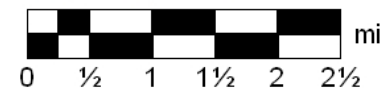


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Data Zoom 11-0

NO SCALE

LEGEND
PROPERTY LINE
OPEN SPACE PRESERVE

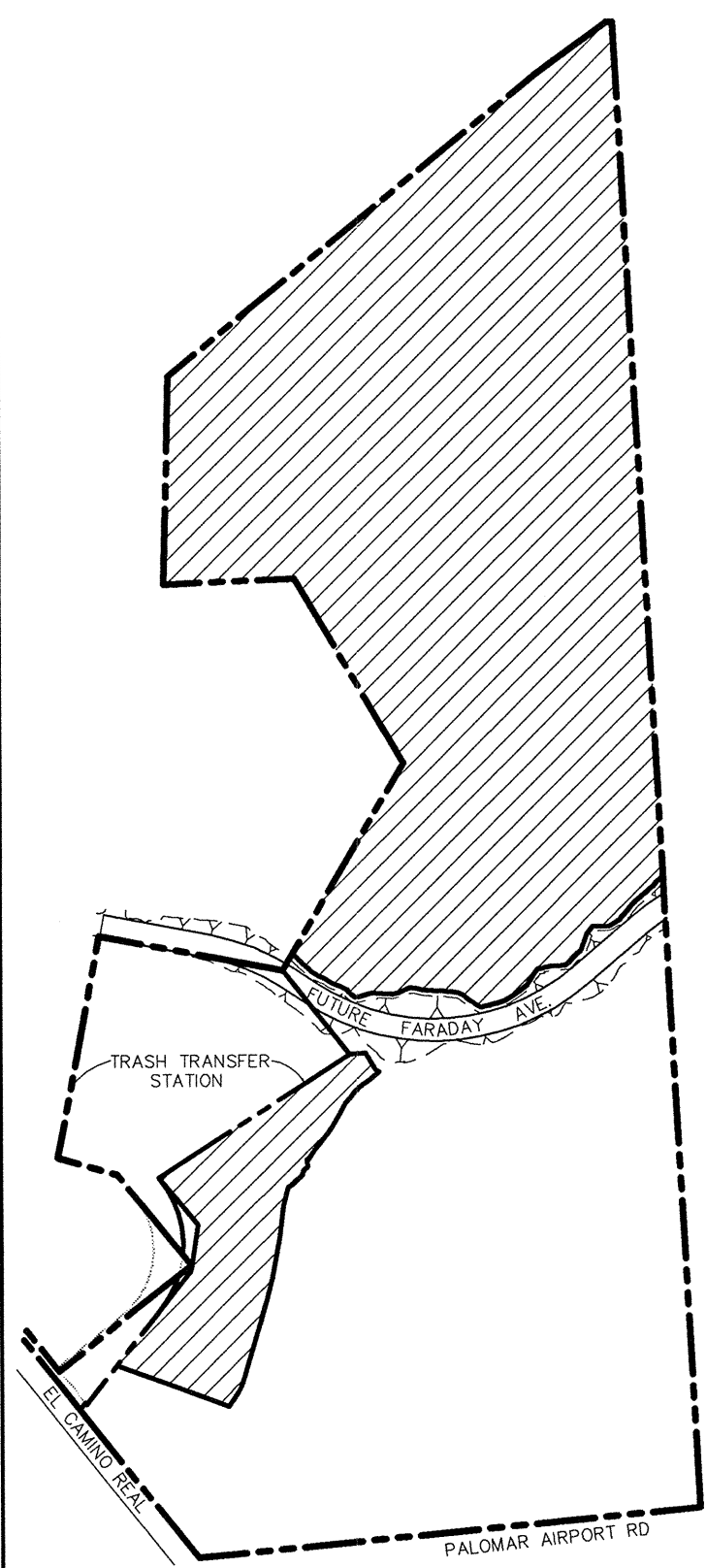
NOTES:
① APN 209-050-25
② OPEN SPACE PRESERVE
AREA=108.4 A.C.

