State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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November 19, 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: Cypress Point (PROJECT); Draft Environmental Impact Report (DEIR); SCH #2021040691

Dear Mr. Greenbauer:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from the City of Oceanside (City) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

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.

[1] CEQA is codified in the 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.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of Oceanside (City) participated in the NCCP program by preparing a draft Subarea Plan (SAP) under the subregional San Diego County Multiple Habitat Conservation Plan (MHCP). However, the SAP was not 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: Concordia Homes

Objective: A request for approval of Tentative Map (T21-00001), Development Plan (D21-00001), and a request for Density Bonus (DB21-00001) to allow the construction of 54 single-family homes ranging from about 1,200 lo 1,700 square feet in size, located around a private loop road within the Project site. The site consists of a vacant parcel (Assessor's Parcel Number, APN, 158-301-48-00) of approximately 7.3 acres. Because of the City of Oceanside's Draft Subarea Plan (SAP) hardline preserve and to accommodate the existing San Luis Rey Trail located on the property, a portion in the northwest corner of the site will not include buildings. The proposed homes would be set back from existing residential homes on the east side by approximately 50 feet and borders the San Luis Rey River to the west. Primary site access is proposed to be taken from a westerly extension of Pala Road at the southern edge of the project site.

Location: The Project site is located west of Los Arbolitos Boulevard at the Aspen Street and Pala Road intersections In the City of Oceanside. The site consists of a vacant parcel (APN 158-301-48-00) of approximately 7.3 acres.

Biological Setting: The Project site is bounded by residential development to the south and east and the San Luis Rey River (SLRR) to the west and north. Along the northern and western boundaries of the Project site is designated Hardline Preserve. A portion of the northwestern corner of the Project site is also designated Hardline Preserve and is a part of the Wildlife Corridor Planning Zone (WCPZ) designated by the City's draft SAP. The WCPZ is a particularly important area for future conservation and native habitat restoration as it would facilitate movement of sensitive species such as the federally threatened coastal California gnatcatcher (*Polioptila californica californica*, gnatcatcher), which is a focal species for regional conservation planning efforts.

Four vegetation/habitat types were identified within the Project's biological study area, which includes the Project property parcel, proposed offsite project elements and a 25-foot habitat mapping buffer. The vegetation types identified within the biological study area were southern willow scrub (0.2 acre), non-native grassland (15.9 acres), disturbed habitat (2.6 acres), and urban/developed land (2.6 acres). Several special status species were detected adjacent to the Project site, including least Bell's vireo (*Vireo bellii pusillus*; ESA listed Endangered, CESA listed Endangered), light-footed Ridgway's rail (*Rallus obsoletus levipes*; ESA listed Endangered, CESA listed Endangered, California Fully Protected (FP)), southwestern willow flycatcher (*Empidonax traillii extimus*; ESA listed Endangered, CESA listed Endangered), yellow-breasted chat (*Icteria virens*; California Species of Special Concern (SSC)), and yellow warbler (*Setophaga petechia*; SSC).

Timeframe: Approximately 14 months, beginning Spring 2023

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 are also included to improve the document.

COMMENT #1: Wildlife Corridor Planning Zone and Coastal Sage Scrub Enhancement

The Project will result in 0.9 acre of direct impacts to the WCPZ, consisting primarily of non-native grassland habitat. The Project proposes 1:1 mitigation for impacts to the WCPZ in the form of low-intensity coastal sage scrub (CSS) enhancement on City-owned land located northeast of the Project site. This mitigation area is outside of but contiguous with the existing WCPZ in the Project vicinity. CDFW appreciates the effort to conserve land beyond the recommended 0.5:1 mitigation ratio and we agree with the mitigation location. Additionally, the Project also proposes low-intensity enhancement of 3.5 acres on City-owned land within the Hardline Preserve and WCPZ to the north and west of the Project site. It is not clear within the DEIR if these 3.5 acres are separate from or include the 0.9-acre mitigation for impacts to the WCPZ. These mitigation areas also consist primarily of non-native grassland habitat.

Issue: We are concerned that the low-intensity enhancement effort will not be sufficient to restore the area according to the draft SAP conservation goals. Rather, high-intensity restoration of these areas would be consistent with the conservation goals provided in the draft SAP to create suitable habitat for the coastal California gnatcatcher within the WCPZ.

