock
13 estimated at 7,000 to 8,000 individuals as of 2017; increasing annual numbers of northern
14 elephant seals (*Mirounga angustirostris*), including young-of-year hauling out on Bay beaches;
15 the northward range expansion of bottlenose dolphins (*Tursiops truncatus*) into Central Bay
16 waters near the mining leases; a substantial increase in gray whale use of Bay waters as a
17 feeding ground, with NOAA declaring an ongoing Unusual Mortality Event since May 2019;
18 and the establishment of regular seasonal foraging by two ESA-listed distinct population
19 segments of humpback whales beginning around 2014.

20 95. Changed circumstances regarding endangered native fish species also required
21 new and additional analysis not present in the 2012 EIR or in the FSEIR. In 2012, the FEIR
22 documented impacts on Delta Smelt, Longfin Smelt, spring-run Chinook Salmon, winter-run
23 Chinook Salmon, and Green Sturgeon because those species were protected under the federal
24 Endangered Species Act (“ESA”), and / or the California Endangered Species Act (“CESA”).

25 96. Since 2012, the status of those protected species has materially changed and
26 declined. As a result, impacts to these species must be reconsidered and reanalyzed based on the
27 best available information of their current, imperiled status. For example, Delta Smelt are
28 subject to continuing long-term declines and conditions that have materially worsened since

1 2012. Longfin Smelt were added to the list of federally protected species in 2024, with the U.S.
2 Fish and Wildlife Service explaining that there was a 50% likelihood of their extinction within
3 30 years. Green Sturgeon continue to be at risk of extinction, and sand mining poses a
4 significant threat to that species, as they utilize areas where mining or dredging occurs as
5 habitat. Both spring-run and winter-run Chinook Salmon also face worse risks now than they did
6 in 2012. Finally, White Sturgeon were identified as a “candidate” species under CESA in 2024.
7 In 2025, the California Department of Fish and Wildlife released abundance estimates for White
8 Sturgeon that were much lower than prior analyses had suggested, making the risks to White
9 Sturgeon, fish that utilize the Bay’s bottom as habitat, significantly higher than they were in
10 2012.

11 97. The Commission violated CEQA, prejudicially abused its discretion, failed to
12 proceed in a manner required by law, and failed to support its findings and conclusions with
13 analysis and facts by certifying the FSEIR and approving the Project after failing to provide a
14 complete and legally adequate discussion of the Project’s impacts based on this new information
15 and materially changed circumstances about Bay sediment, mineral resources, fish and wildlife,
16 coastal erosion, public trust resources, and recreation.

17 **Failure to Accurately Analyze Direct and Indirect Impacts**

18 98. Petitioner incorporates each paragraph of this Petition, herein.

19 99. The use of an improper baseline concealed the severity, likelihood, and
20 significance of impacts to fish wildlife, mineral resources, Bay sediment, coastal erosion, public
21 trust resources, and recreation.

22 100. Additionally, the DSEIR concluded there were significant and unavoidable
23 impacts to endangered species, based on entrainment and mortality of Delta Smelt and Longfin
24 Smelt. This was consistent with the 2012 FEIR. But the FSEIR issued in January 2026
25 downgraded the impacts to potentially significant without adequate explanation or justification.
26 The DSEIR also identifies significant impacts to White Sturgeon, a “candidate,” and therefore
27 protected, species under the California Endangered Species Act. But the FSEIR similarly
28 downgraded the significance of these impacts. This change was not supported by substantial

1 evidence.

2 101. The Commission’s reliance on a future, not yet issued, Incidental Take Permit
3 (“ITP”) does not adequately justify its determinations in the FSEIR. Upon information and
4 belief, the California Department of Fish and Wildlife has not issued an ITP for the new ten-year
5 leases, and there is no ITP that allows “take” under CESA of White Sturgeon.

6 102. The Commission also failed to analyze the loss of mineral resources that would be
7 caused by renewal of the leases at the amounts approved by the Commission.

