

City of Carlsbad Habitat Management Plan Annual Report November 2004 - October 2005



City of Carlsbad
Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008



Technology Associates
9089 Clairemont Mesa Blvd., Ste 307
San Diego, CA 92123



**City of Carlsbad
Habitat Management Plan
First Annual Report
November 2004 - October 2005**

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Prepared for:

City of Carlsbad Planning Department

1635 Faraday Avenue

Carlsbad, CA 92008

Contact: Don Neu, Acting Planning Director



Prepared by:

Technology Associates

9089 Clairemont Mesa Blvd., Suite 307

Technology Associates

INTERNATIONAL CORPORATION

Approved by:

I certify that, to the best of my knowledge, after appropriate inquiries of all relevant persons involved in the preparation of this report, the information submitted is true, accurate, and complete.

City of Carlsbad Planning Director

Date

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1.0 Introduction

1.1 HMP Annual Report Background

The Habitat Management Plan for Natural Communities in the City of Carlsbad (HMP) was developed to provide a comprehensive, citywide, program to identify how the City, in cooperation with federal and state wildlife agencies, can preserve the diversity of habitat and protect sensitive biological resources within the City while allowing for additional development consistent with the City's General Plan and its Growth Management Plan. The HMP serves as a habitat conservation plan (HCP), as described in Section 10(a)(1)B of the Endangered Species Act, and Natural Community Conservation Plan (NCCP), as authorized in the Natural Community Conservation Planning Act (Fish and Game Code Section 2800 et. seq.). The HMP constitutes Carlsbad's Subarea Plan within the Multiple Habitat Conservation Plan in north coastal San Diego County (MHCP).

The first technical report for the HMP was completed in 1992 and provided the basis for a preliminary conservation strategy in 1993. Preparation of the draft HMP was coordinated with vegetation mapping and habitat evaluations conducted for the MHCP and completion of the Fieldstone/La Costa Associates HCP. This effort culminated in a public review draft of the HMP in 1994. After extensive consultations between the City, CDFG, and USFWS, revisions were made to the HMP including boundary refinements, updates of maps and GIS databases, and clarification of HMP goals and implementation. The first final draft was completed in December 1999. At this time the California Coastal Commission (CCC) began its review of the HMP, and the plan was amended to incorporate CCC's concerns. The final HMP was approved, as amended, in November 2004.

1.2 Status of HMP Implementation

As outlined the Implementing Agreement (IA) and Open Space Management Plan (OSMP), the City is required to submit an annual report that will summarize the gains and losses in habitat, incidental take of covered species, management and monitoring activities, and key management concerns. To expedite the submittal of the first annual report, which is currently overdue, the City has decided, in consultation with the Wildlife Agencies, to submit information for the first year (November 2004 – October 2005) in two phases. The first phase, as presented in this report, will consist of a description and status summary of baseline data reconciliation, HMP implementation measures, land

acquisitions, mitigation banks, projects implemented under the HMP, key management and monitoring activities, and funding. Except where noted, status descriptions will include all currently available information through October 2006. Status dates will enable the reader to differentiate between HMP reporting years one and two. In addition, as approved by the Wildlife Agencies, the public meeting component of this report will be conducted via City Council meeting, which is open to the public and allows for public comment. A copy of this report will be sent to all known interested parties along with a notice of intent to inform them of the upcoming meeting.

The second phase of first year reporting will consist of quantitative information such as acreages of habitat gains and losses within the City, and updates to vegetation and species mapping. These data will be included in the second annual report, and will be kept separate from year two data. The public, Wildlife Agencies, and other interested parties will be invited to attend a public meeting that will be dedicated to years one and two of the HMP; the agenda for this meeting will not include items unrelated to the HMP. Interested parties will have the opportunity to discuss HMP implementation, key management issues, and overall preserve management and monitoring.

To coordinate with future annual reporting efforts for other MHCP subarea plans, the City, in consultation with the Agencies, will change to a calendar year reporting cycle (January – December), rather than a cycle based on the final approval of the HMP (November – October). As such, the second annual report will contain information through the end of December 2006. A draft of the second annual report is expected to be ready for review by March 2007.

1.3 Annual Report Summary

From the time the final HMP draft was completed (1999) through the first year after the HMP was officially approved in November 2004, the City of Carlsbad focused its efforts on implementing the steps outlined in the Implementing Agreement (IA) for the HMP, and reviewing new projects based on regulatory structure. The highlights of this activity, which are detailed in this report, include the following:

1. Implementation measures outlined in Sections 11.3, 11.4, 11.5 and 12.3 of the IA have been completed or are ongoing and are detailed in Section 3.0 below.
2. Numerous additional steps beyond those outlined in the IA have been taken to assist City staff and HMP permit applicants, including guideline development,

municipal code amendments, training workshops, and ongoing informal Wildlife Agency consultation (Section 3.0).

The establishment of a municipal mitigation bank (Lake Calavera Mitigation Bank) for impacts from City projects was initiated, and a total of 186.0 acres of mitigation credits are currently available (Section 5.0).

4. The following projects contributed to the acquisition requirements in the MHCP California Gnatcatcher Core Area (Section 3.0, Table 1):
 - a) Municipal Golf Course Project – 51.60 acres
 - b) Rancho Carrillo – 20.31 acres
 - c) Bressi Ranch – 24.50 acres
 - d) Palomar Forum – 4.90 acres
 - e) Villages La Costa – 39.39 acres
5. Twenty projects were reviewed for HMP compliance prior to the final approval of the HMP (1999-October 2004); and five projects were reviewed during the first annual reporting year after formal HMP approval (November 2004-October 2005) (Section 6.0).
6. Generally, the management and monitoring activities that were conducted in the preserve areas consisted of assessment of threats, prioritization of goals and tasks, active access control, invasive species eradication, and biological monitoring (Section 7.0).
7. Additional quantified data will be included in the second HMP annual report.

