

Habitat Management Plan (HMP) Consistency Cheat Sheet

Project Name _____

Mitigation for Habitat Impacts

[Mitigation ratios or fees; see HMP Table 11, page D-113, and Coastal Zone Standards (below)]

Narrow Endemic Standards

[See page D-90, and HMP Table 9, page D-97 to D110]

Special Species Standards

[Least Bell's vireo, southwestern willow flycatcher, Dunn's skipper]

Local Facilities Management Zone [##] Standards

HMP pages D-73; only applicable to Standards Areas

Coastal Zone Standards

The following coastal zone standards are included in Section D.7 of the HMP

Coastal Zone Conservation Standard	Consistency Finding
7-1 Environmentally Sensitive Habitat Areas (ESHA) (3-1.2 of LCP). Pursuant to Section 30240 of the California Coastal Act, environmentally sensitive habitat areas, as defined in Section 30107.5 of the Coastal Act, shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.	Onsite ESHA is defined as all native habitat areas, which primarily consist of southern maritime chaparral and oak woodland communities.
7-2 Coastal Sage Scrub (3-1.3 of LCP). Properties containing Coastal Sage Scrub located in the Coastal Zone shall conserve a minimum 67% of the Coastal Sage Scrub and 75% of the gnatcatchers on site. Conservation of gnatcatchers shall be determined in consultation with the wildlife agencies.	
7-3 Oak Woodland (3-1.4 of LCP). [Oak woodland is defined and referenced later in the parcel-specific standards.]	Definition, no specific standard
7-4 Streams (3-1.5 of LCP). [Streams are defined and referenced later in the parcel-specific standards.]	Definition, no specific standard
7-5 Ephemeral Drainages and Ephemeral Streams (3-1.6 of LCP). [These are defined and referenced later in the parcel-specific standards.]	Definition, no specific standard

Coastal Zone Conservation Standard	Consistency Finding
<p>7-6 Wetlands (3-1.7 of LCP). [Wetlands are defined.] Pursuant to California Public Resources Code Section 30233, no impacts to wetlands shall be allowed in the Coastal Zone except as provided in that Section. [CPRC Section 30233 allows for impacts to wetlands] “where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.” Types of activities that may be allowed to impact wetlands are listed; the proposed project does not fall into any of these allowable use categories.</p>	
<p>7-7 Wetland Mitigation Requirements (3-1.8 of LCP). If impacts to a wetland are allowed consistent with Policy 7-6 above, mitigation shall be provided at a ratio of 3:1 for riparian impacts and 4:1 for saltwater or freshwater wetland or marsh impacts.</p>	
<p>7-8 No Net Loss of Habitat (3-1.9 of LCP). There shall be no net loss of Coastal Sage Scrub, Maritime Succulent Scrub, Southern Maritime Chaparral, Southern Mixed Chaparral, Native Grassland, and Oak Woodland within the Coastal Zone of Carlsbad. Mitigation for impacts to any of these habitat types, when permitted, shall include a creation component that achieves the no net loss standard. Substantial restoration of highly degraded areas (where effective functions of the habitat type have been lost) may be substituted for creation subject to the consultation and concurrence of the U.S. Fish and Wildlife Service and the California Department of Fish and Game (wildlife agencies). The Coastal Commission shall be notified and provided an opportunity to comment upon proposed substitutions of substantial restoration for the required creation component.</p>	
<p>7-9 Upland Habitat Mitigation Requirements (3-1.10 of LCP). Where impacts to the habitats stated in 7-1 are allowed, mitigation shall be provided as follows:</p> <p>a) The no net loss standard shall be satisfied as stated in 7-8. Typically, this will consist of creation of the habitat type being impacted (or substantial restoration where allowed) at a ratio of at least 1:1 as provided in the HMP.</p>	
<p>b) On-site preservation is not eligible for mitigation credit in the coastal zone. On-site or off-site open space preserve areas may be utilized to satisfy required mitigation for habitat impacts associated with development if the preserve areas are disturbed and suitable for restoration or enhancement, or they are devoid of habitat value and therefore suitable for the 1:1 mitigation component requiring creation or substantial restoration of new habitat. Substantial restoration is restoration that has the effect of qualitatively changing habitat type and may meet the creation requirement if it restores habitat type that was historically present, but has suffered habitat conversion or such extreme degradation that most of the present dominant species are not part of the original vegetation. Substantial restoration contrasts with enhancement activities, which include weeding, or planting within vegetation that retains its historical character, and restoration of disturbed areas to increase the value of existing habitat which may meet other mitigation requirements pursuant to the HMP.</p>	
<p>c) Impacts to Coastal Sage Scrub shall be mitigated at an overall ratio of 2:1, with the creation component satisfying half of the total obligation.</p>	

