



City of Carlsbad

Planning Department

MITIGATED NEGATIVE DECLARATION

CASE NAME: Lake Calavera Trails Master Plan
CASE NO: HMP 09-05
PROJECT LOCATION: An undeveloped, approximately 262-acre site in the northeastern corner of the City of Carlsbad south of Lake Boulevard and east of College Boulevard. The project area surrounds Lake Calavera and is bordered on the north and east by the City of Oceanside.

PROJECT DESCRIPTION: The original Mitigated Negative Declaration (MND) for the LCTMP was circulated for public comment from July 14, 2006 to August 13, 2006 as City project EA 05-09 and SCH #2006071064. Based on comments received, further analysis was completed by the City and changes are proposed for the Lake Calavera Trails Master Plan (LCMP). The revised LCTMP project would establish a formal network of signed, public multi-recreational trails and viewpoints by improving approximately 5 miles of existing trails around Lake Calavera. No new trails would be created by the project and trails would be designated for bicyclists and hikers or hikers only. The trails criss-cross an undeveloped area of approximately 262 acres with a variety of native vegetation. Along with trail improvements, the project proposes information kiosks, viewpoints with interpretive signage, litter receptacles, dog waste stations, picnic tables, and a portable restroom. The project also proposes to establish parameters for trail maintenance. The trail system is and would be accessed at multiple publicly-accessible locations, including from surrounding streets, sidewalks, and other trails. The entire project area is owned by the City of Carlsbad.

DETERMINATION: The City of Carlsbad has conducted an environmental review of the above described project pursuant to the Guidelines for Implementation of the California Environmental Quality Act and the Environmental Protection Ordinance of the City of Carlsbad. As a result of said review, the initial study (EIA Part 2) identified potentially significant effects on the environment, and the City of Carlsbad finds as follows:

- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on the attached sheet have been added to the project.
- The proposed project MAY have "potentially significant impact(s)" on the environment, but at least one potentially significant impact 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. (Mitigated Negative Declaration applies only to the effects that remained to be addressed).
- Although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed - **adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project. Therefore, nothing further is required.

A copy of the initial study (EIA Part 2) documenting reasons to support the Negative Declaration is on file in the Planning Department, 1635 Faraday Avenue, Carlsbad, California 92008.

ADOPTED: January 25, 2010, pursuant to Administrative Approval

ATTEST:

DON NEU
Planning Director

Notice of Determination

To: Office of Planning and Research
 P.O. Box 3044
 Sacramento, CA 95812-3044

SD County Clerk
 Attn: Linda Kesina
 Mail Stop A-33
 1600 Pacific Highway
 San Diego, CA 92101

From: **CITY OF CARLSBAD**
Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008
(760) 602-4600

Project No: HMP 09-05

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Lake Calavera Trails Master Plan

Project Title

2009071090	City of Carlsbad, Pam Drew	(760) 602- 4644
State Clearinghouse No.	Lead Agency, Contact Person	Telephone Number

An undeveloped, approximately 262-acre site in the northeastern corner of the City of Carlsbad south of Lake Boulevard and east of College Boulevard. The project area surrounds Lake Calavera and is bordered on the north and east by the City of Oceanside.

Project Locations (include County)

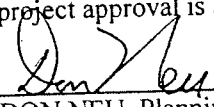
Name of Applicant: City of Carlsbad
Applicant's Address: 1635 Faraday Avenue, Carlsbad, CA 92008 (County of San Diego)
Applicant's Telephone Number: 760-602-4644

Project Description: The original Mitigated Negative Declaration (MND) for the Lake Calavera Trails Master Plan (LCTMP) was circulated for public comment from July 14, 2006 to August 13, 2006 as City project EA 05-09 and SCH #2006071064. Based on comments received, further analysis was completed by the City and changes are proposed for the LCTMP. The revised LCTMP project would establish a formal network of signed, public multi-recreational trails and viewpoints by improving approximately 5 miles of existing trails around Lake Calavera. No new trails would be created by the project and trails would be designated for bicyclists and hikers or hikers only. The trails criss-cross an undeveloped area of approximately 262 acres with a variety of native vegetation. Along with trail improvements, the project proposes information kiosks, viewpoints with interpretive signage, litter receptacles, dog waste stations, picnic tables, and a portable restroom. The project also proposes to establish parameters for trail maintenance. The trail system is and would be accessed at multiple publicly-accessible locations, including from surrounding streets, sidewalks, and other trails. The entire project area is owned by the City of Carlsbad.

