California Environmental Quality Act (CEQA)

NOTICE OF DETERMINATION

TO: **Alameda County**
Clerk-Recorder Office
1106 Madison Street
Oakland, CA 94607

FROM: **Bay Area Air Quality Management District**
375 Beale Street, Suite 600
San Francisco, CA 94105

SUBJECT: **FILING OF NOTICE OF DETERMINATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 21152(a) AND CEQA GUIDELINES SECTION 15094.**

PROJECT TITLE: Eagle Rock Aggregates Oakland Terminal Project (Oakland Army Base Area Redevelopment Plan); (State Clearinghouse #2001082058) – Issuance of Authorities to Construct and Permits to Operate for Bulk Sand/Aggregate Receiving, Transfer & Loading, Sources S-1 through S-7 (Air District Application 30884).

Public Agency Approving Project (Lead Agency): Port of Oakland (Port); Contact Person: Elizabeth Nagle, Port Associate Environmental Planner, 530 Water St, Oakland, CA 94607; Telephone: (510) 627-1222, Email: enagle@portoakland.com

Public Agency (Responsible Agency) Approving Project (Issuance of Authority to Construct): Bay Area Air Quality Management District (Air District), 375 Beale St, Suite 600, San Francisco, CA 94105. Contact Person: Cameron Fee, Air Quality Engineer, Telephone: (415) 749-4709, Email: cfee@baaqmd.gov

Project Applicant and Entity Carrying Out Project: Eagle Rock Aggregates (ERA), Inc.

Project Applicant Mailing Address: 1501 W Pier D St, Long Beach, CA 90802.

Project Applicant Contact Person: Hervie Rak, District Manager - Marine Terminals, Eagle Rock Aggregates, 1501 W Pier D St, Long Beach, CA 90802; Telephone: (213) 407-6674, Email: rakh@vmcmail.com

Project Location: Berth 22 & Berths 20, 21, 22 Backlands, Port of Oakland, Oakland, Alameda County, CA, 94607. Nearest Cross Street: Maritime St. & W 17th St.

Date of Approval by Lead Agency: February 24, 2022.

Date of Approval at Issue by Responsible Agency: August 17, 2026.

Project Description:

The Air District has issued Authorities to Construct to Eagle Rock Aggregates (ERA) for sources associated with a Bulk Receiving, Transfer, and Storage Terminal facility. Source IDs and descriptions below:

- **S-1** **Receiving Hopper**
- **S-2** **Ship Unloading & Stacking Conveyor System**
- **S-3** **Sand & Aggregate Stockpiles (3 stockpiles & paved road dust)**
- **S-4** **Barge Reclaim Hoppers**
- **S-5** **Barge Loading Conveyor System**
- **S-6** **Barge Loading**
- **S-7** **Truck Loading**

The ERA Oakland Terminal Project proposes to construct and operate a marine terminal that would import, store, and distribute bulk construction aggregates (i.e. sand and gravel). The Project site is located in the Outer Harbor of the Port of Oakland and lies within the boundary of the Oakland Army Base (OAB) Area Redevelopment Plan. The Project site would utilize Berth 22 for vessel and barge operations and approximately 18 acres of Berth 20, 21, and 22 backlands for stockpiling and distribution of construction aggregates.

Notice of Determination:

The Air District, acting as a Responsible Agency under the California Environmental Quality Act (CEQA), has issued Authorities to Construct for the Project's sources as described above and will issue Permits to Operate when and if appropriate.

On July 31, 2002, the City of Oakland Planning Commission approved the larger OAB Redevelopment Plan. An EIR was certified for that project pursuant to the provisions of CEQA (2002 EIR), and multiple addenda have been prepared since. For the ERA Oakland Terminal Project, the Port prepared and certified a Final Supplemental Environmental Impact Report (FSEIR) pursuant to the provisions of CEQA in November 2021. The Port filed a Notice of Determination (NOD) with the County of Alameda in February 2022 finding that the project would have a significant effect on the environment. Mitigation measures were made a condition of the approval of the project, and a mitigation monitoring and reporting plan was adopted. Additionally, the Port adopted an Addendum to the FSEIR in August 2025, identifying two changes to the Project since preparation of the FSEIR.

