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November 13, 2025

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Subject: DRAFT FAIRVIEW PARK MASTER PLAN UPDATE, COSTA MESA, CA

Dear Brenda Green:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Fairview Park Master Plan Update (Plan) and associated technical reports from the City of Costa Mesa (City). Thank you for the opportunity to provide comments and recommendations to the City Council regarding those activities that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Plan 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, pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹ (Fish & Game 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 (Fish & G. Code, § 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 may also act 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

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.

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implementation of the Project as proposed may result in “take” as defined by State law² 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.), the City may seek related take authorization as provided by the Fish and Game Code.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program (Fish & G. Code, § 2800 et seq.). The City is a participating landowner under the Central/Coastal Orange County NCCP/Habitat Conservation Plan (HCP).

PLAN DESCRIPTION SUMMARY

Objective: According to the Fairview Park Master Plan Update (Plan), the essential purpose of updating the Plan is to reflect the vested interests of the community and the City to balance resource protection and public use. The Plan update aims to address critical needs for a Long-term Management Plan that conserves cultural and biological resources, including rare vernal pool habitats. It outlines goals to protect, preserve, and enhance natural resources through community education, stewardship, and management of the park for passive recreational uses (i.e. walking, running, walking of leashed dogs, flying glider planes, model railroading, flying kites, picnics, and other small group functions). From a natural resources perspective, the Plan will incorporate updated biological assessments with an assessment of current land uses considering recent changes in state environmental regulations/policies. It will be a foundational document for planning, habitat restoration, wetland and riparian habitat remediation, and long-term habitat management. A Trails Plan will also be adopted in association with the Plan.

Location: Fairview Park is in the City, and its address is 2525 Placentia Avenue. It is bordered by residential areas to the north and east, Talbert Regional Park to the south, and the Santa Ana River to the west. The park itself is bisected by Placentia Avenue, which runs north/south.

Biological Setting: The regional biological significance of Fairview Park cannot be overstated. The Park is the northernmost parcel of a rare, contiguous undeveloped natural open space, which stretches from Fairview Park southward through Talbert Regional Park and terminates at the Randall Preserve. The 208-acre, topographically diverse Park contains a multitude of habitat types and micro-habitats, including one of the last coastal terrace vernal pools complexes in Orange County (USFWS 2007) on its mesa. Vernal pools in Fairview Park also support several plant species that are locally rare (City 2008 and Chung 2010). The artificial ponds in the lowlands provide nesting and foraging habitat for riparian species. Other natural and sensitive habitats include

² “Take” is defined in Section 86 of the Fish and Game Code as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.”

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native grasslands, coastal bluff scrub, alluvial scrub, riparian woodlands, and coastal sage scrub. These habitats serve as foraging and reproductive habitat, providing refugia for many sensitive species in an otherwise developed watershed. Approximately 12-acres of the Park are landscaped.

According to the Biological Technical Report (BTR; Hamilton Biological 2025), 222 vascular plants and over 262 wildlife species have been documented in the Park, a remarkable number of flora and fauna for an area with just under 200 acres of habitat. Several listed species have been observed on site or have high or moderate potential to occur on site which include:

Invertebrates

- San Diego fairy shrimp (*Branchinecta sandiegonensis*; Endangered Species Act (ESA)-listed endangered),
- Crotch's bumble bee (*Bombus crotchii*; CESA Candidate for Threatened or Endangered Listing; CBB),

Birds

- Coastal California gnatcatcher [*Poliophtila californica californica*; ESA- listed threatened; CDFW Species of Special Concern (SSC); gnatcatcher],
- Least Bell's vireo (*Vireo bellii pusillus*; ESA-listed endangered; CESA-listed endangered; vireo),
- White-tailed kite (*Elanus leucurus*; CDFW Fully Protected Species),
- Belding's Savannah sparrow (*Passerculus sandwichensis beldingi*; CESA-listed endangered),
- Western burrowing owl (*Athene cunicularia*; SSC; CESA Candidate for Threatened or Endangered Listing),
- Coastal cactus wren (*Campylorhynchus brunneicapillus sandiegonensis*; SSC),
- Coopers hawk (*Astur cooperii*; SSC),

Plants

- San Diego button celery (*Eryngium aristulatum var. parishii*; CESA-listed Endangered, California Native Plant Society Rare Plant Rank 1B.1), and,
- Southern tarplant (*Centromadia parryi ssp. australis*; California Native Plant Society Rare Plant Rank 1B.1).