This is to advise that the City of Carlsbad has approved the above described project on January 25, 2010, and has made the following determination regarding the above described project.

1. The project **will not** have a significant effect on the environment
2. A **Mitigated** Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures **were** made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan **was** adopted for this project.
5. A statement of Overriding Considerations **was not** adopted for this project.
6. Findings **were** made pursuant to the provisions of CEQA.

This is to certify that the final **Mitigated Negative Declaration** with comments and responses and record of project approval is available to the General Public at THE CITY OF CARLSBAD.


 DON NEU, Planning Director

1-25-10
 Date

Date received for filing at OPR:

PROJECT NAME: LAKE CALAVERA TRAILS MASTER PLAN FILE NUMBERS: HMP 09-05
 APPROVAL DATE: _____

The following environmental mitigation measures were incorporated into the Conditions of Approval for this project in order to mitigate identified environmental impacts to a level of insignificance. A completed and signed checklist for each mitigation measure indicates that this mitigation measure has been complied with and implemented, and fulfills the City's monitoring requirements with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6).

Mitigation Measure	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
<p><u>BIOLOGICAL RESOURCES</u></p> <p>BIO-1: Mitigation for permanent and temporary impacts to upland communities will be mitigated by debiting the appropriate acreage at the Lake Calavera Mitigation Parcel. The Lake Calavera property was identified in the City's Habitat Management Plan as a public project mitigation parcel for municipal projects. The total acreage available for credit at its inception was 186.55 acres. That acreage is available to mitigate for habitat impacts from City projects on an acre-for-acre basis regardless of the type of habitat being impacted, except for gnatcatcher occupied coastal sage scrub, southern maritime chaparral, maritime succulent scrub, and wetlands. The mitigation provided for each City project by the Lake Calavera parcel is tracked and reported on an annual basis in the City's HMP Annual Report. As of the end of the last reporting period (October 2008), a total of 183.8 acres of mitigation land was still available.</p> <p>The City plans to mitigate for impacts to gnatcatcher occupied sage scrub through on-site mitigation and the preparation of an MMRP, as described above. Until the MMRP is submitted, please refer to the On-site Revegetation Recommendations section of the revised Biological Resources Report (January 28, 2009) for a</p>	Project-Prior to Grading	Planning Department and Biological Monitor			

Explanation of Headings:

Type = Project, ongoing, cumulative.
 Monitoring Dept. = Department, or Agency, responsible for monitoring a particular mitigation measure.
 Shown on Plans = When mitigation measure is shown on plans, this column will be initialed and dated.
 Verified Implementation = When mitigation measure has been implemented, this column will be initialed and dated.
 Remarks = Area for describing status of ongoing mitigation measure, or for other information.
 RD - Appendix P.

Mitigation Measure	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
<p>tentative map of suitable areas for sage scrub mitigation as well as appropriate planting material (attached). The mitigation acreage would include a minimum 1:1 creation component within the immediate vicinity of occupied coastal sage scrub, with the goal of creating suitable habitat for the gnatcatcher. This mitigation plan will include details regarding grading, irrigation design, and planting specifications, as well as maintenance and monitoring procedures. The plan will also outline yearly success criteria and remedial measures should the mitigation effort fall short of the success criteria.</p> <p>Mitigation for impacts to riparian/wetland communities will be achieved through on-site creation, restoration, and/or enhancement within the Lake Calavera Mitigation Parcel. Mitigation shall include a 1:1 creation component in accordance with the "no net loss" wetlands policy in the Carlsbad HMP. Temporary impacts will be mitigated at a 1:1 ratio through restoration or enhancement.</p>					

Explanation of Headings:

Type = Project, ongoing, cumulative.

Monitoring Dept. = Department, or Agency, responsible for monitoring a particular mitigation measure.

Shown on Plans = When mitigation measure is shown on plans, this column will be initialed and dated.

Verified Implementation = When mitigation measure has been implemented, this column will be initialed and dated.

Remarks = Area for describing status of ongoing mitigation measure, or for other information.

RD - Appendix P.

