



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
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GAVIN NEWSOM, Governor
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Governor's Office of Planning & Research

August 27, 2021

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STATE CLEARINGHOUSE

Christina M. Bustamante
 Associate Planner
 City of Carlsbad
 1635 Faraday Avenue
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Subject: Park Drive Slope and Drainage Improvement Project Initial Study/Mitigated Negative Declaration, SCH #2021070586

Dear Ms. Bustamante:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from the City of Carlsbad for the Park Drive Slope and Drainage Improvement Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding the activities involved in the Park Drive Slope and Drainage Improvement Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a potential Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). For example, CDFW may need to exercise regulatory authority as provided by the Fish and Game Code, such as lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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regional habitat conservation planning program. The City of Carlsbad is the only city under the North County Multiple Habitat Conservation Program (MHCP) that has an approved and permitted SAP (The City of Carlsbad Habitat Management Plan (Carlsbad HMP)). The City adopted the Carlsbad HMP in December 1999; the Wildlife Agencies (jointly, CDFW and the U.S. Fish and Wildlife Service (USFWS)) granted final approvals, including implementing agreement and terms and conditions, in November 2004.

The proposed Project includes stabilizing and repairing a steep slope and failing hillside on a 5.29-acre site located on Park Drive, near Agua Hedionda Lagoon in the City of Carlsbad. The City proposes to remove 600 linear feet of existing retaining wall and install a new retaining wall, and to make repairs to portions of the failing slope. Slope failure and sediment loss from the hillside causes frequent closures to the sidewalk and roadway. The current retaining wall and hillside creates a large volume of sediment loss and erosion. The City estimates that an average of 35 cubic yards of sediment is lost per year. Mitigating the amount of erosion is necessary to address public safety and coastal access issues. The Project is sectioned into 3 improvement zones: Zone A, B, and C. Zone A would include 303 linear feet of Concrete Masonry Unit (CMU) wall/block wall (2 to 3 feet tall); Zone B would include 179 linear feet of soldier pile wall (3 to 10 feet tall); and Zone C would include 336 linear feet of stepped planter wall (2 to 10 feet tall). All wall improvements are contained within the City's right-of-way (ROW) and utility open space easements. In Zone A, revegetation of coastal sage scrub (CSS) along this hillside, would start once construction is complete.

The Project site is 5.29 acres and is located on the northeast side of Park Drive between Cove Drive and Bayshore Drive in the City of Carlsbad, California. The site is an undeveloped hillside that ranges in elevation from 13 feet above mean sea level to approximately 115 feet above mean seal level. Agua Hedionda Lagoon is located 520 feet southwest of the Project site. The site is surrounded by single-family residential to the north, and open space to the northeast and northwest. Park Drive is to the south of the site, and multi-family and single-family residences are west of Park Drive.

The Project site is not within a HMP hardline preserve, standards area, core, linkage, special resource, or exempt area. The project is located within a deferred certification area of the Coastal Zone.

The Project study area was previously surveyed for biological resources in 2016 by LSA (LSA Associates Inc. 2018). In 2019, Dudek updated the vegetation mapping and surveyed for rare plants. Dudek did not conduct any wildlife surveys. The Project site is comprised of the following vegetation communities: coastal sage scrub (3.71 acres), disturbed coastal sage scrub (0.05 acre), ornamental (1.04 acres), disturbed habitat (0.22 acre), and developed (0.30 acre). The entire site is an upland area with coastal sage scrub being the most dominant vegetation community. One special-status plant species was recorded on the Project site during the 2019 focused rare plant surveys: California adolphia (*Adolphia californica*: California Rare Plant Rank (CRPR) 2B.1)). Fourteen individual California adolphia plants we documented on the southwestern portion of the site in the coastal sage scrub.

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The Biological Resources Technical Report (BRTR) states that there is one special-status species, coastal California gnatcatcher (*Polioptila californica californica*), that was observed onsite by LSA biologists during 2016 focused surveys. Biologists observed a nesting pair in coastal sage scrub in the northern portion of the Project site. Other special-status species that have the potential to occur on the Project site are southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), southern California legless lizard (*Anniella stebbinsi*), San Diegan tiger whiptail (*Aspidoscelis tigris stejnegeri*), western yellow bat (*Lasiurus xanthinus*), and San Diego desert woodrat (*Neotoma lepida intermedia*).

CDFW offers the following comments and recommendations below to assist the City in adequately identifying, avoiding, minimizing, and/or adequately mitigating potential Project impacts on biological resources and to ensure consistency with the HMP.

1. Mitigation measure MM-BIO-1 states impacts to 0.33 acre of coastal sage scrub will be mitigated at a 2:1 ratio. This is considered coastal California gnatcatcher occupied habitat. The 0.66 acre will be mitigated offsite in a mitigation area within the Coastal Zone. During a Carlsbad HMP coordination meeting on October 20, 2020, offsite mitigation was proposed to be done at The Crossings property, which has been recognized by the Wildlife Agencies (jointly, CDFW and the U.S. Fish and Wildlife Service) as having gnatcatcher-occupied coastal sage scrub credits available. The MND should adequately describe the exact location of the 0.66 acre of proposed mitigation habitat. CDFW recommends mitigation takes place in an occupied gnatcatcher mitigation area.

CDFW appreciates the opportunity to comment on the IS/MND to assist the City in identifying and mitigating Project impacts on biological resource and ensuring Project consistency with the requirements of the Carlsbad HMP under the North County MHCP. Questions regarding this letter or further coordination should be directed to Emily Gray, Environmental Scientist, at Emily.Gray@wildlife.ca.gov.

Sincerely,

DocuSigned by:



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David A. Mayer
Environmental Program Manager I
South Coast Region

ec: CDFW

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References

California Department of Fish and Wildlife. 2020. California Natural Diversity Database.
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California Environmental Quality Act (CEQA). California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

California Office of Planning and Research. 2009 or current version. CEQA: California Environmental Quality Act. Statutes and Guidelines, § 21081.6 and CEQA Guidelines, § 15097, §15126.4(2)

City of Carlsbad. 2004. Habitat Management Plan for Natural Communities in the City of Carlsbad. Approved in December 1999, finalized in November 2004.

Dudek & Associates, Inc. (Dudek). 2021. Draft Biological Resources Technical Report and Park Drive Slope and Drainage Improvement Project.

LSA Associates Inc. (LSA). 2018. Biological Resources Technical Report, Park Drive Slope and Drainage Improvement Project, City of Carlsbad, San Diego County, California. Prepared for the City of Carlsbad. July 2018.