2.0 Baseline Conditions

2.1 History of the Establishment of HMP Baseline Conditions

The current HMP establishes percent conservation goals based on the overlay of habitat preserve areas with biological resource data layers. Baseline data for the HMP, which includes vegetation communities mapping, species distribution, and preserve boundaries, was compiled from multiple sources and underwent several updates and revisions before being presented in the final HMP, as amended in 2004 (HMP p. C-1). The following provides a brief history of initial data acquisition and subsequent compilation into a baseline from which conservation goals were calculated.

1. Initial biological resources information for the HMP area was compiled from vegetation mapping, species surveys, and habitat evaluations that were carried out

for the MHCP. These data were then incorporated into a Geographic Information System (GIS) database to provide a spatial component.

2. Once this information was compiled, a Focused Planning Area (FPA) was identified for each MHCP subarea, including the City of Carlsbad. FPAs consist of Core Areas, Linkages, and Special Resource Areas, which were considered to be critical biological components of a self-sustaining preserve system that would provide enough quality habitat and movement corridors to sustain covered species in perpetuity.
3. City staff and consultants then met with land owners to determine where detailed or general conservation plan boundaries could be identified on private land within the FPA. This information, along with previously approved project plan boundaries, was added to the GIS database to form the original baseline data set. The baseline data were incorporated into the first public review draft of the HMP, which was finalized in 1994.

It is important to note that GIS capabilities and accuracy of spatial data, such as vegetation communities boundaries and parcel lines, were somewhat rudimentary during this time. As such, it was understood by the City and the Wildlife Agencies that boundary lines and acreages would need to be refined as more accurate data became available, and as GIS capabilities became more advanced. Steps 4 – 7 below describe refinements that were made between 1994 (first HMP public review draft), and 1999 (second HMP draft, in which public and Agency comments were addressed; this draft was submitted to the Coastal Commission for review). All of the refinements described in steps 4 – 7 were incorporated into the 1999 draft and approved by the Wildlife Agencies (HMP p. C-1).

4. In 1996, vegetation mapping for the MHCP subregion was updated and refined using 1995 satellite imagery to systematically update the regional vegetation database. In addition, project-specific field mapping performed since 1992 was also incorporated.
5. In 1996-1997 species distribution data was updated based on refinements suggested by qualified biologists and approved by the Wildlife Agencies.
6. In 1997, the Carlsbad vegetation and species databases were further refined by comparing the City's GIS layers with mapping that was independently maintained by SANDAG. Where differences were observed, City staff and consultants identified which version was the most accurate and current by using project-

specific data and limited field truthing. An updated vegetation map was then created by merging the best information from each file for each area of the City.

3.0 HMP Implementation

3.1 Implementation Measures Defined in the Implementing Agreement

To define the conditions under which the HMP would be implemented within the City of Carlsbad, an Implementing Agreement (IA) was established among the City of Carlsbad, CDFG, and USFWS in November, 2004. Sections 11.3 - 11.5 and 12.3 of the IA outline the implementation measures to be carried out by the City upon approval of the HMP. Below is a summary of these obligations, and the status of each.

Implementing Agreement Section 11.3. Regulatory Implementation Measures

- A. Urgency Ordinance – To require compliance with the HMP while permanent regulatory measures were being drafted and approved; required immediately upon adoption of HMP.

STATUS: Approved by the City Council November 9, 2004.

- B. General Plan Amendments: Land Use, and Open Space and Conservation Elements – Add policy statements relating to the HMP; required within 12 months of HMP of Effective Date.

STATUS: Revisions made and approved by the City Council in July, 2005.

- C. Open Space Ordinance Amendment – (Carlsbad Municipal Code § 21.53.230). Add Conserved Habitat Areas as undevelopable open space lands preserved exclusively and in perpetuity for conservation purposes consistent with the HMP.

STATUS: Revisions made and approved by the City Council in March, 2006. Submitted to California Coastal Commission on April 3, 2006 - awaiting approval.

- D. Municipal Code Amendment: Standards Areas – Add a new section to require lands located within the Standards Areas to comply with the specific conservation standards contained in HMP Section D; required within 12 months of Effective Date.

STATUS: New section (§ 21.210) was added to the Municipal Code to address habitat preservation and management requirements. Section 21.210.040 B. specifically addresses Standards Areas. Approved by the City Council in March 2006. Submitted to California Coastal Commission on April 3, 2006 – awaiting approval.

E. General Plan Amendment: 15% Open Space Set Asides – To make conservation of habitat, as identified in the HMP, a priority use for the 15% of otherwise developable land which the Growth Management Plan already requires be set aside for open space purposes. The City has five different categories of open space including: open space for preservation of natural resources, open space for outdoor recreation, and open space for public health and safety. This General Plan Amendment identifies the open space for preservation of natural resources as a priority for the 15% set aside.

F. **STATUS:** General Plan revised, and approved by the City Council July 2005.

G. Wetlands Protection Program – Mitigation consistent with the HMP will be identified through environmental review documents prepared pursuant to CEQA and associated mitigation monitoring and reporting programs and required by Carlsbad as legally enforceable conditions of approval.

STATUS: New section (specifically, subsections 21.210.040 D.5, and 21.210.070 A.5) was added to the Municipal Code to address habitat preservation and management requirements. Approved (see D. above). Wetlands mitigation issues are being dealt with on a project by project basis.

Implementing Agreement Section 11.4. Additional Implementation Measures.

“With respect to covered habitats and species, the City shall implement conservation measures [MHCP Vol I, II, and III] in approval of development projects and management of the preserve system.”

STATUS: MHCP, HMP, and OSMP conservation measures are currently being implemented during the approval process for all development projects and preserve management activities.