The FSEIR, the 2025 Addendum, and associated documents for the Project are available to the general public for review at the Port of Oakland's office at 530 Water St, Oakland, CA 94607 or online at: https://www.portofoakland.com/business/bids-rfp-center/environmental-stewardship-publications-documents/. The 2002 EIR and associated documents are available to the general public for review at the City of Oakland's Department of Planning & Building's office at 250 Frank H. Ogawa Plaza, Oakland, CA 94612 or online at: https://www.oaklandca.gov/Planning-Building/General-Plan-Neighborhood-Plans/Neighborhood-and-Citywide-Plans/Gateway-Industrial-District-Oakland-Army-Base/Gateway-Industrial-District-CEQA-Documents.

Both the Port and the Air District made CEQA Findings pursuant to CEQA Guidelines Sections 15091 and adopted a Statement of Overriding Considerations pursuant to CEQA Guidelines Sections 15093 for the Project. The Air District's CEQA Findings, Supporting Facts and Statement of Overriding Considerations are attached to this Notice of Determination. The Air District record of project approval is available for review at the Air District's offices at 375 Beale Street, Suite 600, San Francisco, CA, 94105. (District Permit Application Number 30884).

Pamela J. Leong
Director of Engineering
Bay Area Air Quality Management District

8/18/26
Date

Facility ID 24848 Application No. 30884

BAY AREA AIR DISTRICT
CEQA FINDINGS, SUPPORTING FACTS, AND
STATEMENT OF OVERRIDING CONSIDERATIONS
FOR EAGLE ROCK AGGREGATES OAKLAND TERMINAL PROJECT

The Port of Oakland (Port) acted as Lead Agency under the California Environmental Quality Act (CEQA) for the Eagle Rock Aggregates Oakland Terminal Project, CEQA State Clearinghouse Number 2001082058 (Project). As a responsible agency under CEQA, the Bay Area Air District (Air District) participated in the Environmental Impact Report process and has closely reviewed and relies on the Port's Final Supplemental Environmental Impact Report. Eagle Rock Aggregates has submitted Application #30884 to the Air District for Authorities to Construct/Permits to Operate the Project.

PROJECT DESCRIPTION

Eagle Rock Aggregates, Inc. (ERA) proposes to construct and operate the ERA Oakland Terminal, a marine terminal at the Port that would import, store, and distribute bulk construction aggregates (i.e., sand and gravel). The proposed project is located at the Port's Outer Harbor Terminal within the Oakland Outer Harbor along the San Francisco Bay.

The plant would utilize Berth 22 for vessel and barge operations and approximately 18 acres of Berth 20, 21, and 22 backlands (land directly adjacent to a vessel berth) for stockpiling and distribution of construction aggregates. The project site is approximately 18 acres in size and is generally bounded by the Outer Harbor to the north and west, 14th Street and the Outer Harbor Terminal to the south, and Maritime Street to the east.

Once operational, ERA will transport sand and aggregate from British Columbia, Canada via ocean-going vessel (OGV). Material will be offloaded from OGVs to the Oakland Terminal via a self-discharging mechanism in each vessel and series of onshore conveyors. ERA expects up to 48 OGV calls per year and a total material throughput of up to 2,500,000 tons per year (TPY). Material offloaded onto the Oakland Terminal will be distributed to destination concrete ready-mix plants via trucks and barges. Material will be loaded into trucks via front-end loader and onto barges via a conveyor system.