Prior CDFW Engagement: CDFW has a long history of engaging with the City on natural resources matters at Fairview Park, most notably vernal pool complex management issues, historic violations, and ongoing impacts to areas subject to Fish and Game Code 1600 et seq. Additionally, fulfillment of outstanding mitigation obligations regarding compensatory mitigation obligations at Fairview Park for off-site projects with the Orange County Transportation Authority (OCTA), the U.S. Army Corps of Engineers (ACOE), and the Department of Toxic Substances Control continue to languish and remain incomplete (OCTA 2018 and CDFW 2019). While we appreciate that our working partnership appears to be gradually improving, our attempts to

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partner with the City on these outstanding issues have been largely ineffective. As outlined below, many of these obligations are incomplete or their status is unknown.

In 2014, CDFW partnered with the U.S. Fish and Wildlife Service (USFWS) to provide comments on vernal pool restoration after the installation of a path in the Park that was routed within and adjacent to vernal pools occupied by the federally endangered San Diego fairy shrimp (USFWS 2014). Impacts to these pools from the installation of paths and parking areas, improvements to Estancia High School stadium, and the operation of motorized vehicles during the wet season were mitigated through restoration efforts at pools 2, 5, 6, and 7 (Glen Lukos Associates 2015). It is unclear to CDFW and the USFWS (hereafter referred to as the Wildlife Agencies) as to whether the stated mitigation and restoration efforts were achieved in full.

In 2016, CDFW investigated the City's fill of Little Canyon as a possible violation of Fish and Game Code, section 1602, when soil stockpiles from the artificial pond creation were used to fill Little Canyon for purposes of trail creation and realignment. CDFW concluded the unauthorized activities were subject to Fish and Game Code; however, the statute of limitations to issue a Notice of Violation had passed and no action was taken (City 2015).

In 2018, the City contacted CDFW regarding clearing of vegetation in and around the artificial pond complex during the nesting season for coastal California gnatcatcher. At that time, CDFW communicated that a Routine Maintenance Lake and Streambed Alteration Agreement (LSAA) per our Lake and Streambed Alteration program was required to move forward with the clearing. To date the City does not have a Lake and Streambed Alteration Agreement to authorize the work in those areas (Comment 3). On October 8, 2025, after CDFW issued a comment letter on the Plan Update's technical documents (CDFW 2025), the City and CDFW met to discuss the City's progress regarding their Incomplete notification for a Routine Maintenance LSAA. In that meeting, the City reaffirmed their commitment to providing a complete notification for their LSAA in early 2026.

In 2019, the Wildlife Agencies and OCTA met with the City several times to discuss their outstanding mitigation obligations to OCTA and ACOE (OCTA 2018). Since our comment letter on the Plan Update's technical documents (CDFW 2025) was issued, the City has adopted the Flower Fields Restoration Project, which will restore habitat and satisfy outstanding mitigation obligations to OCTA (Comment 7).

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in finalizing the Plan and strengthening the stated goals; namely, aligning the existing Plan with current biological assessments, land uses, and environmental regulations and policies, while adequately identifying and/or mitigating the Plan's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

1. **Fly Field Relocation.** In alignment with the Wildlife Agencies' recommendation, and the recommendations of many other natural resources-focused entities, the fly field

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relocation represents a well-considered and balanced approach to habitat protection and recreation. CDFW strongly supports the relocation because it places fly field and glider operations within an already developed and actively used recreation area, well separated from the highly rare and sensitive vernal pool complex. This will substantially reduce the potential for unauthorized trail creation, fully avoid vernal pool habitat degradation, and minimize likelihood unauthorized take of state and/or federally listed species that reside on the Mesa.

The relocation and reduced maintenance activities within the vernal pool complex are a proactive step toward long-term species and habitat protection, regulatory compliance, and responsible recreation planning; this is in part because the Plan commits to restoring vernal pools and removing fill soils from the northern part of the Mesa. A portion of the Mesa restoration will include coastal sage scrub and flower fields to fulfill mitigation obligations, improve conditions for native wildlife, and reinforce the City's commitment to the Master Plan (at pp. 71, City of Costa Mesa, 2025). Importantly, the Plan's objectives for *Strategic Habitat Restoration Project 1. Mesa Habitat Restoration and Indigenous Village Site Protection* (pp. 82, City of Costa Mesa, 2025) specifically call for elimination of incompatible uses such as mowing within the vernal pool complex. Relocation of the fly field directly supports these objectives by removing maintenance activities that currently threaten and degrade sensitive vernal pool habitat.

2. **CESA Candidate Species.** CDFW emphasizes that the fly field relocation is the biologically superior option and represents a dramatically lower regulatory burden for the City, in that impacts to CESA-listed and CESA candidate species would be smaller, and mitigation requirements associated with authorized incidental take would be significantly lower. Additionally, relocation would avoid the necessity to notify CDFW under Fish and Game Code section 1600 *et seq.* and avoid the need for consultation with the USFWS for San Diego fairy shrimp. However, based on recent survey data brought to CDFW's attention, operation and maintenance of the fly field in its new location may still require take authorization under CESA.
 - a. Western burrowing owl. According to the California Natural Diversity Database (CNDDDB, Online Field Survey Form), there is a 2020 occurrence record of a western burrowing owl adjacent to the proposed fly field. Creation, use, and maintenance of the new fly field location may disturb, distress, or lead to take of individual western burrowing owls.

