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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
wildlife.ca.gov

GAVIN NEWSOM, Governor
VALERIE TERMINI, Acting Director

January 23, 2026

Francesca Carr
Planner
City of Encinitas
505 South Vulcan Avenue
Encinitas, CA 92024
FCarr@encinitasca.gov

Subject: MITIGATED NEGATIVE DECLARATION for the Zona Gale Estates Project, SCH No. 2025120867, San Diego Co., CA

Dear Francesca Carr:

The California Department of Fish and Wildlife (CDFW) reviewed the Mitigated Negative Declaration (MND) from the City of Encinitas (City) for the Zona Gale Estates (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines[1].

Thank you for the opportunity to provide comments and recommendations regarding Project activities that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to comment on 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, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (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 (Fish & G. Code, § 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 fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for

[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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example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law[2] of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code. CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program (Fish and Game Code 2800 et seq.).

PROJECT DESCRIPTION SUMMARY

Proponent: Aspen Growth Properties, Inc.

Objective: The objective of the Project is to develop a nine-lot residential subdivision, with associated infrastructure improvements and connections. Project activities include grading, construction of homes, a biofiltration basin, landscaping, and other necessities (a paved road, private driveways, and additional off-street parking areas). Off-site infrastructure improvements will occur within existing roads such as Zona Gale Road and Via Canterbria. In addition, the Project will construct a new sewer pipeline to connect to the existing sewer main on Via Cantebria. This sewer connection will require horizontal directional drilling underneath open space to the east, within an existing sewer easement.

Location: The 2.6-acre Project site is in Encinitas, northwest of the intersection of Zona Gale Road and Via Cantebria; San Diego County Assessor's Parcel Number (APN) 257-040-11-10. The site is currently undeveloped; however, an existing dirt path occurs on site for access to a water storage tank. The Project site is also within the Coastal Zone. Surrounding land uses include undeveloped land to the north and east and residential development to the south and west.

Biological Setting: Per the Biological Technical Report (BTR; Helix 2025), the Project site is predominantly southern maritime chapparal (1.4 acre) with smaller patches of non-native ornamental vegetation (0.4 acre), disturbed habitat associated with the dirt path (0.2 acre) and developed land (0.5 acre). Additionally, U.S. Fish and Wildlife Service (USFWS) designated critical habitat for coastal California gnatcatcher occurs directly adjacent to the northeast and east of the Project site.

Based on CDFW's review of the BTR and the California Natural Diversity Database[3] (CNDDB; CDFW 2025), the following species were detected or have the potential to occur within the Project site:

[2] "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."
[3] https://wildlife.ca.gov/Data/BIOS

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Plants

- Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *crassifolia*; Endangered Species Act (ESA)-listed endangered; California Rare Plant Rank (CRPR) 1B.1)
- Nuttall's scrub oak (*Quercus dumosa*; CRPR 1B.1)
- summer holly (*Comarostaphylis diversifolia* ssp. *diversifolia*; CRPR 1B.2)
- Torrey pine (*Pinus torreyana* ssp. *torreyana*; CRPR 1B.2)
- wart-stemmed ceanothus (*Ceanothus verrucosus*; CRPR 2B.2)

Birds

- coastal California gnatcatcher (*Polioptila californica californica*; ESA-listed threatened, California Species of Special Concern (SSC); gnatcatcher)
- southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*; CDFW Watch List Species (WL))
- Cooper's hawk (*Astur cooperii*; WL)

Reptiles

- San Diegan legless lizard (*Anniella stebbinsi*; California Species of Special Concern (SSC))
- red diamond rattlesnake (*Crotalus ruber*; SSC)
- California glossy snake (*Arizona elegans occidentalis*; SSC)
- Belding's orange-throated whiptail (*Aspidoscelis hyperthyra beldingi*; WL)

Mammals

- Dulzura pocket mouse (*Chaetodipus californicus femoralis*; SSC)
- northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*; SSC)

Invertebrates

- Crotch's bumble bee (*Bombus crotchii*; California Endangered Species Act (CESA) candidate species).

General biological surveys were conducted by HELIX in February 2020, May 2020, August 2023, and March 2025. Focused rare plant surveys were conducted by Cadre Environmental in 2019 and updated by HELIX in 2025. USFWS-designated critical habitat for gnatcatcher is recorded directly adjacent to the northeast and east of the Project site; however, the species has low potential to occur within the Project impact area due to the absence of suitable coastal sage scrub habitat and negative protocol survey results from 2019 and 2025. A small portion of the Project footprint extends into the critical habitat area; however, underground drilling will be used to install the sewer pipeline in a manner that avoids surface impacts to southern maritime chapparal habitat. The sewer connection is considered a permanent impact, as future maintenance activities could require on-going disturbance within the habitat area.

