**California Department of Fish and Wildlife**
**Marine Region**
**1933 Cliff Drive, Suite 9**
**Santa Barbara, CA 93109**

California Endangered Species Act
Incidental Take Permit No. 2081(b)-2026-020-07

**Sand Mining in the Central Bay**

## I. Authority:

This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take[1] of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.[2] However, CDFW may authorize the take of any such species by permit pursuant to the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) and California Code of Regulations, title 14, section 786.9, subdivision (b). (See Cal. Code Regs., tit. 14, § 783.4.)

| | |
|---|---|
| **Permittee:** | **Martin Marietta Marine Operations, LLC** |
| **Principal Officer:** | **Erika Guerra, Environmental Resources Director** |
| **Contact Person:** | **Elizabeth Klar, (650) 269-8604** |
| **Mailing Address:** | **7999 Athenour Way**<br>**Sunol, CA 95486** |

## II. Effective Date and Expiration Date of this ITP:

This ITP is effective as of the date signed by CDFW below. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **December 31, 2036**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 6.7 of this ITP.

## III. Project Location:

The Sand Mining in Central Bay Project (Project) is located in the counties of San Francisco and Marin (See Figure 1) on four California State Lands Commission leases (nine parcels) in Central San Francisco

[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".)

[2]The definition of an endangered, threatened, and candidate species for purposes of CESA are found in Fish and Game Code sections 2062, 2067, and 2068, respectively.

Bay. The Project site is in an area bounded by the Golden Gate Bridge to the west, Alcatraz island to the east, Angel Island to the north and the Presidio of San Francisco to the south. The Project's sand offloading sites are located in San Francisco, Oakland, Mare Island, Napa, and Collinsville (Figure 2).

**IV. Project Description:**

The Covered Project Activities include commercial sand mining on four California State Lands Commission Leases, nine parcels in total, and sand offloading in Central San Francisco Bay for the next 10 years. Project activities include sand mining from the San Joaquin River tugboat and Sand Merchant hopper barge. Sand mining methods primarily utilize a moving potholing method in which the drag head is lowered from the barge and buried approximately 6-18 inch deep into the sand substrate. Water and sand are drawn into the drag head by the suction of the centrifugal pump from beneath and around the sides of the drag head. A maximum vacuum is regulated at the drag head by a vacuum relief vent (vent pipe), an 8-inch diameter water intake riser pipe on the top of the drag head. Water drawn into the drag head through the substrate creates a sand-water slurry (slurry) that allows the sand to be suspended and sucked up into the hopper barge. As sand is withdrawn from the substrate area, a pothole is created and the entire drag head assembly is continually lowered and pushed into the substrate to maintain its position within the sand substrate. During mining the tugboat maintains the barge's position and allows the barge to rest on the drag head assembly, effectively forcing the drag head into the substrate using the barge's weight. The slurry is contained within the barge's cargo hopper with water being displaced by sand accumulating in the cargo hopper. Water is discharged through overflow pipes, below the waterline, on either side of the barge. Sand mining slurry ratio of water to sand ranges from 12-17% sand and 83-88% water depending on the coarseness of the sand being mined.

Table 1: Annual and Peak Permitted Sand Volumes for each Lease area in the Project Area

| Location/Lease No. | Permittee Annual Proposed Volume (cubic yards) | Peak Volumes (cubic yards) |
|---|---|---|
| PRC 709: Presidio, Alcatraz, Point Knox Shoals | 170,000 | 235,000 |
| PRC 2036: Point Knox South | 360,000 | 450,000 |
| PRC 7779: Point Knox Shoal | 484,000 | 550,000 |
| PRC 7780: Alcatraz South Shoal | 127,000 | 160,000 |
| ***Total Volume*** | ***1,141,000*** | **1,395,000** |

Permittee will use a positive barrier fish screen that will be mounted on the suction pipe by a flange to the vent pipe on the drag head in order to exclude juvenile and adult fish from entrainment during sand mining. The fish screen design is based on a variety of factors that include guidance from the CDFW, National Marine Fisheries Service, and U.S. Fish and Wildlife Service. The fish screen is designed with a 1.75 millimeter wedge-wire screen mesh size to meet a flow rate of 3.8 cubic feet per second, approach velocity of 0.2 feet per second, and slot velocity of 0.5 feet per second. When the drag head and fish screen are positioned above the water surface, the screen will be visually

inspected following each mining event for evidence of damage to the screen or its mounting. Mining shall not occur if the integrity of the fish screen is damaged and shall not commence until repairs or a replacement screen is installed that meets fish screen design requirements described above.