Specific impact: The northwest corner of the Project site is designated as WCPZ/Preserve and the Project will permanently remove 0.9 acre of non-native grassland habitat to construct homes. In addition, Section 4.3-14 of the DEIR states that there will be 7.0 acres of non-native grassland impacted due to vegetation clearing, grubbing and grading construction activities. We agree that creation of CSS habitat offsite along the San Luis Rey River within the WCPZ is consistent with the draft SAP's goal to support gnatcatcher connectivity. However, low-intensity enhancement (i.e., no site preparation, hydroseeding) is insufficient to restore the habitat to CSS that is suitable for gnatcatcher, given the current habitat quality onsite.

Why impact would occur: Section 5.3.1 of the draft SAP, WCPZ General Development Standards, states that properties within the WCPZ must be developed such that wildlife habitat value is maintained and enhanced. Connectivity of natural habitat throughout this zone must also be maintained for wildlife movement, particularly to allow continued connectivity of gnatcatcher and other bird species populations across the City. Loss to the WCPZ should be mitigated accordingly to support movement of gnatcatcher through the area and measures should be taken to maximize success of the restoration effort, as feasible, to meet the conservation goals of the draft SAP to enhance the SLRR buffer to support breeding gnatcatcher. The SLRR itself is also a critically valuable local and regional biological feature, supporting a core population of vireo as well as facilitating east-west wildlife movement through northern San Diego County. For this reason, the project analysis should not focus only on the existing condition of habitat adjacent to the river, but rather ensure that complete buffers are required in order to fully protect the biological values of the river and its biological buffer habitat.

Evidence impact would be significant: The WCPZ was reserved to support wildlife connectivity between Carlsbad and Camp Pendleton, particularly for gnatcatcher and other sensitive bird species. Section 7.2.3 of the draft SAP identifies the primary goal of coastal sage

scrub restoration to restore degraded habitats to functional sage scrub communities capable of supporting breeding gnatcatcher pairs as particularly critical within the WCPZ. High-intensity restoration is defined in the draft SAP Section 3.2.4 as consisting of initial weed control as well as site preparation potentially including grading, temporary irrigation, container planting, and seeding.

Recommended Potentially Feasible Mitigation Measure(s) and Recommendations

Mitigation Measure #1: A proposed CSS high-intensity restoration plan must be prepared by a qualified restoration biologist that is consistent with the guidelines in the MHCP Section 6 as well as the City's draft Subarea Plan Section 5.3.1 WCPZ and Section 7.2.3 Habitat Restoration, or as approved by the City and Wildlife Agencies. High-intensity CSS restoration should be done such that the resulting habitat may support gnatcatcher breeding. Consistent with Section 7.2.3 and Appendix E of the draft SAP, a restoration plan should be submitted to the Wildlife Agencies for approval at least 60 days prior to initiating project impacts.

Mitigation Measure #2: To be consistent with Section 3.2.4 of the draft SAP, the restoration areas should be managed as part of the City's Preserve with conservation easements recorded over them.

Recommendation #1: The final EIR should include a specific acreage breakdown of impacts from the Project outside of the WCPZ, which are mitigated at 0.5:1 and impacts within the WCPZ, which are mitigated at 1:1. The City should verify that the proposed mitigation acreage adequately reflects the proposed Project impacts.

COMMENT #2: Fuel Modification

CDFW responded to the NOP for this Project and requested that the DEIR include a discussion of any fuel modification requirements to allow CDFW to assess potential impacts to biological resources. CDFW recommended that all fuel modification requirements be met on the Project site, and not in mitigation lands or habitat adjacent to the Project. Habitat subjected to fuel modification (e.g., thinning, trimming, removal of mulch layer) should be considered an impact to these vegetation communities and mitigated accordingly. The DEIR did not include such discussion; thus, we cannot adequately assess potential impacts to the biological resources adjacent to the Project site.

Issue: The draft SAP states that fuel modification activities shall not occur within the 100-foot biological buffer from the San Luis Rey River (Section 5, page 18). However, the Project map (Figure 5 of the Biological Impact Report) indicates that the northwestern section of the development directly abuts the 100-foot biological buffer. Therefore, fuel modification should not adversely impact resources in the adjacent buffer areas or mitigation lands.

