



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92009



In Reply Refer To:
FWS-WRIV-3962.1

JUN 25 2004

Gene K. Fong
Division Administrator
Federal Highway Administration
California Division
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

Re: Preliminary Agreement on Criteria for Alternatives Selection and Range of Alternatives
for the State Route 79 Realignment Project, Riverside County, California.

Attn: Mafoud Licha

Dear Mr. Fong:

We have reviewed your request, dated April 28, 2004, for our preliminary agreement on the Criteria and Alternatives Selection for the State Route 79 Realignment project (the Project) pursuant to Appendix A of the National Environmental Policy Act/Clean Water Act Section 404 Integration Process for Surface Transportation Projects Memorandum of Understanding (NEPA/404 MOU).

By transmittal of this letter, we provide our preliminary agreement to carry forward for further analysis the selection of alignment segments and alignment review areas identified in the *Final Project Criteria and Alternatives Selection for Preliminary Agreement State Route 79 Project* (Document) dated June 22, 2004. For clarification purposes, our preliminary concurrence should not be construed as support for the mapped interpretation of the MSHCP written criteria shown in Figure H of the Document, or for all of the proposed alignment segments. Further analysis and technical studies conducted on the alignment segments and within three alignment review areas will identify specific alternatives that will be evaluated in a draft Environmental Impact Statement (DEIS). To date, fifty alignment segments and three alignment review areas have been identified for the Project. It is our understanding that final concurrence on the alternatives that will be carried forward into the DEIS will be requested at a later date.

We also provide our preliminary agreement for the screening criteria used to select the alignment segments. In preparation for final agreement, we would like to work with your agency and the project proponents to further refine the screening criteria language that refers to the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) and to come to an understanding regarding the MSHCP approval process. The screening criteria language states



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that the MSHCP will provide coverage of a SR 79 Realignment project contingent that the project is consistent with the requirements and approval process described in the Plan. An incidental take permit pursuant to section 10 (a)(1)(B) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) was issued for the MSHCP on June 22, 2004. It is our understanding, pursuant to section 20.4.2 of the Implementing Agreement for the MSHCP and Special Term and Condition 9 of the permit, that coverage of a SR 79 Realignment project under the MSHCP is subject to the minor amendment process contingent on achieving consistency with the requirements of the MSHCP including project specific criteria. Special Term and Condition 9 states:

The Orange County-Riverside County Corridor, like the Cajalco Road Improvements, State Route 79 Improvements, and San Jacinto River Project, may be a Covered Activity subject to the identified process in the MSHCP for each project and the Minor Amendment Procedure described in Section 20.4.2 of the IA.

To ensure that the regulatory and resource agencies coordinating under the NEPA/404 MOU process for the Project concur that the technical studies conducted for the alignment segments and alignment review areas provide sufficient information to identify a preferred alternative that is consistent with both the section 404 (b)(1) guidelines of the Clean Water Act and the requirements of the MSHCP, we request that the agencies have the opportunity to review and comment on the scope of the technical studies.

We remain committed to the NEPA/404 MOU process with the intent of assisting your agency in identifying a preferred alternative for the Project that is consistent with both the section 404 (b)(1) guidelines of the Clean Water Act and the requirements of the MSHCP. We appreciate the opportunity to participate in the transportation planning process and look forward to our continued coordination in these matters. If you have any questions regarding this letter, please contact Sally Brown of this office at (760) 431-9440, extension 278.

Sincerely,



for Karen A. Goebel
Assistant Field Supervisor

cc:

Stephanie Hall, Corps of Engineers, Los Angeles, CA
Mary Butterwick, Environmental Protection Agency, San Francisco, CA
Liz Varnhagen, Environmental Protection Agency, San Francisco, CA
Adam Fischer, California Regional Water Quality Control Board, Santa Ana Region, CA
Scott Dawson, California Department of Fish and Game, Chino Hills, CA
Carolyn Washburn, CH2M HILL, Santa Ana, CA
Bill Hughes, Riverside County Transportation Commission, Riverside, CA