

Comment Letter I83

From: Hope Nelson <hopen51@att.net>
Sent: Monday, March 19, 2018 2:37 PM
To: LUEG, PalomarMP
Cc: council@carlsbad.ca.gov; 'Celia Brewer'; 'Kevin Crawford'; 'City Clerk'
Subject: Public Comment for McClellan-Palomar Airport Master Plan Dated Jan 2018 - EIR

To all concerned:

Regarding migratory birds mitigation, page 21, S-11, Impact #BI-6 of the Draft PEIR, McClellan-Palomar Airport Master Plan

"If grubbing, clearing, or grading must occur during the general avian breeding season (Feb 15-Sept 15), a pre-construction survey shall be conducted by a qualified biologist no more than three days prior to the commencement of the activities to determine if active bird nest are present in the affected areas. If there are no nesting birds (includes nest building or other breeding/nesting behavior) within this area, clearing, grubbing, and grading shall be allowed to proceed. Furthermore, if construction activities are to resume in an area where they have not occurred for a period of seven or more days during the breeding season, an updated survey for avian nesting will be conducted. If active nest or nesting birds are observed within the area, the biologist shall flag the active nests and construction activities shall void active nests until nesting behavior has ceased, nest have failed, or young have fledged."

Please respond to the following questions:

1. What is the impact of construction noise to flagged active nests?
2. What provision is made to ensure birds return following construction?
3. What is the impact of the expanded airport facility on birds that return to nest? Will they have nesting areas to return to? How will increased noise impact nesting?

I83-1

Regarding the phased in timing of projects, pages 1-6 through 1-9 the Draft PEIR, McClellan-Palomar Airport Master Plan

I83-2

The PEIR discusses phased timeframes for project development of 0-7 years, 8-12 years, 13-20 years, however there is no discussion of alternative development timelines. It appears that this project could easily be developed on a much faster timeline. There is nothing in the PEIR committing the County to a specific timeline. That being the case, please enlighten us regarding how request for funding and funding approval or any other situation could accelerate the programs. Include in your discussion how this would significantly increase the impact throughout the PEIR. Also include how it would change projected activity at Palomar-McClellan Airport and at the very least, what a cost benefit analysis template would be.

I83-2
cont.

Regarding the lack of completeness of the PEIR

Throughout the County Presentations held on January 30 and February 13, 2018, the public was told that each incremental project, as implemented, would be required to complete CEQA review and that all development would be held to CEQA review standards. CEQA should not be an excuse for an incomplete PEIR. Should any portion of the proposed McClellan-Palomar Airport Master Plan have issues passing CEQA, it would impact the entire plan.

I83-3

Duly, I request the following regarding the McClellan-Palomar Airport Master Plan and PEIR be addressed:

- 1. All comments in response
- 2. All inconsistencies
- 3. Any lack of information

I83-4

This should be done via distribution of a revised PEIR with a substantial public review period equal to or greater than the allowed 8 weeks given for this proposed McClellan-Palomar Airport Master Plan.

Thank You,

Hope and Vince Nelson

Carlsbad Residents
92008

Response to Letter I83
Hope and Vince Nelson

- I83-1** This comment includes excerpts from the Draft PEIR and asks what are the construction noise impacts to active bird nests and how will the County ensure birds return after construction. As noted in the commenter's excerpt from the PEIR, "[i]f active nests or nesting birds are observed within the area, the biologist shall flag the active nests and construction activities shall avoid active nests until nesting behavior has ceased, nests have failed, or young have fledged." As further noted in the PEIR, it is important to avoid removal of potential nesting habitat during the general avian breeding season. Construction noise effects to avian species are highly variable depending on season, species, and individual tolerances. Temporary noise generated during construction is not a direct impact to birds protected under the Migratory Bird Treaty Act. Furthermore, there is no specific provision to ensure that birds return following construction. However, habitat that is not impacted by construction would continue to be available for use by nesting birds. No changes to the PEIR have been made in response to this comment.
- I83-2** Please refer to **Master Response 10 (Program-level vs. Project-level Review)**.
- I83-3** The County acknowledges the comments; however, they do not raise an issue concerning the analysis of adequacy of the PEIR pursuant to CEQA Guidelines Section 15088. Therefore, no further response is required. This comment is included in the Final PEIR for review and consideration by the County Board of Supervisors prior to a final decision on the Proposed Project.
- I83-4** These are conclusion comments. See CEQA Article 8: Time Limits, Section 15105 (a) for a discussion of the public review period for a Draft EIR. This comment does not raise specific issues regarding the content of the PEIR, but will be included as part of the administrative record and made available to the County Board of Supervisors prior to a final decision on the Proposed Project.