



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Marine Region
1933 Cliff Drive, Suite 9
Santa Barbara, CA 93109
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



May 6, 2025

Erika Guerra, Environmental Manager
Martin Marietta Marine Operations, LLC
7999 Athenour Way
Sunol, CA 94586
Erika.Guerra@martinmarietta.com

Re: Incidental Take Permit Major Amendment 3 Application for San Francisco Bay-Delta Estuary Sand Mining Project (2081-2013-047-03)

Dear Erika Guerra:

On April 17, 2025, the Department of Fish and Wildlife (CDFW) received your Incidental Take Permit Application for Major Amendment 3 and on April 28, 2025, CDFW received the appropriate Major Amendment application fee. CDFW reviewed your request for authorization, pursuant to Fish and Game Code section 2081(b), to extend coverage for incidental take¹ of Longfin smelt (*Spirinchus thaleichthys*), a species designated as threatened, Delta Smelt (*Hypomesus transpacificus*), a species designated as endangered, Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*), a species designated as threatened, Sacramento River winter-run Chinook Salmon (*Oncorhynchus tshawytscha*), a species designated as endangered] pursuant to the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. § 670.5, subd. (a)(2)(M,O), subd. (b)(2)(C,E).) **CDFW has determined that the above-referenced application for Major Amendment 3 is complete.**

CDFW has 90 days from the date the application is accepted as complete to finalize the Amendment, in accordance with the California Code of Regulations, Title 14, Section 783.5. CDFW cannot finalize the Permit until CDFW has received your certified California Environmental Quality Act (CEQA) document along with the Findings, Notice of Determination, and a copy of proof of payment for the environmental filing fee. If you have any questions, please contact Arn Aarreberg, Environmental Scientist, at Arn.Aarreberg@wildlife.ca.gov or (707) 791-4195.

Sincerely,

Craig Shuman D. Env.,
Marine Regional Manager

¹ Pursuant to Fish and Game Code section 86, "'Take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), "'take' ... means to catch, capture or kill").

ec: Claire Waggoner, Environmental Program Manager
Department of Fish and Wildlife

Eric Wilkins, Senior Environmental Scientist
Department of Fish and Wildlife

Arn Aarreberg, Environmental Scientist
Department of Fish and Wildlife

CESA Permitting Program
Habitat Conservation Planning Branch
Department of Fish and Wildlife

Christine Boudreau
Boudreau Associates LLC