Specific impact: Fuel modification activities may include vegetation thinning, trimming, and removal of the mulch layer, which are activities prohibited within the 100-foot biological buffer.

Why impact would occur: There is no specific language within the DEIR materials indicating what fuel modification activities may occur as part of Project activities or future maintenance to provide a buffer to the proposed homes. In the absence of this clarification, CDFW is concerned that fuel modification activities have the potential to occur within the sensitive biological area, and if so, would not have been adequately mitigated.

Evidence impact would be significant: Section 5, page 18 of the draft Oceanside Subarea Plan states,

> *Conservation and Buffer Requirements along the San Luis Rey River. Wherever development or other discretionary actions are proposed in or adjacent to riparian habitats along the San Luis Rey River, the riparian area and/or other wetlands and associated natural habitats shall be designated as biological open space and incorporated into the Preserve. In addition, a minimum 100-foot biological buffer shall be established for upland habitats, beginning at the outer edge of riparian vegetation.* ***The following uses are prohibited in the 100-foot biological buffer: (1) new development, (2) new pedestrian and bike trails or passive recreational uses not already planned, and (3) fuel modification activities for new development.*** *(emphasis added)*

More broadly, Section 5.2.5 of the Subarea Plan states,

> *Fuel breaks and fuel modification zones shall not be permitted in biological and planning buffers, and cannot be counted as biological open space for the purpose of determining onsite or offsite mitigation credit.*

Recommended Potentially Feasible Mitigation Measure(s) and Recommendations

Recommendation #2: The final EIR should specify the location for fuel modification activities for the Project and address any mitigation requirements for permanent habitat loss within the 100-foot biological buffer. The City should verify that sufficient mitigation has been provided for project impacts, such that no mitigation credit is being given for fuel management areas.

Recommendation #3: CDFW recommends any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction and/or persistence of invasive Argentine ants. Previous studies have indicated Argentine ant abundance at riparian-scrub edges and urban-scrub edges depends on soil moisture, therefore runoff containment would discourage colonization and recruitment by invasives and encourage native ant species (Holway and Suarez 2006).

COMMENT #3: Management of Preserve Areas and Biological Buffer

Issue: The DEIR states that the Project will restore 3.5 acres of nonnative grassland to CSS within the City's Hardline Preserve as part of their mitigation requirements. To be consistent with the draft SAP, the Project should also include restoration of the 100-foot biological buffer and incorporate the buffer into the City's Preserve. The DEIR does not address how these areas will be conserved and maintained.

Specific impact: The Project site and associated mitigation areas will be surrounded by significant human use. Without a habitat management plan (HMP) in place and a commitment by the City to perform active management and monitoring, the Preserve and thereby the sensitive natural resources therein will be subject to trespassing, invasive species, litter, etc. Additionally, the restored areas are intended to improve connectivity for gnatcatcher as part of the City's conservation commitment to provide a gnatcatcher corridor within the Oceanside SAP area. In the absence of an HMP and active management, these areas are also subject to degradation, and thus loss in value to the conservation of gnatcatcher and its habitat.

Why impact would occur: The construction of a residential community facilitates various anthropogenic impacts to the habitat, including litter, pet feces, and introduction of invasive species.

Evidence impact would be significant: The biological buffer serves to protect the natural resources within and adjacent to the San Luis Rey River, which includes sensitive species such as least Bell's vireo, southwestern willow flycatcher, and coastal California gnatcatcher. Loss or degradation of the uplands buffer may result in further habitat fragmentation for these sensitive species.

Furthermore, the draft SAP states,

> *5.1.5 Habitat Conserved in Conjunction with Private Development*
> *In addition to existing private mitigation banks, mitigation areas, and homeowners' association open space, implementation of this SAP will result in the conservation of other privately owned habitat (see Section 5.5). The conservation of these lands will occur through onsite avoidance and/or offsite mitigation.* ***These mitigation lands will be protected by conservation easements established in conjunction with the City's review and approval process for development projects and shall be managed and monitored pursuant to the SAP.*** *(emphasis added)*