8 103. The Commission failed to adequately analyze and incorporate evidence of the
9 non-renewable nature of the loss of the mineral resource.

10 104. The Commission failed to consider any other uses of the Bay’s sediment beyond
11 private extraction and profit through sale of the mineral resource for use in concrete for Bay
12 Area construction.

13 105. The Commission violated CEQA, prejudicially abused its discretion, failed to
14 proceed in a manner required by law, and failed to support its findings and conclusions with
15 analysis and facts by certifying the FSEIR and approving the Project without a complete
16 analysis of the direct and indirect impacts on Bay sediment, mineral resources, fish and wildlife,
17 coastal erosion, public trust resources, and recreation.

18 **Failure to Mitigate or Avoid Significant Harmful Project Impacts**

19 106. Petitioner incorporates each paragraph of this Petition, herein.

20 107. The use of an improper baseline concealed the severity, likelihood, and
21 significance of impacts to fish wildlife, mineral resources, Bay sediment, coastal erosion, public
22 trust resources, and recreation. As a result, the mitigation efforts and requirements included in
23 the FSEIR are arbitrary and do not account for or avoid the significant impacts of the Project. In
24 analyzing the impacts on biological resources, the Commission relied on the assumed but false
25 “reduction” in sand mining under the Project. As a result of the purported reduction, the
26 Commission changed its determination of significant and unavoidable impacts to various species
27 that was presented in the DSEIR in issuing and approving the FSEIR. This change was not
28 supported by adequate analysis nor by substantial evidence in the record.

1 108. As a result of the improper baseline, the Commission also failed to adopt adequate
2 mitigation measures to minimize or limit the significant impacts on fish and marine mammals.

3 109. Additionally, the Commission relied on uncertain mitigation measures to protect
4 endangered fish species, including White Sturgeon. The mitigation approved in the FSEIR for
5 White Sturgeon requires the Real Parties in Interest to coordinate with the California
6 Department of Fish and Wildlife, to apply for an Incidental Take Permit if appropriate, and to
7 follow any Incidental Take Permit that is issued. But it does not require any actual mitigation,
8 does not disclose that there would be significant impacts to White Sturgeon and other
9 endangered fish species, and does not analyze whether those impacts could be lessened or
10 avoided.

11 110. The Commission violated CEQA, prejudicially abused its discretion, failed to
12 proceed in a manner required by law, and failed to support its findings and conclusions with
13 analysis and facts by certifying the FSEIR and approving the Project without adopting adequate
14 mitigation measures for the Project’s significant direct, indirect, and cumulative impacts.

15 **Failure to Consider a Reasonable Range of Project Alternatives**

16 111. Petitioner incorporates each paragraph of this Petition, herein.

17 112. The use of an improper baseline made the Commission’s analysis of project
18 alternatives was arbitrary and capricious, and the Commission did not support its findings and
19 conclusions with analysis and facts. The comparison between the impacts of the Project and the
20 alternatives was misleading and inaccurate as a result of the improper baseline.

21 113. Additionally, the Commission’s rejection of a “Reduced Project Alternative” was
22 arbitrary and an abuse of discretion, and the Commission did not support its findings and
23 conclusions with analysis and facts. In its analysis of the Reduced Project Alternative, the
24 Commission relied on a purported need for sand in a volume above the actual amount of sand
25 mined from 2018-2022, from 2012-2022, from 2002-2007, or in any single year since 2012.
26 There was no evidence in the record to support the contractual maximum as the amount of sand
27 needed, or that more sand than the amount mined historically would have to be provided from
28 alternative sources. Thus, the Commission failed to adequately and appropriately consider a

1 reasonable range of alternatives.

2 114. The Commission violated CEQA, prejudicially abused its discretion, failed to
3 proceed in a manner required by law, and failed to support its findings and conclusions with
4 analysis and facts by certifying the FSEIR and approving the Project without properly
5 considering a reasonable range of alternatives to reduce or avoid the proposed Project's
6 significant direct, indirect, and cumulative impacts to, among other things, Bay sediment,
7 mineral resources, fish and wildlife, coastal erosion, and recreation.

