

**Environmental Assessment
Determinations and Compliance Findings
for HUD-assisted Projects
24 CFR Part 58**

Project Information

Project Name: Veteran's-Memorial-Park-

HEROS Number: 900000010396061

Responsible Entity (RE): CARLSBAD, DIRECTOR OF REDEVELOPMENT CARLSBAD CA,
92008

RE Preparer: Nicole Piano-Jones

State / Local Identifier:

Certifying Officer: Mandy Mills

Grant Recipient (if different than Responsible Entity):

Point of Contact:

Consultant (if applicable):

Point of Contact:

Project Location: , Carlsbad, CA

Additional Location Information:

The project is located on the west and south by Faraday Avenue, to the north by Whitman Way, and to the southeast by the Macario Canyon. Assessor Parcel Number (APN) 212-271-03-00.

Direct Comments to: <https://www.carlsbadca.gov/departments/parks-recreation/parks-community-centers/parks/future-park-planning/veterans-memorial-park>

1200 Carlsbad Village Drive
Carlsbad, Ca, 92008

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

The proposed Veteran's Memorial Park is designed to be a family-oriented park with a variety of multi-generational and inclusive amenities that are incorporated into active and passive recreational elements. The park is physically separated into two distinct areas (north and south) which transition through passive uses and natural open space to a prominent public art at the high point of the site. The plaza with memorial elements on the north side opens into the large community gathering area, with shaded pavilions framed by seat walls. The building at the plaza entrance includes a concession room, small office, restrooms, storage, and maintenance closet. An inclusive, universally accessible playground and family and group picnic areas are proximal to the main gathering area, allowing for convenient access from the parking lot. Further up the slope, a nature inspired playground provides a more challenging play experience. Access to the south side of the park is located near the underpass at Faraday Avenue. A small building in the center of the plaza contains restrooms and storage. The primary amenity on the south side is a 4-acre family-oriented bike park. The intent is to develop the bike park with a military theme to further celebrate veterans. It is anticipated that sustainable and nature inspired features, such as rock outcroppings, boulders, and wood will be used to reinforce the overall theme of the park. Other elements within this section of the park include a tot lot and outdoor exercise area.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

The Veteran's Memorial Park will dramatically improve a large vacant site and provide much needed park and open space facilities to its residents and visitors. Additionally, as reflected in its name, the purpose of this park is to commemorate our veterans that have served our country.

Existing Conditions and Trends [24 CFR 58.40(a)]:

The site is vacant, comprised of 91.5 acres of which 48 acres as are developable. The remainder of the site is protected habitat. The topography of the site is characterized by gentle south to southwest facing slopes.

Maps, photographs, and other documentation of project location and description:

[Project map.pdf](#)

Determination:

✓	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
	Finding of Significant Impact

Approval Documents:

[HEROS Signature Page.pdf](#)

7015.15 certified by Certifying Officer on:

7015.16 certified by Authorizing Officer on:

Funding Information

Grant / Project Identification Number	HUD Program	Program Name	Funding Amount
B-23-CP-CA-0155	Community Planning and Development (CPD)	Community Project Funding (CPF) Grants	\$3,000,000.00

Estimated Total HUD Funded, Assisted or Insured Amount: \$3,000,000.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$54,550,000.00

Compliance with 24 CFR §50.4, §58.5 and §58.6 Laws and Authorities

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6		
Airport Hazards Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards

		requirements. Source: City of Carlsbad General Plan, GIS Map
Coastal Barrier Resources Act Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act. Source: US Department of Fish & Wildlife, Coastal Resource Systems Mapper
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements. Source: FEMA Map, Map No. 06073C0768G, May 16, 2012, City of Carlsbad GIS
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5		
Air Quality Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act. Source: NEPA Assist Map
Coastal Zone Management Act Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is located in a Coastal Zone, and it has been determined to be consistent with the State Coastal Management Program with mitigation, identified in the mitigation section of this review. The project is in compliance with the Coastal Zone Management Act. Source: NEPA Assist Map, CEQA Initial Study/Mitigated Negative Declaration
Contamination and Toxic Substances 24 CFR 50.3(i) & 58.5(i)(2)]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Site contamination was evaluated as follows: None of the above. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is exempt from radon consideration. The project is in compliance with

		contamination and toxic substances requirements.
<p>Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act.</p>
<p>Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>There are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. The project is in compliance with explosive and flammable hazard requirements. Source: CalEPA Map</p>
<p>Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. The Project site is not located on land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance according to the San Diego County Important Farmland 2016 Map of the California Department of Conservation, Farmland Mapping and Monitoring Program. Therefore, the Project would not convert farmland to a nonagricultural use, there would be no impact related to this threshold, and no mitigation is required. Source: CEQA Initial Study/Mitigated Negative Declaration</p>
<p>Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>The following exception applies, therefore the project is in compliance with Executive Orders 11988 and 13690: 55.12(g) HUD's or the responsible entity's approval of a project site, an incidental portion of which is situated in the FFRMS floodplain (not including the floodway, LiMWA, or coastal high hazard area), but only if: (1) The proposed project site does not include any existing or proposed buildings or improvements that modify or occupy the FFRMS floodplain except de minimis</p>

		improvements such as recreation areas and trails; and (2) The proposed project will not result in any new construction in or modifications of a wetland.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106.
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. Source: NEPA Assist Map
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. Source: NEPA Assist Map
Wild and Scenic Rivers Act Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. Source: NEPA Assist Map
HUD HOUSING ENVIRONMENTAL STANDARDS		
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]

Impact Codes: An impact code from the following list has been used to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement.

