



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
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GAVIN NEWSOM, Governor
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Governor's Office of Planning & Research

Apr 15 2021

STATE CLEARINGHOUSE

April 14, 2021

Mr. Richard Greenbauer
Development Services Department, Planning Division
City of Oceanside
300 North Coast Highway, Oceanside, CA 92054
(760) 435-3519
rgreenbauer@oceansideca.org

Subject: Loma Alta Slough Wetland Restoration Project
Mitigated Negative Declaration (MND)
SCH# 2021030344, City of Oceanside

Dear Mr. Greenbauer:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to adopt a Mitigated Negative Declaration from the City of Oceanside for the Loma Alta Slough Wetland Enhancement Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines (see References).

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 *et seq.*) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), the project proponent may seek related take authorization as provided by the Fish and Game Code.

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CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of Oceanside (City) has participated in the NCCP program by preparing a draft Subarea Plan (SAP) under the San Diego County Multiple Habitat Conservation Plan (MHCP). However, the SAP has not been finalized and has not been adopted by the City or received permits from the Wildlife Agencies (jointly, CDFW and the U.S. Fish and Wildlife Service (USFWS)).

PROJECT DESCRIPTION SUMMARY

Proponent: City of Oceanside

Objective: The proposed project (Project) involves a phased restoration of the Loma Alta Slough's (The Slough) wetland and upland habitat across seven lots, totaling approximately 5.8 acres. Habitat restoration activities would include dredging and removal of fill to expand the wetland, marsh plain grading and channelization, restoration planting and long-term biological monitoring. Removal of disturbed infill would expand the extent of the Slough to increase habitat function and size, improve water quality and provide new public recreational opportunity. A new 1,050-foot-long pedestrian nature trail would traverse the northern project boundary. In Phase 1 of the project, habitat restoration and trail construction work would occur across six City-owned parcels (Assessor Parcel Numbers (APNs) 153030290, 1530304800, 1530304900, 1530304100, 1530304200, 1530110600) and within a portion of the North County Transit District (NCTD) right-of-way. Phase 2 of the project includes additional habitat restoration and trail construction at an additional 1-acre lot proposed for acquisition by the City of Oceanside (APN 1530304300). The project would require a Zone Amendment and General Plan Amendment.

Location: The Loma Alta Slough is located in the City of Oceanside in north San Diego County, California. The Slough is a small coastal estuarine wetland located at the mouth of Loma Alta Creek next to Buccaneer Beach Park. The 5.8-acre Project Site extends between South Coast Highway and Pacific Street and is bounded by South Pacific Street and Buccaneer Beach on the west side, South Coast Highway on the east side, Buccaneer Park and Paradise by the Sea RV Resort on the south side, and the La Salina Wastewater Treatment Plant and commercial property on the north side.

Biological Setting: The Project site is comprised of the following vegetation communities: coastal brackish marsh (0.87 acre), southern coastal salt marsh (0.49 acre), disturbed southern coastal salt marsh (0.22 acre), saltpan/mudflats (0.30 acre), estuarine open water (1.18 acres), disturbed floodplain habitat (0.12 acre), disturbed upland habitat (1.64 acres), and urban/developed land (1.51 acres). There is also concrete/riprap channel onsite. Two special-status wildlife species, white-tailed kite (*Elanus leucurus*) and brown pelican (*Pelicanus occidentalis*) were observed onsite. Cooper's hawk (*Accipter cooperii*) has a high potential to occur onsite and California least tern (*Sternula antillarum browni*) has a moderate potential to occur onsite. One special status plant species, southwestern spiny rush (*Juncus acutus* ssp. *leopoldii*) was observed onsite as scattered individuals within the cismontane alkali marsh on the northern and southern edges of the channel. This plant is not state or federally listed, but has a California Rare Plant Rank of 4.2, as designated by the California Native Plant Society (CNPS).

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Timeframe: The restoration and construction of the trail will be approximately two months for Phase 1, which will begin in the Summer or Fall 2021. Phase 2 will require approximately two months to complete. Phase 2 is contingent upon the City's acquisition of the Parent Family Trust Property.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097).

