



*Defending San Francisco Bay from the Biggest Threats and  
Holding Polluters Accountable since 1989*

Bay Conservation and Development Commission

San Francisco Baykeeper

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# Baykeeper's Role & Purpose of These Comments



- Nonprofit organization patrolling and protecting SF Bay for over 30 years
- Monitors, advocates, and litigates to enforce environmental law
- Participated in SLC EIR process and BCDC permitting process for over 10 years
- BCDC has independent obligation and authority under the McAteer-Petris Act to evaluate and limit impacts

## Why Are We Here Now?

- State Lands Commission approved new 10-year leases in February 2026
- The SLC approved volume: 1.75 million cy/yr – **83% greater** than 20-year historical average (~955K cy/yr)
- New science (2021–2024) funded by BCDC permit conditions fundamentally changed what we know
- Key concerns BCDC raised in 2013–2015 — re: mining of relic sand — are now confirmed by new science

# BCDC's Independent Permitting Authority

## What BCDC Can — and Must — Do

- BCDC has independent authority under the McAteer-Petris Act to issue or deny permits for extraction of materials from the Bay
- BCDC is not bound by CSLC's SEIR findings — it must make its own findings consistent with the Bay Plan and applicable law
- BCDC has authority to impose conditions, reduce volumes, or deny permits if the project is inconsistent with Bay Plan policies
- The Bay Plan requires protection of Bay resources including sand needed for ecological function and sea-level rise resilience
- BCDC's 2015 permit decision already set lower volumes than other agencies — a precautionary approach then that is even more justified now