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	Currently zoned for open space in the City's General Plan. The General Plan designates part of the site for open space for outdoor recreation and part of the site for open space for preservation of natural resources. This is consistent with the proposed project.	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	The project would grade and develop the site with new impervious surfaces and new pervious landscaped areas. A Storm Water Quality Management Plan has been prepared for this project, which provides measures to mitigate potential water quality impacts that may result from project operations. The Storm Water Quality Management Plan determined that the project would not negatively impact downstream conditions and no mitigation measures are necessary. The project site is not located in an area subject to or on off-site landslides. This project proposes no activities which would remove subsurface support therefore impacts related to the would be less than significant and no mitigation is required.	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	The project operations would not involve hazardous materials that would create a hazard to the public or environment, therefore no	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		mitigation measures are required. The CEQA Initial Study/Mitigated Declaration included a review of databases for known environmental concerns in the area. The project site and adjacent sites were not identified as being locations that contain hazardous materials. The project would not result in a safety hazard or excess noise for people residing or working in the project area.	
SOCIOECONOMIC			
Employment and Income Patterns	1	The project will provide a temporary increase in employment for construction. Long-term, this project will not impact employment or income patterns.	
Demographic Character Changes / Displacement	2	This project will not change the demographics of the area of displace any residents.	
Environmental Justice EA Factor	1	There are no adverse health impacts or environmental effects associated with this project.	
COMMUNITY FACILITIES AND SERVICES			
Educational and Cultural Facilities (Access and Capacity)	3	An Archaeological and Paleontological Resources Inventory was prepared for his project as part of the CEQA Initial Study/Mitigated Negative Declaration. The Inventory included consultation with the Native American Heritage Commission to review the Sacred Lands database	The CEQA Initial Study/Mitigated Negative Declaration identifies the following mitigation measures regarding cultural and archeological resources. MM CUL-1 - Cultural Sensitivity Training MM CUL-2 - Archeological Resources Monitoring MM-CUL-3 - Tribal Cultural

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>regarding possible Native American cultural resources and/or Sacred Lands. The result of this review revealed that the site was positive for Tribal Cultural Resources and/or Sacred Sites. Several measures will be implemented as part of the project to mitigate for cultural and tribal resources.</p>	<p>Resources Monitoring Agreement MM CUL-4 - Native American Monitor MM CUL-5 - Uncovered Artifacts of Luiseno Native Americans MM CUL-6 - Preconstruction Meeting MM CUL-7 - Authority to Divert and/or halt Construction Activities MM CUL-8 - Inadvertent Discovery of Significant Cultural Resources MM CUL-9 - Communication Protocols MM CUL-10 - Inadvertent Discovery of Native American Cemeteries MM CUL-11 - Monitoring of Fill Materials for Tribal Resources MM CUL-12 - Invasive and/or Non-Invasive Testing MM CUL-13 - Cultural Resources Monitoring Report MM CUL-14 - Curation of Non-Tribal Archeological Resources MM CUL-15 - Avoidance of SDI-8303 MM CUL-16 - Landscaping Plans Near SDI-8303 Implementation of MM CUL-1 to MM CUL-16 would reduce potentially significant impacts to archaeological and historical resources to less than significant levels.</p>
Commercial Facilities (Access and Proximity)	2	This project will not create any adverse impacts to commercial facilities within the area.	
Health Care / Social Services	2	This project will not create any adverse impacts to	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
(Access and Capacity)		health care facilities or social services within the area.	
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	The City of Carlsbad contracts with Republic Services for waste management services to residential and commercial customers. The project involves no demolition of existing structures, so less than significant impacts are expected as a result of construction water. The County has sufficient capacity within its landfills to accommodate the less than significant related to solid waste generated from the project once built.	
Waste Water and Sanitary Sewers (Feasibility and Capacity)	2	The project area is served by the Carlsbad Municipal Water District and will not impact existing capacity.	
Water Supply (Feasibility and Capacity)	2	The project area is served by the Carlsbad Municipal Water District and will not impact existing capacity.	
Public Safety - Police, Fire and Emergency Medical	2	The project area is served by the Carlsbad Police Department and Fire Department. The City of Carlsbad Fire Department has five stations across the city. The Fire Department is also responsible for Emergency Operations including emergency service delivery. The project is not expected to increase demand for fire and paramedic services, require the development of a new fire station, or alteration of any existing fire facility.	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>The City of Carlsbad Police Department has 184 full-time personnel. The project is not anticipated to require the construction of a new police station, alteration of existing facilities, and is not anticipated to place an additional demand for services.</p>	
<p>Parks, Open Space and Recreation (Access and Capacity)</p>	<p>1</p>	<p>The proposed project aims to improve vacant land, currently zoned for open space and recreation. The project will positively improve the existing conditions and provide active park space for the community.</p>	
<p>Transportation and Accessibility (Access and Capacity)</p>	<p>1</p>	<p>The Project proposes facilities for pedestrians and cyclists, including a system of ADA -compliant access paths to connect the different areas of the park. The north parking area would be accessed from driveway constructed off Faraday Ave., and provide 72 spaces, including 12 ADA stalls, eight EV charging stations, and a drop-off area. The south parking area would be accessed from a second w driveway also constructed off Faraday Ave. The south parking area would provide 37 stalls including two ADA stalls, four EV charging stations, and a drop-off area. Overall, the Project would provide 109 off-street parking spaces. As part of the</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		Project, a 5-foot wide, level concrete pad for passenger boarding and alighting would be constructed at the bus stop on the east side of Faraday Ave., immediately adjacent to the Project site. A bench would also be installed at the same bus stop.	
NATURAL FEATURES			
Unique Natural Features /Water Resources	2	There are no unique natural features or water resources present on the site.	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	3	A Biological Technical Report was prepared for the Project, which is provided in the CEQA Initial Study/Mitigated Negative Declaration. This report details the known and potential biological resources within and adjacent to the Project site based on review of existing data on sensitive biological resources known to occur in the city, including special status species records, sensitive natural communities mapping, wetlands mapping, and field surveys. The Project would result in direct and indirect impacts to special status species. Direct impacts include the removal of habitat or direct impacts to individuals during construction. Indirect impacts would include construction noise, dust, vibration, and runoff, which could affect individuals and habitat outside of the Project's direct impact	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		footprint. Mitigation measures are summarized in the following section.	
Other Factors 1			
Other Factors 2			
CLIMATE AND ENERGY			
Climate Change	1	The project estimated Green House Gas (GHG) would be less than the City's Climate Action Plan screening threshold. Therefore, the project would not only make a beneficial contribution to climate change by developing additional local park resources which would reduce transportation fuel consumed by residents.	
Energy Efficiency	2	The project will not result in significant impacts related to energy therefore no mitigation measures are required.	