**CARLSBAD OAKS NORTH
BUSINESS PARK
SAN DIEGO COUNTY PROPERTY
OPEN SPACE PRESERVE**

REVISED: JUN. 27, 2003
REVISED: JUN. 25, 2003
PREPARED: SEP. 5, 2002 JN 961005

O'Day
CONSULTANTS

2710 Loker Avenue West Suite 100 Carlsbad, California 92008 760-931-7700 Fax: 760-931-8680 www.odayconsultants.com	Civil Engineering Planning Processing Surveying
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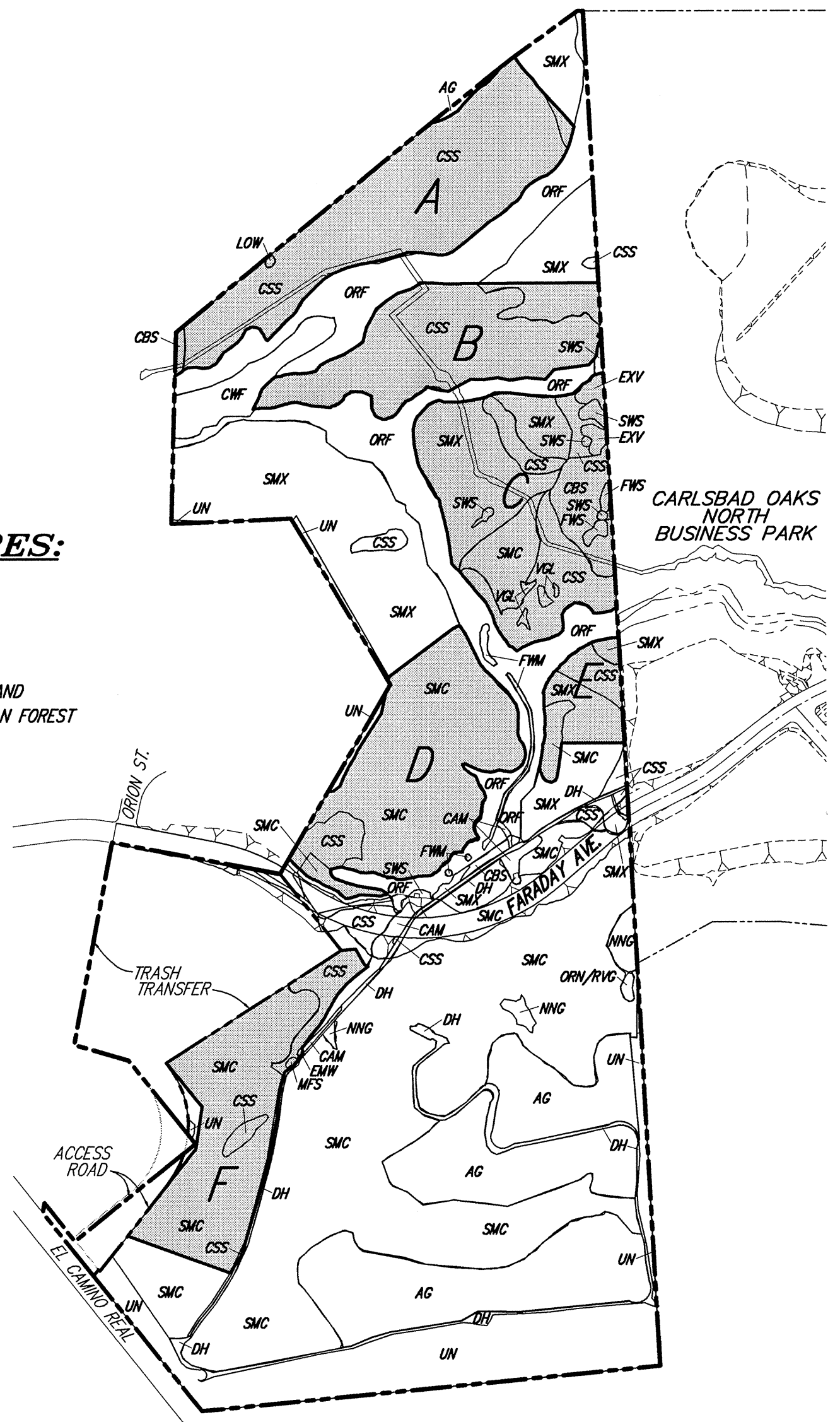
XREFS: Of-CAM; Of-CBS; Of-CSS; Of-DEV; Of-DH; Of-EXV; Of-ORF; Of-SMC; Of-SMX; Of-SWS; SDCOBdy; SDCO-AG; SDCO-CAM; SDCO-CBS; SDCO-CSS; SDCO-ORN; SDCO-ORF; SDCO-SMX; SDCO-SWS; SDCO-VGL; SDCO-UN; Sw-Cmp; 9605TM