Implementing Agreement Section 11.5. Participation in Regional Conservation Efforts

“In complete satisfaction of its participation obligations concerning the MHCP Gnatcatcher Core Area, Carlsbad will effectuate the conservation and conveyance to a

qualified conservation management entity of 307.6 acres of land generally within the MHCP Core area as described in Sections D.5 and E.6.A of the HMP.”

BACKGROUND: Biological analysis conducted for the MHCP determined that a large biological core area of approximately 500 acres is needed in the general area southeast of Carlsbad to support a core population of gnatcatchers (HMP Figure 29). The initial analysis for the HMP also identified the need to enhance conservation levels of coastal sage scrub habitat. Further, as part of the approval of the Fieldstone HCP, the City was required to identify the location and funding source for 240 acres in the same general area. In order to meet these goals, the City agreed to conserve 307.6 acres of land within the Gnatcatcher Core Area (Table 1).

STATUS: The Gnatcatcher Core Area consists of the following (Table 2):

1. Upfront acquisitions (e.g., land that has been purchased by a private developer in anticipation of the Core Area requirement). In July 2000, anticipating final approval of the HMP, the City Council approved a Habitat Mitigation Fee program to pay for lands within the Gnatcatcher Core Area. As part of the approval of the Fieldstone HCP, which is independent of the HMP, the developer for the Villages of La Costa project agreed to front the acquisition of land in the Core Area which would be reimbursed in the future. Part of the reimbursement would come from the Habitat Mitigation Fee Program and part would be reimbursed through project-related mitigation. For example, prior to HMP approval, several projects (including the Municipal Golf Course) mitigated their habitat impacts by acquiring conservation easements on land within the Core area (Table 3). To date, approximately 146.20 acres have been reimbursed through project mitigation credits. The Core Area properties are protected under a Conservation Easement and under management and monitoring by the Center for Natural Lands Management.

Table 1. Components of Core Area Conservation

Funded By	Acres Conserved in Core Area
Parcel 1 – Villages of La Costa - Alemir	
Villages of La Costa	39.39*
Bressi Ranch	24.50*
Future: City of Carlsbad HMP Fee (A) ¹	<u>50.13</u>
<i>Subtotal Parcel 1</i>	<i>114.02</i>
Parcel 2 – Villages of La Costa – Choumas Pappas	
City of Carlsbad Municipal Golf Course	51.60*
Villages of La Costa – HCP Cost Share	5.50*
Palomar Forum	4.90*
Villages of La Costa – Other	4.06
The Bridges Project (non-HMP; not incl. in subtotal)	<u>47.88</u>
<i>Subtotal Parcel 2</i>	<i>113.94</i>
Parcel 3 – Rancho Carrillo Mitigation - Nelson	
Rancho Carrillo	<u>20.31*</u>
<i>Subtotal Parcel 3</i>	<i>20.31</i>
Onsite Conservation Credits	
Villages of La Costa (Canyons Network Settlement)	23.79 [†]
Additional Carlsbad Golf Course Revegetation	15.40 [†]
Additional Citywide Miscellaneous Adjustments	<u>25.00[†]</u>
<i>Subtotal Onsite Credits</i>	<i>64.19</i>
Future Carlsbad HMP Acquisition	
Future City of Carlsbad HMP Fee (B) ²	<u>43.02</u>
<i>Subtotal Future Acquisitions</i>	<i>43.02</i>
TOTAL TARGET CORE AREA CONSERVATION³	307.60

¹ This is the residual area of mitigation land originally purchased by the Villages of La Costa pursuant to the 1994 Habitat Conservation Plan (HCP), which the City of Carlsbad is obligated to acquire under the HMP.

² This is the remaining area of core California gnatcatcher habitat land to be acquired in the future by the City of Carlsbad, in order to reach the target conservation of 307.6 acres. (See footnote 1 above)

³ Target conservation of core California gnatcatcher habitat area southeast of the City of Carlsbad, as stipulated in the HMP.

* From Table 2 (Mitigation Acres Reimbursed for Core Area Acres Acquired Upfront by Villages of La Costa).

[†] From Table 3 (Credits for Enhanced Preservation in the City).

Table 2. Core Area Preservation Requirement

Project	Acres
<i>Total Target Core Area Conservation</i>	<i>307.60</i>
Area That Has Already Been Conserved	
Upfront Acquisitions Counting Toward Requirement	200.38
Credits for Enhanced Preservation in City	64.19
<i>Subtotal of Conserved Acres</i>	<i>264.57</i>
Remaining Acquisition Requirement	43.02

Table 3. Mitigation Sales Counting Toward Reimbursements

Project	Acres
<i>Required Reimbursement for Acres Acquired Upfront</i>	<i>200.39</i>
Acres Already Reimbursed	
Municipal Golf Course	51.60
Rancho Carrillo	20.31
Bressi Ranch	24.50
Palomar Forum	4.90
Villages of La Costa Obligation	39.39
Villages of La Costa – Other	4.06
Contribution for HMP Preparation	5.50
<i>Subtotal of Reimbursed Acres</i>	<i>146.20</i>
Remaining Acres to Be Reimbursed	50.13

2. Credits for enhanced habitat within the City. Enhancement credits include onsite preservation, preserve enhancement, and revegetation projects (Table 4). These enhancement credits, which total 64.19 acres, were approved by the Agencies prior to HMP finalization.

Table 4. Credits for Enhanced Preservation in the City

Project	Acres
Villages of La Costa Onsite Preservation	12.00
Cannons Network Settlement	11.79
Various Hardline Preserve Enhancements	25.00
Enhanced Municipal Golf Course Revegetation	15.40
Total Enhancement Credits	64.19

-
3. Land that is yet to be acquired, which is currently 43.02 acres (Table 2).