Supporting documentation

- [SHPO combined.pdf](#)
- [Mitigation and Monitoring Program.pdf](#)
- [CEQA Certification Form-signed.pdf](#)
- [Carlsbad Tribal Cultural a.pdf](#)
- [App-D Phase I Archaeo-Paleo Report.pdf](#)
- [General Plan Sections.pdf](#)
- [Maps Combined.pdf](#)
- [Veterans Memorial Park Draft IS\(3\).pdf](#)

Additional Studies Performed:

California Environmental Quality Act (CEQA) Initial Study/Mitigated Negative Declaration

Field Inspection [Optional]: Date and completed

by:

1/23/2019 12:00:00 AM

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

- Yi Su, Parks Planner, City of Carlsbad - Nick Stupin, Parks Planning Manager, City of Carlsbad - Veterans Memorial Park Project Initial Study/Mitigated Negative Declaration, March 2022 - City of Carlsbad General Plan: <https://www.carlsbadca.gov/departments/community-development/planning/general-plan> - United States Department of Fish and Wildlife, Coastal Barrier Resource Systems Mapper, <https://fwsprimary.wim.usgs.gov/CBRSMapper-v2/> - NEPA Assist; <https://nepassisttool.epa.gov/nepassist/nepamap.aspx> - FEMA National Flood Insurance Program, map no. 06073C0768G, May 12, 2012: <https://www.fema.gov/flood-maps> - CalEPA Map: <https://siteportal.calepa.ca.gov/nsite/map/help>

List of Permits Obtained:

The project will require several permits from the City of Carlsbad: - Conditional Use Permit - Hillside Development Permit - Habitat Management Plan Permit - Coastal Development Permit

Public Outreach [24 CFR 58.43]:

The project has involved extensive public outreach efforts. There were two public outreach events held on March 9, 2019, and September 21, 2019. Additionally, two focus group meetings were held on March 5, 2020, and on July 27, 2022. The outreach events and focus group meetings identified the community's needs, values and priorities related to the potential uses of the park site. They helped design team to understand the community's preferences for the various elements in design. Design team incorporated the community input received from the workshops into the design concept and construction documents. Several public bodies have reviewed the planning documents and provided opportunity for public input. The Parks and Recreation Commission reviewed the project on January 25, 2021, and May 16, 2022. Additionally, the Planning Commission approved the Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program for the project. The City Council reviewed the project on February 23, 2021, and approved the final project plan on July 26, 2022. The draft Initial Study/Mitigated Negative Declaration was available for public review and comment from March 11, 2022 - April 11, 2022. Lastly, this NEPA environmental assessment will be publicly noticed and made available for public review and comment for a period of 30 days.

Cumulative Impact Analysis [24 CFR 58.32]:

Based upon the CEQA Initial Study/Mitigated Negative Declaration, the project would not have adverse environmental impacts at a significant level. All potential significant impacts would be addressed with mitigation measures. No significant cumulative effects are expected because no resources would be adversely affected by the project. A less than significant impact would occur in relation to the cumulatively considerable effects.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

No alternative projects or sites are suitable. The proposed project complies with the underlying zoning, provides a benefit to the community with improved park space, while keeping a portion of the site reserved for habitat and open space. The city of Carlsbad does not own another similar parcel, and therefore an alternative site is not available.

No Action Alternative [24 CFR 58.40(e)]

The no-action alternative would result in the continued vacancy of the project area. An improved park area including ADA accessible park features and walking trails will not be available to residents.

Summary of Findings and Conclusions:

No significant adverse impacts have been identified regarding the proposed project. Rather, the overall impacts of the project are positive by increasing resident access to park space and ADA accessible walking paths. No wetlands, stream, significant habitat areas or rare species will be adversely affected by the proposed project. The site is not in a floodplain or flood hazard area. The development of a new park space will add value to the adjacent community and city. While it is anticipated that the adjacent area will experience temporary impacts to noise and traffic as a result of the construction, there will be no long-term impacts.