Coastal Zone Conservation Standard	Consistency Finding
<p>The remainder of the mitigation obligation shall be satisfied pursuant to the provisions of the HMP.</p>	
<p>d) Impacts to Southern Maritime Chaparral or Maritime Succulent Scrub shall be mitigated at an overall ratio of 3:1, with the creation component satisfying one-third of the total obligation. The remainder of the mitigation obligation shall be satisfied pursuant to the provisions of the HMP.</p>	
<p>e) Impacts to Southern Mixed Chaparral, Native Grassland, and Oak Woodland shall be mitigated respectively at ratios of 1:1, 3:1, and 3:1, with the creation component satisfying the obligation or one-third of the total obligation. The remainder of the mitigation obligation shall be satisfied pursuant to the provisions of the HMP.</p>	
<p>f) Mitigation for impacts within the coastal zone should be provided within the coastal zone if possible, particularly the 1:1 creation component, in order to have no net loss of habitat within the coastal zone. Mitigation measures on land outside the Coastal Zone may be acceptable if such mitigation would clearly result in higher levels of habitat protection and value and/or would provide significantly greater mitigation ratios, and the mitigation area is part of the HMP. Land area inside and outside the coastal zone which serves as mitigation for habitat impacts in the coastal zone shall be permanently retired from development potential and secured as part of the HMP preserve management plan as a condition of development approval.</p>	
<p>g) Habitat mitigation requirements other than the creation or substantial restoration component may be partially or wholly fulfilled by acquisition of existing like habitat and/or retirement of development credits on existing like habitat with permanent preservation as part of the HMP preserve management plan.</p>	
<p>h) All mitigation areas, on-site and off-site, shall be secured with a conservation easement in favor of the wildlife agencies. In addition, a preserve management plan shall be prepared for the mitigation areas, to the satisfaction of the City, the wildlife agencies, and the Coastal Commission. <i>Phase 1 of the preserve management plan shall be incorporated into the Implementation Program of the LCP through an LCP amendment within one year of Commission certification of the HMP as part of the certified LCP. Phase 2 of the preserve management plan shall be incorporated into the Implementation Program in the same manner within three years of Commission certification of the HMP as part of the certified LCP.</i> The preserve management plan shall ensure adequate funding to protect the preserve as open space and to maintain the biological values of the mitigation areas in perpetuity. Management provisions and funding for mitigation required to address habitat impacts shall be in place prior to the impacts for which the mitigation is required. At a minimum, monitoring reports shall be required as a condition of development approval after the first and third year of habitat mitigation efforts.</p>	<p>The text in italics is not relevant to project-specific management plans.</p>
<p>i) If any conflict should arise between the provisions of the HMP and the policies of the LCP, the LCP shall take precedence.</p>	

Coastal Zone Conservation Standard	Consistency Finding
<p>7-10 Highly Constrained Properties (3-1.11 of LCP). There are properties in the Coastal Zone that are entirely or almost entirely constrained by environmentally sensitive habitat area (ESHA). In these cases, one of the following additional standards shall apply:</p> <ul style="list-style-type: none"> a) If more than 80% of the property by area is covered with ESHA at least 75% of the property shall be conserved, OR b) If the City, with the concurrences of the wildlife agencies and the Coastal Commission through an LCP amendment, approves a Hardline preserve boundary for any of these properties as part of the HMP, then the amount of on-site preservation as identified in the Hardline boundary shall apply. 	
<p>7-11 Buffers and Fuel Modification Zones (3-1.12 of LCP). Buffers shall be provided between all preserved habitat areas and development. Minimum buffer widths shall be provided as follows:</p> <ul style="list-style-type: none"> a) 100 ft. for wetlands b) 50 ft. for riparian areas c) 20 ft. for all other native habitats (coastal sage scrub, southern maritime chaparral, maritime succulent scrub, southern mixed chaparral, native grassland, oak woodland). <p>Buffer widths shall be measured from the edge of preserved habitat nearest the development to the closest point of development. For wetlands and riparian areas possessing an unvegetated bank or steep slope (greater than 25%), the buffer shall be measured from the top of the bank or steep slope rather than the edge of habitat, unless there is at least 50 ft. between the riparian or wetland area and the toe of the slope. If the toe of the slope is less than 50 feet from the wetland or riparian area, the buffer shall be measured from the top of the slope.</p> <p>Any proposed reductions in buffer widths for a specific site shall require sufficient information to determine that a buffer of lesser width will protect the identified resources. Such information shall include, but is not limited to, the size and type of the development and/or proposed mitigation (such as planting of vegetation or the construction of fencing) that will also achieve the purposes of the buffer. The California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the Coastal Commission staff shall be consulted in such buffer determinations.</p>	
<p>F-11 continued</p> <p>No development, grading, or alterations, including clearing of vegetation, shall occur in the buffer area, except for:</p> <ul style="list-style-type: none"> a) Fuel modification Zone 3 to a maximum of 20 ft. for upland and non-riparian habitat. No fuel modification shall take place within 50 ft. of riparian areas, wetlands, or oak woodland. b) Recreation trails and public pathways within the first 15 feet of the buffer closest to the development, provided that construction of the trail or pathway and its proposed use is consistent with the preservation goals for the adjacent habitat, and that appropriate measures are taken for physical separation from sensitive areas. 	