# BCDC's Own Prior Concerns —Confirmed by New Science

2013

Miners apply for new 10-yr permits

2015

BCDC approves; requires science studies

2021–24

BCDC-funded studies completed

June 2024

ISP Summary Report issued

Aug 2025

CSLC certifies SEIR; BCDC permit pending

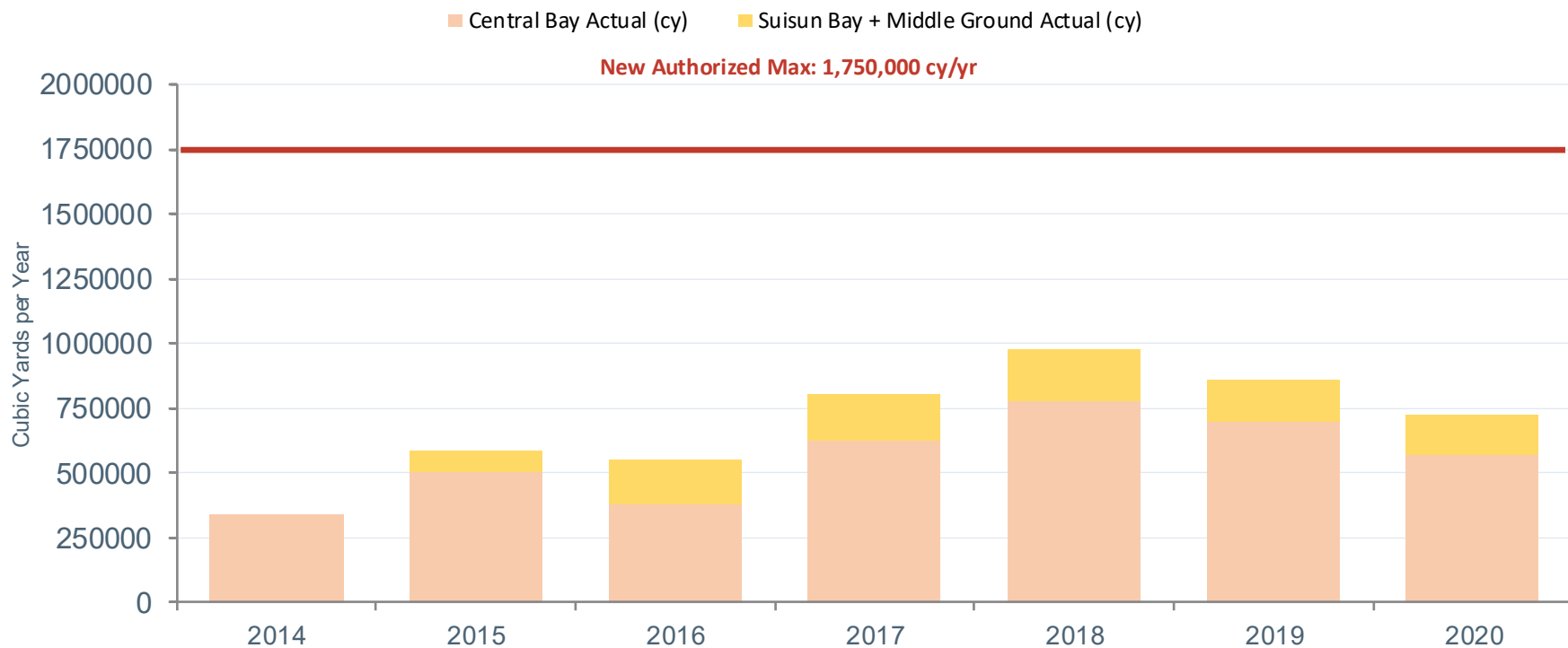
## BCDC's 2013–2015 Concern

- Mining of relic sand (ancient, non-replenishing deposits) was a chief concern of BCDC during 2013–2015 permit review.
- BCDC authorized the lowest volume (1.426M cy/yr) of any permitting agency because of concerns over transport to coastal beaches and smelt habitat.
- BCDC required mining companies to fund scientific studies to answer unresolved questions about sand transport.

## What New Science Confirms (ISP, 2024)

- "Sand is mined faster than it is replenished; therefore, sand is a non-renewable resource over the long term."
- "Central Bay sand is relic (deposited 6,000–20,000 years ago)." OSL dating confirms sand ages of 820–4,570 years in active mining zones.
- "San Francisco Bay and the Pacific Ocean share a common pool of sand which sand mining reduces."

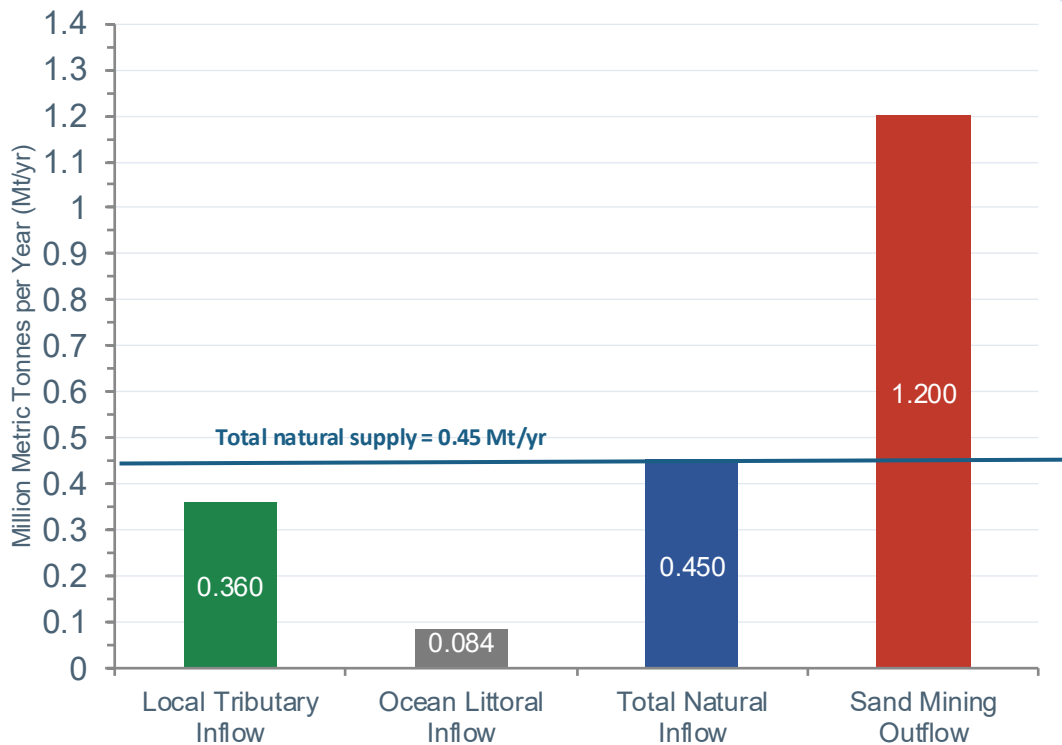
# Actual Mining vs. New Authorized Volume (2014–2020)



**Key point:** Actual mining averaged ~784,000 cy/yr from 2016–2020 and peaked at ~977,000 cy in 2018. The newly approved lease ceiling of 1.75M cy/yr is more than double actual average and exceeds the peak year by 79%.