HELIX conducted a habitat assessment for Crotch's bumble bee in April 2025 and identified 2.08 acres of suitable habitat within the Project site. Subsequently, three

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focused surveys were conducted in April and May 2025 and passive methods were utilized for species identification. Species identification was verified through photographs for the following species : honeybee (*Apis mellifera*), California bumblebee (*Bombus californicus*), and yellow-faced bumblebee (*Bombus vosnesenskii*). Crotch's bumble bee and/or nests were not detected during the surveys, and the BTR concludes the species is absent from the Project site (HELIX 2025).

The Project will directly impact 2.3 acres of land, including 1.9 acres on site and 0.4 acre off site, consisting of 1.4 acre of southern maritime chaparral (including disturbed form), 0.3 acre of non-native vegetation, 0.2 acre of disturbed land, and 0.4 acre of developed land. More importantly, the Project will directly impact multiple rare plant species, including 25 Del Mar manzanita individuals, two Nuttall's scrub oak, two summer holly, four of the seven Torrey pine trees on site, and 29 wart-stemmed ceanothus individuals. The approximate locations of these plants are illustrated on Figure 1, Attachment A.

Project impacts to sensitive upland vegetation (1.4 acres of southern maritime chapparal (including disturbed)) would be mitigated in-kind at a 2:1 ratio through purchase of 3.0-acre credits from the Carlsbad Oaks Conservation Bank (Mitigation Measure (MM)-BIO-1 and 4). Mitigation for impacts to 25 Del Mar manzanita individuals, two Nuttall's scrub oak, two summer holly, and 29 wart-stemmed ceanothus individuals is proposed at a 1:1 ratio through translocation and/or new plantings, which would occur within similar occupied habitat directly east of the development. Planting installation, monitoring, and management of the mitigation establishment site would occur according to the methods outlined in a Mitigation and Monitoring Plan (MMP) and Preserve Management Plan (PMP). To avoid impacts to nesting birds, the Project will incorporate seasonal avoidance of the nesting season or require pre-construction nesting bird surveys to be completed within three days prior to work (MM-BIO-2). Project-related clearing, grubbing, or construction within 500 feet of coastal sage scrub shall also occur outside of the gnatcatcher breeding season (March 1 to April 15) unless a qualified biologist performs protocol surveys and determines that the habitat is unoccupied (MM-BIO-3).

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

COMMENT # 1: Insufficient Disclosure and Analysis

Issue: The MND should be recirculated for public review.

Specific Impact: Due to a number of changes in the Project Description and biological impact assessments for special-status species, CDFW strongly recommends the MND be recirculated.

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Why impact would occur: On January 13th, CDFW became aware that the biological resources report originally attached to the MND was outdated (MND Appendix B; HELIX 2023) and consequently, much of the information provided in the MND is inaccurate. For example, the MND did not analyze potential impacts to Crotch's bumble bee, a candidate species under CESA since 2022. In addition, the MND discloses an inaccurate number of rare plants detected within the Project area that would be impacted by the Project. An updated biology report and focused survey report for Crotch's bumble bee were provided to CDFW via email on January 9th, 2026; however, these items are not currently referenced nor disclosed in the MND. Consequently, the MND does not provide sufficient disclosure or analysis of the Project's potential biological impacts to allow CDFW to determine their significance, nor to ascertain whether proposed mitigation will reduce impacts to biological resources to below significant.

Evidence impact may occur: Under CEQA Guidelines § 15070, an MND may only be adopted if the Initial Study and whole administrative record demonstrate there is no substantial evidence that the project will have a significant environmental impact after mitigation, in light of the whole record. The lead agency must base this on current scientific and factual data (CEQA Guidelines § 15064) and not speculative or outdated information. For this Project, the biology report in the MND has since been updated with more recent field data showing impacts to rare plants and assessment of Crotch's bumble bee, which directly bears on the significance of impacts and mitigation effectiveness. Reliance on the outdated report may not constitute substantial evidence in the record.

Additionally, a Lead Agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption (CEQA Guidelines § 15073.5). Notice of recirculation shall comply with Sections 15072 and 15073 of the Guidelines.

Recommendation #1: CDFW recommends the City recirculate the MND for public review and comment to provide sufficient disclosure and analysis of impacts to biological resources.

