

Olivia Naves

From: Christina Bustamante <Christina.Bustamante@carlsbadca.gov>
Sent: Tuesday, October 26, 2021 11:22 AM
To: Stuckrath, Janet
Cc: Zoutendyk, David; Karen@Wildlife; Howell, Susan@Wildlife; OPR State Clearinghouse; Daniel Zimny; Gray, Emily@Wildlife
Subject: RE: Park Drive Slope and Drainage Improvement Project Initial Study/Mitigated Negative Declaration
Attachments: USFW Comment Letter 9.27.21.pdf; USFW_RTC_10.22.21.docx; The Crossings CSS Enhancement Plan 07-21.pdf

Follow Up Flag: Follow Up
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Good Morning Janet Stuckrath,

I hope you are doing well. Attached to this email is an applicant response to the comments USFW provided. Within the next two weeks, can you provide a memo to state the results of your review of these attached materials? Either the response satisfies USFW comments or the response does not satisfy USFW comments. If it does not satisfy USFW comments, can you state the reason and what additional information might be needed in the IS MND document?

Thank You

Sincerely,



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From: Stuckrath, Janet <Janet_Stuckrath@fws.gov>
Sent: Monday, September 27, 2021 12:46 PM
To: Christina Bustamante <Christina.Bustamante@carlsbadca.gov>
Cc: Zoutendyk, David <David_Zoutendyk@fws.gov>; Karen@Wildlife <Karen.Drewe@wildlife.ca.gov>; Howell, Susan@Wildlife <Susan.Howell@wildlife.ca.gov>; State Clearinghouse <state.clearinghouse@opr.ca.gov>; Daniel Zimny <Daniel.Zimny@carlsbadca.gov>; Gray, Emily@Wildlife <emily.gray@wildlife.ca.gov>
Subject: Park Drive Slope and Drainage Improvement Project Initial Study/Mitigated Negative Declaration

In Reply Refer to:
FWS-SDG-21B0189-21CPA0123

Christina,

We agree with the comments provided by CDFW. The only additional comment I have is that the Service and Department should review and approve the mitigation plan, The mitigation plan should include the following:

1. The applicant will submit final coastal sage scrub habitat enhancement plan to the Agencies for review and approval at least 30 days prior to initiating project impacts. These plans will be based on the existing Crossings plans and the comments provided by the Agencies. In addition to the measures proposed in the MND, the final plans will include the following information and conditions:
 - a. All final specifications and topographic-based grading, planting and irrigation plans (with 10-foot contours). All upland habitat enhancement sites will be prepared for planting by decompacting the topsoil in a way that mimics natural upland habitat topsoil to the maximum extent practicable while maintaining slope stability. Topsoil and plant materials salvaged from the upland habitat areas to be impacted will be transplanted to, and/or used as a seed/cutting source for, the upland habitat restoration/creation areas to the maximum extent practicable as approved by the Agencies. Planting and irrigation will not be installed until the Agencies have approved of upland habitat restoration/creation site grading. All planting will be installed in a way that mimics natural plant distribution, and not in rows.
 - b. Planting palettes (plant species, size and number/acre) and seed mix (plant species and pounds/acre). The upland plant palette proposed in the draft plans will include native species specifically associated with the habitat type(s). Unless otherwise approved by the Service, only locally native species (no cultivars) obtained as close to the project area as possible will be used. The source and proof of local origin of all plant material and seed will be provided.
 - c. Container plant survival will be 80 percent of the initial plantings for the first 5 years. At the first and second anniversary of plant installation, all dead plants will be replaced unless their function has been replaced by natural recruitment.
 - d. A final implementation schedule that indicates when all upland habitat impacts, as well as enhancement grading, planting and irrigation will begin and end. Upland habitat enhancement grading, planting and irrigation will be completed during the concurrent or next planting season (i.e., late fall to early spring) after finishing grading within the enhancement area. Any temporal loss of upland habitat caused by delays in enhancement will be mitigated through upland habitat enhancement at a 0.5:1 ratio for every 6 months of delay (i.e., 1:1 for 12 months delay, 1.5:1 for 18 months delay, etc.). In the event that the project applicant is wholly or partly prevented from performing obligations under the final plans (causing temporal losses due to delays) because of unforeseeable circumstances or causes beyond the reasonable control, and without the fault or negligence of the project applicant, the project applicant will be excused by such unforeseeable cause(s).
 - e. Five years of success criteria for upland creation/restoration/enhancement areas including: a total of 40-65 percent absolute cover; evidence of natural recruitment of multiple species; 0 percent coverage for Cal-IPC List A and B species, and no more

than 10 percent coverage for other exotic/weed species.

- f. A qualitative and quantitative vegetation monitoring plan with a map of proposed sampling locations. Photo points will be used for qualitative monitoring and stratified-random sampling will be used for all quantitative.
- g. Contingency measures in the event of enhancement failure; and
- h. Annual mitigation maintenance and monitoring reports will be submitted to the Agencies after the maintenance and monitoring period and no later than December 1 of each year.

If maintenance of a coastal sage scrub enhancement area is necessary between February 15 and August 31, a biologist permitted by the Service will survey for gnatcatchers within the enhancement area, access paths to it, and other areas susceptible to disturbances by site maintenance. Surveys will consist of three visits separated by two weeks starting March 1 of each maintenance/monitoring year. Work will be allowed to continue on the site during the survey period. However, if gnatcatchers are found during any of the visits, the applicant will notify and coordinate with the Agencies to identify measures to avoid and/or minimize effects to the gnatcatcher (e.g., nests and an appropriate buffer will be flagged by the biologist and avoided by the maintenance work).

Thank you for the opportunity to review the draft MND. If you have questions or comments, please contact me at my email address, Janet_Stuckrath@fws.gov.

Janet Stuckrath

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I am currently working from home and infrequently checking my office voicemail. Please email me if you'd like to schedule a phone call or meeting.

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