Mitigation Measures and Conditions [CFR 1505.2(c)]:

Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Mitigation Plan	Complete
Coastal Zone Management Act	<p>The Project is located in the Coastal Zone. The HMP is part of the implementation plan for Carlsbad's Local Coastal Program. With implementation of MM BIO-8, the Project would be consistent with the HMP's Coastal Zone Standards and would therefore not conflict with the Carlsbad Local Coastal Program or any other local policies or ordinances protecting biological resources.</p> <p>Mitigation Measures</p> <p>BIO-8: The Project site shall comply with the following HMP Coastal Zone Conservation Standards as they relate to resources within the Project site, as described below: Environmentally Sensitive Habitat Areas, as defined in Section 30107.5 of the Coastal Act, will be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.</p> <p>a) Properties containing coastal sage scrub located in the Coastal Zone will conserve a minimum 67 percent of the coastal sage scrub and 75 percent of the gnatcatchers onsite. This has been accomplished through Project design by conserving 47.17 acres (98 percent) of the coastal sage scrub onsite.</p> <p>b) Mitigation in the form of creation for impacts to coastal sage scrub (at a 2:1 ratio) and</p>	N/A		

	<p>southern maritime chaparral (at a 3:1 ratio) will be provided within the coastal zone in order to have no net loss of habitat within the coastal zone.</p> <p>c)tRiparian habitat impacts will be mitigated offsite using pre-purchased wetland creation credits from the North County Habitat Bank, which is located within the coastal zone in the City of Carlsbad.</p> <p>d)tUpland habitat impacts will be mitigated onsite within the city owned HMP hardline area. All mitigation areas will be added to the city's existing Preserve Management Plan and placed under long-term management.</p> <p>e)tA 20-foot buffer between developed park and native habitat within HMP hardline areas has been incorporated into the project design. Although not required, the 20-foot buffer was counted as an impact wherever the project had to encroach upon existing coastal sage scrub habitat (encroachment plus buffer is counted as impact in these areas). No development, grading, or alterations, including clearing of vegetation, will occur in the buffer area, except for recreation trails within the first 15 feet of the buffer closest to the development.</p> <p>Source: NEPA Assist Map, CEQA Initial Study/Mitigated Negative Declaration</p>			
<p>Educational and Cultural Facilities</p>	<p>The CEQA Initial Study/Mitigated Negative Declaration identifies the following mitigation measures regarding cultural and</p>	<p>N/A</p>		

<p>(Access and Capacity)</p>	<p>archeological resources. MM CUL-1 - Cultural Sensitivity Training MM CUL-2 - Archeological Resources Monitoring MM-CUL-3 - Tribal Cultural Resources Monitoring Agreement MM CUL-4 - Native American Monitor MM CUL-5 - Uncovered Artifacts of Luiseno Native Americans MM CUL-6 - Preconstruction Meeting MM CUL-7 - Authority to Divert and/or halt Construction Activities MM CUL-8 - Inadvertent Discovery of Significant Cultural Resources MM CUL-9 - Communication Protocols MM CUL-10 - Inadvertent Discovery of Native American Cemeteries MM CUL-11 - Monitoring of Fill Materials for Tribal Resources MM CUL-12 - Invasive and/or Non-Invasive Testing MM CUL-13 - Cultural Resources Monitoring Report MM CUL-14 - Curation of Non-Tribal Archeological Resources MM CUL-15 - Avoidance of SDI-8303 MM CUL-16 - Landscaping Plans Near SDI-8303 Implementation of MM CUL-1 to MM CUL-16 would reduce potentially significant impacts to archaeological and historical resources to less than significant levels.</p>			
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Project Mitigation Plan

Attached is the Mitigation and Monitoring Plan developed for the prepared Negative Declaration for the project.

[Mitigation and Monitoring Program\(1\).pdf](#)

Supporting documentation on completed measures

APPENDIX A: Related Federal Laws and Authorities

Airport Hazards

General policy	Legislation	Regulation
It is HUD’s policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D

1. To ensure compatible land use development, you must determine your site’s proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

✓ **No**

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

Yes

Screen Summary

Compliance Determination

The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements. Source: City of Carlsbad General Plan, GIS Map

Supporting documentation

[Veterans Memorial Park Airport Map.pdf](#)

[H Public Safety Section 65.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ **No**

Coastal Barrier Resources

General requirements	Legislation	Regulation
HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	

This project is located in a state that does not contain CBRA units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.

Compliance Determination

This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act. Source: US Department of Fish & Wildlife, Coastal Resource Systems Mapper

Supporting documentation

[Coastal Barrier Map.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Flood Insurance

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).

1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?

No. This project does not require flood insurance or is excepted from flood insurance.

Yes

2. Upload a FEMA/FIRM map showing the site here:

[GIS Map\(1\).pdf](#)

[Full FIRM_cafab988-48e4-4288-9aae-9b60baf97dce.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?

No

Based on the response, the review is in compliance with this section.

Yes

4. While flood insurance is not mandatory for this project, HUD strongly recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). Will flood insurance be required as a mitigation measure or condition?

Yes

✓ No

Screen Summary

Compliance Determination

The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements. Source: FEMA Map, Map No. 06073C0768G, May 16, 2012, City of Carlsbad GIS

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

✓ No

Air Quality

General requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93

1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?

Yes

No

Air Quality Attainment Status of Project’s County or Air Quality Management District

2. Is your project’s air quality management district or county in non-attainment or maintenance status for any criteria pollutants?

No, project’s county or air quality management district is in attainment status for all criteria pollutants.

