



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
Carlsbad Fish and Wildlife Office  
6010 Hidden Valley Road, Suite 101  
Carlsbad, California 92011



In Reply Refer To:  
FWS-WRIV-11B0291-11CPA0049

JUN 20 2011

Mr. Charles V. Landry  
Executive Director  
Western Riverside County Regional Conservation Authority  
3403 10<sup>th</sup> Street, Suite 320  
Riverside, California 92501

Subject: Western Riverside County Multiple Species Habitat Conservation Plan Migratory Bird Treaty Act Special Purpose Permit Renewal, Riverside County, California

Dear Mr. Landry:

In conjunction with issuance of incidental take permit TE088609-0 for implementation of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), we issued a Migratory Bird Treaty Act Special Purpose Permit (MBTA Permit) on June 22 2004.

The following conditions are included in this permit under Special Term and Condition 5:

- a. Bald eagle and golden eagle—No lethal take is authorized. Take or disturbance of active nests is not authorized. The Service will not refer the incidental take of any bald eagle for prosecution under the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. §§ 703-712) (MBTA), or the Bald and Golden Eagle Protection Act of 1940, as amended (16 U.S.C. §§ 668-668d), if such take is in compliance with the terms and conditions specified herein.
- b. For birds other than the bald eagle and golden eagle, this section 10(a)(1)(B) permit under the Endangered Species Act of 1973, as amended (ESA) also constitutes a Special Purpose Permit under 50 CFR 21.27 for the take, as defined by 50 CFR 10.12, of those Covered Species Adequately Conserved that are listed as threatened or endangered under the ESA and protected by the MBTA, except for both eagles. Such Special Purpose Permit shall be valid for a period of 3 years from the effective date, provided the section 10(a)(1)(B) permit remains in effect for such period. Such Special Purpose Permit shall be renewed, provided that the Permittees continues to fulfill their obligations under this agreement. Each such renewal shall be valid for the maximum period of time allowed by 50 CFR 21.27 or its successor at the time of renewal.

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JUN 22 2011



Western Riverside County  
Regional Conservation Authority

Take, as defined by 50 CFR 10.12, associated with habitat loss for bird species on the list of Covered Species Adequately Conserved (Attachment 2, enclosed) is avoided or minimized by the restrictions provided in Sections 5.2.1, 7.5.3, and 6.1.2, and Table 9-2 of the MSHCP. In addition, these restrictions shall include the following restrictions and prohibitions for birds included as Covered Species Adequately Conserved (Attachment 2, enclosed) that are subject to incidental take as defined by 50 CFR 17.3:

- Coastal California gnatcatcher—Clearing of occupied habitat within PQP lands and the Criteria Area between March 1 and August 15 is prohibited.
- Least Bell's vireo and southwestern willow flycatcher—Avoid occupied habitat pursuant to the species objectives.

Other birds protected by the MBTA and not listed under the ESA—No take is authorized under the MBTA (including the killing and wounding of any such birds, or take of eggs and active nests).

This letter confirms that the MSHCP permittees have fulfilled their obligations to date, and that the Special Purpose Permit is renewed on June 20, 2011. It will remain valid pursuant to the terms of the HCP until June 20, 2014. If you have any question regarding this letter, please contact Karin Cleary-Rose at (760) 431-9440, extension 228.

Sincerely,

A handwritten signature in black ink, appearing to read "Kennon A. Corey", written over a horizontal line.

Kennon A. Corey  
Assistant Field Supervisor

Enclosure

Enclosure

**Attachment 2. Western Riverside County MSHCP Covered Species**

MSHCP Proposed Covered Species Species Name (146 species)	Listing Status State/ Federal	Adequately Conserved	Survey Required	Requirement to Achieve Adequately Conserved Status
<b>LISTED CRUSTACEANS</b>				
Riverside fairy shrimp <i>Streptocephalus woottoni</i>	-/FE	Y	Riparian/Riverine/ Vernal Pool	
vernal pool fairy shrimp <i>Branchinecta lynchi</i>	-/FT	Y	Riparian/Riverine/ Vernal Pool	
<b>LISTED INSECTS</b>				
Delhi Sands flower-loving fly <i>Rhaphiomidas terminatus abdominalis</i>	-/FE	Y	Delhi Sands flower- loving fly Survey Area	
Quino checkerspot butterfly <i>Euphydryas editha quino</i>	-/FE	Y		
<b>LISTED FISH</b>				
Santa Ana sucker <i>Catostomus santaanae</i>	SSC/FT	Y		
<b>LISTED AMPHIBIANS</b>				
arroyo toad <i>Bufo californicus</i>	SSC/FE	Y	Additional Survey Area: ASSA	
California red-legged frog <i>Rana aurora draytonii</i>	SSC/FT	Y	Additional Survey Area: ASSA	
mountain yellow-legged frog <i>Rana mucosa</i>	SSC/FE	Y	Additional Survey Area: ASSA	
<b>LISTED BIRDS</b>				
bald eagle <i>Haliaeetus leucocephalus</i>	SP, SE/FT	Y		
coastal California gnatcatcher <i>Poliptila californica californica</i>	SSC/FT	Y		
least Bell's vireo <i>Vireo bellii pusillus</i>	SE/FE	Y	Riparian/Riverine/ Vernal Pool	
southwestern willow flycatcher <i>Empidonax traillii extimus</i>	SE/FE	Y	Riparian/Riverine/ Vernal Pool	
western yellow-billed cuckoo <i>Coccyzus americanus occidentalis</i>	SE/FC	Y	Riparian/Riverine/ Vernal Pool	
<b>LISTED MAMMALS</b>				
San Bernardino kangaroo rat <i>Dipodomys merriami parvus</i>	SSC/FE	Y	Additional Survey Area: MSSA	
Stephens' kangaroo rat <i>Dipodomys stephensi</i>	ST/FE	Y		
<b>LISTED PLANTS</b>				
California Orcutt grass <i>Orcuttia californica</i>	SE/FE	Y	NEPPSA	
Munz's onion <i>Allium munzii</i>	ST/FE	Y	NEPPSA	
Nevin's barberry <i>Berberis nevinii</i>	SE/FE	Y	Additional Survey Area: CASSA	