On October 15, 2024, the Fish and Game Commission published a Notice of Findings that designates western burrowing owl as a CESA candidate species. As a candidate species, western burrowing owls are granted full protection of a threatened or endangered species under CESA. If any activities could result in take, appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081 or Restoration Management Permit under Fish and Game Code section 1670 *et seq.*) should be obtained prior to commencement of Project activities. Take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by State law (Fish &

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G. Code, §§ 86, 1670, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513.

- b. Crotch's bumble bee. Creation, use, and maintenance of the fly field could also impact Crotch's bumble bee or floristic resources upon which the species relies. Crotch's bumble bee often nests underground, sometimes occupying abandoned rodent burrows along with many other microhabitats (Hatfield et al., 2015). If Crotch's bumble bee are using burrows on the relocation site for nesting, direct impacts could result from ground-disturbing activities, which could lead to death or injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success. Indirect impacts may occur from loss of foraging resources.

The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as threatened or endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. Crotch's bumble bee is granted full protection under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). In addition, Crotch's bumble bee has a State ranking of S1/S2. This means that Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often five or fewer populations). Crotch's bumble bee is also listed as an invertebrate of conservation priority under the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority List (CDFW 2024).

CDFW welcomes coordination with the City to determine if take authorization can be circumvented at the relocation site through modifications in the proposed design, based upon avoidance of suitable habitat.

3. **CESA-Listed Species.** Fairview Park contains multiple records of CESA-listed species, including least Bell's vireo, Belding's savannah sparrow, and San Diego button celery. CDFW considers adverse impacts to a species protected by CESA to be significant. Take of any endangered, threatened, candidate species, or NPPA-listed plant species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code §§ 1670, 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project or any Project-related activity will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP), Restoration Management Permit (RMP) or a consistency determination in certain circumstances, among other options (Fish & G. Code, §§ 1670, 2080.1, 2081, subds. (b) and (c)). Early consultation is encouraged, as significant modification to a future project and mitigation measures may be required to obtain a CESA Permit. To ensure CDFW will be able to use the Master Plan and associated CEQA document for the issuance

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of any CESA-issued permits, the Plan's CEQA document should address all future project impacts to CESA-listed species and specify a mitigation, monitoring, and reporting program that will meet the requirements of an ITP or RMP.

4. **Cutting the Green Tape Program.** CDFW acknowledges the City's continued work to restore and manage natural resources within Fairview Park and recognizes the City's efforts to advance several restoration initiatives under the draft Master Plan Update. As such, we encourage the City to leverage our Cutting the Green Tape Program where appropriate. A Restoration Management Permit (RMP) issued through the Cutting the Green Tape Program provides a unified, efficient CDFW permitting mechanism for restoration, enhancement, and species recovery projects that simplifies the permitting process while maintaining strong species and habitat protection measures. The RMP provides up to five separate CDFW authorizations in a single permit designed for beneficial management, recovery, and restoration activities: 1) take of CESA threatened, endangered, or candidate species; 2) take of Fully Protected Species; 3) take of plant species designated as "rare" under the NPPA; 4) take of other species including mammals, birds, fish, amphibians, or reptiles; and 5) authorization of impacts to rivers, streams, and lakes that would otherwise be subject to a Lake or Streambed Alteration Agreement. More information on this program can be found at [Cutting the Green Tape](#)³.
5. **Wetland Impacts.** CDFW appreciates the efforts to include the vernal pool complex as subject to Fish and Game Code section 1600 *et seq.* (pp. 27, City of Costa Mesa, 2025). 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 an 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 Plan 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 \(EPIMS\)](#)⁴.
6. **Trail Design.** The Trails Plan provided in the larger Plan Update appropriately emphasizes connected habitats, removing unauthorized trails, and reducing human intrusion within sensitive habitats. It also distinguishes between primary and secondary pedestrian trails. These secondary pedestrian trails are redundant recreation paths that further fragment the sensitive habitats throughout the park.