Yes, project’s management district or county is in non-attainment or maintenance status for the following criteria pollutants (check all that apply):

Screen Summary

Compliance Determination

The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act. Source: NEPA Assist Map

Supporting documentation

[Nepa Map 2\(1\).pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Coastal Zone Management Act

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930

1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?

- Yes
- No

2. Does this project include new construction, conversion, major rehabilitation, or substantial improvement activities?

- Yes
- No

3. Has this project been determined to be consistent with the State Coastal Management Program?

Yes, without mitigation

- Yes, with mitigation
- No, project must be canceled.

4. Explain in detail the exact measures that must be implemented to mitigate for the

impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review.

The Project is located in the Coastal Zone. The HMP is part of the implementation plan for Carlsbad's Local Coastal Program. With implementation of MM BIO-8, the Project would be consistent with the HMP's Coastal Zone Standards and would therefore not conflict with the Carlsbad Local Coastal Program or any other local policies or ordinances protecting biological resources.

Mitigation Measures

BIO-8: The Project site shall comply with the following HMP Coastal Zone Conservation Standards as they relate to resources within the Project site, as described below: Environmentally Sensitive Habitat Areas, as defined in Section 30107.5 of the Coastal Act, will be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

a)tProperties containing coastal sage scrub located in the Coastal Zone will conserve a minimum 67 percent of the coastal sage scrub and 75 percent of the gnatcatchers onsite. This has been accomplished through Project design by conserving 47.17 acres (98 percent) of the coastal sage scrub onsite.

b)tMitigation in the form of creation for impacts to coastal sage scrub (at a 2:1 ratio) and southern maritime chaparral (at a 3:1 ratio) will be provided within the coastal zone in order to have no net loss of habitat within the coastal zone.

c)tRiparian habitat impacts will be mitigated offsite using pre-purchased wetland creation credits from the North County Habitat Bank, which is located within the coastal zone in the City of Carlsbad.

d)tUpland habitat impacts will be mitigated onsite within the city owned HMP hardline area. All mitigation areas will be added to the city's existing Preserve Management Plan and placed under long-term management.

e)tA 20-foot buffer between developed park and native habitat within HMP hardline areas has been incorporated into the project design. Although not required, the 20-foot buffer was counted as an impact wherever the project had to encroach upon existing coastal sage scrub habitat (encroachment plus buffer is counted as impact in these areas). No development, grading, or alterations, including clearing of vegetation, will occur in the buffer area, except for recreation trails within the first 15 feet of the buffer closest to the development.

Source: NEPA Assist Map, CEQA Initial Study/Mitigated Negative Declaration

Screen Summary **Compliance Determination**

This project is located in a Coastal Zone, and it has been determined to be consistent with the State Coastal Management Program with mitigation, identified in the mitigation section of this review. The project is in compliance with the Coastal Zone Management Act. Source: NEPA Assist Map, CEQA Initial Study/Mitigated Negative Declaration

Supporting documentation

[Nepa map\(3\).pdf](#)

[Veterans Memorial Park Draft IS\(2\).pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Contamination and Toxic Substances

General Requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)
Reference		
https://www.onecpd.info/environmental-review/site-contamination		

1. How was site contamination evaluated?* Select all that apply.

ASTM Phase I ESA

ASTM Phase II ESA

Remediation or clean-up plan

ASTM Vapor Encroachment Screening.

None of the above

* HUD regulations at 24 CFR § 58.5(i)(2)(ii) require that the environmental review for multifamily housing with five or more dwelling units or non-residential property include the evaluation of previous uses of the site or other evidence of contamination on or near the site.

For acquisition and new construction of multifamily and nonresidential properties HUD strongly advises the review include an ASTM Phase I Environmental Site Assessment (ESA) to meet real estate transaction standards of due diligence and to help ensure compliance with HUD’s toxic policy at 24 CFR §58.5(i) and 24 CFR §50.3(i). Also note that some HUD programs require an ASTM Phase I ESA.

2. Were any on-site or nearby toxic, hazardous, or radioactive substances* (excluding radon) found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)

Provide a map or other documentation of absence or presence of contamination** and explain evaluation of site contamination in the Screen Summary at the bottom of this screen.

✓ No

Explain:

There are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. The project is in compliance with explosive and flammable hazard requirements. Source: CalEPA Map

Yes

* This question covers the presence of radioactive substances excluding radon. Radon is addressed in the Radon Exempt Question.

** Utilize EPA's Enviromapper, NEPAAssist, or state/tribal databases to identify nearby dumps, junk yards, landfills, hazardous waste sites, and industrial sites, including EPA National Priorities List Sites (Superfund sites), CERCLA or state-equivalent sites, RCRA Corrective Action sites with release(s) or suspected release(s) requiring clean-up action and/or further investigation. Additional supporting documentation may include other inspections and reports.

3. Evaluate the building(s) for radon. Do all buildings meet any of the exemptions* from having to consider radon in the contamination analysis listed in CPD Notice [CPD-23-103](#)?

✓ Yes

Explain:

This project does not involve any existing or proposed buildings. Currently the land is open space and vacant and the proposed project is an improved park.

No

* Notes:

- Buildings with no enclosed areas having ground contact.
- Buildings containing crawlspaces, utility tunnels, or parking garages would not be exempt, however buildings built on piers would be exempt, provided that there is open air between the lowest floor of the building and the ground.
- Buildings that are not residential and will not be occupied for more than 4 hours per day.
- Buildings with existing radon mitigation systems - document radon levels are below 4 pCi/L with test results dated within two years of submitting the application for HUD assistance and document the system includes an ongoing maintenance plan that includes periodic testing to ensure the system continues to meet the current EPA recommended levels. If the project does not require an application, document test results dated within two years of the date the environmental review is certified. Refer to program office guidance to ensure compliance with program requirements.

