



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



October 16, 2023

Lacy Carothers  
California American Water  
511 Forest Lodge Road, Suite 100  
Pacific Grove, California 93950

**Subject: Incidental Take Permit Amendment No. 1 for the Monterey Peninsula Water Supply Project (2081-2018-027-04)**

Dear Lacy Carothers:

Enclosed you will find an electronic copy of Amendment No. 1 for the incidental take permit for the above referenced Project, which has been digitally signed by the California Department of Fish and Wildlife (CDFW). Please read the amendment carefully, sign the acknowledgement, and return the original **no later than 30 days from CDFW signature**, and prior to initiation of ground-disturbing activities. You may return a hard copy of the amendment via mail to:

California Department of Fish and Wildlife  
Habitat Conservation Planning Branch, CESA Permitting  
Post Office Box 944209  
Sacramento, California 94244-2090

Alternatively, you may return an electronic copy of the amendment with digital signature to [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). Digital signatures shall comply with Government Code section 16.5. Digital signatures facilitated by CDFW will be automatically returned.

You are advised to keep the amendment in a secure location and distribute copies to appropriate project staff responsible for ensuring compliance with the conditions of approval of the permit. Note that you are required to comply with certain conditions of approval prior to initiation of ground-disturbing activities. Additionally, a copy of the permit and amendment must be maintained at the project work site and made available for inspection by CDFW staff when requested.

The amendment will not take effect until the signed acknowledgement is received by CDFW. If you wish to discuss these instructions or have questions regarding the amendment, please contact Stephanie Manzo, Environmental Scientist, at [Stephanie.Manzo@wildlife.ca.gov](mailto:Stephanie.Manzo@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
A handwritten signature in black ink that reads 'Julie A. Vance'.  
FA83F09FE08945A...

Julie A. Vance  
Regional Manager

Enclosure

*Conserving California's Wildlife Since 1870*

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

CENTRAL REGION

1234 EAST SHAW AVENUE

FRESNO, CALIFORNIA 93710



**AMENDMENT NO. 1**

(A Minor Amendment)

California Endangered Species Act

Incidental Take Permit No. 2081-2018-027-04

California American Water

Monterey Peninsula Water Supply Project in Monterey County

**INTRODUCTION**

On December 19, 2019, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2018-027-04 (ITP) to California American Water (Cal Am or Permittee), authorizing take of California tiger salamander (*Ambystoma californiense*) (Covered Species) associated with and incidental to the Monterey Peninsula Water Supply Project in Monterey County, California (Project). The Project as described in the ITP as originally issued by CDFW includes expanding existing infrastructure and installation of a seawater desalination plant and associated infrastructure, to produce, transfer and store desalinated water and convey it to California American Water customers via an existing distribution system. The Project involves the installation of the desalination plant, associated pipelines, and two Aquifer Storage and Recovery (ASR) Wells 5 and 6. Associated pipelines include the Source Water Pipeline, Desalinated Water Pipeline, Castroville Pipeline, and the Transmission Main Pipeline. The Project area encompasses a total of 54.57 acres incorporated in areas of northern Monterey County, in the town of Castroville, and the City of Marina.

In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate Project impacts of the taking on the Covered Species and that issuance of the ITP would not jeopardize the continued existence of the Covered Species.

On May 31, 2023, CDFW received an official request and the associated fee payment on May 26, 2023, from Permittee for a Minor Amendment to extend the expiration date of this ITP from June 30, 2023, to June 30, 2028. The expiration extension request is due to a lawsuit with the Marina Coast Water District (MCWD) halting the approval of the Coastal Development Permit for Project activities associated with the installation of the Desalination plant, Electrical Powerlines, Source Water Pipeline, Desalinated Water Pipeline, Castroville Pipeline, and ASR Wells 5 and 6. Permittee is requesting a 5-year extension anticipating that the time duration to resolve the MCWD lawsuit to be approximately 1-year, completion of Covered activities will take approximately 2 to 3 years, and a 2-year buffer period in case there are unforeseen complications. This Minor Amendment will also change the description used for low quality habitat associated with General Jim Moore Boulevard and engineered fill to clarify that

Conditions of Approval are necessary for Covered Activities associated with that portion of the Project Area.

This Minor Amendment No. 1 (Amendment No. 1) makes the following changes to the existing ITP:

First, Amendment No. 1 extends the expiration date of this ITP from June 30, 2023, to June 30, 2028.

Second, Amendment No. 1 revises the language used to describe habitat associated with General Jim Moore Boulevard and engineered fill.

### AMENDMENT

The ITP is amended as follows (amended language in ***bold italics***; deleted language in ~~strikethrough~~):

1. The paragraph entitled "Effective Date and Expiration Date of this ITP:", on Page 1 of the ITP shall be amended to read as follows:

This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on ~~June 30, 2023~~ ***June 30, 2028***.