COMMENT # 2: Impacts to Del Mar Manzanita

Issue: The Project will directly impact 25 Del Mar manzanita shrubs. The MND did not provide sufficient mitigation to adequately address impacts to Del Mar manzanita and its associated habitat.

Specific impact: Project-related vegetation clearing, grading, construction, and translocation will result in the direct removal of 25 Del Mar manzanita shrubs. Durable mitigation is required to ensure the Project does not result in a net loss of Del Mar manzanita shrubs over time.

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Why impact would occur: In 2025, 35 Del Mar manzanita shrubs were detected within the Project study area, of which 25 shrubs will be directly impacted by the Project (HELIX 2025). This constitutes a loss of approximately 71 percent of the known population in the Project area. The magnitude of this impact is substantial given the species limited distribution throughout its range.

The Project proposes to mitigate impacts by translocating and/or replacing impacted shrubs within similar habitat located east of the development footprint. The adjacent habitat area is currently occupied with the remaining 10 Del Mar manzanita shrubs detected during surveys. While a conceptual translocation area is identified in the BTR, critical elements of the mitigation program, including translocation methods, performance standards, success criteria, and implementation timing are deferred to future coordination with USFWS and the City (Attachment 2, Figure 2).

Given the overall magnitude of the impact, the loss of a majority of the on-site population, and the uncertainty associated with translocation for this species, CDFW recommends the replacement of impacted individuals occur at a minimum 2:1 ratio, rather than the proposed 1:1 ratio, to reduce impacts to a less-than-significant level. A 2:1 mitigation ratio is necessary to account for the likelihood that translocation efforts may be unsuccessful and may not achieve 100 percent survival to ensure the Project does not result in a net loss of Del Mar manzanita shrubs over time.

Evidence impact may be significant: Del Mar manzanita is an ESA-listed endangered species, California rare plant (CRPR 1B.1 species), and Narrow Endemic species unique to San Diego County and Baja California, Mexico. Under CEQA Guidelines § 15065(a)(1), any project that reduces the number or restricts the range of rare, threatened, or endangered plants must be treated as having a significant environmental impact. Moreover, CEQA Guidelines § 15380(b) clarifies that species with limited distribution and high sensitivity to disturbance, including those listed under the ESA, are protected for purposes of environmental review. The biological analysis and impact disclosure in this MND must fully reflect and substantiate any potential effects on Del Mar manzanita, rather than rely on outdated rare plant survey data.

Mitigation Measure #1: **Del Mar Manzanita MM-BIO-1**

CDFW recommends revising MM-BIO-1 to incorporate the underlined language and remove the language in ~~strikeout~~:

> **"MM-BIO-1**: Prior to issuance of a grading permit, impacts to 25 Del Mar Manzanita shall be mitigated at a minimum ratio of 2:1 replacement of individuals.~~,~~ Impacts to four Torrey pine, 29 war-stemmed ceanothus, two summer holly and two Nuttall's scrub oak ~~individuals~~ plants shall be mitigated at a minimum ratio of 1:1. Mitigation for impacts to these five plant species shall be accomplished within the project ~~study~~ area in the Focused Planning Area (FPA) through a combination of translocation and/or new plantings as well as the purchase of conservation Mitigation Bank credits, resulting in a no-net loss of species and habitat. Specifically, prior to

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issuance of a grading permit, mitigation for impacts to Del Mar manzanita, Torrey pine, wart-stemmed ceanothus, summer holly, and Nuttall's scrub oak shall be completed as follows:

- The project Applicant shall provide documentation to the City that consultation with the USFWS for impacts to Del Mar manzanita has occurred/completed in accordance with Section 10 of the Federal Endangered Species Act (FESA), or demonstrate to the City of Encinitas (City) that none was required. Any additional measures prescribed by the U.S. Fish and Wildlife Service (USFWS) shall be required.

- A ~~Del Mar Manzanita, Torrey Pine, Wart Stemmed Ceanothus, Summer Holly, and Nuttall's Scrub Oak~~ Rare Plant Mitigation and Monitoring Plan (MMP) shall be provided to the City for approval. The MMP shall include a discussion of installation, maintenance, and monitoring of the mitigation planting site as well as prescribe the specific mitigation actions of creation/establishment, restoration, and/or preservation, as applicable. The MMP shall include a discussion on the location of any creation/establishment, restoration, and/or preservation site(s); requirements for site preparation, soil amendments, temporary irrigation, native plant palettes, installation methods, maintenance, and performance monitoring, as appropriate.