Because the final approval of the HMP did not occur until November 2004, the in lieu mitigation fee was not collected for approximately four years. As such, the Mitigation Fee Program was revised by adjusting the fee to ensure that sufficient funds could be generated. This revision was approved by the City Council in January, 2006. The mitigation fees will be used to reimburse the remaining amount of privately owned lands that have been preserved in the Core Area, as well as purchase the remaining 43.02 acres that need to be acquired.

As described in the Biological Opinion (BO) for the HMP prepared by the US Fish and Wildlife Service, credit towards the MHCP core area obligation was given for increased preservation within the city beyond that identified in the approved HMP. Also as described in the BO, additional credit can be considered for the core area obligation in the future for increased preservation within the boundaries of the city.

Implementing Agreement Section 12.3. Preserve Management and Monitoring Plan

“As described in Section E.5.B of the HMP, Carlsbad is preparing a Preserve Management and Monitoring Plan which will address in detail the implementation of the preserve management and monitoring recommendations identified in Section F of the HMP. The Plan shall be completed within one year of the Effective Date of this Agreement.”

STATUS: Open Space Management Plan (OSMP) – The OSMP was developed serve as the City’s Preserve Management and Monitoring Plan. The OSMP provides a framework to guide implementation of the HMP as described above. The document was completed in May 2004, revised with agency comments, and approved by the Wildlife Agencies in September, 2005.

Preserve Steward – As recommended by the OSMP, the City Council approved a Preserve Steward position on August 15, 2006 to oversee the management, monitoring, and reporting activities within the HMP preserve system, to assist the City Planning Department with project compliance review, and to serve as a liaison between the City, the Wildlife Agencies, and the public. On August 16, 2006, the City contracted a private consulting firm

(Technology Associates) to fill the Preserve Steward role and to provide GIS support.

3.2 Additional Measures Implemented by the City

In addition to the HMP implementation measures required by the IA, the City of Carlsbad has taken the initiative to conduct other activities to facilitate implementation, compliance, and understanding of the HMP and associated state and federal regulations. These include the preparation of guidelines to assist with the project review process, zone code amendments additional to those required in the IA, training workshops that have been conducted for City Staff, and informal Agency consultations. These measures are summarized below.

3.2.1 Guideline Preparation

The City has identified a series of guidelines that will be prepared to help applicants understand pertinent HMP issues and obligations, and to assist City staff to evaluate and approve project plans. The guidelines will be submitted for Agency review and approval. The list below describes the guidelines and status of each.

1. Guidelines for Habitat Creation and Restoration - To assist with the revegetation (creation, restoration, and enhancement) portion of mitigation programs or preserve management projects.
STATUS: Final draft completed by City staff January 2005.
2. Guidelines for Biological Studies – To assist with project-specific biological surveys, assessments, monitoring, and reporting procedures.
STATUS: First draft completed by Technology Associates November 2006; currently undergoing City review.
3. Guidelines for Wetland Avoidance and Buffers - To assist with project-specific wetlands surveys, assessments, avoidance, buffers, and unavoidable impacts.
STATUS: In preparation.
4. Guidelines for Habitat and Preserve Management Plans – To assist with area-specific management and monitoring planning, including threat assessment, prioritization of management objectives and actions, incorporation of adaptive management pilot studies, hypothesis testing, data collection, data management, and development of success criteria.
STATUS: In preparation.

3.2.2 Additional Zoning Ordinance Amendments

The following is a list of Zone Code Amendments and Local Coastal Program Amendments, in addition to those mentioned above in section 3.1, that include provisions related to HMP implementation. Dates of approval are given at the end of each list item.

1. Revisions to the Open Space Zone (§ 21.33) to establish permitted uses on HMP preserve lands. Approved by the Planning Commission on December 7, 2005 and by the City Council on March 7, 2006. Submitted to the California Coastal Commission on April 3, 2006 – awaiting approval. Permitted uses include:
 - a) Management, maintenance, and monitoring activities conducted by the preserve manager, as approved by the City and regulatory agencies.
 - b) Planting and maintaining locally native landscaping elements in order to restore or enhance the habitat area as approved by the City and regulatory agencies.
 - c) Trails that are approved as part of the citywide trails program, are located in conformance the HMP, and are approved by the City and regulatory agencies.
 - d) Passive recreation such as hiking, picnicking and bird-watching if approved by the City and regulatory agencies.
 - e) Additional easements that are consistent with the HMP and approved by the Agencies.
 - f) Fencing, as required by the preserve manager and approved by the Agencies, which does not adversely affect wildlife movement.
 - g) Signage which identifies the property as habitat preserve and informs preserve users of the property restrictions.
 - h) Other, minor ancillary uses or structures which have been specifically approved in the HMP or as approved by the City and regulatory agencies. This does not include fuel modification activities or structures that are ancillary to a project development such as storm drains or detention basins.
2. Revisions to the Hillside Development Regulations (§ 21.95) to allow modifications to hillside development standards for HMP compliance. Approved by the Planning Commission on December 7, 2005 and by the City Council on March 7, 2006. Submitted to the California Coastal Commission on April 3, 2006 – awaiting approval.
3. Revisions to the Coastal Resource Protection Overlay Zone (§ 21.203) to allow modifications to some coastal development standards for HMP compliance. Approved by the Planning Commission on December 7, 2005 and by the City Council on March 7, 2006. Submitted to the California Coastal Commission on April 3, 2006 – awaiting approval.

3.2.3 Training Workshops Conducted for City Staff

The following workshops were given to train and update City staff regarding project level compliance monitoring (review of pre-development plans and post-construction conformance review), development standards, and guidelines required for development adjacent to preserve areas.