MSHCP Proposed Covered Species Species Name (146 species)	Listing Status State/ Federal	Adequately Conserved	Survey Required	Requirement to Achieve Adequately Conserved Status
San Diego ambrosia <i>Ambrosia pumila</i>	-/FE	Y	NEPPSA	
San Diego button-celery <i>Eryngium aristulatum</i> var. <i>parishii</i>	SE/FE	Y		
San Jacinto Valley crownscale <i>Atriplex coronata</i> var. <i>notatior</i>	-/FE	Y	Additional Survey Area: CASSA	
Santa Ana River woollystar <i>Eriastrum densifolium</i> ssp. <i>sanctorum</i>	SE/FE	Y		
slender-horned spine flower <i>Dodecahema leptoceras</i>	SE/FE	Y	NEPPSA	
spreading navarretia <i>Navarretia fossalis</i>	- / FT	Y	NEPPSA	
thread-leaved brodiaea <i>Brodiaea filifolia</i>	SE/FT	Y	Additional Survey Area: CASSA	
Vail Lake ceanothus <i>Ceanothus ophiochilus</i>	SE/FT	Y	Additional Survey Area: CASSA	
<b>CRUSTACEANS</b>				
Santa Rosa Plateau fairy shrimp <i>Linderiella santarosae</i>	- / -	Y	Riparian/Riverine/ Vernal Pool	
<b>FISH</b>				
arroyo chub <i>Gila orcutti</i>	SSC/-	Y		
<b>AMPHIBIANS</b>				
coast range newt <i>Taricha tarosa tarosa</i>	SSC/-	Y		
western spadefoot <i>Scaphiopus hammondi</i>	SSC/-	Y		
<b>REPTILES</b>				
Belding's orange-throated whiptail <i>Cnemidophorus hyperythrus beldingi</i>	SSC/-	Y		
coastal western whiptail <i>Cnemidophorus tigris multiscutatus</i>	- / -	Y		
granite night lizard <i>Xantusia henshawi henshawi</i>	- / -	Y		
granite spiny lizard <i>Sceloporus orcutti</i>	- / -	Y		
northern red-diamond rattlesnake <i>Crotalus ruber ruber</i>	SSC/-	Y		
San Bernardino mountain kingsnake <i>Lampropeltis zonata parvirubra</i>	SSC/-			MOU with U.S. Forest Service
San Diego banded gecko <i>Coleonyx variegatus abbotii</i>	- / -	Y		
San Diego horned lizard <i>Phrynosoma coronatum blainvillei</i>	SSC/-	Y		
San Diego mountain kingsnake <i>Lampropeltis zonata pulchra</i>	SSC/-			MOU with U.S. Forest Service
southern rubber boa <i>Charina bottae umbratica</i>	ST/-			MOU with U.S. Forest Service

southern sagebrush lizard <i>Sceloporus graciosus vandenburgianus</i>	-/-			MOU with U.S. Forest Service
western pond turtle <i>Clemmys marmorata pallida</i>	SSC/-	Y		
<b>BIRDS</b>				
American bittern <i>Botaurus lentiginosus</i>	-/-	Y		
Bell's sage sparrow <i>Amphispiza belli belli</i>	SSC/-	Y		
black swift (breeding) <i>Cypseloides niger</i>	SSC/-	Y		
black-crowned night heron <i>Nycticorax nycticorax</i>	-/-	Y		
burrowing owl <i>Athene cunicularia hypugaea</i>	SSC/-	Y	Additional Survey Area: BOSA	
cactus wren <i>Campylorhynchus brunneicapillus</i>	SSC/-	Y		
California horned lark <i>Eremophila alpestris actia</i>	SSC/-	Y		
California spotted owl <i>Strix occidentalis occidentalis</i>	SSC/-			MOU with U.S. Forest Service
Cooper's hawk <i>Accipiter cooperii</i>	SSC/-	Y		
double-crested cormorant <i>Phalacrocorax auritus</i>	SSC/-	Y		
downy woodpecker <i>Picoides pubescens</i>	-/-	Y		
ferruginous hawk <i>Buteo regalis</i>	SSC/-	Y		
golden eagle <i>Aquila chrysaetos</i>	SP, SSC/-	Y		
grasshopper sparrow <i>Ammodramus savannarum</i>	-/-			Species-specific objectives
great blue heron <i>Ardea herodias</i>	-/-	Y		
Lincoln's sparrow (breeding) <i>Melospiza lincolnii</i>	-/-			Species-specific objectives
loggerhead shrike <i>Lanius ludovicianus</i>	SSC/-	Y		
Macgillivray's warbler <i>Oporornis tolmiei</i>	-/-	Y		
merlin <i>Falco columbarius</i>	SSC/-	Y		
mountain plover (wintering) <i>Charadrius montanus</i>	SSC/-	Y		
mountain quail <i>Oreortyx pictus</i>	-/-	Y		
Nashville warbler <i>Vermivora ruficapilla</i>	-/-	Y		