- The MMP shall also include information pertaining to rare plant salvage and translocation, as applicable. The MMP shall provide a minimum ~~1:1~~ 2:1 replacement ratio for the ~~of the~~ 25 impacted Del Mar Manzanita~~,~~ and 1:1 replacement of the impacted four Torrey pine, 29 wart-stemmed ceanothus, two summer holly, and two Nuttall's scrub oaks ~~individuals impacted to be planted within the study area, in the FPA located adjacent to and east of the proposed development~~. The MMP shall require that all mitigation areas (except for preservation areas not restored) be subject to a minimum five-year performance monitoring period with specific success criteria to ensure that the impacted rare plants are successfully established post-translocation and/or replaced within the mitigation area. ~~functions and services are restored~~. In the event performance standards are not met after five years, ~~C~~contingency measures ~~, in case performance standards are not met after five years,~~ shall be included in the MMP plan to ~~ensure success (i.e.,~~ no net loss of ~~these~~ plant species occurs~~) is achieved~~.

- A protective instrument, such as a conservation easement, open space easement, restrictive covenant, or similar, shall be recorded over the mitigation establishment areas described in the MMP where such a protective instrument does not already exist.

- All project mitigation areas (except for mitigation bank credits) shall be subject to long-term management as outlined by a Preserve Management Plan

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(PMP). The PMP shall be provided to the City for approval. The PMP shall prescribe the ~~actions of stewardship and~~ perpetual management actions ~~of~~ for the mitigation areas and include, at minimum, (a) the location and description of the mitigation area, and final plans for the mitigation area; (b) the responsible entities for the mitigation area; (c) the management funding plan, amount and mechanism, based on a Property Analysis Record or similar cost estimation method; (d) specific habitat and monitoring management directives such as vegetation monitoring, sensitive species monitoring, control and treatment of non-native invasive/exotic plant species; (e) specific success criteria; (f) public awareness; (g) preserve barriers or fencing management; (h) monitoring and reporting schedules; and (i) adaptive management recommendations for the preserve area. Implementation of long-term management shall be provided by a qualified entity approved by the City with experience in managing preserve lands (i.e., California Department of Fish and Wildlife [CDFW] list of qualified entities).

- The purchase of 3.0 acres of southern maritime chaparral credits from the Carlsbad Oaks Conservation Bank. The mitigation credits include suitable habitat for Del Mar manzanita, Torrey pine, Nuttall's scrub oak, summer holly, and wart-stemmed ceanothus, resulting in a no-net loss of habitat for these species. The project Applicant shall demonstrate to the City, via receipt, that applicable mitigation credits have been acquired for the project."

ADDITIONAL COMMENTS

Mitigation and Monitoring Reporting Plan. CDFW recommends the Project's environmental document include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The Lead Agency is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment C).

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity

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Database (CNDDB). The CNDDB website[4] provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the Combined Rapid Assessment and Relevé Form[5]. The City should ensure data collected for the preparation of the MND is properly submitted.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)).

Questions regarding this letter or further coordination should be directed to Alison Kalinowski, Environmental Scientist, at (858) 775-6320 or Alison.Kalinowski@wildlife.ca.gov.

Sincerely,

Signed by:
Glen Lubcke
AD7D070BCB66466...

Glen M. Lubcke
Environmental Program Manager
South Coast Region

ATTACHMENTS

A. Figure 1. Land Cover Types and Species Occurrences
B. Figure 2. Conceptual Translocation Area
C. Draft Mitigation, Monitoring, and Reporting Program

[4] https://wildlife.ca.gov/Data/CNDDB
[5] https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit

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ec: California Department of Fish and Wildlife
Glen M. Lubcke, Environmental Program Manager
Jennifer Turner, Senior Environmental Scientist (Supervisor)
Alison Kalinowski, Environmental Scientist

Office of Land Use and Climate Innovation (LCI)
State.Clearinghouse@lci.ca.gov

United States Fish and Wildlife Service
Jonathan Snyder, jonathan_d_synder@fws.gov

REFERENCES

California Department of Fish and Wildlife. 2025. California Natural Diversity Database. Available at: https://wildlife.ca.gov/Data/CNDDB.

California Department of Fish and Game. 2011. *CNDDB Data Use Guidelines*. Retrieved from https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=27285&inline.

California Department of Fish and Wildlife. 2025. Natural Communities — Submitting Information. Available at: https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit.