December 2004 - HMP Implementation Workshop #1. To instruct staff regarding the structure and contents of the HMP. Items discussed include hardline and standards preserve areas, mitigation ratios, additional requirements in the Coastal Zone, and property specific development standards.

August 2, 2005 - HMP Implementation Workshop #2. To discuss HMP implementation experiences, provide updates on HMP related items, and develop strategies and priorities for future HMP project processing. Items discussed included strategy for HMP implementation, HMP project processing and CEQA review, preserve management requirements, and fire suppression issues.

March 8, 2006 - HMP Implementation Workshop #3. To update staff on HMP implementation tools, procedures, and policies, and to provide a forum for open discussion of HMP implementation experiences. Items discussed included status on HMP implementation issues, such as implementing ordinances, mitigation fee program, Open Space Management Plan, HMP compliance findings, and conservation easements.

3.2.4 Informal Agency Consultations

To facilitate communication with the Wildlife Agencies, the City has established a standing monthly meeting schedule with the agencies, appropriate City staff, and the Preserve Steward. The purpose of these meetings is to provide a venue to discuss project specific HMP compliance, preserve management issues, and HMP implementation.

4.0 Acquisitions

No land acquisitions occurred during the review period. However, in October 2005, the City Council created the Proposition C Open Space Trails Ad Hoc Citizen's Committee for the purpose of creating a prioritized list of potential open space and trail linkage

property acquisitions using the funds made available by the passage of local Proposition C. Any appropriate lands acquired as a result of this committee's recommendations will be included in the City's HP Preserve.

5.0 Status of Mitigation Banks

A mitigation bank is a site on which upland and/or wetland habitat is preserved, restored, or created to serve as compensation for project-related impacts to sensitive natural communities or sensitive species. Mitigation credits, in the form of preserved land within the mitigation bank, may be purchased by the landowner of the project site at a ratio predetermined by the Wildlife Agencies (see HMP Table 11). Mitigation banking allows the City of Carlsbad to consolidate protected parcels into larger, contiguous blocks rather than preserving smaller, isolated fragments. Larger blocks of habitat are essential to the survival of sensitive species, such as the federally threatened coastal California Gnatcatcher (*Polioptila californica californica*), by providing enough space for breeding, foraging, and the establishment of territories; by providing avenues for wildlife movement and genetic flow, and by reducing edge effects. Several mitigation banks have been or are in the process of being established within the HMP area. A description and status of each are provided below.

Carlsbad Highlands Mitigation Bank

The Carlsbad Highlands Mitigation Bank consists of 263 acres of primarily upland habitats, including coastal sage scrub.

STATUS: Approved by the City in 1993, and by USFWS and CDFG in 1995. More information will be provided in Annual Report #2 .

Calavera Heights Mitigation Bank

The Calavera Heights Mitigation Bank consists of 110 acres of upland habitats including coastal sage scrub. The site was set aside as mitigation for the development of two residential villages within the Calavera Hills Master Plan

STATUS: Mitigation Agreement between the City of Carlsbad and Lyon/Copley Carlsbad Associates, L.P. on March 15, 1993.

Lake Calavera Mitigation Bank

Lake Calavera Mitigation Bank is a 266 acre property which was set aside by the City to serve as a public project mitigation bank for municipal projects. Credits will be deducted

as needed for project related impacts on an acre-for-acre basis rather than by a collection of fees. No credits will be sold to outside entities.

STATUS: A conservation easement has been recorded for the Lake Calavera Mitigation Bank, and management and monitoring will be provided by Center for Lands Management (CNLM). A formal Mitigation Bank Agreement has not yet been finalized by the City and Wildlife Agencies for this mitigation bank. A formal Agreement will permanently protect the site and ensure continued management and monitoring. Because no money will exchange hands and because both projects and mitigation land will involve only the City, the Agencies have given the City approval to pre-debit mitigation credits while the Agreement is being finalized. To date, approximately 80.1 mitigation credits have been pre-debited from the bank for public projects (Table 5).

Table 5. Mitigation Credits Pre-debited from Lake Calavera Mitigation Bank

Project	Acres¹
Total Property Size	266.1
Pre-Banking Debits	
1. 100-ft wide fire break on N boundary	17.6
2. Police shooting range	10.0
Total Acreage of Credits	238.5
Project-Related Debits	
1. Municipal Golf Course	20.0 (and 2 pair gnatcatchers)
2. Hub park	10.0
3. Poinsettia Lane Bridge Widening	0.3
4. South Agua Hedionda Sewer Interceptor	0.2
5. Approved Future Projects	
a) Water District projects	22.0
Total Debits	52.5
Ending Number of Credits	186.0

¹ Rounded to the nearest tenth of an acre.

North County Habitat Bank

The North County Habitat Bank is an 18.73 acre parcel that consists of approximately 15.7 acres of wetland and riparian habitat that can be sold as mitigation credits for impacts from development projects in the service area.

STATUS: City Council approved the following on October 18, 2005: Zone Change (ZC 04-11), General Plan Amendment (GP 04-15), and Local Coastal Program Amendment (LCPA 04-13) to change land use designations from Planned Industrial and Open Space (PI/OS) to OS and to change Limited Control (L-C) to OS. The Planning Commission approved the Conditional Use Permit (CUP) to create the mitigation bank on September 7, 2005. The credits will not be available for use until a mitigation banking agreement is signed, a conservation easement is recorded, and a non-wasting endowment is established.

6.0 Project Review

Table 6 provides a list of the HMP-related projects processed subsequent to local HMP approval in December 1999 until the end of the reporting period in October 2005. They are grouped into two time periods: those processed prior to, and those processed after final HMP approval and issuance of Take Authorization by the USFWS and CDFG (November 2004). Open space preservation for projects approved prior to the final approval of the HMP was negotiated since the City did not have authority to require preservation to HMP standards. Most of these projects received their take authority directly from the Wildlife Agencies.