The following timeline illustrates the Project's approval and CEQA process with the Port from preparation of the initial EIR to the present:

- July 31, 2002 – The City of Oakland (City) certified the 2002 Oakland Army Base Area Redevelopment Plan Environmental Impact Report (OAB EIR) and approved findings, a mitigation monitoring and reporting program (OAB MMRP), and a statement of overriding consideration in compliance with CEQA.
- September 17, 2002 – The Board of Port Commissioners adopted findings, mitigation measures, the OAB MMRP, and a statement of overriding considerations for the portion of the OAB Area Redevelopment Plan that would be carried out on Port property, in reliance on the City's 2002 OAB EIR (Resolution No. 02317)
- Since 2002 – The City and Port have prepared multiple addenda to the 2002 OAB EIR. These include the following four addenda prepared by or with the involvement of the Port:
    - 2006 Maritime Street Addendum analyzing the impacts of retaining Maritime Street in its existing location rather than relocating it to the east as originally analyzed in the 2002 OAB EIR;
    - 2012 Oakland Army Base Addendum analyzing the impacts of several Redevelopment Plan changes, focused primarily on facilities in the City's Gateway Area;
    - 2015 Cool Port Addendum analyzing the impacts of a temperature-controlled warehouse and maritime support and logistics facility designed to increase use of the Port's infrastructure network to import and export perishable goods; and

  - 2019 7th Street Grade Separation Addendum analyzing updated plans for the 7th Street Grade Separation element of the OAB Area Redevelopment Plan.
  - Together, the 2002 OAB EIR, the 2006 Maritime Street Addendum, the 2012 Oakland Army Base Addendum, the 2015 Cool Port Addendum, and the 2019 7th Street Grade Separation Addendum are referred to as the "2002 EIR as Addended."
- 2018 – ERA approached the Port with a request for a Non-Exclusive Preferential Assignment Agreement ("NEPAA" or "lease") to construct and operate a bulk sand and aggregate marine terminal comprising approximately 18 acres of land and 3 acres of water at Berths 20-22.
- August 22, 2019 – The Port issued a Notice of Preparation of a Draft Supplemental EIR for the proposed project and conducted a scoping period.
- November 6, 2020 – The Port issued a Notice of Availability of the Draft Supplemental EIR and notice of two public meetings.
- December 7, 2020 and January 13, 2021 – Port staff met with the Air District staff to discuss air quality impacts, emissions reduction measures, and potential permit requirements.
- January 8, 2021 – Air District staff submitted comments on the Draft Supplemental EIR.
- September 17, 2021 – The Port provided updates to the Air District regarding the Proposed Project description in response to comments received on the Draft SEIR.
- November 24, 2021 – The Port posted the Final SEIR on the Port's website.
- December 16, 2021 – Air District staff submitted comments on the Final SEIR, and the Board of Port Commissioners certified the Final SEIR and adopted CEQA findings, a mitigation monitoring and reporting program, and a statement of overriding consideration for the Project.
- February 24, 2022 – The Port approved the Project.
- March 24, 2022 – West Oakland Environmental Indicators Project filed a Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, Alameda County Superior Court, Case No. 22CV008905, alleging that the Port had approved the Project in violation of CEQA.
- August 4, 2022 – The People of the State of California filed a Petition for Writ of Mandate in Intervention for Declaratory and Injunctive Relief in the above-mentioned litigation, also alleging that the Port had approved the Project in violation of CEQA.
- September 28, 2023 – The parties settled the above-mentioned litigation. The settlement allowed the Project to move forward but imposed additional mitigation on the Project.
- August 8, 2025 – The Port adopted an Addendum to the SEIR to address two changes to the Project. Together, the Final SEIR and the Addendum are referred to as the "SEIR as Addended."