California Fish and Game Commission. 2005. *Miscellaneous Policies*. Retrieved from https://fgc.ca.gov/About/Policies/Miscellaneous.

HELIX Environmental Planning (HELIX). October 2025. Zona Gale Estates Project Biological Technical Report.

HELIX. February 2023. Zona Gale States Project Biological Technical Report.

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ATTACHMENT A: FIGURE 1. LAND COVER TYPES AND SPECIES OCCURRENCES (SOURCE: HELIX 2025)

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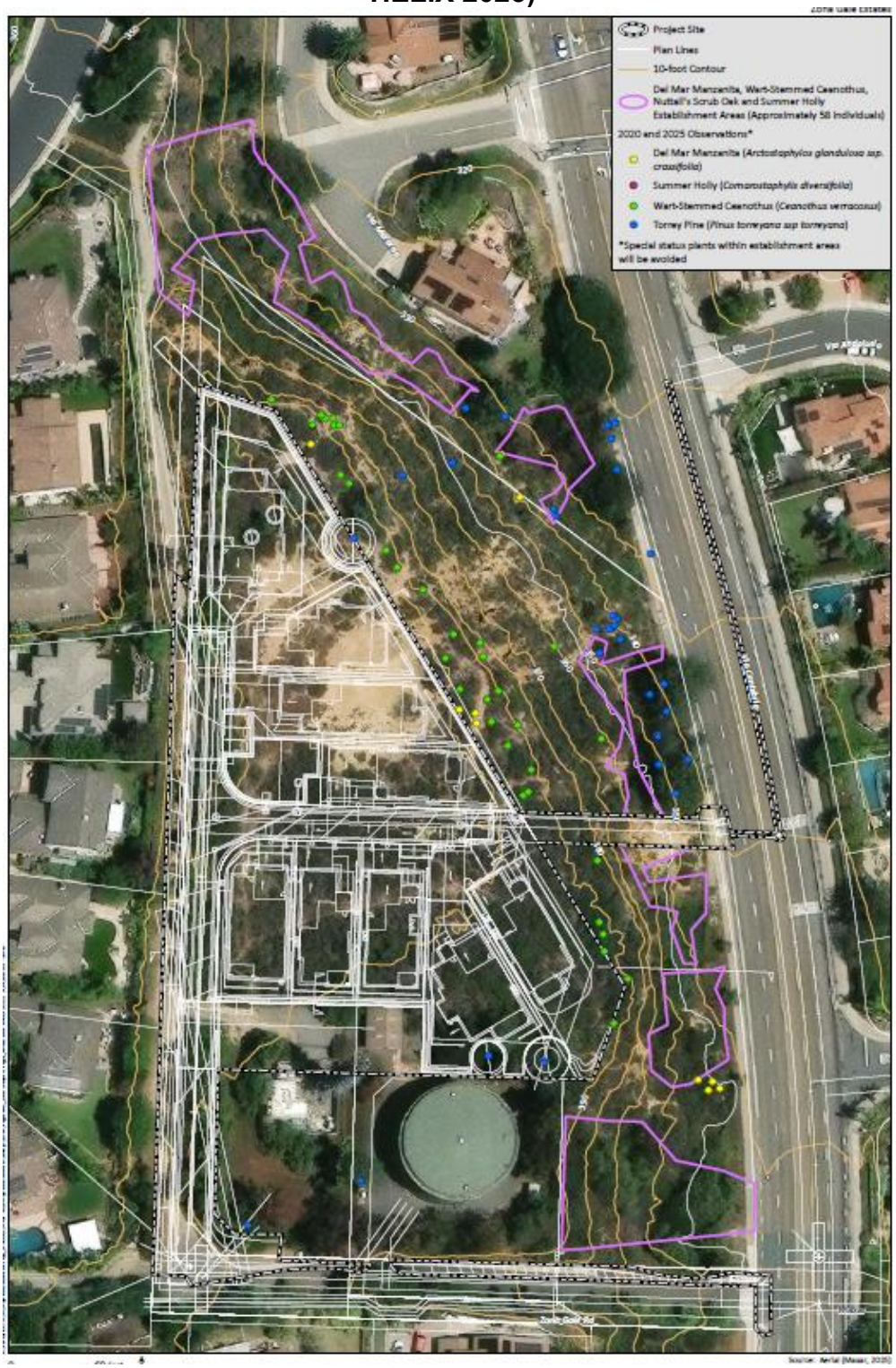
ATTACHMENT B: FIGURE 2. CONCEPTUAL TRANSLOCATION AREA (SOURCE: HELIX 2025)