Other Covered Project Activities include offloading mined sand at offloading sites along San Francisco Bay. Offloading uses a dry offload process. The hopper barge is equipped with two drag buckets which are pulled across the top of the sand in the cargo hopper; this pulls the sand to the front of the barge. There is one bucket on either side of the loading chute. The drag buckets feed sand to a transfer conveyor belt running below the cargo hopper across the barge. From the transfer conveyor belt, the sand is transferred onto the boom conveyor belt, which extends overboard to the shore side conveyor system, which stockpiles sand above mean high water on land.

**V. Covered Species Subject to Take Authorization Provided by this ITP:**

This ITP covers the following species:

| Name | CESA Status[3] |
|---|---|
| 1. Central Valley Spring-run Chinook Salmon (*Oncorhynchus tshawytscha*) | Threatened[4] |
| 2. Sacramento River Winter-run Chinook Salmon (*Oncorhynchus tshawytscha*) | Endangered[5] |
| 3. Longfin Smelt (*Spirinchus thaleichthys*) | Threatened[6] |
| 4. White sturgeon (*Acipenser transmontanus*) | Candidate[7] |

These species and only these species are the "Covered Species" for the purposes of this ITP.

**VI. Impacts of the Taking on Covered Species:**
Project Activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above are expected to result in incidental take of individuals of the Covered Species include hydraulic sand mining and sand offloading (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities such as increased suspended sediments, contaminants, and toxicity within the overflow plume; reduction in dissolved oxygen levels as a result of suspended sediments; change

[3] Under CESA, a species may be on the list of endangered species, the list of threatened species, or the list of candidate species.
[4] See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(2)(C).
[5] See Id., subd. (a)(2)(M).
[6] See Id., subd. (b)(2)(E).
[7] The species status may change following the decision of the Fish and Game Commission to designate the species as threatened or endangered but if there is such a designation, the species will remain a Covered Species.

in habitat quality; entrainment of larval fish in the suction pipes; and impingement of juvenile and adult fish on the suction pipes or fish screen. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursuit, catch, capture, or attempt to do so of the Covered Species from loss of habitat and disruption of migration. The areas where authorized take of the Covered Species is expected to occur include: California State Lands Commission Leases consisting of the four leased areas with nine parcels (PRC 709N, PRC 709E, PRC 709S, PRC 2036, PRC 7779N, PRC 7779E, PRC 7779W, PRC 7780N, and PRC 7780S) and sand offloading locations shown in Figure 2 (collectively, the Project Area).

The Project is expected to cause impacts to the habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: potential Covered Species mortality due to displacement from preferred habitat, entrainment of Covered Species in the suction pipes as the fish, impingement of juvenile and adult fish on the suction pipes or fish screen, benthic impacts from falling debris, and the potential for impacts from spills of pollutants (e.g., oils, gasoline, diesel, lubricants, etc.).

**VII. Incidental Take Authorization of Covered Species:**

This ITP authorizes incidental take of the Covered Species and only the Covered Species. With respect to incidental take of the Covered Species, CDFW authorizes the Permittee, its employees, contractors, and agents to take Covered Species incidentally in carrying out the Covered Activities, subject to the limitations described in this section and the Conditions of Approval identified below. This ITP does not authorize take of Covered Species from activities outside the scope of the Covered Activities, take of Covered Species outside of the Project Area, take of Covered Species resulting from violation of this ITP, or intentional take of Covered Species.

**VIII. Conditions of Approval:**

Unless specified otherwise, the following measures apply to all Covered Activities within the Project Area, including areas used for vehicular and vessel ingress and egress, staging and parking, and noise and vibration generating activities that may cause take. CDFW's issuance of this ITP and Permittee's authorization to take the Covered Species are subject to Permittee's compliance with and implementation of the following Conditions of Approval:

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.

2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Environmental Impact Report (SCH No.: 2007072036) certified by California State Lands Commission on February 9, 2026 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).

3. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Biological Opinion for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.

4. **ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.

5. **General Provisions:**

**5.1.** Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.

**5.2.** Designated Biologist(s) and Biological Monitor(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Biological Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s) and Biological Monitor(s) are knowledgeable and experienced in the biology and natural history of the Covered Species. The Designated Biologist(s) and Biological Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Biological Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Biological Monitor(s) must be changed.