Only those projects that affected the Preserve Area, City-owned Lake Calavera Mitigation Bank, and the Gnatcatcher Core Area are listed below. Other projects within the City during this period may have required mitigation for project impacts pursuant to CEQA, but they did not involve any HMP-related issues.

Table 6. Summary of Projects Processed Prior to, and After Final HMP Approval, through October 2005.

Project Name	Project Number	Approval Date	Details
Projects Processed Prior to HMP Approval			
Poinsettia Lane Bridge Widening	CDP 99-30	1/5/00	City-owned Lake Calavera Mitigation Bank used for mitigation for 0.34 acre Coastal Sage Scrub (CSS) impacts (see Section 5 - Lake Calavera Mitigation Bank)
South Agua Hedionda Sewer Interceptor	CUP 99-19	4/19/00	City-owned Lake Calavera Mitigation Bank used for mitigation for 0.11 acre of Valley needlegrass and 0.11 acre non-native grassland impacts (see Section 5 – Lake Calavera Mitigation Bank).
Carlsbad Municipal Golf Course	EIR 97-01	6/7/00	Project site contains Proposed Hardline Preserve area. A withdrawal debit of 20 acres of CSS and two gnatcatcher pairs at the City-owned Lake Calavera Mitigation Bank and 51.6 acres of offsite acquisition in the Gnatcatcher Core Area used for mitigation (see Section 5 – Lake Calavera Mitigation Bank).
Villages of La Costa	EIR 98-07	9/5/01	Project site contains Existing Hardline Preserve area. A total of 39.39 acres of offsite CSS acquisition within the Gnatcatcher Core Area was required as part of the project mitigation. Preserve Manager and Management Plan in place.
Carlsbad Raceway Business Park	GPA 98-05	10/17/01	Project site contains Proposed Hardline Preserve area. As of October 2005, no conservation entity or property analysis had been conducted.
Palomar Forum	GPA 01-07	10/17/01	Project site contains Proposed Hardline Preserve Area. A total of 4.9 acres of offsite CSS acquisition within the Gnatcatcher Core Area was required as part of the project mitigation. As of October 2005, no conservation entity or property analysis had been conducted.
Calavera Hills Phase II/BTD #4	EIR 98-02	1/2/02	Project site contains Existing and Hardline Preserve Areas. Preserve Management Plan in place.
Zone 19 Park	MP 177DD	2/20/02	Project site contains Proposed Hardline Preserve Area and is City-owned land. Property analysis contained in the draft Open Space Management Plan. As of October 2005, no conservation entity has been retained.
Summit at Carlsbad	ZC 00-11	5/1/02	Project site contains Proposed Hardline Preserve Area. A Conservation Easement to the City was filed in August 2003. The Environmental Trust was retained as the conservation entity however it filed for bankruptcy in March 2005. As of October 2005, no replacement conservation entity has been retained

Table 6 *continued*. Summary of Projects Processed Prior to, and After Final HMP Approval, through October 2005.

Project Name	Project Number	Approval Date	Details
Projects Processed Prior to HMP Approval <i>continued</i>			
Bressi Ranch	EIR 98-04	6/5/02	Project site contains Proposed Hardline Area. A total of 24.5 acres of offsite acquisition within the Gnatcatcher Core Area was required as part of the project mitigation. As of October 2005, no conservation entity or property analysis had been conducted.
Carlsbad Oaks North Specific Plan	EIR 98-08	8/21/02	Project site contains Proposed Hardline Area. As of October 2005, no conservation entity or property analysis had been conducted.
Fox Miller Property	GPA 00-05	9/4/02	Project site contains Proposed Hardline Preserve Area. Draft Property Analysis Record has been prepared by Helix Conservancy. As of October 2005, no Conservation Easement Deed or Management Agreement has been prepared
Veal Residence	CDP 03-09	3/3/04	Project conditioned to pay applicable HMP Mitigation Fee prior to issuance of building permits.
La Costa Glen-North Site	CDP 98-04A	4/21/04	Project site contains Existing Hardline Preserve Area. Project conditioned to pay applicable HMP Mitigation Fee prior to issuance of building permits.
Dunn Residence	HDP 02-10	4/21/04	Project conditioned to pay applicable HMP Mitigation Fee prior to issuance of building permits.
Emerald Pointe Estates	GPA 03-05	6/16/04	Project site contains Proposed Hardline Preserve Area. Draft Property Analysis Record has been prepared by Helix Conservancy. As of October 2005, no Conservation Easement Deed or Management Agreement has been prepared.
Carlsbad Family Housing	SDP 02-13	7/7/04	Project conditioned to pay applicable HMP Mitigation Fee prior to issuance of building permits.
Palomar Pointe	GPA 04-08	9/1/04	Project site contains Proposed Hardline Preserve Area.
Tabata Residential Subdivision	CT 03-06	9/1/04	Project site is located in Standards Preserve Area. Project conditioned to retain a conservation entity and pay applicable HMP Mitigation Fee prior to issuance of building permits. As of October 2005, no conservation entity or property analysis had been conducted.
Cantarini/Holly Springs Joint EIR	EIR 02-02	10/20/04	Project site contains Proposed Hardline Preserve Area. Draft Property Analysis Record has been prepared by Helix Conservancy. As of October 2005, no Conservation Easement Deed or Management Agreement has been prepared

Table 6 *continued*. Summary of Projects Processed Prior to, and After Final HMP Approval, through October 2005.