Sources: Central Bay — Deltares (2023b), Appendix A, Table A.1 (p. 53 of 55); Suisun Bay — Deltares (2023b), Table A.2 SA 7781.1 + TL39 columns (p. 54 of 55); SEIR Table 2-2 (Aug. 2025). Note: Table A.2 'Total (cy)' column contains a one-year row-shift error for 2016–2020 and was not used.

# Total Bay Sand Mining vs. Natural Supply (2001–2020)



Sources: McKee et al. 2023 (SFEI/BCDC), Figures 4 & 5; ISP Summary Report (June 2024), p. iv; Baykeeper SEIR Comments (Sept. 29, 2025), pp. 8–9, 14

## The Numbers — Directly From the Record

**1.2**  
**Mt/yr**

### Sand removed by mining

The single largest outflow of sand from the Bay system

**0.45**  
**Mt/yr**

### Total natural sand supply

Rivers (0.36) + ocean littoral (0.084) — Delta contribution is zero

**2.6×**

### Mining exceeds natural inflows

Sand extracted at 2.6 times the rate of all natural inputs combined

**1.33**  
**Mt/yr**

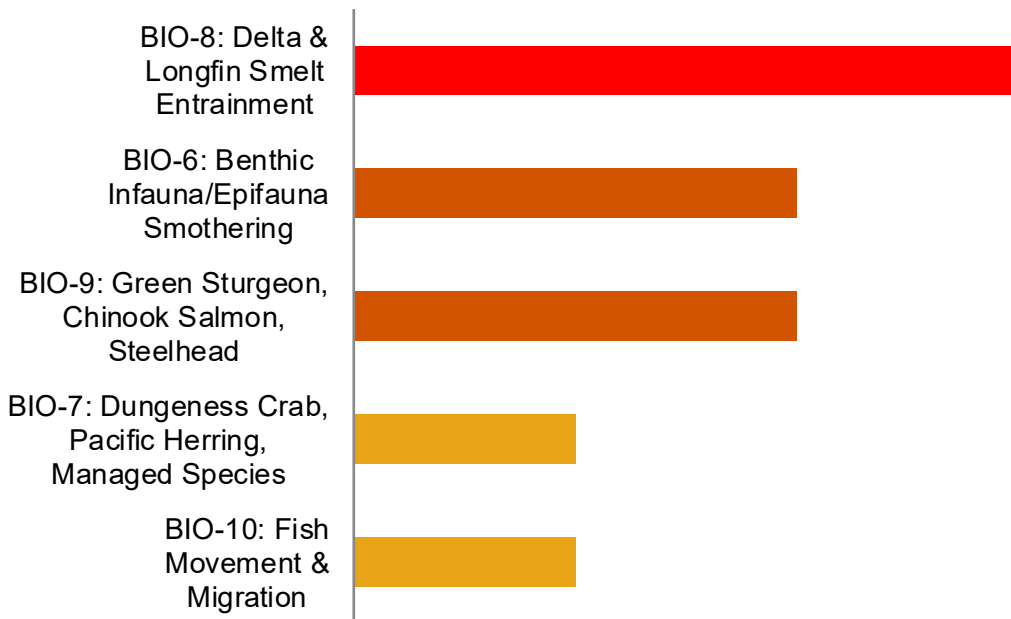
### Net loss from Bay floor

Balance drawn from bed erosion — depleting a finite, relic resource

*ISP (2024): "Sand is mined faster than it is replenished; therefore, sand is a non-renewable resource over the long term."*

# Fish Impacts — Species at Risk from Sand Mining

## SEIR Biological Impact Severity (2025)



■ Significant (Class I) — mitigable but significant

■ Potentially Significant (Class II)

■ Less than Significant (Class III)

## Why This Matters to BCDC

### SEIR Confirms Significant Impact (BIO-8)

Both delta smelt and longfin smelt entrainment is classified Significant, Class I — meaning impact remains significant even with mitigation. These are state-listed Endangered and Threatened species respectively.

