



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

December 8, 2023

Dec 08 2023

STATE CLEARINGHOUSE

Robert Dmohowski
Principal Planner
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054
Rdmohowski@oceansideca.org

SUBJECT: EDDIE JONES WAREHOUSE MANUFACTURING AND DISTRIBUTION FACILITY PROJECT, DRAFT ENVIROMENTAL IMPACT REPORT (DIER) SCH# 2022070365

Dear Robert Dmohowski:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from the City of Oceanside (City) for the Eddie Jones Warehouse Manufacturing and Distribution Facility Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding the 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, subdivision (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines, § 15386, subdivision (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

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.

Robert Dmohowski
City of Oceanside
December 8, 2023
Page 2 of 7

projects and related activities that have the potential to adversely affect state 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, including 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” (see Fish & G. Code, § 2050) of any species protected under the California Endangered Species Act (CESA; Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of Oceanside has participated in the NCCP program by preparing a draft Subarea Plan (SAP) under the North County Subregional Multiple Habitat Conservation Program (MHCP). The MHCP was a comprehensive planning document prepared by the San Diego Association of Governments (SANDAG) addressing the cities in north San Diego County, specifically the cities of Oceanside, Carlsbad, Encinitas, Solana Beach, Vista, San Marcos, and Escondido (SANDAG 2003). The MHCP identified critical areas for the conservation of important sensitive species populations to ensure their persistence, core blocks of habitat large enough to support viable populations of diverse sensitive species, and essential areas for connecting between core blocks of habitat. In effect, the MHCP identified critically important biological resources, which if lost to development, would arguably result in significant specific or cumulative impacts within a given jurisdiction and perhaps across the MHCP subregion. Critical areas for conservation in each of the seven jurisdictions were identified as Focused Planning Areas (FPAs). Unfortunately, the Oceanside 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)). The FPAs nonetheless are considered highly relevant when evaluating the significance of biological resources on a given property within the cities comprising the MHCP planning effort.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Oceanside

Objective: The Project site is 31.2 acres and involves development of a new 566,905 square foot warehouse and distribution facility. The proposed area warehouse would consist of 369,415 square feet of warehouse area, 158,320 square feet of manufacturing space, and 39,170 square feet of office area designated as a single building that would support multi-tenant occupancies. Development would also include

Robert Dmohowski
City of Oceanside
December 8, 2023
Page 3 of 7

associated landscaping features, stormwater features, 590 parking spaces, 60 truck-trailer parking stalls, and vehicle circulation area. The project site is zoned IL- Limited Industrial. The 31.2-acre Project site was previously graded and already has a 172,000 square foot industrial manufacturing facility, paved roads, picnic tables, a basketball and tennis court, and associated infrastructure and landscaping.

Direct impacts from the development of the project total 30.33 acres. The vegetation communities that would be impacted consist of 15.43 acres of disturbed habitat and 14.9 acres of developed land. There is no mitigation proposed for the impacts to these habitat types. Per the Biological Technical Report (Dudek 2022; BTR) the proposed Project would also include a 100-foot biological buffer from the outer edge of the San Luis Rey River. Approximately 0.85 acre of the 100-foot buffer area is located within the project boundary and the remaining 3.51 acres of the buffer are located outside of the Project boundary.

Location: The Project site is located directly north of State Route 76 in Oceanside, California. The site is bounded by the San Luis Rey River Trail and the San Luis Rey River to the north, a vacant undeveloped parcel to the east, Benet Road and vacant land to the west, and the Bob Maxwell Memorial Field Oceanside Municipal Airport to the south. Although the Project site is not within the FPA, it directly abuts FPA hardline Preserve which is the San Luis Rey River.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in identifying and/or mitigating Project impacts on biological resources and to ensure regional conservation objectives in the MHCP and draft Oceanside SAP would not be eliminated by implementation of the Project. We understand the City Council has voted not to adopt the SAP and that they are working on their General Plan Update, which will include provisions from the SAP; however, that plan is still in the works, so we recommend following the guidelines set forth in the SAP until the General Plan is approved by the Wildlife Agencies and finalized.

Specific Comments

1. Impacts within the Biological Buffer: The San Luis Rey River and the areas surrounding the river are part of an essential wildlife corridor and open space that supports the biological diversity in the area. Any impacts to this watershed, which included the riparian habitat, could affect this major corridor within the City of Oceanside.

Per the BTR, the Project proposes permanent impacts to 0.85 acre of disturbed habitat within the 100-foot biological buffer. CDFW recommends remaining consistent with the tenets of the SAP to avoid potentially significant impacts to

Robert Dmohowski
City of Oceanside
December 8, 2023
Page 4 of 7

biological resources. Section 5-15 (Conservation and Buffer Requirements along the San Luis Rey River) in the draft SAP states:

“Wherever development or other discretionary actions are proposed in or adjacent to riparian habitats along the main stem San Luis Rey River, the riparian area and other wetlands or 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. Within the 100-foot biological buffer, no new development shall be allowed, and the area shall be managed for natural biological values as part of the preserve system. In the event that natural habitats do not currently (at the time of proposed action) cover the 100-foot buffer area, habitats appropriate to the location and soils shall be restored as a condition for the proposed action. In most cases, coastal sage scrub vegetation shall be the preferred habitat to restore within the biological buffer”.