**5.3.** Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing

CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.

**5.4.** Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.

**5.5.** Construction Monitoring Documentation. The Designated Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.

**5.6.** Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas.

**5.7.** Hazardous Waste. Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.

**5.8.** CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project Area and mitigation lands under Permittee control, and shall otherwise fully cooperate with

CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.

**6. Monitoring, Notification and Reporting Provisions:**

**6.1.** Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.

**6.2.** Notification of Non-compliance. The Designated Representative shall immediately notify CDFW if Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.

**6.3.** Compliance Monitoring. The Designated Biologist shall conduct monthly compliance inspections when Covered Activities occur to:

(1) Minimize incidental take of the Covered Species;

(2) Prevent unlawful take of species;

(3) Ensure that Covered Activities are only occurring in the Project Area;

(4) Assess the total clear water volume pumped and the sand volume mined;

(5) Check for compliance with all other measures of this ITP.

Additionally, the Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.

**6.4.** Quarterly Compliance Report. The Designated Representative or Designated Biologist shall compile the daily and monthly observation and inspection records identified in Condition of Approval 6.3 into a Quarterly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Arn Aarreberg (Arn.Aarreberg@wildlife.ca.gov) and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting

schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

**6.5.** Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 6.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species; (8) the annual and peak clear water volume pumped and volume of sand mined.

**6.6.** CNDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDB) within 60 calendar days of the observation, and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.

**6.7.** Final Mitigation Report. No later than 60 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) and an accounting of the clear water volume pumped and total volume of sand mined annually and total for the ITP.

**6.8.** Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the Project Area or vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW

by calling the Regional Representative at (707) 791-4195. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

7. **Take Minimization Measures:** The following requirements are intended to ensure the minimization of incidental take of Covered Species in the Project Area during Covered Activities. Permittee shall implement and adhere to the following conditions to minimize take of Covered Species:

   **7.1.** Minimum Priming/Clearing Depth. Before the start of mining activities, the drag head shall be lowered to the bottom substrate, or a depth as close to the bottom as possible but not more than three feet off the bottom substrate, before priming of the pump. The same depth restriction holds for clearing of the drag head.

   **7.2.** Sand Mining Locations. Sand mining shall be restricted to those lease areas specified in Figure 1. Sand mining location shall be actively tracked during sand mining events to ensure mining does not occur outside of the leased areas identified in Figure 1. Sand offloading shall occur only at authorized offloading sites as specified in Figure 2.

   **7.3.** Sand Volume Limitation. The total annual sand volumes and sand volumes mined at the individual lease areas shall not exceed the values listed in Table 1 on page 2 of this ITP. If Peak sand volumes are reached, or annual sand volume exceeded, at any of the four leases, in any year of the permit term, subsequent years shall be reduced by an equal volume to ensure that the total annual proposed volume over the 10 year permit term is not exceeded. Sand mining shall cease each year if the peak sand volumes are reached in each lease area.

   **7.4.** Water Depth Limitations. Sand mining is prohibited within water depths of less than 30 feet.

   **7.5.** Positive Barrier Fish Screen. Permittee shall install and operate a positive barrier fish screen, compliant with CDFW fish screen criteria, on the water intake pipes of the suction pipe to protect aquatic species from entrainment. The fish screen shall have a 1.75 millimeter wedge-wire screen mesh size and achieve a flow rate of no more than 3.8 cubic feet per second, approach velocity of 0.2 feet per second, and slot velocity of 0.5 feet per second. The screen shall be in place at all times during sand mining operations.

   **7.6.** Positive Barrier Fish Screen Flow Velocity White Sturgeon Study. Permittee shall complete a study to measure the effectiveness of the positive barrier fish screen design for white

sturgeon at all life stages. The Permittee shall send CDFW the proposed study plan within 24 months of this ITP being finalized. The Permittee must receive written approval of the study plan from CDFW prior to implementation. The study shall be completed within the first 5 years of the permit term and a report with study results provided to CDFW upon completion.

**7.7.** Positive Barrier Fish Screen Inspection. Permittee shall visually inspect the fish screen following each mining event to verify screen integrity, remove any impinged debris and record any fish impinged on the screen. If screen is found to be damaged, sand mining shall cease until screen is either repaired or replaced and functionally meet Condition 7.5.

