



Frequently Asked Questions about Proposed Critical Habitat for the Endangered Riverside Fairy Shrimp

Q. What is the Riverside fairy shrimp?

The Riverside fairy shrimp (*Streptocephalus wootoni*) is a freshwater crustacean that inhabits vernal pools of moderate to deep depths. These pools are found in portions of southern California and northwestern Baja California, Mexico. Riverside fairy shrimp are one of the most restricted species of freshwater fairy shrimp. The Riverside fairy shrimp's range is limited to portions of Ventura, Los Angeles, Orange, San Diego, and Riverside counties in California.

Q. How much land is being proposed as critical habitat for the Riverside fairy shrimp?

The Service is proposing to designate approximately 5,795 acres of land in Ventura, Los Angeles, Orange, San Diego, and Riverside counties as critical habitat for the species. Areas proposed as critical habitat include vernal pools and associated watersheds that support the species or are essential to its conservation.

In developing the proposed rule, the Service identified specific habitat components (primary constituent elements) that are essential to the biological needs of the Riverside fairy shrimp. Each of the areas proposed as critical habitat contain one or more of the following primary constituent elements: (1) Small to large pools with moderate to deep depths that hold water long enough for the incubation and reproduction of the species; (2) associated watersheds or hydrologic features that support vernal pool basins and their related complexes; (3) flat, gently sloping, or slumping topography; (4) a collection of ephemeral wetlands and surrounding uplands that form hydrologically and ecologically functional units; and (5) a soil type with a clay component and/or impermeable surface or subsurface layer known to support vernal pools.

Q. Does the proposed designation of critical habitat create preserves?

No. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. It does not allow government or public access to private lands and will not result in closure of the area to all access or use.

Q. How was essential habitat determined?

In preparing this proposed rule, the Service reviewed information currently available about the Riverside fairy shrimp and its habitat, including research and survey observations published in peer-reviewed articles; Geographic Information System data; information and public comments obtained from the previous designation of critical habitat for this species; and information contained in the Recovery Plan for Vernal Pools of Southern California (U.S. Fish and Wildlife Service, 1998).

As a result of the historic loss of about 95 percent of the vernal pools that once supported the

Riverside fairy shrimp, the remaining vernal pools and associated habitat are determined to be essential to the conservation of the species.

Q. How does the proposed critical habitat relate to the Recovery Plan for Vernal Pools of Southern California?

The Recovery Plan identifies eight Management Areas (MA), where recovery efforts for vernal pool species should be focused. Six of the eight MAs contain at least one vernal pool that supports Riverside fairy shrimp.

The proposed rule identifies critical habitat for the species in six separate units. Each of the proposed critical habitat units correspond to the larger MAs that support Riverside fairy shrimp occurrences as outlined in the Recovery Plan.

Proposed critical habitat units are identified as follows:

- Unit 1: Transverse Range (Ventura and Los Angeles counties)
- Unit 2: Los Angeles Basin-Orange (Los Angeles and Orange counties)
- Unit 3: Western Riverside (Riverside County)
- Unit 4: North San Diego (San Diego County)
- Unit 5: Central San Diego (San Diego County)
- Unit 6: South San Diego (San Diego County)

Q. Are all the areas proposed as critical habitat known to be occupied by Riverside fairy shrimp?

No. The southeast Tierra Rejada vernal pool in Ventura County, located within the Transverse Range Unit, has not been surveyed for Riverside fairy shrimp. It is considered essential to the conservation of the species because the environmental conditions indicate it likely provides habitat for the species.

Q. What areas were excluded from the proposal, and why?

Some essential habitat for the Riverside fairy shrimp is being excluded from this proposal, in accordance with relevant policy and guidance.

Pursuant to the 2004 National Defense Authorization Act (Section 318 Military Readiness and Conservation of Protected Species), if a military facility puts into practice an "Integrated Natural Resources Management Plan (INRMP), and the Secretary of Interior determines in writing that the plan provides a benefit to the species, critical habitat is not designated on those areas subject to the INRMP.

Under an amendment of section 4(b)(2) of the Act critical habitat is to be designated after taking into consideration the economic impact, national security, and any other relevant impact, of specifying any particular area as critical habitat.

Lands on Marine Corps Air Station, Miramar (MCAS, Miramar) have been identified as essential to the conservation of Riverside fairy shrimp; however, this site was excluded from the proposal because MCAS, Miramar has an INRMP in place and the Service determined it provides a benefit to the species.

