

Appendix H USFWS Species List

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United States Department of the Interior



FISH AND WILDLIFE SERVICE

Carlsbad Fish and Wildlife Office
2177 SALK AVENUE - SUITE 250
CARLSBAD, CA 92008

PHONE: (760)431-9440 FAX: (760)431-5901

URL: www.fws.gov/carlsbad/

Consultation Code: 08ECAR00-2016-SLI-0927

September 16, 2016

Event Code: 08ECAR00-2016-E-01543

Project Name: SR-241/SR-91 Express Lane Connector

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, and proposed species, designated critical habitat, and candidate species that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: SR-241/SR-91 Express Lane Connector

Official Species List

Provided by:

Carlsbad Fish and Wildlife Office
2177 SALK AVENUE - SUITE 250
CARLSBAD, CA 92008
(760) 431-9440
<http://www.fws.gov/carlsbad/>

Consultation Code: 08ECAR00-2016-SLI-0927

Event Code: 08ECAR00-2016-E-01543

Project Type: TRANSPORTATION

Project Name: SR-241/SR-91 Express Lane Connector

Project Description: The California Department of Transportation (Caltrans) District 12, in cooperation with the Foothill/Eastern Transportation Corridor Agency (F/ETCA) proposes the State Route 241/State Route 91 (SR-241/SR-91) Express Lanes Connector Project (Proposed Project) to construct a median-to-median connector between SR-241 and the tolled lanes in the median of SR-91 (SR-91 Express Lanes).

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior
Fish and Wildlife Service

Project name: SR-241/SR-91 Express Lane Connector

Project Location Map:



Project Coordinates: The coordinates are too numerous to display here.

Project Counties: Orange, CA | Riverside, CA



United States Department of Interior
Fish and Wildlife Service

Project name: SR-241/SR-91 Express Lane Connector

Endangered Species Act Species List

There are a total of 12 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Amphibians	Status	Has Critical Habitat	Condition(s)
arroyo toad (<i>Anaxyrus californicus</i>) Population: Wherever found	Endangered	Final designated	
Birds			
Coastal California gnatcatcher (<i>Polioptila californica californica</i>) Population: Wherever found	Threatened	Final designated	
Least Bell's vireo (<i>Vireo bellii pusillus</i>) Population: Wherever found	Endangered	Final designated	
Southwestern Willow flycatcher (<i>Empidonax traillii extimus</i>) Population: Wherever found	Endangered	Final designated	
Crustaceans			
San Diego fairy shrimp (<i>Branchinecta sandiegonensis</i>) Population: Wherever found	Endangered	Final designated	
Fishes			
Santa Ana sucker (<i>Catostomus</i>)	Threatened	Final designated	



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Project name: SR-241/SR-91 Express Lane Connector

<i>santaanae</i> Population: 3 CA river basins			
Flowering Plants			
Braunton's milk-vetch (<i>Astragalus brauntonii</i>) Population: Wherever found	Endangered	Final designated	
San Diego ambrosia (<i>Ambrosia pumila</i>) Population: Wherever found	Endangered	Final designated	
Santa Monica Mountains dudleya (<i>Dudleya cymosa ssp. ovatifolia</i>) Population: Wherever found	Threatened		
Thread-Leaved brodiaea (<i>Brodiaea flifolia</i>) Population: Wherever found	Threatened	Final designated	
Insects			
Delhi Sands flower-loving fly (<i>Rhaphiomidas terminatus abdominalis</i>) Population: Wherever found	Endangered		
Quino Checkerspot butterfly (<i>Euphydryas editha quino (=e. e. wrighti)</i>) Population: Wherever found	Endangered	Final designated	



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Critical habitats that lie within your project area

The following critical habitats lie fully or partially within your project area.

Birds	Critical Habitat Type
Coastal California gnatcatcher (<i>Polioptila californica californica</i>) Population: Wherever found	Final designated
Fishes	
Santa Ana sucker (<i>Catostomus santaanae</i>) Population: 3 CA river basins	Final designated
Flowering Plants	
Braunton's milk-vetch (<i>Astragalus brauntonii</i>) Population: Wherever found	Final designated