Coastal Zone Conservation Standard	Consistency Finding
<p>Buffer areas that do not contain native habitat shall be landscaped using native plants. Signage and physical barriers such as walls or fences shall be required to minimize edge effects of development.</p>	
<p>7-12 Grading and Landscaping Requirements (Policy 3-4 of LCP). In addition to the requirements of the model grading ordinance in the Carlsbad Master Drainage Plan, permitted new development shall also comply with the following requirements:</p> <ul style="list-style-type: none"> a) Grading activity shall be prohibited during the rainy season: from October 1st to April 1st of each year. b) All graded areas shall be landscaped prior to October 1st of each year with either temporary or permanent landscaping materials, to reduce erosion potential. Such landscaping shall be maintained and replanted if not well-established by December 1st following the initial planting. c) The October 1st grading season deadline may be extended with the approval of the City Engineer subject to implementation by October 1st of special erosion control measures designed to prohibit discharge of sediments off-site during and after the grading operation. Extensions beyond November 15th may be allowed in areas of very low risk of impact to sensitive coastal resources and may be approved either as part of the original coastal development permit or as an amendment to an existing coastal development permit. d) If any of the responsible resource agencies prohibit grading operations during the summer grading period in order to protect endangered or rare species or sensitive environmental resources, then grading activities may be allowed during the winter by a coastal development permit or permit amendment, provided that appropriate best management practices are adopted. 	
<p>7-13 City-Owned Lands Adjacent to Macario Canyon and Veterans Memorial Park</p>	Not Applicable
<p>7-14 Other Parcels – Specific Habitat Protection Standards</p>	

Adjacency Standards

Implementation of the HMP will result in a preserve system with a great deal of urban-wildland interface. In order to reduce the negative effects of the associated edge effects, the project will comply with the HMP Adjacency Standards ([Section F.3, Pages F-16 to F-24](#)).

Adjacency Standard	Consistency Finding
<p>A. Fire Management – Where new development is planned, brush management [i.e., fuel modification zones] will be incorporated within the development boundaries and will not encroach into the preserve.</p>	

<p>B. Erosion Control</p> <ol style="list-style-type: none">(1) Identify and prioritize areas for erosion control;(2) Develop and implement erosion control plans for high priority ...areas ... for long-term protection.(3) Address slope stabilization and surface drainage. Prepare contingency plans...for highly erosive areas temporarily disturbed by fire. Prohibit bare surface grading for fire control on slopes [and leave] adequate vegetation cover to prevent surface erosion. Ensure that no new surface drainage is directed into the preserve.	
<p>C. Landscaping Restrictions</p> <ol style="list-style-type: none">(1) Control exotic plant species –prohibit use of invasive exotic species in adjacent landscaping(2) Monitor horticultural regimes – prevent irrigation runoff, fertilizers and pesticides/herbicides from entering adjacent preserve areas.(3) Avoid genetic contamination - Use only locally collected seeds and plants in native species plantings within or adjacent preserves.	
<p>D. Fencing, Signs and Lighting</p> <ol style="list-style-type: none">(1) Fencing – use fencing to control unauthorized access, but ensure that fencing does not impede wildlife movement unless it is used to funnel wildlife away from roads.(2) Signs – use signage for access control and education, but ensure that signage does not attract unwanted attention to sensitive species or other resources.(3) Lighting – Eliminate lighting in or adjacent to the preserve except for safety reasons. Shield adjacent lighting away from preserves. Use low lighting in the warmer portion of the visible spectrum (e.g., yellow range) rather than the cooler portions (e.g., blue range) to reduce negative effects on wildlife’s circadian rhythms.	
<p>E. Predator and Exotic Species Control</p> <p>Control domestic predators through education, fencing and trapping (cowbirds) as necessary. When eradicating non-native species, use least biologically intrusive control methods. Properly dispose of all removed exotic plant materials. Revegetated weed removal areas with appropriate native species.</p>	

Additional HMP Requirements **MC 21.210** (and standard practice)

- **Avoid bird breeding season.** If not feasible, mitigation must include pre-construction nest surveys and establishment of appropriate no-work buffer around active nests.
- **Fuel modification zones must be entirely within impact boundary** (outside of the preserve) and mitigated.
- **Preserve requirements** include (1) Preserve Management Plan, (2) property analysis record (PAR) or other long-term management cost estimate, (3) long-term management endowment funded by the developer, (4) management agreement with an approved long-term manager.
- **Pre-existing utility easements** [not specifically in the code]
 - **Pre-existing easement rights will not be affected by HMP hardline.** Many pre-HMP preserves include pre-existing easements. These easement areas can still be used by the easement holders, but any damage or impacts to habitat must be repaired. If habitat grows in to a pre-existing road and the road is later cleared, the wildlife agencies and wetland permitting agencies probably will require at least 1:1 mitigation.
 - **New Preserves and pre-existing easements** – (a) mitigation cannot overlap any pre-existing easement, such as a utility easement, (b) pre-existing easements must be cut out of the conservation easement document, although they may be included as part of the preserve (as long as agencies know about it).
 - **Anything that requires maintenance**, such as sedimentation basin, swales, etc., cannot be included within a preserve and must be within impact footprint.
 - Mitigation cannot be sited on **manufactured slopes**; manufactured slopes should not be included in the preserve, but should be counted as impact and maintained by HOA or other appropriate entity.