**7.8.** Equipment Maintenance and Chemical Storage. All equipment operated within San Francisco Bay or adjacent channels shall be checked and maintained daily to prevent leaks of materials that if introduced to the water could be deleterious to Covered Species. Fuel and other material stored on the barge or tugboat shall be stored in a plastic tub to contain leaks or spills. Spill equipment such as booms, drip pans, and absorbent pads shall be on-board and be ready to deploy in case of a spill.

**8. Habitat Management Land Acquisition and Restoration:** CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts, including take of the Covered Species from implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, the measures implemented to avoid take of the specific life stages of the Covered Species that may be present during Covered Activities, and CDFW's estimate of the protected acreage required to provide for adequate compensation.

To meet this requirement, Permittee shall purchase 0.683 acres of salmonid/longfin smelt credits from a CDFW-approved mitigation bank pursuant to Condition of Approval 8.2 below. In addition, the previous ITP (ITP No. 2081-2013-047-03) had an outstanding mitigation balance of 0.017 acres of Covered Species credits. While Security was provided, Permittee was unable to complete the mitigation credit purchase due to the lack of available credits during the previous ITP term. The prior mitigation security amount of $4,250.00 for the 0.017 acres is not sufficient to purchase the same amount of credits from a CDFW approved mitigation bank. Therefore, the 0.017 acres from the previous ITP shall be carried over to this ITP, the security total will be based on the current rate of species credits, and shall be purchased within required timelines outlined below. The prior security amount will be released following completion of the requirements in Condition of Approval 9. In total, the Permittee shall purchase 0.70 acres of salmonid/longfin smelt credits. Purchase of salmonid/longfin smelt credits must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.

As of October 28, 2026, specific species credits from prior-approved mitigation banks are unavailable for white sturgeon. To mitigate for impacts to white sturgeon, in lieu of specific species credits, the Permittee shall provide $62,500.00. The permittee shall consult with CDFW within 60 days of this ITP being finalized to determine appropriate expenditure of these funds. Within 12 months the Permittee shall submit mitigation proposals to CDFW for review, and approval, and use $62,500.00 to purchase mitigation credits or implement a permittee responsible mitigation project that benefits white sturgeon no later than 18 months after this ITP is finalized. Purchase of credits or implementation of a Permittee responsible mitigation project shall only occur after receiving written approval from CDFW that the location and credit or mitigation project is appropriate mitigation for white sturgeon. White sturgeon mitigation funds must be allocated, or confirmed appropriate for a Permittee responsible mitigation project, before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.

Five years after the effective date of this ITP, CDFW will review the results of the fish screen study specified in Condition of Approval 7.6 and other available data and information, and will determine if the mitigation fully mitigated for impacts from the Covered Activities to white sturgeon that occurred in the first five years of this ITP as well as any mitigation needed to cover the remaining 5 years of impacts from the Covered Activities to white sturgeon. If CDFW determines additional mitigation is necessary for white sturgeon, CDFW will identify the amount of additional mitigation that the Permittee must implement prior to the expiration of this ITP.

**8.1.** Cost Estimates. For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition of Covered Species credits as follows:

- The cost of salmonid/longfin smelt credits identified in Condition of Approval 8.2 is estimated at $650,000/acre for 0.70 acres: $455,000.00.

- White Sturgeon Mitigation Funds: $62,500.00.

**8.2.** Salmonid/Longfin Smelt Credits. If Permittee elects to purchase salmonid/longfin smelt credits to complete compensatory mitigation obligations, then Permittee shall purchase 0.70 acres of salmonid/longfin smelt credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 9 below. Prior to purchase of salmonid/longfin smelt credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from issuance of this ITP if Security is provided.

**8.3.** White Sturgeon Mitigation Funds. Permittee shall consult with CDFW to determine appropriate expenditure of funds and only expend funds after receiving written approval from CDFW that the mitigation option identified is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt or Habitat Management Lands package for a Permittee responsible mitigation project prior to initiating Covered Activities or within 18 months from issuance of this ITP if Security is provided.

**9. Security:** Permittee may proceed with Covered Activities only after Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

**9.1.** Security Amount. The Security shall be in the amount of **$517,500.00** or in the amount identified in Condition of Approval 8.1 specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 8.1 above, sufficient for CDFW or its contractors to complete credit acquisition.

**9.2.** Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security (see Attachment 4) approved in advance in writing by CDFW's Office of the General Counsel.