Mitigation Measure		Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks			
Table 2 Mitigation Ratios for Impacted Vegetation Communities and Jurisdictional Habitats									
Vegetation Community	HMP Habitat Group ²	Mitigation Ratio ¹		Total Impacts (Acreage) ¹			Mitigation (Acreage)		
		P	T	PI	TI	Total	P	T	Total
Disturbed Wetland	Group A	2:1	1:1	0.002	---	0.002	0.004	---	0.004
Coastal and Valley Freshwater Marsh	Group A	2:1	1:1	0.05	0.05	0.10	0.10	0.05	0.15
Southern Coast Live Oak Riparian Forest	Group A	3:1	1:1	0.05	0.04	0.09	0.15	0.04	0.19
Mule Fat Scrub	Group A	2:1	---	0.001	---	0.001	0.002	---	0.002
Southern Willow Scrub	Group A	3:1	1:1	0.02	0.02	0.04	0.06	0.02	0.08
Non-Wetland Waters of the U.S./Streambed (Drainages)	Group A	1.5:1	---	0.001	---	0.001	0.002	---	0.002
Total Wetland³:				0.12	0.11	0.23	0.32	0.11	0.43
Disturbed Valley Needlegrass Grassland	Group B	3:1	---	0.02	---	0.02	0.06	---	0.06
Diegan Coastal Sage Scrub	Group C	2:1	1:1	0.11	0.02	0.13	0.22	0.04	0.26
Southern Mixed Chaparral	Group D	1:1	---	0.05	---	0.05	0.05	---	0.05
Chamise Chaparral	Group D	1:1	---	0.02	---	0.02	0.02	---	0.02
Non-native Grassland	Group E	0.5:1	---	0.22	---	0.22	0.11	---	0.11
Disturbed Habitat	Group F	0.1:1	---	4.93	0.01	4.94	0.49	---	0.49
Total Upland:				5.35	0.03	5.38	0.95	0.04	0.99
GRAND TOTAL:				5.47	0.14	5.61	1.27	0.15	1.42

¹ P=Permanent, T=Temporary, PI= Permanent Impact, TI=Temporary Impact.
² Group A habitats are associated with wetlands. Group C habitats are occupied by coastal California gnatcatcher.
³ Impacts to wetland habitats are subject to review under Section 404 of the federal Clean Water Act or under Section 1602 of the California Fish and Game Code. Mitigation ratio varies by type of habitat and subject to change. Mitigation for permanent impacts to wetland communities would require a minimum of 1:1 creation; the remaining mitigation could occur in the form of enhancement. It is recommended that mitigation for temporary impacts occur in the form enhancement and occur in place of the temporary impact.

Explanation of Headings:
Type = Project, ongoing, cumulative.
Monitoring Dept. = Department, or Agency, responsible for monitoring a particular mitigation measure.
Shown on Plans = When mitigation measure is shown on plans, this column will be initialed and dated.
Verified Implementation = When mitigation measure has been implemented, this column will be initialed and dated.
Remarks = Area for describing status of ongoing mitigation measure, or for other information.
 RD - Appendix P.

Mitigation Measure	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
<p>BIO-2: Per the City's HMP, no clearing or non-routine maintenance of occupied coastal California gnatcatcher habitat shall occur within the breeding season, between March 1 and August 15. If this schedule cannot be met, it is recommended that a qualified biologist inspect the shrubs for nests prior to construction or non-routine maintenance. Trail maintenance activities are listed within Table 1, page 4 of the Citywide Trail Maintenance Plan (City 2002). Non-routine maintenance work would be classified as activities that require the use of the following: heavy equipment, equipment that produces noise greater than 60 decibels, equipment that produces a large amount of dust, trail closure, and removal of trees. If an active nest is found, no impacts shall be allowed within 500 feet or until all young have fledged.</p>	<p>Project – Prior to any Construction</p>	<p>Planning Department and Biological Monitor</p>			
<p>BIO-3: Construction and non-routine maintenance work should be conducted outside of the raptor and migratory bird breeding season (typically February 15 – September 15). Trail maintenance activities are listed within Table 1, page 4 of the Citywide Trail Maintenance Plan (City 2002). Non-routine maintenance work would be classified as activities that require the use of the following: heavy equipment, equipment that produces noise greater than 60 decibels, equipment that produces a large amount of dust, trail closure, and removal of trees. If this schedule cannot be met, it is recommended that a qualified biologist inspect the trees for nests prior to construction or non-routine maintenance. If an active nest is found, no impacts shall be allowed within 500' for all listed species and raptors, and 300 feet for non-listed species or until all young have fledged.</p>	<p>Project – Prior to any Construction</p>	<p>Planning Department and Biological Monitor</p>			
<p>BIO-4: Construct barrier fencing to restrict human access along trails within sensitive areas, while still allowing for wildlife movement.</p>	<p>Project-During Construction</p>	<p>Park Planner & Construction Contractor</p>			