³ <https://wildlife.ca.gov/Conservation/Cutting-Green-Tape>

⁴ <https://epims.wildlife.ca.gov/index.do>

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CDFW recommends the following items in the Trails Plan are resolved prior to adopting the Plan Update:

- a. The Trails Plan proposes constructing an elevated boardwalk along the existing trail that runs diagonally from the north terminus of Canyon Drive southwest to Pacific Avenue. While CDFW agrees that an elevated boardwalk could provide protection for the vernal pool complex, the Trails Plan figure does not delineate where the proposed boardwalk would be located, nor does it clearly correspond with the Trail Type/Mode of Travel table (pp. 97-98, City of Costa Mesa, 2025). Based on the text description, the boardwalk appears to have a “primary pedestrian trail” designation, but this is not clearly depicted in the figure. Per the Habitat Restoration Opportunities figure (pp. 60, City of Costa Mesa, 2025), the proposed boardwalk would overlap the Vernal Pool 4 Restoration (2002 to 2009).
- b. A secondary pedestrian trail is currently proposed to bisect the vernal pool complex immediately adjacent to Vernal Pool 1 Restoration, per the Habitat Restoration Opportunities figure (pp. 60, City of Costa Mesa, 2025). It can be assumed that this specific trail would be fenced using low-disturbance methods such as gabion baskets or stacked wood fencing to minimize ground disturbance and prevent soil penetration within the vernal pool watershed. However, these fencing methods provide less certainty in keeping trail users on designated paths and out of sensitive habitats. Additionally, the table does not specify the materials nor surface treatments for this specific trail. If the trail is not struck from the Trails Plan, these specifics should be added.
- c. Given the sensitivity of the vernal pool complex and the potential for off-trail intrusion, CDFW recommends that the secondary pedestrian trail bisecting the Mesa be eliminated from the Trail Plan and that other secondary trails be reduced to the greatest extent possible. Secondary pedestrian trails are also sited throughout the Wetlands and Riparian Phase 2 (OCTA) (2012 to Present) site and the Community-Led Coastal Sage Scrub (CSS) Restoration (On-going) site, per the Habitat Restoration Opportunities figure (pp. 60, City of Costa Mesa, 2025).
- d. Wildlife Agency approved Fairview Park CSS and Flower Fields Habitat Restoration and Monitoring Plan. The Trail Plan as currently designed may authorize trails that will significantly bisect and cause indirect effects to the future CSS and Flower Fields Restoration Project (Land IQ, 2024). In the absence of a clearly defined and enforceable public access management program, the potential for habitat disturbance remains high. The City should provide further discussion of the proposed means to enforce pedestrian access restrictions and ensure long-term protection of sensitive biological resources.
- e. The Trails Plan should include an inventory and mapping of all existing authorized and unauthorized trails, access points, and areas of sensitive biological resources.

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7. **Enforcement.** CDFW appreciates that the Plan discusses the need for increased park ranger presence and enforcement efforts; however, the Plan does not reference specific regulations, enforcement mechanisms, nor management actions that will achieve this objective. Without clearly defined operation protocols, staffing commitments, or regulatory measures (such as posted restrictions, penalties, or monitoring programs), it remains uncertain how the City intends to ensure compliance and effectively deter unauthorized trail creation and unauthorized vehicle access. The Plan should include a more detailed description of enforcement strategies and corresponding resources allocations to demonstrate the City's capacity to maintain long-term protection of sensitive habitats and recreational infrastructure.
8. **OCTA Mitigation Obligations.** The Fairview Park Mesa Restoration Project was nominated by the City in 2010 for funding consideration from the OCTA. Upon completion and Wildlife Agency approval, the restored habitat will be eligible for use by OCTA as mitigation credits under the OCTA Measure 2 NCCP/HCP, contingent upon establishment of a recorded conservation easement or other approved conservation mechanism to ensure the long-term protection of the site.

The Plan's current objectives for the *Strategic Habitat Restoration Projects* (pp. 84, City of Costa Mesa, 2025) directly advance fulfillment of the City's outstanding obligations to OCTA and demonstrate renewed commitment to successful restoration outcomes. Notably, the City's adoption of the CSS and Flower Fields Restoration Project represents meaningful progress in implementing the City's restoration vision. CDFW acknowledges the City's coordination with the Cutting the Green Tape initiative to streamline permitting and regulatory alignment for these efforts. We look forward to working with the City to complete a conservation easement to fulfill the City's obligations under the original Restoration Project. Establishing this instrument will ensure the perpetual protection and management of restored habitats and allow OCTA to apply the resulting credits toward their mitigation obligations.

CDFW remains committed to working collaboratively with the City and OCTA to authorize restoration projects that demonstrate sustained ecological uplift, consistent with state conservation priorities and the goals of the existing OCTA Measure 2 NCCP/HCP. We look forward to advancing a complete Restoration Management Permit application package to facilitate timely implementation of these future projects.


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CONCLUSION

CDFW appreciates the opportunity to comment on the Draft Fairview Park Master Plan Update to advise the City of Costa Mesa in identifying and mitigating the Master Plan's impacts on biological resources. Questions regarding this letter or further coordination should be directed to [Paola Perez](#)⁵, Environmental Scientist.

Sincerely,

Signed by:



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