AIR DISTRICT CEQA FINDINGS AND SUPPORTING FACTS

In accordance with Air District Rules and Regulations and CEQA, the Air District has reviewed and considered the 2002 EIR as Addended, the SEIR as Addended, and the CEQA findings, statements of overriding considerations, and mitigation monitoring and reporting programs associated with the Project (collectively referred to as the "Relevant CEQA Materials") prepared and certified by the Port and the City and has incorporated these documents' analysis into its decision-making process. All contents of the Relevant CEQA Materials are incorporated herein by reference. All impacts of the Project are discussed in great detail in the Relevant CEQA Materials. Also incorporated herein by reference is the Air District's file on Eagle Rock Aggregates' application for an Authority to Construct from the Air District for the Project, including all supporting information submitted by Eagle Rock Aggregates, and comments received and analysis completed by the Air District.

The SEIR concluded that there would be certain significant impacts in five impact areas – Aesthetics; Hazards and Hazardous Materials; Noise; Transportation; and Utilities, Energy, and Service Systems – that could be mitigated to below the level of significance.

The SEIR concluded that there would be additional significant and unavoidable impacts in 2 areas – Air Quality and Transportation – but the Port found that there were overriding considerations related to the benefits of the Project that outweighed these significant and unavoidable impacts. The Port made findings based on the SEIR that all significant impacts had been eliminated or substantially lessened where feasible, and that any remaining significant impacts were unavoidable and acceptable due to the overriding considerations. The Port therefore adopted CEQA Findings and a Statement of Overriding Considerations and approved the Project.

After a careful review of the record and its own analysis, the Air District makes the following findings.

First, the Air District finds that neither recirculation of the SEIR nor preparation of a subsequent/supplemental EIR is required for the Project, pursuant to CEQA Guidelines section 15162, as (1) no substantial changes have been proposed in the Project which will require major revisions of the SEIR due to new significant environmental effects or a substantial increase in the severity of effects; (2) no substantial changes have or will occur with respect to the circumstances under which the project is undertaken which will require major revisions of the SEIR; and (3) no new information that was not known at the time the SEIR was prepared is present showing there will be additional significant effects not discussed in the SEIR or there will be an increase in the severity of significant effects, or showing that mitigation measures/alternatives are feasible that were previously found infeasible but that Eagle Rock Aggregates declines to adopt them, or that mitigation measures/alternatives considerably different than those analyzed in the SEIR are available but Eagle Rock Aggregates declines to adopt them. In its August 8, 2025 Addendum, the Port identified two changes to the Project since preparation of the SEIR. First, the 2025 Addendum stated the barrier that would surround the operation could be entirely 8 feet tall, rather than varying from 8 to 45 feet tall as stated in the SEIR. Second, the 2025 Addendum stated that there would be two barge reclaim hoppers utilized by the Project, rather than one as stated in the SEIR. The Air District has reviewed the 2025 Addendum and independently determined that these changes do not trigger the requirement to prepare a supplemental or subsequent EIR pursuant to CEQA Guidelines section 15162. With regard to the change in the barrier's height, the SEIR did not take into account the air quality impacts of the barrier, and so any reduction in the barrier's size would not alter the impacts analysis in the SEIR. Further, the description of the barrier in the SEIR was vague, and it is highly complex to calculate the impact of a physical barrier on wind, so it would not be possible to estimate the impact that the proposed alterations to the barrier would have on emissions. Likewise, with regard to aesthetics, even with a shorter barrier, views of the facility would be consistent with the existing industrial and maritime uses of the Project site and the surrounding area, as described in the SEIR. Separately, the addition of a second barge reclaim hopper would not increase throughput capacity and would have no or negligible effects on emission rates of any pollutants as compared to what was already analyzed in the SEIR.

The Air District also finds based on review and analysis of the Relevant CEQA Materials and its own analysis and independent judgment that the Project will have certain impacts that are less than significant as documented in the Relevant CEQA Materials, certain impacts that are significant but have been mitigated to below the level of significance, and certain other impacts that are significant and unavoidable. As discussed below, the Air District finds and determines that (i) changes or alterations have been required in and/or incorporated into the Project to mitigate or avoid the significant impacts; (ii) any changes or alterations within the responsibility and jurisdiction of other public agencies have been (or should be) adopted by such other agencies; and/or (iii) there are specific economic, legal, social, technological, and other considerations that make it infeasible to impose other mitigation measures or alternatives addressed in the SEIR.