This 100-foot buffer is also important to protect the Federally and State Listed least Bell’s vireo (*Vireo bellii pusillus*; vireo) and the Federally and State Listed light-footed Ridgway’s rail (*Rallus obsoletus levipes*). According to the California Natural Diversity Database (CNDDDB, 2023) there are least Bell’s vireo and Ridgway’s rail present in the San Luis Rey riparian area directly north of the Project boundary. These two species are highly sensitive to disturbance associated with increased human activity which makes the 100-foot biological buffer even more important. No USFWS protocol level surveys for least Bell’s vireo or Ridgway’s rail were conducted; rather a general biological reconnaissance survey was conducted in 2022. As a result, CDFW concludes a 100-foot riparian buffer is biologically appropriate and should be maintained to prevent potential adverse impacts to vireo and Ridgway’s rail.

2. Impacts to Sensitive Habitat from Artificial Light: The existing structure that is on the site is a 172,000 square foot industrial manufacturing facility. The proposed Project includes a new 369,415 square foot warehouse and the site will also function as a distribution facility that will include 60 truck-trailer parking stalls, and vehicle circulation area. Due to the change of use and the increase in the overall size of the infrastructure that is being proposed, there will be an increase in disturbance. Per the BTR there are no mitigation measures to address impacts from artificial light during the construction phase or from permanent lighting that is to be installed. As stated above, the Project shares its northern border with the San Luis Rey River which supports sensitive species that utilize the San Luis Rey and its associated habitats. Artificial light at night (ALAN) has been shown to interfere with animal sensory systems, orientation, and distribution, with the

Robert Dmohowski
City of Oceanside
December 8, 2023
Page 5 of 7

potential to cause significant ecological impacts (Barrientos et. al 2023). ALAN also causes changes in reproductive timing or success of birds in response to light leading to phenological mismatches and lower fitness (Barrientos et. al 2023). Because of the possibility that least Bell's vireo and Ridgway's rails are present near the Project site, CDFW recommends that any development or activities, including lighting, be fully outside the 100-foot biological buffer and riparian area, and that lighting be oriented downward and away from the riverine and buffer habitat to avoid illumination on sensitive habitat. CDFW recommends adding a Mitigation Measure that addresses impacts from lighting that will be used during the construction phase of the Project and any permanent lighting that will be installed.

General Comments

1. Lake and Streambed: The Project site directly abuts the San Luis Rey River and there is the potential for impacts to occur to riparian vegetation. 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. To minimize additional requirements by CDFW pursuant to section 1600 et seq. and/or under CEQA, the DEIR should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSAA. CDFW recommends the Applicant submit a Lake and Streambed Alteration Notification to CDFW. Notifications can be submitted through CDFW's Environmental Permit Information Management System (EPIMS), which can be found at [Environmental Permit Information Management System \(ca.gov\)](https://www.cdwrivers.ca.gov/epims).

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

Robert Dmohowski
City of Oceanside
December 8, 2023
Page 6 of 7

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>

The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB 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 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 significant Project-specific and cumulative impacts on biological resources by following the key tenets of the draft Oceanside SAP under the overarching Subregional Northwestern San Diego County MHCP.

Questions regarding this letter or further coordination should be directed to Emily Gray, Environmental Scientist, at Emily.Gray@wildlife.ca.gov.

Sincerely,

DocuSigned by:

D700B4520375406...

David Mayer
Environmental Program Manager
South Coast Region

Robert Dmohowski
City of Oceanside
December 8, 2023
Page 7 of 7

ec: **California Department of Fish and Wildlife**
Jennifer Turner, CDFW - Jennifer.turner@wildlife.ca.gov

U.S. Fish and Wildlife Service
Taylor Curtis, U.S. Fish and Wildlife Service, Taylor_Curtis@fws.gov
Jonathan Snyder, U.S. Fish and Wildlife Service, Jonathan_Snyder@fws.gov

Office of Planning and Research
State Clearinghouse, Sacramento, state.clearinghouse@opr.ca.gov

References

Barrientos et. al, 2023. Nearby night lighting, rather than sky glow, is associated with habitat selection by a top predator in human-dominated landscapes. Philosophical Transactions B. 378:20220370.

California Department of Fish and Wildlife. 2020. California Natural Diversity Database. Available from: <https://wildlife.ca.gov/Data/CNDDB>.

City of Oceanside Subarea Plan. 2010. Available from:
<https://ci.oceanside.ca.us/gov/dev/planning/subarea.asp>

Dudek. Biological Technical Report Eddie Jones Warehouse, Manufacturing and Distribution facility Project. November 2022.

Final MHCP Executive Summary. 2003. Multiple Habitat Conservation Program for the Cities of Carlsbad, Escondido, Oceanside, San Marcos, Solana Beach, and Vista.