- Buildings tested within five years of the submission of application for HUD assistance: test results document indoor radon levels are below current the EPA's recommended action levels of 4.0 pCi/L. For buildings with test data older than five years, any new environmental review must include a consideration of radon using one of the methods in Section A below.

Screen Summary**Compliance Determination**

Site contamination was evaluated as follows: None of the above. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is exempt from radon consideration. The project is in compliance with contamination and toxic substances requirements.

Supporting documentation

[CalEPA Map2\(1\).pdf](#)

[CalEPA map.pdf](#)

[Veterans Memorial Park Draft IS\(1\).pdf](#)

[Nepa Map 2.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Endangered Species

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i>); particularly section 7 (16 USC 1536).	50 CFR Part 402

1. Does the project involve any activities that have the potential to affect species or habitats?

- ✓ No, the project will have No Effect due to the nature of the activities involved in the project.

This selection is only appropriate if none of the activities involved in the project have potential to affect species or habitats. Examples of actions without potential to affect listed species may include: purchasing existing buildings, completing interior renovations to existing buildings, and replacing exterior paint or siding on existing buildings.

Based on the response, the review is in compliance with this section.

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

Yes, the activities involved in the project have the potential to affect species and/or habitats.

Screen Summary

Compliance Determination

This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No

Explosive and Flammable Hazards

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

No

Yes

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

No

Yes

3. Within 1 mile of the project site, are there any current or planned stationary aboveground storage containers that are covered by 24 CFR 51C? Containers that are NOT covered under the regulation include:

- Containers 100 gallons or less in capacity, containing common liquid industrial fuels OR
- Containers of liquified petroleum gas (LPG) or propane with a water volume capacity of 1,000 gallons or less that meet the requirements of the 2017 or later version of National Fire Protection Association (NFPA) Code 58.

If all containers within the search area fit the above criteria, answer “No.” For any other type of aboveground storage container within the search area that holds one of the flammable or explosive materials listed in Appendix I of 24 CFR part 51 subpart C, answer “Yes.”

No

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Yes

Screen Summary

Compliance Determination

There are no current or planned stationary aboveground storage containers of concern within 1 mile of the project site. The project is in compliance with explosive and flammable hazard requirements. Source: CalEPA Map

Supporting documentation

[CalEPA Map2.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Farmlands Protection

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	7 CFR Part 658

1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?

Yes

No

If your project includes new construction, acquisition of undeveloped land or conversion, explain how you determined that agricultural land would not be converted:

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Screen Summary

Compliance Determination

This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. The Project site is not located on land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance according to the San Diego County Important Farmland 2016 Map of the California Department of Conservation, Farmland Mapping and Monitoring Program. Therefore, the Project would not convert farmland to a nonagricultural use, there would be no impact related to this threshold, and no mitigation is required. Source: CEQA Initial Study/Mitigated Negative Declaration

Supporting documentation

[Veterans Memorial Park Draft IS.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Floodplain Management

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires Federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988 * Executive Order 13690 * 42 USC 4001-4128 * 42 USC 5154a * only applies to screen 2047 and not 2046	24 CFR 55

1. Does this project meet an exemption at 24 CFR 55.12 from compliance with HUD's floodplain management regulations in Part 55?

✓ Yes

(a) HUD-assisted activities described in 24 CFR 58.34 and 58.35(b).

(b) HUD-assisted activities described in 24 CFR 50.19, except as otherwise indicated in § 50.19.

(c) The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetland property, where a permanent covenant or comparable restriction is place on the property's continued use for flood control, wetland projection, open space, or park land, but only if:

(1) The property is cleared of all existing buildings and walled structures; and

(2) The property is cleared of related improvements except those which:

(i) Are directly related to flood control, wetland protection, open space, or park land (including playgrounds and recreation areas);

(ii) Do not modify existing wetland areas or involve fill, paving, or other ground disturbance beyond minimal trails or paths; and

(iii) Are designed to be compatible with the beneficial floodplain or wetland function of the property.

(d) An action involving a repossession, receivership, foreclosure, or similar acquisition of property to protect or enforce HUD's financial interests under previously approved loans, grants, mortgage insurance,

or other HUD assistance.

(e) Policy-level actions described at 24 CFR 50.16 that do not involve site-based decisions.

(f) A minor amendment to a previously approved action with no additional adverse impact on or from a floodplain or wetland.

- ✓ (g) HUD's or the responsible entity's approval of a project site, an incidental portion of which is situated in the FFRMS floodplain (not including the floodway, LiMWA, or coastal high hazard area) but only if: (1) The proposed project site does not include any existing or proposed buildings or improvements that modify or occupy the FFRMS floodplain except de minimis improvements such as recreation areas and trails; and (2) the proposed project will not result in any new construction in or modifications of a wetland .

(h) Issuance or use of Housing Vouchers, or other forms of rental subsidy where HUD, the awarding community, or the public housing agency that administers the contract awards rental subsidies that are not project-based (i.e., do not involve site-specific subsidies).

(i) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities.

Describe:

The project does not occur in a floodplain. The project is in compliance with Executive Order 11988.