All Project impacts are summarized in Table ES-1 of the SEIR, which is fully incorporated herein. As regards impacts that, as discussed in the Relevant CEQA Materials, have been mitigated to a level that is not significant, the Air District finds and determines that changes or alterations have been required and incorporated into the Project to mitigate or avoid the significant impacts. This mitigation is described in detail in the SEIR and is summarized in the mitigation monitoring and reporting program associated with the Port's approval of the Project, both of which are fully incorporated herein. The Air District makes this finding on the basis that the Air District

has no reason to believe that the mitigation imposed by the relevant agencies will not be effective based on the discussion in the Relevant CEQA Materials.

The following discussion summarizes the impacts that, according to the SEIR, could not be mitigated to a level that is not significant. As discussed below, the Air District finds and determines that there are specific economic, legal, social, technological, and other considerations that make it infeasible to impose other mitigation measures or alternatives addressed in the SEIR.

Impact 1 - Air Quality. The 2002 EIR as Addended identifies the following significant unavoidable air quality impacts from construction and operation of the Redevelopment Plan to which the Proposed Project would contribute.

(1) Construction equipment exhaust resulting in increased levels of nitrogen oxide (NOx), reactive organic gas (ROG), carbon monoxide (CO), and particulate matter with diameter of less than 10 microns (PM10) or in substantially increased diesel emissions (Impact 4.4-2).

(2) Increased Port maritime, rail and trucking operations resulting in NOx, ROG, and PM10 emissions, substantially increased diesel emissions, and potential exposure of pollutant-sensitive receptors to substantial pollutant concentrations (Impacts 4.4-3 and 5.4-1 [cumulative]).

According to the SEIR, these impacts of the OAB Area Redevelopment Plan would remain significant and unavoidable with the Proposed Project, but, according to the SEIR, the Proposed Project would not contribute significantly to most of these impacts. The SEIR identified PM2.5 emissions from Proposed Project operations at the Maximum Exposed Individual Worker (on Port property) to be an increase in severity of air quality impacts, although the SEIR identified this as a conservative determination.

Impact 2 – Transportation. The 2002 EIR as Addended identifies one significant unavoidable transportation impact to which the Proposed Project would contribute: Impact TRANS-2, which determined that the OAB Area Redevelopment Plan would cause some roadway segments on the Metropolitan Transportation System either to operate at Level of Service ("LOS") F or increase the volume/capacity ratio by more than three percent on segments already operating at LOS F. The small number of vehicle trips added by the Proposed Project would not increase the severity of this previously identified impact.

The Port found that with respect to the foregoing impacts that will or may not be mitigated to a less than significant level, that all feasible mitigation measures have been adopted and the remaining significant impacts are acceptable for the reasons set forth in their Statement of Overriding Considerations.

The Air District concurs and finds that, where impacts remain significant, there are specific economic, legal, social, technological, and other considerations that make it infeasible to impose other mitigation measures or alternatives addressed in the Relevant CEQA Materials, as discussed below in the Air District's Statement of Overriding Considerations.

STATEMENT OF OVERRIDING CONSIDERATIONS

As required under Public Resources Code section 21081 and CEQA Guidelines sections 15093 and 15096, the Air District has balanced the benefits of the Project against its unavoidable adverse impacts and has determined that the significant and unavoidable adverse impacts of the Project as documented in the Relevant CEQA Materials are acceptable in light of the specific economic, legal, social, technological and other benefits of the Project, which outweigh the significant and unavoidable adverse impacts.