**9.3.** Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.

**9.4.** Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.

**9.5.** Security Transmittal. Permittee shall transmit security to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.

**9.6.** Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that Permittee has failed to comply with the Conditions of Approval of this ITP.

**9.7.** Security Release. The Security (or any portion of the Security then remaining) shall be released to Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:

- Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of Covered Species credits; and/or
- Submittal of Habitat Lands package and initiation of mitigation project; and

- Timely submission of all required reports.

Even if Security is provided, Permittee must complete the required acquisition no later than 18 months from the effective date of this ITP. CDFW may require Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if Permittee does not complete these requirements within the specified timeframe.

**IX. Amendment:**
This ITP may be amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable law. This ITP may be amended without the concurrence of the Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP would jeopardize the continued existence of the Covered Species or where Project changes or changed biological conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

**X. Stop-Work Order:**
If CDFW determines the Permittee has violated any term or condition of this ITP or has engaged in unlawful take, CDFW may issue Permittee a written stop-work order instructing the Permittee to suspend any Covered Activity for an initial period of up to 30 days or risk suspension or revocation of this ITP. CDFW can issue a stop-work order to prevent or remedy a violation of this ITP, including but not limited to the failure to comply with reporting or monitoring obligations, or to prevent the unauthorized take of any CESA endangered, threatened, or candidate species, regardless of whether that species is a Covered Species under this ITP. Permittee shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to Permittee, CDFW may extend any stop-work order issued to Permittee for a period not to exceed 30 additional days.

If Permittee fails to remedy the violation or to comply with a stop-work order, CDFW may proceed with suspension and revocation of this ITP. Suspension and revocation of this ITP shall be governed by California Code of Regulations, Title 14, section 783.7, and any other applicable law. Neither the Designated Biologist nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

**XI. Compliance with Other Laws:**
This ITP sets forth CDFW's requirements for the Permittee to implement the Project pursuant to CESA. This ITP does not necessarily create an entitlement to proceed with the Project. Permittee is responsible for complying with all other applicable federal, state, and local law.

**XII. Notices:**

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by

email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081(b)-2026-020-07) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Arn Aarreberg
3637 Westwind Boulevard
Santa Rosa, CA 95403
Telephone (707) 791-4195
Arn.Aarreberg@wildlife.ca.gov

and a copy to:

Habitat Conservation Planning Branch
California Department of Fish and Wildlife
Attention: CESA Permitting Program
Post Office Box 944209
Sacramento, CA 94244-2090
CESA@wildlife.ca.gov

Unless Permittee is notified otherwise, CDFW's Regional Representative for purposes of addressing issues that arise during implementation of this ITP is:

Arn Aarreberg
3637 Westwind Boulevard
Santa Rosa, CA 95403
Telephone (707) 791-4195
Arn.Aarreberg@wildlife.ca.gov

**XIII. Compliance with the California Environmental Quality Act:**

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, California State Lands Commission. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the San Francisco Bay and Delta Sand Mining Project, (SCH No.: 2007072036) dated August 2025 that the California State Lands Commission certified for San Francisco Bay and Delta Sand Mining Project on February 9, 2026. At the time the lead agency certified the Environmental Impact Report (EIR) and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

This ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the lead agency's EIR for the Project and the environmental effects related to issuance of this ITP (CEQA Guidelines, § 15096, subd. (f)). CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

**XIV. Findings Pursuant to CESA:**

These findings are intended to document CDFW's compliance with the specific findings requirements set forth in CESA and related regulations. (Fish & G. Code § 2081, subs. (b)-(c); Cal. Code Regs., tit. 14, §§ 783.4, subds, (a)-(b), 783.5, subd. (c)(2).)

CDFW finds based on substantial evidence in the ITP application, San Francisco Bay and Delta Sand Mining Project EIR, the results of consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

(1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;

(2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) Project activity monitoring; (3) worker education; and (4) Quarterly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 0.70 acres of compensatory habitat that is contiguous with other protected salmonid and longfin smelt habitat and/or is of higher quality than the habitat being destroyed by the Project and $62,500 provided to offset impacts to white sturgeon by purchase of mitigation bank credits or a Permittee responsible mitigation project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;

(3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;

(4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;

(5) All required measures are capable of successful implementation;

(6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;

(7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and

(8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

**XV. Attachments:**

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|---|---|
| FIGURE 1 | Map of Project |
| FIGURE 2 | Map of Sand Offloading Locations |
| ATTACHMENT 1 | Mitigation Monitoring and Reporting Program |
| ATTACHMENT 2 | Biologist Resume Form |
| ATTACHMENT 3 | Letter of Credit Form |
| ATTACHMENT 4 | Surety Bond Form |

**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON** 10/28/2026

Craig Shuman, D. Env., Regional Manager
Marine Region




**FIGURE 1.** Map of the Project Area showing the nine parcels within four State Lands Commission lease areas within central San Francisco Bay.