NO SCALE

VEGETATION TYPES:

- CSS COASTAL SAGE SCRUB
- SMX SOUTHERN MIXED CHAPARRAL
- SMC SOUTHERN MARITIME CHAPARRAL
- CBS COYOTE BRUSH SCRUB
- LOW SOUTHERN COAST LIVE OAK WOODLAND
- ORF SOUTHERN COAST LIVE OAK RIPARIAN FOREST
- SWS SOUTHERN WILLOW SCRUB
- FWM FRESHWATER MARSH
- CAM CISMONTANE ALKALI MARSH
- VGL VALLEY NEEDLEGRASS GRASSLAND
- NNG NON-NATIVE GRASSLAND
- ORN/RVG ORNAMENTAL/REVEGETATION
- DH DISTURBED HABITAT
- FWS FRESHWATER SEEP
- CWF SOUTHERN COTTONWOOD - WILLOW RIPARIAN FOREST
- MFS MULE FAT SCRUB
- EMW EMERGENT WETLAND
- EXV EXOTIC VEGETATION
- AG AGRICULTURE
- UN UNCLASSIFIED



LEGEND:

- PROPERTY LINE ————
- VEGETATION LINE ————
- MITIGATION AREA F

**CARLSBAD OAKS NORTH
 BUSINESS PARK
 SAN DIEGO COUNTY PROPERTY
 VEGETATION MAP**

REVISED: JULY 3, 2003
 REVISED: JUNE 27, 2003
 REVISED: JANUARY 9, 2003
 PREPARED: JUNE 18, 2002 JN 961005

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Civil Engineering
 Planning
 Processing
 Surveying



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Job No: SUS Date: 03/25/08

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Aerial Photograph

CARLSBAD OAKS NORTH



Carlsbad Oaks Habitat Bank Photo 1

33° 8'7.26"N

117°15'49.62"W

The foreground is southern maritime chaparral that is already used for mitigation. The background is mostly southern mixed chaparral with a minor patch of coastal sage scrub.



Carlsbad Oaks Habitat Bank Photo 2

33° 8'14.04"N

117°15'44.88"W

This photo overlooks part of the oak riparian forest and freshwater marsh in the area. This specific site is not in the proposed bank, but it is typical of this type of habitat nearby.

Carlsbad Oaks North/County mitigation need and excess acreage

	County Property	Mitigation Used	Excess Available for Sale
Coastal sage/coyote brush	39.69	33.74	5.95
Southern Maritime	20.96	20.79	0.17
Live Oak Woodland	0.03	0	0.03
Valley Needlegrass	0.18	0	0.18
Oak Riparian Forest	16.27	0	16.27
Fresh Water Marsh	0.32	0	0.32
Cismontane Alkali Marsh	0.29	0	0.29
Southern Willow Scrub	0.39	0	0.39
Southern Mixed Chaparral	26.67	10.42	16.25
CWF willow riparian forest	2.23	0	2.23
Fresh water seed	0.21	0	0.21
Mule fat scrub	0.03	0	0.03
Disturbed habitat	0.18	0	0.18
Agricultural	0.14	0	0.14
Unclassified	0.37	0	0.37
Exotic vegetation	0.44	0	0.44
Total	108.4	64.95	43.45



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92009



In Reply Refer To:
FWS-SDG-2874.5

Mr. Mark Durham
Chief, South Coast Section
Regulatory Branch
U.S. Army Corps of Engineers
Los Angeles District
16885 West Bernardo Drive, suite 300 A
San Diego, California 92127