### Record-Low Populations Since 2013

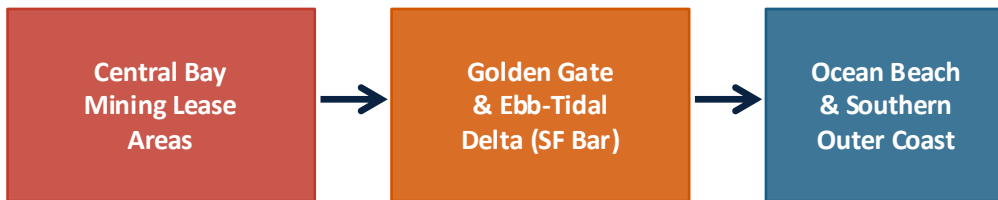
CDFW (June 2023) noted that since the 2013 ITP was issued, both delta smelt and longfin smelt have reached record-low population levels. Mitigation banks with available smelt credits no longer exist.

### Habitat Loss in Suisun Bay

The Middle Ground Shoal lease in Suisun Bay is critical smelt spawning habitat. BCDC's own 2013–2015 review reduced mining volumes there specifically for this reason — a rationale that is only stronger now.

# Coastal Access at Risk — Ocean Beach & Beyond

## Sand Transport Pathway: Bay → Coast



**SAND DEPLETED HERE**

### Erosion Rates Highest in CA

Rates of coastal erosion along the outer coast south of the Golden Gate are the highest for the entire California coast (USGS) and have accelerated by 50% between Ocean Beach and Point San Pedro since the 1980s.

### Infrastructure at Risk

Accelerating erosion threatens roadways and critical sewer infrastructure serving San Francisco. Ocean Beach Replenishment Project (Phase 1, 2021) required importing 40,000 cy of sand to address erosion — sand that was once naturally supplied.

### Coastal Commission's Finding

The California Coastal Commission explicitly recommended limiting Bay mining permits to 15% of historic levels, "at least until such time as the sediment transport mechanism can be further studied." The proposed permit is 130% of historic actuals.

## BCDC's Public Access Mandate

### BCDC's Mission

BCDC is charged to protect the Bay for "responsible and productive use." Erosion of coastal access directly implicates that mandate.

### Beach Loss = Access Loss

Ocean Beach is a primary public access point for millions. Sand mining-linked erosion threatens the beach and federal Snowy Plover habitat (Golden Gate NRA).

### Sea Level Rise

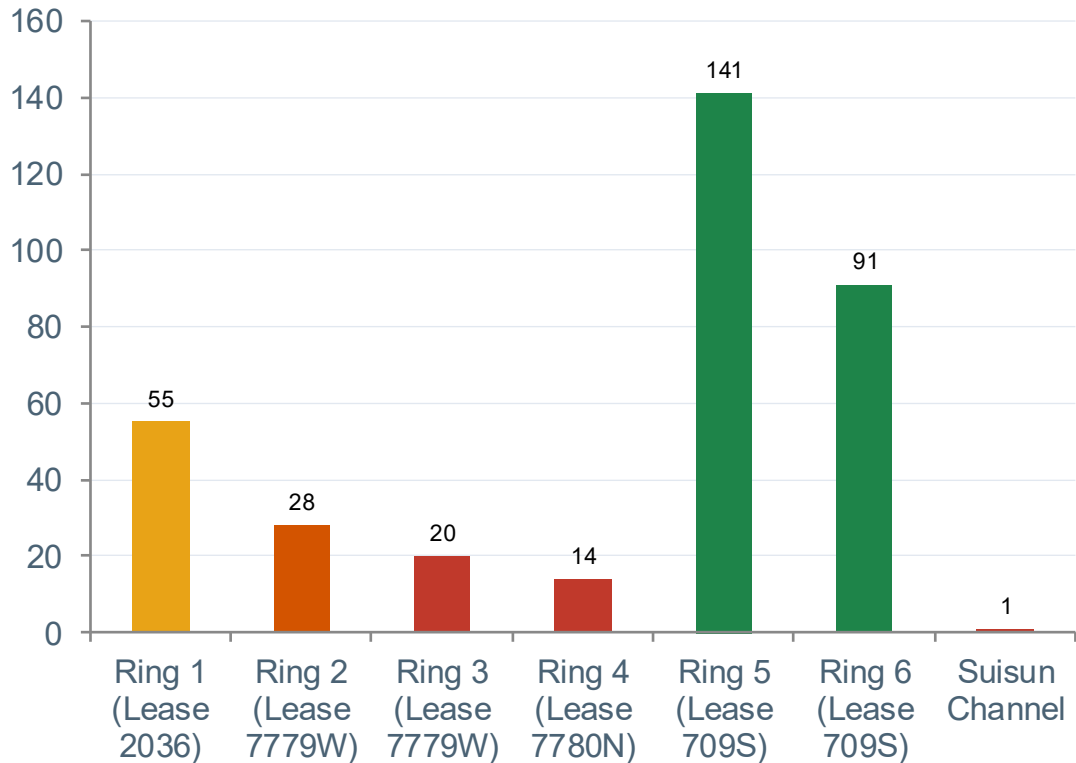
Sand is critical to coastal resilience. The ISP noted: "beach environments worldwide need sufficient sediment to grow in elevation with sea level rise." Mining removes that buffer.

