



United States Department of the Interior



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

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In Reply Refer To: IRVINE
FWS-OR-09B0458-09SL1235

SEP 28 2009

Elizabeth Delk
LSA Associates, Inc.
20 Executive Park, Suite 200
Irvine, CA 92614

Subject: Request for a List of Proposed, Threatened, and Endangered Species, and Critical Habitats Occurring in the Vicinity of the I-5 HOV Lane Extension Project, Cites of San Clemente, Dana Point, and San Juan Capistrano, Orange County, California

Dear Ms. Delk:

This letter is in response to your request, received August 31, 2009, for a list of federally endangered, threatened, and proposed species and critical habitats present in Orange County, California. To assist you in evaluating the potential occurrence of federally listed endangered, threatened, proposed, and candidate species and their critical habitat that occur in Orange County, we are providing the enclosed list.

Because we do not have site-specific information for the proposed project, we recommend that you seek assistance from a biologist familiar with the habitat conditions and associated species in and around the project site to assess the actual potential for direct, indirect, and cumulative impacts likely to result from the proposed activity. We also suggest that you contact the California Department of Fish and Game regarding State-listed and sensitive species that may occur within the project area. Please note that State-listed species are protected under the provisions of the California Endangered Species Act.

As a reminder, if a proposed project is authorized, funded, or carried out by a Federal agency and may affect a federally listed species, then section 7 consultation pursuant to the Endangered Species Act of 1973 (Act), as amended, is required. If a proposed project does not involve a Federal agency, but is likely to result in the take of a listed animal species, then the project proponent should apply for an incidental take permit, pursuant to section 10 of the Act.

Elizabeth Delk (FWS-OR-09B0458-09SL1235)

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Should you have any questions regarding the species listed or your responsibilities under the Act, please contact Sally Brown of this office at (760) 431-9440, extension 278.

Sincerely,



 Karen A. Goebel
Assistant Field Supervisor

Enclosure

**Federally Endangered, Threatened, Proposed, and Candidate Species and Critical Habitat
that Occur in the Vicinity of the I-5 HOV Lane Extension Project, Orange
County, California**

September 28, 2009

Common Name	Scientific Name	Federal Status	Critical Habitat
<u>Plants</u>			
thread-leaved brodiaea	<i>Brodiaea filifolia</i>	threatened	none
<u>Invertebrates</u>			
Riverside fairy shrimp	<i>Streptocephalus woottoni</i>	endangered	none
<u>Fish</u>			
tidewater goby	<i>Eucyclogobius newberryi</i>	endangered	none
southern steelhead	<i>Oncorhynchus mykiss</i>	endangered	present
<u>Amphibians</u>			
arroyo toad	<i>Bufo californicus</i>	endangered	none
<u>Birds</u>			
western snowy plover	<i>Charadrius alexandrinus nivosus</i>	threatened	none
southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	endangered	none
brown pelican	<i>Pelecanus occidentalis</i>	endangered	N/A*
coastal California gnatcatcher	<i>Polioptila californica californica</i>	threatened	present
California least tern	<i>Sternula antillarum browni</i>	endangered	N/A
least Bell's vireo	<i>Vireo bellii pusillus</i>	endangered	none

* N/A = Not Applicable