RECEIVED
FEB 08 2003
SAN DIEGO
REGULATORY BRANCH

Attention: Robert Lawrence

Re: Biological Opinion on the Carlsbad Oaks North Specific Plan in the City of Carlsbad, San Diego County, California; FWS Log No. 1-6-01-F-2874; Corps File No. 200200641-RJL

Dear Mr. Durham:

This document transmits the U. S. Fish and Wildlife Service's (Service) biological opinion based on our review of the proposed Carlsbad Oaks North development project located in Carlsbad, San Diego County, California, and its effects on the coastal California gnatcatcher (*Poliophtila californica californica*; gnatcatcher) and its designated critical habitat, in accordance with section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.). During the consultation, it was determined that the subspecies of manzanita on-site is Eastwood's manzanita (*Arctostaphylos glandulosa zacaensis*), rather than the federally endangered Del Mar manzanita (*A. g. crassifolia*). Therefore; Del Mar manzanita will not be further addressed in this opinion. San Diego thorn-mint (*Acanthomintha ilicifolia*) and thread-leaved brodiaea (*Brodiaea filifolia*) occur on-site. However, no impacts to these species are anticipated; therefore, they will not be addressed in this consultation.

We have elected not to conference on critical habitat for the gnatcatcher, which was proposed for designation on April 24, 2003 (Federal Register 68:20228). The project is already approved by the City of Carlsbad (City) and development is expected to occur prior to the final rule. Furthermore, the City's draft Habitat Management Plan (HMP) (City of Carlsbad 1999) is scheduled for a permit decision under section 10(a)(1)(B) of the Act prior to finalization of critical habitat, which based on current Department of the Interior policy, would require the Service to exclude all critical habitat within the City of Carlsbad. Nevertheless, we will describe the biological basis for the proposed critical habitat designation on the project site in the Environmental Baseline section, and will analyze the effects of the project on this population of gnatcatchers in the Effects section.

2. The Corps and the project proponent shall implement reasonable and prudent measure 2 through the following terms and conditions:
 - a. Conservation measure 3 shall be modified such that conservation of the 64.95 acres of wildlife habitat to be conserved off-site will occur prior to issuance of a grading permit by the City.
 - b. Conservation measure 6 shall be modified such that Service concurrence with the revegetation plan shall be required prior to issuance of a grading permit, without limitation on the time period allowed for Service concurrence.
 - c. The applicant shall revegetate 20 acres of degraded habitat (within the 100.6 acres of land to be conserved at Carlsbad Highlands mitigation bank) with Diegan coastal sage scrub. The applicant has submitted a *Carlsbad Highlands Conservation Bank restoration plan/ Carlsbad Highlands Conservation Bank Conceptual 20-acre Sage Scrub Restoration Plan for Faraday Avenue Extension/Carlsbad Oaks North*, dated September 20, 2003. The plan includes site preparation, proposed plant palette, weed control, and monitoring method. The revegetation will be carried out in accordance with the above plan. However, to ensure that the revegetation effort provides maximum benefit to gnatcatchers, the plan shall be subject to Service review and concurrence prior to revegetation. The applicant shall submit a long-term management plan and PAR analysis to address management of natural resources on the site in perpetuity.
3. The Corps and the project proponent shall implement reasonable and prudent measure 3 through the following terms and conditions:
 - a. Conservation measure 3 shall be modified to ensure the conservation of the entire 108-acre parcel immediately to the west of the Specific Plan Area, by the establishment of a conservation bank. Conservation credits equal to the difference in acreage between 108 and the amount conserved off-site in accordance with Conservation Measure 3, may be sold (in accordance with a bank agreement with the Service) to offset impacts to biological resources off-site.
4. The Corps and the project proponent shall implement reasonable and prudent measure 4 through the following term and condition:
 - a. Removal of wildlife habitat shall be phased, such that project clearing and grading shall be accomplished in three phases instead of one. Phasing maps will become part of the permit clearly delineating what portions of the property will be graded in each phase. Time between each phase shall be approximately 24 months. Lot 24 will not be significantly impacted by clearing or grading for approximately 24 months from implementation of restoration activities on Carlsbad Highlands required in Term and Condition 2.c”.