Essential habitat for the Riverside fairy shrimp is also found on Marine Corps Base, Camp

Pendleton (Camp Pendleton). In preparing this proposed rule, the Service excluded essential habitat that occurs within mission-essential training areas on Camp Pendleton. Some non-training areas and lands leased by Camp Pendleton to the State of California are being proposed as critical habitat because they are essential to the conservation of the species and may require special management or protections.

The Service is requesting comments from the Department of Defense on the conservation benefit for the Riverside fairy shrimp from Camp Pendleton's INRMP.

The Service excluded lands within the boundaries of the Orange County Central-Coastal Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP), the San Diego County Multiple Species Conservation Program (MSCP), and the draft western Riverside Multiple Species Habitat Conservation Plan (MSHCP). Essential habitat within the boundaries of these completed or nearly completed plans was excluded because the Service determined the benefit of excluding them was greater than the benefit of including them in the proposed rule.

Although the Service excluded these essential lands from the proposed rule, the public is still invited to comment on whether these areas warrant exclusion and what basis should be used for not designating these areas as critical habitat.

Q. Are any Tribal lands proposed as critical habitat for the Riverside fairy shrimp?

No.

Q. Why is the Service re-proposing critical habitat for the Riverside fairy shrimp?

In compliance with a Court order, we published a final rule in the *Federal Register* on May 30, 2001, designating approximately 6,875 acres of land as critical habitat for the Riverside fairy shrimp. On November 6, 2001, the Building Industry Legal Defense Fund, along with other parties, filed a lawsuit in the U.S. District Court for the District of Columbia challenging the designation. Subsequently, the Center for Biological Diversity and Defenders of Wildlife, Inc. were granted permission by the Court to intervene as defendants in the case.

On October 30, 2002, the Court vacated the previous designation of critical habitat and ordered the Service to prepare a new rule and economic analysis. In compliance with the Court's order, a new economic analysis will be prepared for this rulemaking. Once the draft analysis is completed it will be released for public review and comment.

Q. How do I comment on this proposed rule?

To ensure that any final action resulting from this proposal will be as accurate and as effective as possible, the Service is seeking input from the public, other government agencies, the scientific community, industry representatives, and any other interested party. In particular, the Service is seeking comments regarding:

- (1) the reasons why any area should or should not be determined to be critical habitat as provided by section 4 of the Act, including whether the benefits of designation will outweigh any threats to the species due to designation;
- (2) specific information on the amount and distribution of Riverside fairy shrimp habitat, and what habitats or habitat components are essential to the conservation of this species and why;

- (3) land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat;
- (4) any foreseeable economic or other potential impacts resulting from the proposed designation, in particular, any impacts to small entities;
- (5) essential habitat areas on MCAS, Miramar; mission-critical training areas on Camp Pendleton; areas within the boundaries of the San Diego County Multiple Species Conservation Program, Orange County Central Coastal Natural Communities Conservation Plan/Habitat Conservation Plan (HCP), and the draft Western Riverside Multiple Species HCP are being excluded from this proposed rule. The Service specifically solicits comment on the inclusion or exclusion of these areas and: (a) whether these areas are essential; (b) whether these areas warrant exclusion; and (c) whether section 3(5)(A) or section 4(b)(2) of the Act should be the basis for excluding them;
- (6) information regarding impacts to national security associated with the proposed designation of critical habitat; and
- (7) whether the approach to designating critical habitat could be improved or modified in any way to provide for greater public participation and understanding, or to assist the Service in accommodating public concerns or comments;
- (8) the Service is also seeking information from the Department of Defense with reference to recent amendments to the Act. This information will assist the Secretary of the Interior in determining the benefit of INRMPs for conservation of the Riverside fairy shrimp on MCAS, Miramar and on Camp Pendleton.

Written comments and information on the proposed designation of critical habitat for the Riverside fairy shrimp will be accepted through 5:00 p.m. May 27, 2004, and should be sent to Field Supervisor, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Road, Carlsbad, California 92009. Requests for a public hearing must be submitted in writing to the Carlsbad office by 5:00 p.m. on June 11, 2004.

Comments may also be submitted by electronic mail (e-mail) to **fw1rvfs@r1.fws.gov**. Please submit e-mail comments in ASCII format and avoid the use of special characters or encryption. Also, please include "Attn: RIN-1018-AI71" in the subject header, and your name and return address in the body of your message. If you do not receive a confirmation from the system that your e-mail has been received, please contact the Carlsbad Fish and Wildlife Office at 760/431-9440.

All comments received, either written or oral, are given equal weight and will be considered during the decision-making process. Comments and materials received will be available for public inspection, by appointment, during normal business hours, at the Carlsbad Fish and Wildlife Office (phone: 760/431-9440).

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Carlsbad Fish and Wildlife
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