



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

October 24, 2022

Oct 24 2022

STATE CLEARINGHOUSE

Scott Donnell, Senior Planner
 City of Carlsbad Planning Division
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**Housing Element Implementation and Public Safety Element Update (PROJECT)
 NOTICE OF PREPARATION (NOP) OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT
 REPORT (SEIR) SCH#: 2022090339**

Dear Mr. Donnell:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Notice of Preparation (NOP) of a Supplemental Environmental Impact Report (SEIR) for the Housing Element Implementation and Public Safety Element Update (Project) in the City of Carlsbad (City). The City has an approved and permitted Subarea Plan (City of Carlsbad Habitat Management Plan (HMP)) under the subregional North County Multiple Habitat Conservation Program (MHCP). The City adopted their HMP in December 1999; CDFW and the U.S. Fish and Wildlife Service (USFWS) (jointly, the Wildlife Agencies) granted final approvals, including an Implementing Agreement (IA), in November 2004. The SEIR for the proposed Project must ensure and verify that all requirements and conditions of the HMP and IA are met. The SEIR should also address biological issues that are not addressed in the HMP and IA, such as specific impacts to and mitigation requirements for wetlands or sensitive species and habitats that are not covered by the HMP and IA.

The SEIR will be a supplement to the Carlsbad General Plan and Climate Action Plan EIR (State Clearinghouse # 2011011004), certified in 2015. The Project consists of updates to the City's General Plan, including the Land Use and Community Design Element and Public Safety Element, and updates to Carlsbad Municipal Code Title 21, the Zoning Ordinance. The updates are necessary to implement the programs of the City's Housing Element Update 2021-2029 (Housing Element), which was adopted by the Carlsbad City Council on April 6, 2021, and changes in State law. Project approval would not include approval of any physical development (e.g., construction of housing or infrastructure); however, the SEIR will assume that such actions are reasonably foreseeable future outcomes of the Project. As such, the SEIR will evaluate the potential physical environmental impacts that could result from future actions in accordance with CEQA Guidelines Section 15168.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Comments are based off information provided in the NOP and the Project Scoping Meeting Presentation, dated October 17, 2022, available on the City's website.

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- 1) CDFW recommends that the SEIR “Biological Resources” section include the following:
 - a. A discussion of direct, indirect, and cumulative impacts expected to adversely impact biological resources including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed existing reserve lands (e.g., preserve lands associated with a NCCP (NCCP, Fish & G. Code, § 2800 et. seq), including but not limited to Buena Vista Lagoon, Buena Vista Creek, Hosp Grove Park, and Agua Hedionda Creek). Impacts on, and maintenance of, wildlife corridors and habitat linkages, including linkages that connect coastal California gnatcatcher (*Polioptila californica californica*; ESA listed Threatened, CDFW Species of Special Concern (SSC)) populations, should be fully evaluated in the SEIR (CDFW, October 2022).
 - b. Discussion of Project consistency with the biological goals and guidelines outlined in the City’s Habitat Management Plan (HMP) and Implementation Agreement, (e.g., Adjacency Standards). In addition, the Project should not preclude the completion of a viable reserve system as outlined in the HMP.
 - c. An analysis of impacts from changes in land use designations and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the SEIR.
 - d. A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Thank you for the opportunity to comment. CDFW appreciates the partnership with the City, and we look forward to working together in the future. Questions regarding this letter or further coordination should be directed to Alison Kalinowski, Environmental Scientist, at Alison.Kalinowski@wildlife.ca.gov.

Sincerely,

DocuSigned by:



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David A. Mayer
Environmental Program Manager
South Coast Region

cc: CDFW

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OPR

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USFWS

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References

California Department of Fish and Wildlife. October 2022. Special Animal List. Accessed from:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406&inline>.

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.

City of Carlsbad. Amended Notice of Preparation of a Supplemental Environmental Impact Report Housing Element Implementation and Public Safety Element.

City of Carlsbad. October 2022. Public Scoping Meeting Presentation for Housing Element Implementation & Public Safety Element Update. Accessed from:
<https://www.carlsbadca.gov/home/showpublisheddocument/11606/638016815524830000>.

City of Carlsbad. December 2021. Housing Element Update Public Input Summary Report. Accessed from:
<https://www.carlsbadca.gov/home/showpublisheddocument/9002/637792225009470000>