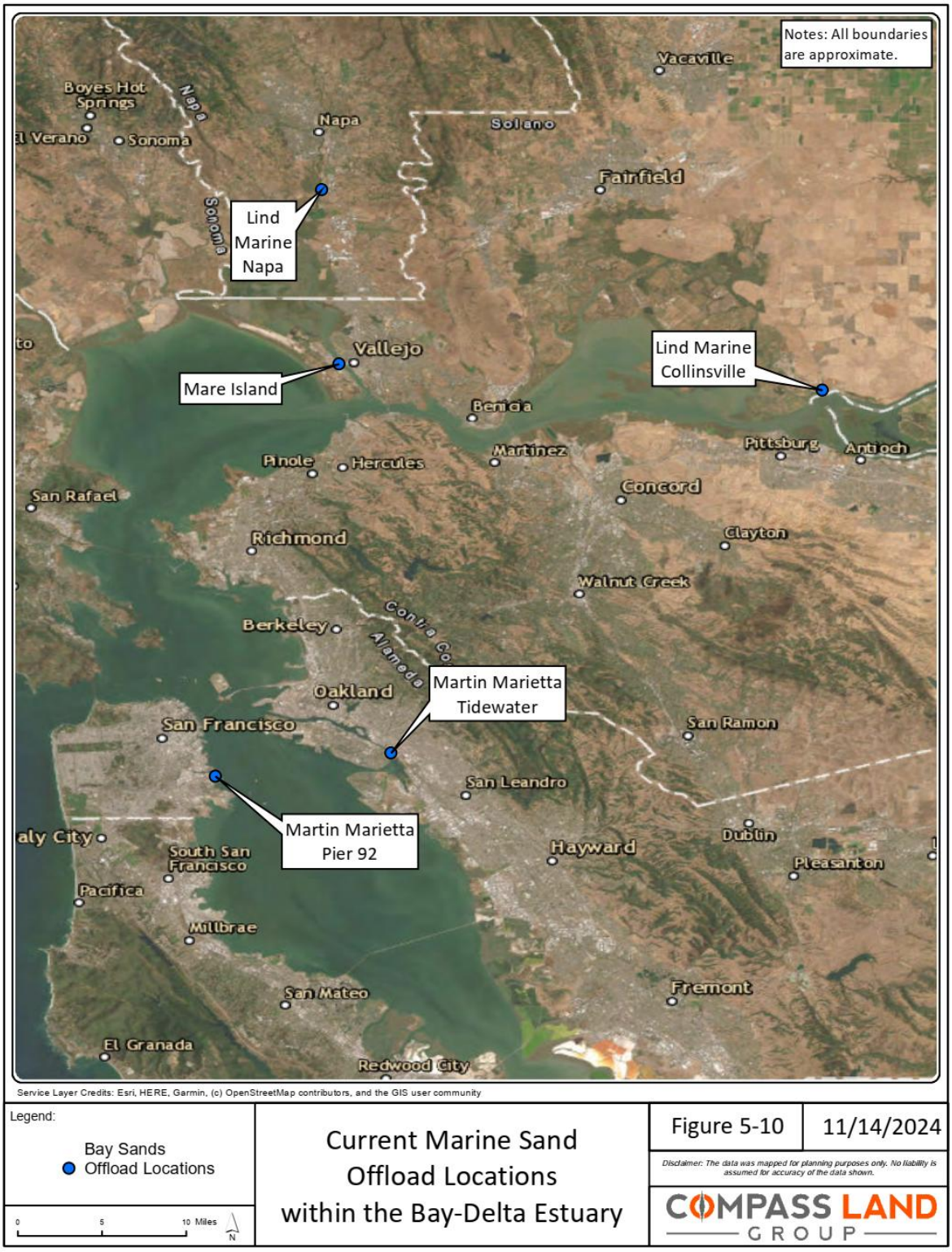



**FIGURE 2.** Map of the Project Area showing Authorized Sand Offloading Locations