No

Screen Summary

Compliance Determination

The following exception applies, therefore the project is in compliance with Executive Orders 11988 and 13690: 55.12(g) HUD's or the responsible entity's approval of a project site, an incidental portion of which is situated in the FFRMS floodplain (not including the floodway, LiMWA, or coastal high hazard area), but only if: (1) The proposed project site does not include any existing or proposed buildings or improvements that modify or occupy the FFRMS floodplain except de minimis

improvements such as recreation areas and trails; and (2) The proposed project will not result in any new construction in or modifications of a wetland.

Supporting documentation

[Full_FIRM_cafab988-48e4-4288-9aae-9b60baf97dce\(1\).pdf](#)
[GIS Map.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Historic Preservation

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	36 CFR 800 "Protection of Historic Properties" https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf

Threshold

Is Section 106 review required for your project?

No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA). (See the PA Database to find applicable PAs.)

No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

- ✓ Yes, because the project includes activities with potential to cause effects (direct or indirect).

Step 1 – Initiate Consultation

Select all consulting parties below (check all that apply):

- ✓ State Historic Preservation Offer (SHPO) Response Period Elapsed

Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)

Other Consulting Parties

Describe the process of selecting consulting parties and initiating consultation here:

State Historic Office contacted regarding Section 106 review and no response was received during the 30-day response window. Tribal Consultation was completed as part of the California Environmental Quality Act (CEQA) Initial Study/Mitigated Negative Declaration. This has been included in this supporting documentation to this environmental review.

Document and upload all correspondence, notices and notes (including comments and objections received below).

Was the Section 106 Lender Delegation Memo used for Section 106 consultation?

- Yes
- No

Step 2 – Identify and Evaluate Historic Properties

1. **Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below:**

In the chart below, list historic properties identified and evaluated in the APE. Every historic property that may be affected by the project should be included in the chart.

Upload the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination below.

Address / Location / District	National Register Status	SHPO Concurrence	Sensitive Information
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Additional Notes:

2. **Was a survey of historic buildings and/or archeological sites done as part of the project?**

- ✓ Yes

Document and upload surveys and report(s) below.
For Archeological surveys, refer to HP Fact Sheet #6, Guidance on Archeological

Investigations in HUD Projects.

Additional Notes:

No

Step 3 –Assess Effects of the Project on Historic Properties

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. (36 CFR 800.5)] Consider direct and indirect effects as applicable as per guidance on direct and indirect effects.

Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.

✓ No Historic Properties Affected

Based on the response, the review is in compliance with this section. Document and upload concurrence(s) or objection(s) below.

Document reason for finding:

✓ No historic properties present.

Historic properties present, but project will have no effect upon them.

No Adverse Effect

Adverse Effect

Screen Summary

Compliance Determination

Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106.

Supporting documentation

[SHPO combined\(1\).pdf](#)

[Carlsbad Tribal Cultural a\(1\).pdf](#)

[App-D Phase I Archaeo-Paleo Report\(1\).pdf](#)

[Veterans Memorial Park Draft IS\(4\).pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Noise Abatement and Control

General requirements	Legislation	Regulation
HUD’s noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972 General Services Administration Federal Management Circular 75-2: “Compatible Land Uses at Federal Airfields”	Title 24 CFR 51 Subpart B

1. What activities does your project involve? Check all that apply:

New construction for residential use

Rehabilitation of an existing residential property

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster

None of the above

Screen Summary

Compliance Determination

Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No

Sole Source Aquifers

General requirements	Legislation	Regulation
<p>The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.</p>	<p>Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)</p>	<p>40 CFR Part 149</p>

1. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

Yes

No

2. Is the project located on a sole source aquifer (SSA)?

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

No

Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

Yes

Screen Summary

Compliance Determination

The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. Source: NEPA Assist Map

Supporting documentation

[Nepa map\(2\).pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Wetlands Protection

General requirements	Legislation	Regulation
<p>Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service’s National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.</p>	<p>Executive Order 11990</p>	<p>24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.</p>

1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building’s footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order

No

Yes

2. Will the new construction or other ground disturbance impact an on- or off-site wetland? The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

"Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands."

No, a wetland will not be impacted in terms of E.O. 11990’s definition of new construction.

Based on the response, the review is in compliance with this section. Document and upload a map or any other relevant documentation below which explains your determination

Yes, there is a wetland that be impacted in terms of E.O. 11990’s definition of new construction.

**Screen Summary
Compliance Determination**

The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. Source: NEPA Assist Map

Supporting documentation

[Nepa map\(1\).pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Wild and Scenic Rivers Act

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297

1. Is your project within proximity of a NWSRS river?

No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

Screen Summary

Compliance Determination

This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. Source: NEPA Assist Map

Supporting documentation

[Nepa map.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Environmental Justice

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.

1. Were any adverse environmental impacts identified in any other compliance review portion of this project’s total environmental review?

Yes

No

Based on the response, the review is in compliance with this section.

Screen Summary

Compliance Determination

No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No



U.S. Department of Housing and Urban
Development
451 Seventh Street, SW
Washington, DC 20410
www.hud.gov
espanol.hud.gov

Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58

Project Information

Project Name: Veteran's-Memorial-Park-

HEROS Number: 900000010396061

Project Location: , Carlsbad, CA

Additional Location Information:

The project is located on the west and south by Faraday Avenue, to the north by Whitman Way, and to the southeast by the Macario Canyon. Assessor Parcel Number (APN) 212-271-03-00.