8 **Inadequate Responses to Comments**

9 115. Petitioner incorporates each paragraph of this Petition, herein.

10 116. The Commission violated CEQA, prejudicially abused its discretion, failed to
11 proceed in a manner required by law, and failed to support its findings and conclusions with
12 analysis and facts by certifying the FSEIR and approving the Project without properly
13 responding to comments submitted by Petitioner, other members of the public, and other
14 agencies regarding the Project's significant direct, indirect, and cumulative impacts to, among
15 other things, Bay sediment, mineral resources, fish and wildlife, coastal erosion, public trust
16 resources, and recreation.

17 **SECOND CAUSE OF ACTION**

18 **(Violations of the California Public Trust Doctrine, Cal Pub Res Code § 6900)**

19 117. Petitioner incorporates each paragraph of this Petition, herein.

20 118. The Bay's sand is a public trust resource.

21 119. Public trust resources may be used by the State of California for public trust uses.

22 120. Sand mining is not a public trust use of the Bay's sand.

23 121. The Commission has an affirmative duty to take the public trust into account and
24 protect public trust uses where feasible.

25 122. The Commission may only allow private uses of public trust resources where such
26 uses do not impair the public trust resource.

27 123. New information since the Commission's prior approvals and public trust analysis
28 required a new analysis by the Commission of the public trust impacts of unsustainable volumes

1 of sand mining. New evidence has materially changed the understanding of San Francisco Bay
2 sand supply, transport connectivity, and the sustainability of mining from existing lease areas.
3 New information also demonstrates the degree to which sand is a non-renewable resource in San
4 Francisco Bay, and the degree to which the sediment deficit caused by sand mining has
5 significant impacts to the public trust.

6 124. As a result of this new information, the Commission’s reliance on its prior public
7 trust analysis fails to fulfill its mandatory obligation to analyze and avoid significant impacts to
8 public trust resources.

9 125. The Project’s approval impairs the public trust by depleting the amount of sand
10 available in the Bay. The Project’s approval requires the Commission to conduct an independent
11 public trust analysis that accounts for the materially changed scientific understanding of San
12 Francisco Bay’s sand budget, provenance, and transport dynamics developed by the Independent
13 Science Panel since 2016.

14 126. The Project’s approval also substantially interferes with sand transport and
15 negatively impacts coastal morphology, which impair public trust resources and uses at the San
16 Francisco bar¹ and at Ocean Beach and other near-shore coastal locations.

17 127. The Commission also violated the public trust by treating the public trust resource
18 as solely existing for the private, for-profit use, of sand mining under the leases.

19 128. The Commission did not consider whether lesser amounts of sand than those
20 approved by the Project were sufficient to meet the demand for sand for construction purposes
21 in the Bay Area.

22 129. As a result, the Commission did not analyze whether it would be feasible to limit
23 the amount of sand allowed to be mined under the contracts to any amount less than 1,750,000
24 despite evidence in the record that less sand is needed to supply the market.

25 130. Because there was no analysis of these lesser amounts, there was no analysis of
26

27 ¹ The San Francisco bar is an area directly west of the Golden Gate Bridge where sand and
28 sediments flow through at high velocities from the narrow gate into a wide and shallow horse-
shoe shaped plateau where sediments are deposited.

1 whether the loss of the public trust resource could be feasibly limited to those lesser amounts.

2 131. The Commission’s Project approval failed to protect the public trust where
3 feasible. The Commission rejected a reduced project alternative under CEQA. That reduced
4 project alternative would have limited the lease volumes to be equivalent to the average amount
5 of sand mined from 2018 to 2022, or 701,000 cubic yards per year.

6 132. The Commission rejected this alternative on the basis that the difference between
7 701,000 cubic yards of sand and 1,750,000 cubic yards of sand would have to be identified and
8 obtained from other sources.