I. Project Description, Environmental Setting, Mitigation Measure, and Related Impact Shortcoming

COMMENT #1: Public Access to the Project Site and Restoration Areas

Issue #1: The MND materials do not address the direct, indirect, and cumulative effects of the construction and use of the proposed trail on the Project site and no provisions are made for reducing edge effects along the boundary of the restoration area.

Specific Impact: The Project site will have significant human use by tourists, beachgoers, and transients. In combination with increased access to the restoration area from the proposed trail, the restoration area will be subject to trespassing, litter, and other negative effects.

Why the impact would occur: Proximity to the beach and Buccaneer Park as well as unrestricted access to the Preserve from the surrounding developments could lead to increased use of the proposed trail and increased human activity near the restoration area. Furthermore, the MND does not include details about lighting along the proposed trail. Light pollution can adversely affect wildlife.

Evidence impact would be significant: Common adverse edge effects from urbanization include lighting/illumination on natural habitat and introduction of invasive species. Edge effects could contribute to potential extirpation of native species from natural areas. Restoration of the Loma Alta Slough should aim to reduce introduction from invasive species.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: Signage and fencing shall be installed around sensitive vegetation to restrict entry. CDFW recommends fencing 6' or taller fencing to sufficiently act as a barrier to entry.

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Mitigation Measure #2: No lighting shall be installed within the restoration area, and trail lighting is discouraged. Any installed lighting shall point downward and away from the Preserve.

II. Editorial Comments and/or Suggestions

1. Section 5.1, page 18 of the Biological Technical Report (ESA 2020, BTR) states that it is anticipated that all impacts will be temporary, and mitigation would be achieved onsite to improve conditions and that this strategy will fall short of the mitigation ratios stipulated in the Subarea Plan. CDFW requests early consultation with the Wildlife Agencies to discuss the mitigation strategy for this Project.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://wildlife.ca.gov/data/CNDDDB/submitting-data#44524420-pdf-field-survey-form>. The completed form can be mailed electronically to CNDDDB at CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Melanie Burlaza, Environmental Scientist, at Melanie.Burlaza@wildlife.ca.gov.

Sincerely,

DocuSigned by:



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David Mayer

Environmental Program Manager
South Coast Region

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Attachments:
Attachment A: Recommended Mitigation Measures

REFERENCES

1. California Environmental Quality Act (CEQA). California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.
2. California Office of Planning and Research. 2009 or current version. CEQA: California Environmental Quality Act. Statutes and Guidelines, § 21081.6 and CEQA Guidelines, § 15097, §15126.4(2)
3. Fish & Game Code §3503
4. City of Oceanside. 2010. Oceanside Draft MHCP Subarea Plan. Available from: <http://www.ci.oceanside.ca.us/gov/dev/planning/subarea.asp>
5. Jepson eFlora. 2020. Available from: <https://ucjeps.berkeley.edu/eflora/>
6. California Invasive Plant Council. 2020. Don't Plant a Pest. Alternatives to invasive horticultural plants. Available from: <https://www.cal-ipc.org/solutions/prevention/landscaping/dpp/>.

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Attachment A. Recommended Mitigation Measures

Biological Resources			
Issue	Mitigation Measure	Timing	Responsible Party
<p>Public Access to the Project Site and Restoration Areas</p> <p>Issue #1: The MND materials do not address the direct, indirect, and cumulative effects of the construction and use of the proposed trail on the Project site and no provisions are made for reducing edge effects along the boundary of the restoration area.</p>	<p>Mitigation Measure #1: Signage and fencing shall be installed around sensitive vegetation to restrict entry. CDFW recommends 6-foot or taller fencing to sufficiently act as a barrier to entry.</p> <p>Mitigation Measure #2: No lighting shall be installed within the restoration area, and trail lighting is discouraged. Any installed lighting shall point downward and away from the Preserve.</p>	<p>Prior to Project construction and activities</p>	<p>City of Oceanside</p>