UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

November 14, 2003

Mr. James Bartel
Field Supervisor
US Fish and Wildlife Service
Carlsbad Field Office
6010 Hidden Valley Road
Carlsbad, CA. 92008

Subject: Final Environmental Impact Statement for the Multi-Species Habitat Conservation Plan (MSHCP), Western Riverside County, California (CEQ #020463)

Dear Mr. Bartel:

The Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

EPA provided comments on the Draft Environmental Impact Statement (DEIS) for the MSHCP to the U.S. Fish and Wildlife Service (USFWS) on March 7, 2003. We rated the DEIS as Environmental Concerns-Insufficient Information (EC-2). We commend the USFWS, Riverside County, and the California Department of Fish and Game for taking on a project of this size and scope, which embodies a commitment to preserve the County's natural heritage for the future. The MSHCP addresses the conservation of 146 covered plant and animal species, 32 of which are listed as Threatened or Endangered under the Federal Endangered Species Act (ESA).

Based on our review of the Final EIS, EPA has the following continuing concerns:

<u>Endangered Species Act, Section 7 Findings</u>

The FEIS was released before the process for the MSHCP's Incidental Take Permit was concluded. A Section 7 finding by the USFWS that the continued existence of any of the 146 species could be jeopardized would mean those species could not be covered in the MSHCP. The FEIS does not address the likelihood that species will be excluded from the MSHCP, and at what point exclusions could affect the integrity of the MSHCP. For purposes of public disclosure and to clarify the applicability of the MSHCP to the 146 species proposed to be "covered," the EPA recommends that the Record of Decision (ROD) include the complete Section 7 findings.

Public/Quasi-Public Lands

Public/Quasi-Public (PQP) lands comprise 347,000 acres of the 500,000-acre Reserve. The FEIS does not demonstrate whether the owners of the PQP lands are willing to participate in the MSHCP. For example, the Metropolitan Water District (Metropolitan) owns several Reserves within Riverside County, which comprise a substantial portion of some MSHCP Conservation Areas. Metropolitan's comment letter on the DEIS (dated January 15, 2003) identifies conflicts between their management priorities and the MSHCP.

Similarly, it is not clear in the FEIS whether all of the other major landowners such as the U.S. Forest Service, the U.S. Army Corps of Engineers, and Southern California Edison, agree to the terms of the MSHCP. In particular, a Memorandum of Understanding (MOU) must be executed between the Western Riverside County Regional Conservation Authority, USFWS, California Department of Fish and Game and the U.S. Forest Service, to address the management of 12 species on Forest Service Land, in order to be a "Covered Species Adequately Conserved" under the Plan (Vol. 1, p. 9-20).

EPA recommends that the ROD provide a timeline for execution of the MOUs with each PQP landowner. We also recommend that this timeline include interim evaluation points for USFWS to determine whether the MOUs are contributing to the MSHCP goals.

Reserve Assembly

FEIS maps of the criteria areas appear to be outdated, and therefore, may depict habitat that no longer exists. We remain concerned that establishment of contiguous linkages, especially the constrained linkages may no longer be possible due to the rapid, ongoing development in the County. We note that Metropolitan claims that some of their facilities, which are located in criteria areas proposed as linkages, may not be compatible with conservation goals (Comment N-7). We also remain concerned that the reliance on voluntary participation may not ensure that the most valuable habitat will be conserved.

EPA recommends the ROD include criteria to prioritize acquisitions to ensure that key habitat areas and important habitat linkages are incorporated into the Reserve early in the process. We also recommend that the ROD identify specific funds that can be applied to prioritized acquisitions.

We appreciate the opportunity to review the FEIS. When the Record of Decision is signed, please send one copy to the address above (mail code: CMD-2). If you have any questions, please contact me or Liz Varnhagen, the lead reviewer for this project. Liz can be reached at (415) 972-3845 or varnhagen.liz@epa.gov

Sincerely,

Enrique Manzanilla, Director
Cross Media Division

cc: Kristi Lovelady, County of Riverside
Richard Lashbrook, County of Riverside
Scott Dawson, California Department of Fish and Game
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