Project Name	Project Number	Approval Date	Details
Projects Processed Subsequent to HMP Approval			
La Suvera	CDP 04-16	11/17/04	Project conditioned to obtain Preserve Manager for onsite preservation area prior to Final Map.
North Coast Calvary Chapel	CUP 04-05	11/17/04	Project site contains Proposed Hardline Preserve Area. As of October 2005, no conservation entity or property analysis had been conducted
Biltmore	SDP 01-01B	5/4/05	Project site contains Proposed Hardline Preserve Area. Draft Property Analysis Record has been prepared by Helix Conservancy. As of October 2005, no Conservation Easement Deed or Management Agreement has been prepared.
Eucalyptus Subdivision	SUP 04-09	8/3/05	Project conditioned to pay applicable HMP Mitigation Fee prior to issuance of building permits.
Shelley Property	CT 02-17	8/17/05	No additional details are available at this time.

7.0 Key Management and Monitoring Activities

To protect open space lands in perpetuity, the HMP requires that a non-wasting endowment be established to manage and monitor each preserve area. These funds will be used for appropriate materials and activities, and a portion of the funds may be used to hire a preserve manager to provide oversight. This section highlights the key management and monitoring activities that have taken place within the city-wide preserve system in the first year since the final approval of the HMP (November 2004). Because biological resource conservation was ongoing several years prior to final HMP approval, activities conducted during this time are also included where noted.

Pursuant to the HMP (Section F.1), IA (Section 14.4-14.5), and OSMP (Section 1.1), each public or private landowner is responsible for the management of conserved lands on their property. A list of preserve managers that have been contracted prior to, or during the first annual reporting period is given in Table 7. In addition, to assist the preserve managers in tracking the effectiveness of preserve management, a schedule of planning and reporting has been established by the OSMP. First, preserve managers must develop an area specific preserve management plan, which will describe the baseline conditions of the individual preserve, assess threats to biological resources, and set long term management and monitoring priorities and goals. Then, using this management plan as a guide, an annual work plan describing the following year's goals and tasks, and an annual report summarizing management and monitoring activities for the previous year are to be submitted to the Wildlife Agencies at the end of each year. Table 8 provides a list of area specific preserve management plans, annual work plans, and annual reports that have been prepared through October 2005; and Table 9 summarizes year-one management and monitoring activities for each preserve. Note that Tables 2 - 4 were completed with currently available data, which will be verified for Annual Report #2. As such, additional and/or more accurate information may be presented at that time.

8.0 Financial Summary

Financial summary information will be included in Annual Report #2.

Table 7. Year One Preserve Managers, November 2004 – October 2005.

Preserve Manager¹	Property	Acres	Comments
TET ²	Summit	10.13	
TET ²	Encinitas Wetlands	1.55	
TET ²	Calavera Heights Mitigation Property	110	
TET ²	Brodiaea filifolia Site	1	
TET ²	Batiquitos Lagoon Site	1.4	
U of C	Dawson-Los Monos Reserve	163	Extends into Vista; acreage in table is within Carlsbad only
CDFG, KM	Buena Vista Lagoon Ecological Reserve	139	A portion of the lagoon is in Oceanside city limits
CDFG, KM	Agua Hedionda Lagoon Ecological Reserve	195	
CDFG, TD	Batiquitos Lagoon Ecological Reserve	621	
CDFG, KM	Carlsbad Highlands Mitigation Bank	299	
CSP	South Carlsbad State Beach	35	
CNLM	Lake Calavera	266	Owned by the City
CNLM	Municipal Golf Course	50	Owned by the City
CNLM	Veterans Memorial Park and Hub Park	100	Owned by the City. Not contiguous, but managed as a single unit.
KRHOA	Kelly Ranch Open Space	253	
AHOA	Aviara	244	
Landowner	Villages of La Costa HCP		Covered under Fieldstone HCP
RCHOA	Rancho Carrillo Open Space	182	

¹ AMHOA –Aviara Master Home Owners Association; CDFG – California Department of Fish and Game (KM –Kim McKee-Lewis; TD –Tim Dillingham); City – City of Carlsbad; CNLM – Markus Spiegelberg, Center for Natural Lands Management; CSP – California State Parks; KRHOA – Kelly Ranch Master Home Owners Association; PS – Planning Systems; RCHOA – Rancho Carrillo Master Home Owners Association; TET – The Environmental Trust; U of C – University of California.

² TET has filed for bankruptcy and, as such, the status of lands that were managed by TET is undetermined at this time.

Table 8. Preserve Management Plans (PMP), Annual Work Plans, and Annual Reports Prepared to Date.

Preserve (Habitat Conservation Area)	Preserve Description	PMP	Annual Work Plan	Annual Report
Agua Hendionda Ecological Reserve		In prep		
Batiquitos Lagoon Ecological Reserve	Restoration of this lagoon was mitigation for loss of marine resources in Outer Los Angeles County due to Port construction activities.	In prep		2001
Buena Vista Lagoon Ecological Reserve		In prep (coord with SCC)		
Calavera Hills Phase II	Set aside by Calavera Hills II, LLC, for partial mitigation for impacts from Phase II development	October, 2002		
Calavera Nature Preserve	Set aside by Calavera Hills II, LLC, for partial mitigation for impacts from Calavera Hills development	September, 2002		
Calsbad Highlands Ecological Reserve		In prep		
Carlsbad Oaks North	Set aside for impacts as part of the development of the Carlsbad Oaks North Business Park; 326 acres.	January, 2005		
Choumas-Pappas and Alemir		June 2005		
Dawson/Los Monos Natural Reserve		In prep		
Kelly Ranch	Set aside by Kelly Land Company as mitigation for impacts as part of the Kelly Ranch development; 63 acres.	November, 2002	October 2005 – Sept 2006	Oct 2004 – Sept 2005
Rancho La Costa	Set aside as part of the La Costa Villages and University Commons Developments, which includes the Nelson Property; 1400 acres.	June, 2005	Oct 2005 – Sept 2006	Oct 2004 – Sept 2005
Robertson Ranch East Village	Set aside by Robertson Ranch landowners as mitigation for impacts as part of the Robertson Ranch Master Plan area development; 36.2 acres	May 2006		

Table 9. Overview of Management and Monitoring Activities through the End of Year 1.