Section 5, page 18 of the draft SAP states,

> *Conservation and Buffer Requirements along the San Luis Rey River. …****If, at the time a project is proposed, natural habitats do not cover the biological buffer, native habitats appropriate to the location and soils will be restored as a condition of project approval.*** *In most cases, coastal sage scrub vegetation will be the preferred habitat to restore within the biological buffer. Restoration of buffers both within and outside of the Preserve must meet the requirements in Section 7.2.3 for the preparation and implementation of a restoration plan.* ***Habitats within the buffer, whether natural or restored, are not eligible to be used as mitigation for project impacts.*** *(emphasis added)*

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #3: The final EIR should specify that the biological buffer adjacent to the Project site will be restored to CSS consistent with Section 7.2.3 of the draft SAP as feasible. The 100-foot biological buffer should be managed as part of the City's Preserve with a conservation easement recorded.

Mitigation Measure #4: For all mitigation areas and the biological buffer, conservation easements should be processed, an HMP prepared and adopted, and a reliable funding source should be identified for all mitigation areas prior to initiating construction. A long-term, non-wasting endowment to fund management for the Preserve to these areas to maintain their biological value should be established. Any restoration, enhancement, and management activities should be delineated within these plans.

COMMENT #4: Edge Effects along the Preserve boundary

Issue: No provisions are made for reducing edge effects along the San Luis Rey River and Preserve boundaries.

Specific Impact: The Project site will have significant human use by residents and thereby the sensitive natural resources within the adjacent open space/Preserve will be subject to trespassing, litter, and other negative effects.

Why the impact would occur: The construction of a housing development will result in various anthropogenic impacts to the habitat, such as litter, noise, and light pollution.

Evidence impact would be significant: Edge effects are known to result in extirpation of species from an area and facilitation of invasive species introduction. The adjacent Preserve area is critical habitat for least Bell's vireo, valuable breeding habitat for southwestern willow flycatcher, and once CSS is established, will be suitable habitat for gnatcatcher.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #5: Signage and fencing should be installed along the open space to restrict entry to the Preserve. CDFW recommends fencing 6' or taller to sufficiently act as a barrier to entry.

Mitigation Measure #6: All lighting, including lighting from residents, should be directed away from the open space boundary. The lighting should be kept to a minimum and glare should avoid sensitive areas.

Recommendation #4: CDFW requests that the homeowner's association include a homeowner awareness program to provide information about the sensitive biological resources within the San Luis Rey River and the adjacent Preserve, including the restoration areas.

I. Additional Comments

COMMENT #5: Lake and Streambed Alteration Agreement

The Project proposes to remove and replace a portion of a stormwater pipeline and associated outfall along the eastern edge of the adjacent Preserve. CDFW has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of a LSAA for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. CDFW, as a Responsible Agency under CEQA, may consider the City's EIR for the project. To minimize additional requirements by CDFW pursuant to section 1600 et seq. and/or under CEQA, the City's document should fully identify the potential impacts to any stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSAA.

Whether a LSAA is required to satisfy requirements of FCG section 1600 et seq. can only be determined at the time a formal Notification package is submitted to CDFW. Given that design elements of the proposed Project include replacement of a stormwater pipeline and outfall, we strongly encourage Concordia Homes to consider submittal of a streambed notification package to the Lake and Streambed Alteration Program.

COMMENT #6: Landscaping

Habitat loss and invasive plants are a leading cause of native biodiversity loss. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures. The City should not plant, seed, or otherwise allow introduction of invasive exotic plant species to landscaped areas that are adjacent and/or near native habitat areas. Species such as pampas grass (*Cortaderia* sp.), fountain grass (*Pennisetum* sp.), and giant reed (*Arundo donax*) should be prohibited. CDFW recommends using native, locally appropriate plant species and drought tolerant, lawn grass alternatives to reduce water consumption. Information on alternatives for invasive, non-native, or landscaping plants may be found on the California Invasive Plant Council's, Don't Plant a Pest webpage (available here: https://www.cal-ipc.org/solutions/prevention/landscaping/dpp/.).

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base 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 (CNDDB). The CNNDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

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 of Oceanside 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:
David Mayer
D700B4520375406...