9 133. However, the Commission’s determination that 1,750,000 cubic yards of sand was
10 “necessary” is arbitrary and capricious, and is not based on any evidence in the record. To the
11 contrary, the record demonstrates that the market requires far less than 1,750,000 cubic yards of
12 mined sand from the Bay. The amount mined from 2002 through 2007 was, on average,
13 1,400,000 cubic yards. The amount mined from 2012 to 2022 was, on average, 750,000 cubic
14 yards. The amount mined from 2018-2022 was, on average 701,000 cubic yards. And the
15 maximum amount mined in any year since 2012 was 900,000 yards.

16 134. The Commission’s determination that it could not limit the amount of sand mined
17 to any amount less than that approved by the Project lacked any evidentiary support in the
18 record, was arbitrary and capricious, and was a prejudicial abuse of its discretion.

19 135. The Commission determined that the only use of the Bay’s sand was for-profit
20 mining for use in concrete for Bay Area construction. This determination is inconsistent with the
21 law that the Bay’s sand is a public trust resource and that private mining of the sand is not a
22 public trust use. The Commission did not identify or consider any alternative public trust uses of
23 the Bay’s sand.

24 136. The Commission’s determination that the Bay’s sand is only usable as a private
25 resource was not supported by substantial evidence in the record.

26 137. The Commission violated the Public Trust Doctrine, prejudicially abused its
27 discretion, failed to proceed in a manner required by law, and failed to support its findings and
28 conclusions with analysis and facts:

- a. by authorizing unsustainable rates of extraction of sand from the Bay floor to further the mining interests of private companies, while failing to consider, identify, or weigh alternative public trust uses of the limited public trust resource;
- b. by approving sand mining leases that allow unsustainable rates of sand extraction that are not supported as necessary by the evidence in the record;
- c. by authorizing unsustainable sand extraction rates that interfere with, and result in the loss of coastal sand to the detriment of public trust uses including, but not limited to, navigation, fishing, fish and wildlife habitat, and coastal recreation, tourism, and public infrastructure; and,
- d. by failing to limit negative impacts on public trust resources to the extent feasible.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays for the following relief:

1. For alternative and peremptory writs of mandate directing Respondent to set aside its approvals in furtherance of the Project, including certification of the FSEIR and approval of the Project, unless and until the Project FSEIR is brought into full compliance with CEQA;
2. For alternative and peremptory writs of mandate directing Respondent to set aside its approvals in furtherance of the Project unless and until the Project is brought into full compliance with the Public Trust Doctrine;
3. For alternative and peremptory writs of mandate directing Respondent to analyze whether reduced volumes of sand mining and greater protection of public trust resources are feasible;
4. For alternative and peremptory writs of mandate directing Respondent to identify and consider alternative public trust uses of the Bay's sediment as a mineral resource outside of for-profit sand mining;
5. For a temporary stay, temporary restraining order, and preliminary and permanent injunctions restraining Respondents and Real Parties in Interest and their respective agents,

1 servants, and employees, and all others acting in concert with them or on their behalf, from
2 taking any action to implement any portion or aspect of the Project, pending full compliance
3 with the requirements of CEQA, the CEQA Guidelines, and the Public Trust Doctrine, including
4 analysis of alternative public trust uses and feasible protection of the public trust resource;

5 6. For a declaration that the Commission’s approval of the Project violates the Public
6 Trust Doctrine;

7 7. For a declaration that the Commission’s approval of the Project violates CEQA;

8 8. For the Court to order Respondents to pay Petitioner’s costs of suit and reasonable
9 attorneys’ fees related to this proceeding under Code of Civil Procedure section 1021.5,
10 Government Code section 800, and other applicable authority; and

11 9. For such other and further relief as the Court may deem proper.

