

**To:**

Office of Planning and Research  
 For U.S. Mail:  
 P.O. Box 3044

Sacramento, CA 95812-3044

*Street Address:*

1400 Tenth Street  
 Sacramento, CA 95814

**From:**

California Department of Fish and Wildlife (CDFW)  
 Marine Region  
 3637 Westwind Blvd.  
 Santa Rosa, CA 95403  
 Contact: Arn Aarreberg  
 Phone: (707) 576-2889

Lead Agency (if different than CDFW)  
 California State Lands Commission  
 100 Howe Avenue, Suite 100 South  
 Sacramento, CA 95825]  
 Contact: Christopher Huitt  
 Phone: (916) 574-2080

**SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code § 21108**

State Clearinghouse Number: 2018062075

Project Title: Lind Tug and Barge, Inc. Oyster Shell Mining Project (California Endangered Species Act Incidental Take Permit No. 2081-2019-052-07 (ITP))


Project Location (include county): The Project is located in the subtidal areas of South San Francisco Bay just north and adjacent to the San Mateo Bridge on California State Lands Commission Lease No. PRC. 5534.1. The lease lies roughly 3.5 miles from San Mateo County shoreline and 3.25 miles from the Alameda County shoreline.

Project Description: This proposed project involves mining relic oyster shell deposits of the native oyster (*Ostrea lurida*) in South San Francisco Bay on a portion of CSLC lease No. PRC 5534.1. Oyster shell is mined via a hydraulic suction dredge. The shell is washed and then stored on an adjacent hopper barge. The harvested shell is processed at an upland facility for a variety of uses including dietary supplements for livestock and humans, decorative stone, and as a soil amendment.

The Project will result in impacts to habitat of Longfin Smelt (*Spirinchus thaleichthys*) and Chinook Salmon (*Oncorhynchus tshawytscha*). The project is expected to result in incidental take of Longfin Smelt and Spring Run Chinook, designated as threatened, and Winter Run Chinook Salmon, which is designated as an endangered species under the California Endangered Species Act. The ITP referenced above as issued by CDFW authorizes incidental take of species listed under CESA that may occur as a result of Project implementation.

This is to advise that CDFW, acting as [ the lead agency /  a responsible agency] approved the above-described project on December 04, 2018 and made the following determinations regarding the above described project:

1. The project [ will /  will not] have a significant effect on the environment (This determination is limited to effects within CDFW's permitting jurisdiction as a responsible agency).
  2. [ An environmental impact report /  A mitigated negative declaration] was prepared by the lead agency for the original project.
  3. Additional mitigation measures [ were /  were not] made a condition of CDFW's approval of the project.
  4. A mitigation reporting or monitoring plan [ was /  was not] adopted by CDFW for this project.
  5. A Statement of Overriding Considerations [ was /  was not] adopted by CDFW for this project.
  6. Findings [ were /  were not] made by CDFW pursuant to Public Resources Code § 21081(a). CDFW did, however, adopt findings to document its compliance with CEQA.
  7. Compliance with the environmental filing fee requirement at Fish and Game Code § 711.4 (check one):
    - Payment is submitted with this notice.
    - A copy of a receipt showing prior payment was submitted to CDFW.
- Responsible Agency statement: The Mitigated Negative Declaration prepared by the lead agency for the Project is available to the general public at the office location listed above for the lead agency. CDFW's administrative record of proceedings related to the incidental take permit is available to the public for review at CDFW's regional office.

Signature   
Craig Shuman, D. Env. Regional Manager

Date: January 10, 2020

Governor's Office of Planning & Research

Date Received for filing at OPR: JAN 13 2020

**STATE CLEARINGHOUSE**