

# INCIDENTAL TAKE PERMIT APPLICATION FOR CALIFORNIA WATERFIX

Pursuant to Section 2081(b) of the  
California Endangered Species Act

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The Department of Water Resources (DWR) has submitted an incidental take application for California WaterFix to the California Department of Fish and Wildlife (DFW) in compliance with the California Endangered Species Act (CESA). Consistent with the federal Endangered Species Act process where DWR and U.S. Bureau of Reclamation recently submitted the California WaterFix biological assessment addressing incidental take of federally-listed species, DWR has submitted this application to DFW in compliance with Section 2081(b) of CESA to address incidental take of state-listed species for the California WaterFix.

As identified in CESA, projects that may cause “take” of a state-listed species must obtain authorization from DFW prior to implementing the action. Because California WaterFix would potentially cause incidental take associated with its construction and operation, DWR is required to apply for an incidental take permit (also known as a 2081(b) permit). The California Code of Regulations (Title 14, Sections 783.0 - 783.8) provide details on the application and review requirements related to the 2081(b) permit. Key elements in the 2081(b) application include documentation that the impacts of the incidental take are minimized and fully mitigated; funding is available for the minimization and mitigation measures; and incidental take authorized by the permit would not jeopardize the continued existence of a CESA-listed species.

This application for an incidental take permit is for the California WaterFix and the future operation of the State Water Project (SWP), with the addition of California WaterFix. This application covers construction and operation of all elements of the California WaterFix, along with subsequent operations of the SWP, operating in dual conveyance with the California WaterFix facilities. DWR is seeking permit coverage for operations of all SWP facilities in the Delta from the time the proposed north Delta intakes become operational, through to the end of a 33-year permit term (that includes a 13-year construction period as well as implementation of collaborative science and monitoring through an adaptive management program).

As described in the application, California WaterFix will implement take minimization measures proposed as part of the project and will mitigate any incidental take resulting from the construction or operation of the proposed project by restoring and preserving habitat for the affected species, and by maintaining that mitigation in perpetuity. Additional protection will be provided through real-time operation of the facilities in a manner that avoids and minimizes incidental take. In addition, the collaborative science efforts and the adaptive management program will monitor the proposed mitigation, assess its performance, and make such adjustments as may be necessary to ensure compliance with the terms of the incidental take permit.

[CLICK HERE FOR COMPLETE INCIDENTAL TAKE PERMIT, APPENDICES AND FIGURES](#)