2. The fourth paragraph of the section entitled "Impacts of the Taking on Covered Species:", on Page 8 of the ITP shall be amended to read as follows:

The Project is expected to cause the permanent loss of 14.746 acres and temporary impacts to 34.681 acres of upland refugia habitat for Covered Species. The area where take is expected to occur is the entire 49.427-acre work area within upland habitat, which includes permanent and temporary impacts to valley oak woodland, non-native annual grassland, and agricultural (row crop) lands that provide habitat for Covered Species. No impacts to breeding habitat are anticipated. CDFW ~~does not consider~~ ***considers*** the 5.143-acre area of temporary disturbance within the paved roadway of General Jim Moore Boulevard ~~or~~ ***and*** the engineered fill beneath the roadway as ~~upland~~ ***low quality dispersal*** habitat for Covered Species, ~~though take of~~ ***because*** individuals that may enter the work area from adjacent ***higher quality*** habitat areas ~~is possible~~.

All terms and conditions of the ITP and MMRP that are not expressly amended herein remain in effect and must be implemented and adhered to by the Permittee.

## **FINDINGS**

*Issuance of Amendment No. 1 will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will Amendment No. 1 increase other Project impacts on the Covered Species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).*

Discussion: Amendment No. 1 makes 2 specific changes to the ITP as originally issued. Amendment No. 1; 1) extends the expiration date of this ITP from June 30, 2023, to June 30, 2028, and 2) updates language used to describe habitat types to clarify what is considered habitat for Conditions of Approval and Covered Activities. The resulting impacts to the Covered Species, however, including the 14.746 acres of permanent habitat loss and 34.681 acres of temporary habitat loss as a result of the Project, will remain the same.

CDFW has determined that a 5-year extension of the expiration date for this ITP and habitat type clarification will not increase the amount of take or the severity of other impacts of the taking on the Covered Species. Given the circumstances of this Project, CDFW believes that the changes to the Project or Conditions of the ITP, as amended, described in Amendment No. 1 will not increase impacts to the Covered Species.

*Issuance of Amendment No. 1 does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).*

Discussion: CDFW determined in December 2019 that the Project, as approved, met the standards for issuance of an ITP under CESA. This determination included findings that, among other things, the impacts of the taking would be minimized and fully mitigated and that the Project would not jeopardize the continued existence of the Covered Species. Those findings are unchanged with respect to Amendment No. 1 because the Project and ITP, as amended, does not alter the Permittee's continued adherence to and implementation of the avoidance and minimization measures set forth in the ITP's Conditions of Approval and MMRP will minimize and fully mitigate impacts of the taking on the Covered Species.

*None of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or California Code of Regulations, title 14, sections 15162 and 15163, exist as a result of Amendment No. 1.*

Discussion: CDFW issued the ITP in December 2019 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) After, among other things, considering the environmental impact report (SCN: 2006101004) certified by the California Public Utilities Commission as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that Amendment No. 1 is a minor change to the original ITP. CDFW finds for the same reasons under CEQA that approval of Amendment No. 1 will not result in and does not have the potential to create any new significant or substantially more severe environmental effects than previously analyzed and disclosed by the California Public Utilities Commission during its lead agency review of the Project, particularly with respect to the impacts authorized by CDFW pursuant to the ITP as amended. As a result, CDFW finds that no additional subsequent or supplemental environmental review is required by CEQA as part of CDFW's approval of Amendment No. 1.

*CDFW finds that Amendment No. 1 is a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).*

Discussion: Amendment No. 1 extends the expiration date of this ITP from June 30, 2023, to June 30, 2028, and revises the language used to describe the habitat type associated with General Jim Moore Boulevard and engineered fill. These changes to the ITP, as amended, will not: (1) increase the level of take or other Project impacts on Covered Species previously analyzed and authorized by the ITP, (2) affect Permittee's substantive mitigation obligations under the ITP, (3) require further environmental review under CEQA, or (4) increase temporal impacts on the Covered Species. Therefore, Amendment No. 1 will not significantly modify the scope or nature of the permitted Project or activity, or the minimization, mitigation, or monitoring measures in the ITP. CDFW has determined that the change to the ITP constitutes a Minor Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

The authorization provided by Amendment No. 1 is not valid until Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of this Amendment by registered first class mail to CDFW at:

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

Alternatively, the Permittee shall e-mail the digitally signed Amendment No. 1 to [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). Digital signatures shall comply with Government Code section 16.5. Digital signatures facilitated by CDFW will be automatically returned.

Minor Amendment No. 1  
Incidental Take Permit 2081-2018-027-04  
CALIFORNIA AMERICAN WATER  
Monterey Peninsula Water Supply Project

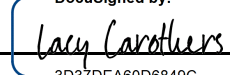
**APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

on 10/16/2023

DocuSigned by:  
  
FA83F09FE08945A...  
**Julie A. Vance**  
Regional Manager  
Central Region

**ACKNOWLEDGMENT**

The undersigned: (1) warrants that they are acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of the original ITP and Amendment No. 1, and (3) agrees on behalf of the Permittee to comply with all terms and conditions of the ITP, as amended.

By:   
3D37DEA60D6849C...

Date: 10/16/2023

Printed Name: Lacy Carothers

Title: Director of Engineering