Specifically, the Air District finds that it does not have legal authority to disapprove the Project or to require changes to the Project that would substantially reduce the Project's significant environmental impacts. The Air District must approve a permit application if the application meets requirements defined by federal and state law and by Air District regulations. CEQA only permits an agency to utilize its existing authority and does not expand such authority. (See Public Resources Code section 21004.) That means the Air District cannot require mitigation or alterations to reduce impacts to less than significance unless the Air District has existing authority, independent of CEQA, to require such changes. Although this permitting decision is discretionary under CEQA because the "best available control technology" analysis allows for some degree of discretion, that discretion is cabined and would not allow for the imposition of mitigation beyond what the Air District is requiring in its permit. Therefore, legal considerations require the Air District to approve this permit application and to approve the Project.

The documents and other materials that constitute the record of proceedings upon which this decision is based are available to the general public at the Air District offices, 375 Beale Street, San Francisco, CA 94105, under the custody of Pamela J. Leong, Director of Engineering. Also, the Port has posted the SEIR and related CEQA documents at: https://www.portofoakland.com/business/bids-rfp-center/ceqa-nepa-documents.

Pamela J. Leong

Digitally signed by Pamela J. Leong
DN: cn=Pamela J. Leong, o=Bay Area Air District, ou=Engineering Division, email=pleong@baaqmd.gov, c=US
Date: 2026.08.13 18:26:16 -07'00'

Pamela J. Leong
Director of Engineering
Bay Area Air District

8/13/2026
Date

State of California - Department of Fish and Wildlife
2022 ENVIRONMENTAL DOCUMENT FILING FEE CASH RECEIPT
DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

FISH-WILDLIFE-GAME Receipt

Print | StartOver | Save

AC RECEIPT #: 3205148

RECEIPT NUMBER: 01–02/25/2022–070

STATE CLEARINGHOUSE NUMBER *(If applicable)*: 2001082058

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY	LEADAGENCY EMAIL	DATE
PORT OF OAKLAND		02/25/2022

COUNTY/STATE AGENCY OF FILING	DOCUMENT NUMBER
ALAMEDA	22 - 070

PROJECT TITLE
EAGLE ROCK AGGREGATES OAKLAND TERMINAL PROJECT

PROJECT APPLICANT NAME	PROJECT APPLICANT EMAIL	PHONE NUMBER
KHAMLY CHUOP		(510) 627-1758

PROJECT APPLICANT ADDRESS	CITY	STATE	ZIP CODE
530 WATER STREET	OAKLAND	CA	94607

PROJECT APPLICANT *(Check appropriate box)*
☑ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☐ Private Entity

CHECK APPLICABLE FEES:

☑ Environmental Impact Report (EIR)	$3,539.25	$	3,539.25
☐ Mitigated/Negative Declaration (MND)(ND)	$2,548.00	$	0.00
☐ Certified Regulatory Program (CRP) document - payment due directly to CDFW	$1,203.25	$	0.00

☐ Exempt from fee
- ☐ Notice of Exemption (attach)
- ☐ CDFW No Effect Determination (attach)

☐ Fee previously paid (attach previously issued cash receipt copy)

☐ Water Right Application or Petition Fee (State Water Resources Control Board only)	$850.00	$	0.00
☑ County documentary handling fee		$	50.00
☐ Other		$	

PAYMENT METHOD:
☐ Cash ☐ Credit ☑ Check ☑ Other

TOTAL RECEIVED $ 3,589.25

SIGNATURE	AGENCY OF FILING PRINTED NAME AND TITLE
X [signature]	DHOLANDA, DEPUTY CLERK

ALAMEDA COUNTY CLERK-RECORDER
1106 MADISON STREET
OAKLAND, CA 94607
(510)272-6362

ISSUED TO: PORT OF OAKLAND

RECEIPT # 3205148
DATE 02/25/2022 10:38:47 AM

SERVICE	POS	QTY	FEE
CASHIERING			
ENVIRO IMPACT R	3	1	3,589.25
Total Amount Due			$3,589.25
CHECK 5200002041			3,589.25
Total Amount Paid			$3,589.25

