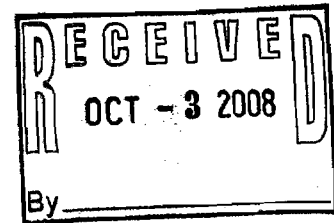




United States Department of the Interior



FISH AND WILDLIFE SERVICE
California and Nevada Region
2800 Cottage Way, Room W-2606
Sacramento, California 95825-1846



In reply refer to:
R8-AES

OCT 01 2008

John Wohlmuth, Executive Director
Coachella Valley Association of Governments
73710 Fred Waring Drive, Suite 200
Palm Desert, California 92260

Dear Mr. Wohlmuth:

Enclosed is a copy of your Endangered Species Act section 10(a)(1)(B) incidental take permit for the Coachella Valley Association of Governments Multispecies Habitat Conservation Plan (CVAG MSHCP). Please thoroughly and carefully read the enclosed permit. It is important that you are aware of and understand all of the Special Terms and Conditions included in the permit. Acceptance of this permit acknowledges your commitment to comply with all Special Terms and Conditions included in the permit.

During the development of the Permit Terms and Conditions, we discussed a number of clarifications or corrections that will assist with the implementation of the plan over the next 75 years. We have opted not to include those clarifications as permit conditions, but would rather address those items either as corrections to the MSHCP or in the Implementation Manual that will be completed in the upcoming months. Those issues are as follows:

- Any take authorized (under section 10) or exempted (under section 7) for a Covered Activity, which is approved by a Permittee in a Conservation Area, shall be counted against the take authorization of the affected Permittee. Take authorization associated with public projects identified in Section 7 of the Plan shall not be counted against the authorization of the affected Permittees.
- Specific changes, including adjustments to acres to be conserved and acres of disturbance authorized within the MSHCP, shall include:
 1. With respect to the parcels owned by Century Crowell Communities (APNs 669-290-007, 669-290-010, 669-310-002, and 669-320-007) corrections to the MSHCP will be made within three months of Permit issuance:
 - Under the MSHCP, the Special Provisions Parcels (APNs 669-290-007, 669-310-002, and 669-320-007) contain 92 acres of habitat for desert tortoise below toe-of-slope. Table 4-111f of the MSHCP indicates that 59 acres of disturbance are authorized for desert tortoise below toe-of-slope. Consistent with the take authorization for other species, 92 acres of

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disturbance is the correct amount of take authorization for desert tortoise within the Special Provisions Area below toe-of-slope. The amount of take authorization will be corrected through a clerical change pursuant to Section 6.12.1 of the MSHCP. Development of below toe-of-slope portions of the Special Provisions Parcels is consistent with the MSHCP and no additional take coverage is required for impacts to desert tortoise, provided that Century conserves the above toe-of-slope portions of the Special Provisions Parcels in perpetuity.

- Under the MSHCP, a portion of the Century Crowell property identified as Assessor's Parcel No. 669-290-010 ("APN 669-290-010") south of Highway 111 is included within the Santa Rosa and San Jacinto Mountains Conservation Area. It is presently unresolved whether the legal boundary of APN 669-290-010 extends south of Highway 111. The parcel contains 4 acres of habitat for both Peninsular bighorn sheep and desert tortoise and 4.5 acres of habitat for Le Conte's thrasher. The MSHCP does not allocate or prevent disturbance of habitat for any other species on that portion of APN 669-290-010 within the Conservation Area. If it is determined that a parcel boundary correction is necessary, this parcel boundary correction would result in the removal of a portion of the parcel, including the 4 acres of bighorn sheep and desert tortoise habitat and 4.5 acres of Le Conte's thrasher habitat, from the Santa Rosa and San Jacinto Mountains Conservation Area. The removal of that portion of APN 669-290-010 south of Highway 111 within the Conservation Area shall be corrected through a clerical change pursuant to 6.12.1 of the MSHCP.

2. Natural Community Tables 10-8 for mesquite hummocks and 10-19 for coastal and valley freshwater marsh shall be adjusted to reflect the acres subject to "no net loss" as described in the Plan such that the acreage listed for Total Acres of Natural Community in the Conservation Areas is the same as the acreage listed for Total Acres to be Conserved in the MSHCP Reserve System.

- The CVCC shall work with the appropriate Permittees to implement the Trails Plan and the conditionally compatible uses identified in Section 7.3.4 of the Plan, consistent with Section 13.2(A) of the IA.

The Permit includes two tables that outline the amount of authorized incidental take by species and community type. The acreages listed in those tables include the acres of impacts associated with the Covered Activities identified in MSHCP Tables 7-1 through 7-11. While fully considered in the MSHCP and analyzed in the EIS/EIR, MSHCP summary tables describing the potential acres of impact described, such as MSHCP Table 4-114, failed to include those numbers. Because of this omission, the tables associated with the Permit reflect the accurate amount of authorized incidental take.

Thank you for helping to conserve Federally listed and other sensitive species in the Coachella Valley. We look forward to assisting you in implementing the MSHCP.

If you have any questions about this permit, please contact Jim Bartel, Field Supervisor, Carlsbad Fish and Wildlife Office at 760-431-9440, extension 211.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Bartel", with a long horizontal line extending to the right.

Deputy Regional Director

Enclosures