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

The proposed Veteran's Memorial Park is designed to be a family-oriented park with a variety of multi-generational and inclusive amenities that are incorporated into active and passive recreational elements. The park is physically separated into two distinct areas (north and south) which transition through passive uses and natural open space to a prominent public art at the high point of the site. The plaza with memorial elements on the north side opens into the large community gathering area, with shaded pavilions framed by seat walls. The building at the plaza entrance includes a concession room, small office, restrooms, storage, and maintenance closet. An inclusive, universally accessible playground and family and group picnic areas are proximal to the main gathering area, allowing for convenient access from the parking lot. Further up the slope, a nature inspired playground provides a more challenging play experience. Access to the south side of the park is located near the underpass at Faraday Avenue. A small building in the center of the plaza contains restrooms and storage. The primary amenity on the south side is a 4-acre family-oriented bike park. The intent is to develop the bike park with a military theme to further celebrate veterans. It is anticipated that sustainable and nature inspired features, such as rock outcroppings, boulders, and wood will be used to reinforce the overall theme of the park. Other elements within this section of the park include a tot lot and outdoor exercise area.

Funding Information

Grant Number	HUD Program	Program Name	
B-23-CP-CA-0155	Community Planning and Development (CPD)	Community Project Funding (CPF) Grants	\$3,000,000.00

Estimated Total HUD Funded Amount: \$3,000,000.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$54,550,000.00

Mitigation Measures and Conditions [CFR 1505.2(c)]:

Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure or Condition
<p>Coastal Zone Management Act</p>	<p>The Project is located in the Coastal Zone. The HMP is part of the implementation plan for Carlsbad's Local Coastal Program. With implementation of MM BIO-8, the Project would be consistent with the HMP's Coastal Zone Standards and would therefore not conflict with the Carlsbad Local Coastal Program or any other local policies or ordinances protecting biological resources.</p> <p>Mitigation Measures</p> <p>BIO-8: The Project site shall comply with the following HMP Coastal Zone Conservation Standards as they relate to resources within the Project site, as described below: Environmentally Sensitive Habitat Areas, as defined in Section 30107.5 of the Coastal Act, will be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.</p> <p>a)tProperties containing coastal sage scrub located in the Coastal Zone will conserve a minimum 67 percent of the coastal sage scrub and 75 percent of the gnatcatchers onsite. This has been accomplished through Project design by conserving 47.17 acres (98 percent) of the coastal sage scrub onsite.</p> <p>b)tMitigation in the form of creation for impacts to coastal sage scrub (at a 2:1 ratio) and southern maritime chaparral (at a 3:1 ratio) will be provided within the coastal zone in order to have no net loss of habitat within the coastal zone.</p> <p>c)tRiparian habitat impacts will be mitigated offsite using pre-purchased wetland creation credits from the North County Habitat Bank, which is located within the coastal zone in the City of Carlsbad.</p> <p>d)tUpland habitat impacts will be mitigated onsite within the city owned HMP hardline area. All</p>

	<p>mitigation areas will be added to the city's existing Preserve Management Plan and placed under long-term management.</p> <p>e)A 20-foot buffer between developed park and native habitat within HMP hardline areas has been incorporated into the project design. Although not required, the 20-foot buffer was counted as an impact wherever the project had to encroach upon existing coastal sage scrub habitat (encroachment plus buffer is counted as impact in these areas). No development, grading, or alterations, including clearing of vegetation, will occur in the buffer area, except for recreation trails within the first 15 feet of the buffer closest to the development.</p> <p>Source: NEPA Assist Map, CEQA Initial Study/Mitigated Negative Declaration</p>
<p>Educational and Cultural Facilities (Access and Capacity)</p>	<p>The CEQA Initial Study/Mitigated Negative Declaration identifies the following mitigation measures regarding cultural and archeological resources. MM CUL-1 - Cultural Sensitivity Training MM CUL-2 - Archeological Resources Monitoring MM-CUL-3 - Tribal Cultural Resources Monitoring Agreement MM CUL-4 - Native American Monitor MM CUL-5 - Uncovered Artifacts of Luiseno Native Americans MM CUL-6 - Preconstruction Meeting MM CUL-7 - Authority to Divert and/or halt Construction Activities MM CUL-8 - Inadvertent Discovery of Significant Cultural Resources MM CUL-9 - Communication Protocols MM CUL-10 - Inadvertent Discovery of Native American Cemeteries MM CUL-11 - Monitoring of Fill Materials for Tribal Resources MM CUL-12 - Invasive and/or Non-Invasive Testing MM CUL-13 - Cultural Resources Monitoring Report MM CUL-14 - Curation of Non-Tribal Archeological Resources MM CUL-15 - Avoidance of SDI-8303 MM CUL-16 - Landscaping Plans Near SDI-8303 Implementation of MM CUL-1 to MM CUL-16 would reduce potentially significant impacts to archaeological and historical resources to less than significant levels.</p>
<p>Permits, reviews, and approvals</p>	<p>The project will require several permits from the City of Carlsbad: - Conditional Use Permit - Hillside Development Permit - Habitat Management Plan Permit - Coastal Development Permit</p>

Project Mitigation Plan

Attached is the Mitigation and Monitoring Plan developed for the prepared Negative Declaration for the project.

Mitigation and Monitoring Program(1).pdf

Determination:

<input checked="" type="checkbox"/>	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
<input type="checkbox"/>	Finding of Significant Impact

Preparer Signature: Nicole Piano-Jones Date: 07/12/2024

Name / Title/ Organization: Nicole Piano-Jones / /CARLSBAD

Certifying Officer Signature: Mandy Mills Date: 7-12-24

Name/ Title: Mandy Mills, Director

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environment Review Record (ERR) for the activity / project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).