Comment [RLH1]: Does it really say this in the HMP? According to federal survey protocol, the breeding season runs from February 15 - August 30.

Explanation of Headings:

Type = Project, ongoing, cumulative.
 Monitoring Dept. = Department, or Agency, responsible for monitoring a particular mitigation measure.
 Shown on Plans = When mitigation measure is shown on plans, this column will be initiated and dated.
 Verified Implementation = When mitigation measure has been implemented, this column will be initiated and dated.
 Remarks = Area for describing status of ongoing mitigation measure, or for other information.
 RD - Appendix P.

Mitigation Measure	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
BIO-5: Construct barrier fencing to restrict access to trails that have been closed.	Project-During Construction	Park Planner & Construction Contractor			
BIO-6: Maintenance of the Lake Calavera Trails project will comply with the Citywide Trail Maintenance Plan (City 2002). Trails shall be maintained on a regular basis, particularly in the rainy season, to prevent soil erosion and sedimentation from entering the adjacent wetlands and affecting water quality.	Project-During Construction & Post Construction	Park Planner			
BIO-7: Waterbars should be installed on steep trails to prevent accelerated runoff and erosion. Please refer to previous Table 1 for the approximate location of these structures.	Project-During Construction	Construction Contractor			
BIO-8: Impacts to jurisdictional wetlands and non-wetland waters of the U.S./streambed shall require the following permits by regulatory federal and state agencies: 1) ACOE, CWA, Section 404 permit for placement of dredged or fill material within waters of the U.S., 2) RWQCB, CWA, Section 401 state water quality certification/waiver for an action that may result in degradation of waters of the State, and 3) CDFG, California Fish and Game Code, Section 1602 agreement for alteration of a streambed. The mitigation for impacts to jurisdictional resources must occur in the form of creation or creation combined with enhancement; however, the mitigation cannot result in a net-loss of wetland habitat or wetland functions and values. Therefore, a minimum 1:1 creation ratio must be applied toward any jurisdictional impacts.	Project-Prior to Any Construction	Planning Department			

Explanation of Headlines:

Type = Project, ongoing, cumulative.
 Monitoring Dept. = Department, or Agency, responsible for monitoring a particular mitigation measure.
 Shown on Plans = When mitigation measure is shown on plans, this column will be initiated and dated.
 Verified Implementation = When mitigation measure has been implemented, this column will be initiated and dated.
 Remarks = Area for describing status of ongoing mitigation measure, or for other information.
 RD - Appendix P.

Wetlands

<p>BIO-9: The development of a conceptual mitigation, maintenance, and monitoring plan will be required for the wetland mitigation. This plan is a requirement of both the federal and state wetland permit applications and must be submitted with the required permit applications. This plan should include details regarding grading, irrigation design, and planting specifications, as well as maintenance and monitoring procedures. The plan should also outline yearly success criteria and remedial measures should the mitigation effort fall short of the success criteria. Any wetland mitigation that cannot be achieved through on-site restoration and enhancement should be performed off-site, but preferably within the same local watershed; however, off-site mitigation may require higher mitigation ratios. Alternatively, the mitigation obligations may also be satisfied by participating in a fee-based mitigation program through a wetland mitigation bank. The proposed mitigation is subject to the resource agencies' review and discretion; thus, the mitigation obligations for the impacts to jurisdictional wetland habitats may change from what has been recommended here. Until a conceptual plan is submitted for permitting, please refer to the On-site Revegetation Recommendations section of this report for a tentative map of suitable areas for wetland mitigation as well as appropriate planting material.</p>	<p>Project-Prior to Any Construction</p>	<p>Planning Department and Biological Consultant</p>		
<p>BIO-10: Prior to construction activities, all wetland areas within or adjacent to construction areas should be encompassed by orange environmental fencing to protect them from construction as determined appropriate by the biological monitor and the Land Manager. A qualified biologist shall inspect all construction fencing prior to construction and shall monitor construction (grading) activities to avoid unauthorized impacts.</p>	<p>Project-Prior to Any Construction</p>	<p>Construction Contractor and Biological Monitor</p>		