MELISSA WILK
County Clerk-Recorder
Deputy: Diogo Holanda

*ENVIRONMENTAL DECLARATION

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

LEAD AGENCY NAME AND ADDRESS

Port of Oakland
Environmental Programs and Planning
530 Water Street
Oakland, CA 94607

FOR COUNTY CLERK USE ONLY
ENDORSED
FILED
ALAMEDA COUNTY

FEB 25 2022

MELISSA WILK, County Clerk
By _____ Deputy

FILE NO: 22-070

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

(PLEASE MARK ONLY ONE CLASSIFICATION)

1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION

[ ] A - STATUTORILY OR CATEGORICALLY EXEMPT

$ 50.00 - COUNTY CLERK HANDLING FEE

2. NOTICE OF DETERMINATION (NOD)

[ ] A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

$ 2,548.00 - STATE FILING FEE

$ 50.00 - COUNTY CLERK HANDLING FEE

[✓] B - ENVIRONMENTAL IMPACT REPORT (EIR)

$ 3,539.25 - STATE FILING FEE

$ 50.00 - COUNTY CLERK HANDLING FEE

3. OTHER: _____

A COPY OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH EACH COPY OF AN ENVIRONMENTAL DECLARATION BEING FILED WITH THE ALAMEDA COUNTY CLERK.

BY MAIL FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND TWO (2) SELF-ADDRESSED ENVELOPES.

IN PERSON FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND ONE (1) SELF-ADDRESSED ENVELOPES.

ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING.

FEES ARE EFFECTIVE JANUARY 1, 2022

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK

Notice of Determination

To:

☐ Office of Planning and Research
U.S. Mail: P.O. Box 3044, Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113, Sacramento, CA 95814

☒ County Clerk
County of: Alameda
Address: 1106 Madison Street
Oakland, CA 94607

From:

Lead Agency: Port of Oakland
Address: 530 Water Street
Oakland, CA 94607
Contact: Khamly Chuop
Phone: 510-627-1758

ENDORSED
FILED
ALAMEDA COUNTY

FEB 25 2022

MELISSA WILK, County Clerk
By _____ Deputy

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2001082058 (Oakland Army Base Redevelopment Plan Environmental Impact Report] approved September 17, 2002)

Project Title: Eagle Rock Aggregates Oakland Terminal Project

Project Applicant: Eagle Rock Aggregates

Project Location (include county): Berth 22 and Berths 20, 21, and 22 Backlands, Port of Oakland, Oakland, Alameda County

Project Description:

Eagle Rock Aggregates (ERA) proposes to construct and operate the ERA Oakland Terminal Project (Project), a marine terminal at the Port of Oakland that would import, store, and distribute bulk construction aggregates (i.e., sand and gravel). The Project is located at the Port of Oakland's Outer Harbor Terminal and would utilize Berth 22 for vessel and barge operations and approximately 18 acres of Berth 20, 21, and 22 backlands (land directly adjacent to a vessel berth) for stockpiling and distribution of construction aggregates. The Project site lies within the boundary of the Oakland Army Base (OAB) Area Redevelopment Plan.

This is to advise that the Port of Oakland has approved the above
(☑ Lead Agency or ☐ Responsible agency)
described project on February 24, 2022 and has made the following determinations regarding the above
(date)
described project, as documented in a Supplement to the EIR (approved on September 17, 2002):

1. The project [☑ will ☐ will not] have a significant effect on the environment.
2. ☑ A Supplemental Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [[☒ was ☐ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the Supplemental Environmental Impact Report, and record of project approval are available to the General Public at:

Port of Oakland, Environmental Programs and Planning Division, 530 Water Street, Oakland, CA 94607

Signature (Public Agency): Title: Port Associate Env. Planner/Scientist

Date: February 24, 2022 Date Received for filing at OPR: N/A

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011