Preserve (date of information)	Management	Surveys and Monitoring	Other
<p>Agua Hedionda Lagoon Ecological Reserve (October 2006)</p>	<ul style="list-style-type: none"> - Weed abatement under contract - Compliance enforcement of required mitigation by Agua Hedionda Lagoon Foundation for their endangered species violation - Pursuing remedies for Hallmark Communities lack of pre-existing CDP compliance for fencing of Park Ave - Encampment and garbage removal - Fencing repairs - Kiosk repair and installation 	<ul style="list-style-type: none"> - Plant surveys under contract - Conducted/ assisted with surveys for gnatcatcher, clapper rail and Belding's savannah sparrow 	<ul style="list-style-type: none"> - Conducting restoration project on the Loma Laguna Dr. slope - Oversight of research projects for invasive plants - Coordinating fire hazard review with CDF and City fire for upland areas (no hazards identified and non-native tree and shrub removal cheered)
<p>Batiquitos Lagoon Ecological Reserve (2001)</p>	<ul style="list-style-type: none"> - Batiquitos Lagoon Enhancement Project established in the late 1990's to restore the lagoon to a self-sustaining ecological condition. It represents an extensive, system-wide habitat rehabilitation project. 	<ul style="list-style-type: none"> - Long term monitoring program established to evaluate effectiveness of restoration, document change in lagoon ecology, identify threats to the system, and document management needs and enhancement opportunities. -Program includes monitoring of vegetation, fish, benthic, and avian communities; and water and sediment conditions. -Monitoring conducted in 1997, 1998, 1999, 2001, and 2006. 	
<p>Buena Vista Lagoon Ecological Reserve (October 2006)</p>	<ul style="list-style-type: none"> - Upland and aquatic invasives eradication - Active access control - Encampment and garbage cleanup 	<ul style="list-style-type: none"> - Ludwigia sp. monitoring (invasive and exotic aquatic plant) - Upland invasives - Plant surveys under contract - Light-footed clapper rail and Belding's savannah sparrow surveys 	<ul style="list-style-type: none"> - Coordinating volunteer activities, cleanups, educational programs, trail maintenance, with the BV Audubon - Working on funding for habitat protection fencing
<p>Calavera Heights Ecological Reserve (October 2006)</p>	<ul style="list-style-type: none"> - Weed abatement under contract - Encampment and garbage removal - Fencing repairs - Kiosk repair and installation - Active OHV trespass enforcement 	<ul style="list-style-type: none"> - Plant surveys under contract 	<ul style="list-style-type: none"> - Oversight of restoration projects underway or proposed (development mitigation) - Coordinating fire hazard review with CDF and City fire for upland areas (no hazards identified)

Table 9 *continued*. Overview of Management and Monitoring Activities through the End of Year 1.

Preserve (date of information)	Management	Surveys and Monitoring	Other
Calavera Hills Phase II October 2002	<p><u>General goals developed:</u></p> <ul style="list-style-type: none"> -Conduct baseline inventory of plant and animal species -Exotic species control -Fire management -Public use and access control 	<p><u>General goals developed:</u></p> <ul style="list-style-type: none"> -Monitor habitat for ecological function and support of high biodiversity -Monitor for threats to habitat -Recommended schedule for monitoring of habitat and species 	
Calavera Nature Preserve (September 2002)	<p><u>General goals developed:</u></p> <ul style="list-style-type: none"> -Exotic invasive plant and animal control -Disturbance control -Trash removal -Community outreach -Exotic animals 	<p><u>General monitoring goals developed:</u> vegetation communities, plant and animal species, restoration/revegetation opportunities, exotic species and other threats.</p> <p><u>Surveys</u> Vegetation communities, plant and animal species (dominant spp only)</p>	-Feasibility Study for restoration/management plan completed in 2005
Kelly Ranch (December 2005)	<ul style="list-style-type: none"> -Active access control -Active invasive species removal -Installation of signage and fencing -Threat assessment -Assessment of potential restoration, enhancement, and reintroduction opportunities -Active fire management 	<p><u>Annual surveys conducted 2003-2005</u></p> <ul style="list-style-type: none"> -General biological resources survey -Focuses species survey for California gnatcatcher -Plant survey and vegetation community mapping (distribution and abundance) in 2003 -Annual monitoring of Orcutt's hazardia revegetation area (2003-2005) -Monitoring data collected and managed in GIS database 	-Revegetation of Orcutt's hazardia; 25 planted Spring 2003, and 100 planted in 2004.
Rancho La Costa (December 2005)	<ul style="list-style-type: none"> -Conceptual models developed for threats to coastal sage scrub habitat, horned lizards, and bird communities -Pilot study conducted in areas containing brodiaea to (a) quantify cover of native and non-native species, and (b) to determine if thatch removal will remove non-natives and promote native growth and cover. -Active access control -Public outreach activities included nature walks and public education -Specific goals developed with respect to habitat, species, wildlife corridors, public use, and fire management 	<ul style="list-style-type: none"> -Monitoring surveys for vegetation communities, plants, and animals conducted annually 2002-2005; includes focused species surveys for gnatcatcher and brodiaea. -Hypothesis testing and pilot studies incorporated into monitoring design to determine effectiveness of management and monitoring methodology 	<ul style="list-style-type: none"> -Restoration of several disturbed wetland and upland areas underway; further habitat restoration and enhancement is being evaluated. -Ongoing eradication of pampas grass, tamarisk, Eucalyptus, fennel, fountain grass, chrysanthemum species, bird's beak, and mustards.