### BCDC's Mission on the Line

Permitting mining volumes that accelerate coastal erosion is directly inconsistent with BCDC's mandate to protect Bay resources and public access.

# Mining Pits Are Not Recovering — Permanent Bed Loss

Recovery Rates by Ring Area, 2008–2019 (Deltares 2023 / ISP 2024)



100% = full recovery. <100% = permanent bed loss. Source: Deltares 2023b/c; ISP Summary Report 2024

## Bed Lowering Findings

### Ring 3 (Lease 7779W)

-2.77 m lowering 2008–2019  
Entire shoal disappeared

### Ring 4 (Lease 7780N)

-2.3 m lowering  
Only 14% recovery

### Suisun Channel

-2.5 m lowering 2014–2019  
Only 1% recovery

### Overall (6 rings)

2.3 Mcy permanent volume loss  
Average recovery only 48%

# SLC's EIR Does Not Adequately Address New Science

## Four Key Inadequacies

### 1. Relic Sand Confirmation Not Addressed

The ISP (2024) confirmed all mined sand is relic and non-renewable. The EIR acknowledges this science but continues to find impacts "less than significant" without adequately explaining how removal of an irreplaceable finite resource causes no significant impact.

### 2. Bay–Ocean Linkage Unresolved

The ISP identified the net sand flux at the Golden Gate as "the most confounding information gap." The EIR does not resolve this gap before finding no impact to outer coast beaches — an omission that precludes adequate impact analysis under CEQA.

### 3. Baseline Misrepresents Actual Increase

The EIR uses 2012 authorized volumes (not actual historical mining ~955K cy/yr) as its baseline. Proposed 1.75M cy/yr represents an 83% increase over real-world practice but is assessed as merely "continuing" existing operations.

### 4. Proposed Mining Exceeds Available Sand

CHE 2025 found proposed 10-year mining volumes exceed available sand in PRC 7779W and PRC 7780N. SLC dismissed this by assuming localized replenishment — an assumption directly contradicted by the ISP's finding that sand is mined faster than replenished and that Central Bay sand is relic.

*ISP (June 2024): "[W]hile discernable effects were not observed, it cannot be concluded that those effects will not occur. Further, continued mining in areas of low replenishment may result in bathymetric changes sufficient to alter water flows and sediment transport."*

# Takeaways and Baykeeper's Request to BCDC

## Key Takeaways

### Science Has Changed Since 2012

BCDC's own permit-funded science (2021–2024) confirms the relic sand concern BCDC raised in 2013–2015. Mined sand is thousands of years old, not replenishing, and part of a shared Bay–ocean pool. The 2012 EIR's 'conveyor belt' model is scientifically obsolete.

### Proposed Volumes Are Not Sustainable

1.75M cy/yr is more than double the 5-year actual average (~784K cy/yr, 2016–2020) and exceeds available sand in key lease areas. Fish populations are at record lows with no mitigation banks available.

### BCDC Must Exercise Its Own Authority

CSLC's SEIR certification does not bind BCDC. The McAteer-Petris Act requires independent findings consistent with Bay Plan policy. Coastal access, fish habitat, and Bay resilience are all within BCDC's jurisdiction and all at risk.

## Requested Actions

- **Require BCDC-specific CEQA review addressing the new ISP science rather than deferring SLC's EIR**
- **Reduce permitted volumes to no more than the EIR's own Reduced Project Alternative (~700K cy/yr, EIR §4.4.1) rather than the proposed 1.75M cy/yr ceiling**
- **Condition any permit on completion of the ISP's recommended monitoring and studies before volumes may be increased**
- **Require further study of beach/shoal impacts, Golden Gate flux, and effects on Longfin Smelt habitat before expanding mining**
- **Further reduce permit mining in areas where proposed volumes exceed available sand (at least in PRC 7779W, PRC 7780N)**