

1 discussion during the April 16, 2024 hearing, the Order explicitly provides for extension of the final
2 compliance deadline for good cause shown given the inherent uncertainty associated with the
3 environmental review process.

4 4. In particular, Paragraph 1.b of the Order expressly provides for extension of the compliance
5 deadline in the circumstances presented by this motion:

6 **Extension of Compliance Deadline.** The compliance deadline in paragraph (a) may
7 be extended by the Hearing Board for good cause shown, which may include factors
8 outside of Respondent's direct control. Good cause may include a failure of any
9 government agency or entity to meet the interim milestones upon which the final
10 compliance date is based.

11 5. To inform the good cause assessment, the Order contains an interim milestone of September 30,
12 2024, for the City of San Francisco, as lead agency, to initiate the environment review of the Project. This
13 milestone was met by the City. The Order set the next interim milestone for the City to certify the
14 environmental impact report (EIR) for the Project, on September 30, 2025. This certification is required
15 by law before the Air District can reach a final determination on a permit for the Project.

16 6. All of the stakeholders, including Martin Marietta, the Port, and the Air District have met all of
17 the internal deadlines set by the City as part of its environmental review process and have made every
18 effort to expedite that process. Based on its current internal schedule, the City does not anticipate
19 certifying the EIR until, at the earliest, September 24, 2026, and accordingly, it will fail to meet the
20 September 30, 2025 interim milestone.

21 6. The Declaration of Martin P. Stratte, attached hereto, sets forth facts supporting Martin Marietta's
22 compliance with the Conditional Order and its participation in and compliance with the deadlines and
23 deliverables required to support the City's timely completion of the environmental review process. *See*
24 Exhibit 2.

25 7. The City has made substantial progress toward preparing the EIR, including undertaking
26 numerous technical studies and releasing to the public its Notice of Preparation for the EIR on July 2,
27 2025; however, it currently projects that the environmental review process will not be completed until
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1 September 24, 2026, at the earliest.

2 WHEREFORE, based on the City's current projected schedule, the Respondent respectfully
3 requests that the Board extend the final compliance deadline in the above-referenced matter to October
4 31, 2026 to reflect the additional time that the City anticipates it will need to complete the environmental
5 review process. The Respondent further requests that, pursuant to Hearing Board Rule 14.2 and the
6 Stipulation of the parties attached as Exhibit 1, this matter be placed on the Hearing Board's Consent
7 Calendar for September 9, 2025.

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9 SO MOVED.

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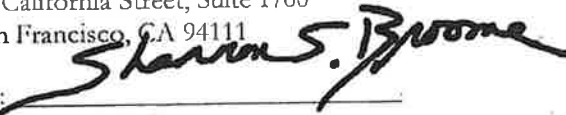
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Date: 8/20/2025

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