

bond measure to fund the acquisition of land in support of the MSHCP. On November 14, 2002, a Notice of Availability of a Draft Environmental Impact Report (EIS/EIR) and Receipt of an Application for an Incidental Take Permit was published in the **Federal Register**. Public comment on these documents was accepted until January 14, 2003. Additionally, on June 17, 2003, the County of Riverside Board of Supervisors voted unanimously to support the completion of the Western Riverside MSHCP.

Unit 33 (Hemet-San Jacinto Area) contains the PCEs essential to the conservation of the vernal pool fairy shrimp. This Unit also lies within the boundaries of the planning area for the proposed Western Riverside MSHCP. The proposed MSHCP indicates that conservation actions within this area will be implemented such that the long-term conservation of the vernal pool fairy shrimp will be addressed. Although the MSHCP is not yet completed and implemented, significant progress has been achieved in the development of this HCP, including the preparation of an EIS/EIR, the solicitation of public review and comment, and the initiation of a consultation with us on the issuance of incidental take permits for those species identified for coverage within the draft plan.

In light of the progress made to date on the development of the proposed Western Riverside MSHCP and the anticipated future implementation of this HCP, we have excluded Unit 33 from designated critical habitat pursuant to section 4(b)(2) of the Act. Our rationale for excluding these lands from designated critical habitat is outlined below.

(1) *Benefits of Inclusion*

As stated previously, the benefits of designating critical habitat on lands within the boundaries of approved HCPs are normally small. Where HCPs are in place that include coverage for the vernal pool fairy shrimp or co-occurring vernal pool species, our experience has shown that the HCPs and their IAs include management measures and protections designed to protect, restore, monitor, manage, and enhance the habitat to benefit the conservation of the species. The principal benefit of designating critical habitat is that federally authorized or funded activities that may affect a species' critical habitat would require consultation with us under section 7 of the Act. In the case of the proposed Western Riverside MSHCP, we must evaluate the impact of the plan on the

species for which the participants are seeking incidental take permits, pursuant to section 7 of the Act.

(2) *Benefits of Exclusion*

Excluding lands defined by Unit 33 from designated critical habitat will provide several benefits, as follows: (1) Exclusion of the lands from the final designation will enhance our ability to continue working with the participants in a spirit of cooperation and partnership; (2) other jurisdictions, private landowners, and other entities will likely continue to see the benefit of working cooperatively with us to develop HCPs which can provide the basis for future opportunities to conserve species and their habitats. A more detailed discussion concerning our rationale for the benefits of excluding HCPs from critical habitat is outlined under in the previous discussion concerning the exclusion of approved HCPs. Further, we believe that the analysis conducted evaluating the benefits of excluding HCPs from critical habitat versus the benefits of including these lands, as previously discussed for the exclusion of approved HCPs, is applicable and appropriate for the exclusion of the Western Riverside MSHCP from designated critical habitat.

Relationship of Critical Habitat to Santa Rosa Plateau Ecological Reserve: A State, Federal, and Local Cooperatively Managed Reserve

The Santa Rosa Plateau Ecological Reserve (SRPER) (Unit 34 for vernal pool fairy shrimp) covers approximately 8,300 ac (3360 ha) near the town of Murrieta, California. The SRPER is situated on a large mesa composed of basaltic and granitic substrates and contains one of the largest vernal pool complexes remaining in southern Riverside County. Several endemic vernal species are known to occur within the complex including the vernal pool fairy shrimp, Riverside fairy shrimp, Santa Rosa fairy shrimp (*Linderiella santarosae*), *Orcuttia californica*, *Brodiaea filifolia* (Thread-leaved brodiaea), and *Eryngium aristulatum* var. *parishii* (San Diego button-celery). Established in 1984, the SRPER is owned by The Nature Conservancy (TNC), and is cooperatively managed by TNC, the Riverside County Regional Park and Open Space District, CDFG, and the Service.

The draft Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) identifies the SRPER as an existing natural area that will compliment the MSHCP's future

establishment of 153,000 ac (62,000 ha) of additional conservation lands.

(1) *Benefits of Inclusion*

There is minimal benefit from designating critical habitat for the vernal pool fairy shrimp within the SRPER because these lands are already jointly managed for the conservation of wildlife. One possible benefit of including these lands as critical habitat would be to educate the public regarding the conservation value of SRPER and the vernal pool complex. Additionally, the designation of critical habitat for the vernal pool fairy shrimp on SRPER would require consultation with us for any action undertaken, authorized, or funded by a Federal agency that may affect the species or its designated critical habitat.

(2) *Benefits of Exclusion*

Currently, the SRPER provides for regular public education programs highlighting the unique ecological features of the area, including the vernal pool complex and the species found therein. Designation of critical habitat will not have any appreciable effect on the development or implementation of public education programs within the SRPER. Human activities that would negatively affect the vernal pool fairy shrimp and the PCEs that support it are prohibited on SRPER.

The Recovery Plan for Vernal Pools of Southern California (Recovery Plan) (Service 1998) identifies the vernal pool complex on the SRPER in the Riverside Management Area. The Recovery Plan was developed with assistance from numerous entities and individuals, including the CDFG and Metropolitan Water District. Because the SRPER is cooperatively managed by local, state, and Federal agencies, including the Service, CDFG, TNC, the Riverside County Regional Park and Open Space District, and the Metropolitan Water District, proposed activities that could affect the vernal pool fairy shrimp would be reviewed by all the cooperating management entities.

The Service, as one of the cooperating management agencies for the SRPER, ensures that actions it would authorize on the SRPER will not jeopardize the continued existence of the vernal pool fairy shrimp. It is highly unlikely that a proposed activity that would jeopardize the existence of the species would not also adversely modify the habitat essential for the conservation of the vernal pool fairy shrimp.

TNC is anticipating transferring ownership of SRPER to CDFG. The CDFG has already indicated its intent to oversee the SRPER in a manner