12 DATED: March 12, 2026

SHUTE, MIHALY & WEINBERGER LLP

13
14 By: 
15 _____
16 ROBERT S. PERLMUTTER

17 SAN FRANCISCO BAYKEEPER, INC.

18
19 By: 
20 _____
21 ERIC J. BUESCHER

22 Attorneys for Petitioner and Plaintiff
23 SAN FRANCISCO BAYKEEPER, INC.

24 2033284.5

1 **VERIFICATION**

2 I, Sejal Choksi-Chugh, declare as follows:

3 I am the Executive Director of San Francisco Baykeeper the Petitioner in this action, and
4 I am authorized to execute this verification on Petitioner’s behalf. I have read the foregoing
5 Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief
6 (“Petition”) and know its contents.

7 The facts alleged in the above Petition, not otherwise supported by exhibits or other
8 documents, are true of my own knowledge, except as to matters stated on information and belief,
9 and as to those matters I believe them to be true.

10 I declare under penalty of perjury under the laws of the State of California that the
11 foregoing is true and correct.

12 Executed on March 11, 2026 at Lafayette, California

13
14 
15 _____
16 Sejal Choksi-Chugh

EXHIBIT

A

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& WEINBERGER LLP

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ROBERT "PERL" PERLMUTTER
Attorney
Perlmutter@smwlaw.com

March 11, 2026

Via E-Mail and U.S. Mail

California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, California 95825
E-mail: CEQA.comments@slc.ca.gov

Matthew Dumlao, Ph.D.
Executive Officer
California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, California 95825
E-mail: executiveofficer.public@slc.ca.gov

Seth Blackmon
Chief Counsel
California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, California 95825
E-mail: chiefcounsel.public@slc.ca.gov

Re: Notice of Commencement of CEQA Litigation regarding San
Francisco Bay and Delta Sand Mining Project

Dear Commissioners, Executive Officer Dumlao, and Staff

This letter is to notify you that San Francisco Baykeeper will file suit against the State Lands Commission for failure to observe the requirements of the California Environmental Quality Act, Public Resources Code section 21000 *et seq.*, in the administrative process that culminated in the Commission's February 11, 2026, Notice of Determination of its decision to certify the Final Supplemental Environmental Impact Report for, and approve, the San Francisco Bay and Delta San Mining Project (State Clearinghouse No. 2007072036). This notice is given pursuant to Public Resources Code section 21167.5.

State Lands Commission
March 11, 2026
Page 2

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Robert "Perl" Perlmutter

2037414.1

PROOF OF SERVICE

San Francisco Baykeeper, Inc. v. California State Lands Commission, et al.
Alameda County Superior Court

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of San Francisco, State of California. My business address is 550 California Street, Suite 1200, San Francisco, CA 94104.

On March 11, 2026, I served true copies of the following document(s) described as:

NOTICE OF INTENT TO FILE CEQA SUIT

on the parties in this action as follows:

Matthew Dumlao, Ph.D.
Executive Officer
California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, California 95825
E-mail: executiveofficer.public@slc.ca.gov

California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, California 95825
E-mail: CEQA.comments@slc.ca.gov

Seth Blackmon
Chief Counsel
California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, California 95825
E-mail: chiefcounsel.public@slc.ca.gov

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Shute, Mihaly & Weinberger LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address Weibel@smwlaw.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 12, 2026, at San Francisco, California.



David Weibel

2037979.1

EXHIBIT

B

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ROBERT "PERL" PERLMUTTER
Attorney
Perlmutter@smwlaw.com

March 12, 2026

Via U.S. Mail and E-Mail

CEQA Coordinator
Office of the Attorney General
Environment Section
1300 I Street
Sacramento, CA 95814-2919
Email: CEQA@doj.ca.gov

Re: Notice of Filing CEQA Litigation (*San Francisco Baykeeper v. State Lands Commission*)

Dear Attorney General Bonta:

Enclosed please find a copy of the Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief ("Petition") in the above-titled action. The Petition is provided to you in compliance with Public Resources Code § 21167.7 and Code of Civil Procedure § 388. Please acknowledge receipt in the enclosed prepaid, self-addressed envelope.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Robert S. Perlmutter

Encls.