Explanation of Headlines:

Type = Project, ongoing, cumulative.
 Monitoring Dept. = Department, or Agency, responsible for monitoring a particular mitigation measure.
 Shown on Plans = When mitigation measure is shown on plans, this column will be initiated and dated.
 Verified Implementation = When mitigation measure has been implemented, this column will be initiated and dated.
 Remarks = Area for describing status of ongoing mitigation measure, or for other information.
 RD - Appendix P.

<p>BIO-11: Project construction, operations, use, and maintenance shall comply with the HMP Section F, Preserve Management, and specifically the Recreation and Public Access guidelines contained therein on pages F-11 through F-14.</p>	<p>Project-During and After All Construction Activities</p>	<p>Park Planner</p>			
<p>GEOLOGY AND SOILS</p>					
<p>GEO-1: Construction BMPs would be implemented according to Appendix B of the Final MHCP Subarea Plan, Volume II.</p>	<p>Project-Prior to Any Construction</p>	<p>Construction Contractor</p>			
<p>GEO-2: A qualified biologist shall inspect all construction fencing prior to construction and shall monitor construction (grading) activities to avoid unauthorized impacts.</p>	<p>Project-Prior to and During All Construction Activities</p>	<p>Biological Monitor</p>			
<p>GEO-3: Erosion control shall be adequate to ensure that areas disturbed by the project remain stable and do not erode during rain events.</p>	<p>Project-Prior to and During All Construction Activities</p>	<p>Construction Contractor</p>			
<p>GEO-4: Spoil, trash, or any debris shall be removed off-site to an approved disposal facility.</p>	<p>Project-Prior to and During All Construction Activities</p>	<p>Construction Contractor</p>			
<p>GEO-5: All construction area limits shall be clearly delineated prior to construction activity with orange construction fencing or silt fencing to ensure that construction activity remains within the defined construction limits. Fencing shall not interfere with wildlife movement.</p>	<p>Project-Prior to and During All Construction Activities</p>	<p>Construction Contractor and Biological Monitor</p>			
<p>GEO-6: The project biologist shall provide direction to construction personnel regarding the need to avoid impacts to adjacent sensitive areas. All construction/grading plans shall be made available to crews in the field showing these conditions.</p>	<p>Project-Prior to and During All Construction Activities</p>	<p>Biological Monitor</p>			

Explanation of Headings:

Type = Project, ongoing, cumulative.

Monitoring Dept. = Department, or Agency, responsible for monitoring a particular mitigation measure.

Shown on Plans = When mitigation measure is shown on plans, this column will be initiated and dated.

Verified Implementation = When mitigation measure has been implemented, this column will be initiated and dated.

Remarks = Area for describing status of ongoing mitigation measure, or for other information.

RD - Appendix P.

<u>HYDROLOGY AND WATER QUALITY</u>	Project-Prior to and During All Construction Activities	Construction Contractor			
<p>HYDRO-1: The City shall implement all maintenance operations of permanent BMPs as outlined in Section 2.5 (Maintenance of Municipal Separate Storm Sewer System (MS4) of their Jurisdictional Urban Runoff Management Plan (JURMP)). The City's Contractor is responsible for maintenance of construction BMPs. In particular, silt fencing or other sediment trapping devices shall be installed and maintained in order to prevent runoff from entering the water systems during construction activities.</p>					

Explanation of Headings:
Type = Project, ongoing, cumulative.
Monitoring Dept. = Department, or Agency, responsible for monitoring a particular mitigation measure.
Shown on Plans = When mitigation measure is shown on plans, this column will be initiated and dated.
Verified Implementation = When mitigation measure has been implemented, this column will be initiated and dated.
Remarks = Area for describing status of ongoing mitigation measure, or for other information.
 RD - Appendix P.