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ATTACHMENT C: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Mitigation Measure	Timing	Responsible Party
Recommendation #1: CEQA Recirculation. CDFW recommends the City recirculate the MND for public review and comment to provide sufficient disclosure and analysis of impacts to biological resources.	Prior to adoption of CEQA document	City
Mitigation Measure #1: Del Mar Manzanita MM-BIO-1. **MM-BIO-1**: Prior to issuance of a grading permit, impacts to 25 Del Mar Manzanita shall be mitigated at a minimum ratio of 2:1 replacement of individuals. Impacts to four Torrey pine, 29 war-stemmed ceanothus, two summer holly and two Nuttall's scrub oak plants shall be mitigated at a minimum ratio of 1:1. Mitigation for impacts to these five plant species shall be accomplished within the project area in the Focused Planning Area (FPA) through a combination of translocation and/or new plantings as well as the purchase of conservation Mitigation Bank credits, resulting in a no net loss of species and habitat. Specifically, prior to issuance of a grading permit, mitigation for impacts to Del Mar manzanita, Torrey pine, wart-stemmed ceanothus, summer holly, and Nuttall's scrub oak shall be completed as follows: • The project Applicant shall provide documentation to the City that consultation with the USFWS for impacts to Del Mar manzanita has occurred/completed in accordance with Section 10 of the Federal	Prior to Project Initiation	Project Proponent

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Mitigation Measure	Timing	Responsible Party
Endangered Species Act (FESA), or demonstrate to the City of Encinitas (City) that none was required. Any additional measures prescribed by the U.S. Fish and Wildlife Service (USFWS) shall be required. • A Rare Plant Mitigation and Monitoring Plan (MMP) shall be provided to the City for approval. The MMP shall include a discussion of installation, maintenance, and monitoring of the mitigation planting site as well as prescribe the specific mitigation actions of creation/establishment, restoration, and/or preservation, as applicable. The MMP shall include a discussion on the location of any creation/establishment, restoration, and/or preservation site(s); requirements for site preparation, soil amendments, temporary irrigation, native plant palettes, installation methods, maintenance, and performance monitoring, as appropriate. • The MMP shall also include information pertaining to rare plant salvage and translocation, as applicable. The MMP shall provide a minimum ~~1:1~~ 2:1 replacement ratio for the 25 impacted Del Mar Manzanita and 1:1 replacement of the impacted four Torrey pine, 29 wart-stemmed ceanothus, two summer holly, and two Nuttall's scrub oaks. The MMP shall require that all mitigation areas (except for preservation areas not restored) be subject to a minimum five-year performance monitoring period with specific success criteria to ensure that the impacted rare plants are successfully established post-translocation and/or replaced within the mitigation area. In the event performance standards are not met after five years, contingency measures shall be included in the MMP plan to ensure no net loss of plant species occurs.		

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Mitigation Measure	Timing	Responsible Party
• A protective instrument, such as a conservation easement, open space easement, restrictive covenant, or similar, shall be recorded over the mitigation establishment areas described in the MMP where such a protective instrument does not already exist. • All project mitigation areas (except for mitigation bank credits) shall be subject to long-term management as outlined by a Preserve Management Plan (PMP). The PMP shall be provided to the City for approval. The PMP shall prescribe the perpetual management actions for the mitigation areas and include, at minimum, (a) the location and description of the mitigation area, and final plans for the mitigation area; (b) the responsible entities for the mitigation area; (c) the management funding plan, amount and mechanism, based on a Property Analysis Record or similar cost estimation method; (d) specific habitat and monitoring management directives such as vegetation monitoring, sensitive species monitoring, control and treatment of non-native invasive/exotic plant species; (e) specific success criteria; (f) public awareness; (g) preserve barriers or fencing management; (h) monitoring and reporting schedules; and (i) adaptive management recommendations for the preserve area. Implementation of long-term management shall be provided by a qualified entity approved by the City with experience in managing preserve lands (i.e., California Department of Fish and Wildlife [CDFW] list of qualified entities). • The purchase of 3.0 acres of southern maritime chaparral credits from the Carlsbad Oaks Conservation Bank. The mitigation credits include suitable habitat for Del Mar manzanita, Torrey pine, Nuttall's scrub oak, summer holly, and wart-stemmed ceanothus, resulting in a no-net loss of habitat for		

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Mitigation Measure	Timing	Responsible Party
these species. The project Applicant shall demonstrate to the City, via receipt, that applicable mitigation credits have been acquired for the project.		