David A. Mayer
Environmental Program Manager
South Coast Region

Attachments

A. CDFW Comments and Recommendations

ec: CDFW

David Mayer, San Diego – David.Mayer@wildlife.ca.gov
Karen Drewe, San Diego – Karen.Drewe@wildlife.ca.gov
Melanie Burlaza, San Diego – Melanie.Burlaza@wildlife.ca.gov
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State Clearinghouse, Office of Planning and Research – State.Clearinghouse@opr.ca.gov
Jonathan Snyder, USFWS – Jonathan_D_Snyder@fws.gov

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. 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/.
6. Holway, David A. and Andrew V. Suarez. 2006. *Homogenization of ant communities in mediterranean California: The effects of urbanization and invasion*.

Attachment A:

CDFW Draft Mitigation, Monitoring, and Reporting Plan and Associated Recommendations

	Mitigation Measures	**Timing**	**Responsible Party**
Mitigation Measure #1	A proposed CSS high-intensity restoration plan must be prepared by a qualified restoration biologist that is consistent with the guidelines in the MHCP Section 6 as well as the City's draft Subarea Plan Section 5.3.1 WCPZ and Section 7.2.3 Habitat Restoration, or as approved by the City and Wildlife Agencies. High-intensity CSS restoration should be done such that the resulting habitat may support gnatcatcher breeding. Consistent with Section 7.2.3 and Appendix E of the draft SAP, a restoration plan should be submitted to the Wildlife Agencies for approval at least 60 days prior to initiating project impacts.	Prior to construction	Concordia Homes and City of Oceanside
Mitigation Measure #2	To be consistent with Section 3.2.4 of the draft SAP, the restoration areas should be managed as part of the City's Preserve with conservation easements recorded over them.	Prior to and after construction	City of Oceanside
Recommendation #1	The final EIR should include a specific acreage breakdown of impacts from the Project outside of the WCPZ, which are mitigated at 0.5:1 and impacts within the WCPZ, which are mitigated at 1:1. The City should verify that the proposed mitigation acreage adequately reflects the proposed Project impacts.	Prior to construction	City of Oceanside
Recommendation #2	The final EIR should specify the location for fuel modification activities for the Project and address any mitigation requirements for permanent habitat loss within the 100-foot biological buffer. The City should verify that sufficient mitigation has been provided for project impacts, such that no mitigation credit is being given for fuel management areas.	Prior to construction	City of Oceanside

Recommendation #3	CDFW recommends any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction and/or persistence of invasive Argentine ants. Previous studies have indicated Argentine ant abundance at riparian-scrub edges and urban-scrub edges depends on soil moisture, therefore runoff containment would discourage colonization and recruitment by invasives and encourage native ant species (Holway and Suarez 2006).	Prior to construction	City of Oceanside
Mitigation Measure #3	The final EIR should specify that the biological buffer adjacent to the Project site will be restored to CSS consistent with Section 7.2.3 of the draft SAP as feasible. The 100-foot biological buffer should be managed as part of the City's Preserve with a conservation easement recorded.	Prior to construction	City of Oceanside
Mitigation Measure #4	For all mitigation areas and the biological buffer, conservation easements should be processed, an HMP prepared and adopted, and a reliable funding source should be identified for all mitigation areas prior to initiating construction. A long-term, non-wasting endowment to fund management for the Preserve to these areas to maintain their biological value should be established. Any restoration, enhancement and management activities should be delineated within these plans.	Prior to construction	City of Oceanside
Mitigation Measure #5	Signage and fencing should be installed along the open space to restrict entry to the Preserve. CDFW recommends fencing 6' or taller to sufficiently act as a barrier to entry.	Prior to construction	City of Oceanside

Mitigation Measure #6	All lighting, including lighting from residents, should be directed away from the open space boundary. The lighting should be kept to a minimum and glare should avoid sensitive areas.	Prior to, during and after construction	City of Oceanside
Recommendation #4	CDFW requests that the homeowner's association include a homeowner awareness program to provide information about the sensitive biological resources within the San Luis Rey River and the adjacent Preserve.	After construction	Concordia Homes
Recommendation #5	Whether a LSAA is required to satisfy requirements of FCG section 1600 et seq. can only be determined at the time a formal Notification package is submitted to CDFW. Given that design elements of the proposed Project include replacement of a storm water pipeline and outfall, we strongly encourage Concordia Homes to consider submittal of a streambed notification package to the Lake and Streambed Alteration Program.	Prior to construction	Concordia Homes