



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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June 2, 2026

Kelly Dalton
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City of Costa Mesa
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Subject: Mitigated Negative Declaration for the Fairview Park Master Plan Update, SCH No. 2026041370, Costa Mesa, CA

Dear Kelly Dalton:

The California Department of Fish and Wildlife (CDFW) reviewed the Mitigated Negative Declaration (MND) from City of Costa Mesa (City) for the Fairview Park Master Plan Update (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

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, CDFW appreciates 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.

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.
Conserving California's Wildlife Since 1870

Kelly Dalton
City of Costa Mesa
June 2, 2026
Page 2 of 9

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 (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 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 (Fish & G. Code, § 1900 *et seq.*), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a regional habitat conservation planning framework authorized under the NCCP Act (Fish and Game Code 2800 *et seq.*). The City is a participating landowner under the Central/Coastal Orange County NCCP/Habitat Conservation Plan (HCP).

Plan Description and Summary

Objective: This MND provides environmental analysis and regulatory framework to support the Project under CEQA. The purpose of the Project is to reflect the vested interests of the community and the City to balance resource protection and public use. The Project aims to

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."

Kelly Dalton
City of Costa Mesa
June 2, 2026
Page 3 of 9

address critical needs for a Long-term Management Plan (LTMP) 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 Project will incorporate updated biological assessments with an assessment of current land uses considering recent changes in state environmental regulations/policies. The LTMP 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 Project.

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 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:

Kelly Dalton
City of Costa Mesa
June 2, 2026
Page 4 of 9

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 (*Polioptila 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 sandiegensis*; 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).

Please see the Fairview Park Master Plan Update A for a complete list of sensitive species present or with potential to occur at Fairview Park (Hamilton Biological 2025).

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.* Prior to the effort to update the Fairview Park Master Plan Update, 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 remained incomplete (OCTA 2018 and CDFW 2019). Despite repeated engagement with the

Kelly Dalton
City of Costa Mesa
June 2, 2026
Page 5 of 9

City on natural resources matters at the Park, our attempts to partner with the City on these outstanding issues continue to be largely ineffective. However, through adoption of the Master Plan Update, the City's efforts to resolve their outstanding OCTA mitigation, and their commitment to acquiring appropriate permits, demonstrates a positive trend in resolving Fairview Park's legacy issues.

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

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).

In November of 2025, CDFW provided comments on the details of the Draft Master Plan Update. CDFW acknowledges and appreciates the incorporation of our prior comments into the above-referenced MND.

Kelly Dalton
City of Costa Mesa
June 2, 2026
Page 6 of 9

In December 2025, the City acquired a Restoration Management Permit (RMP-2025-0016-R5; Fairview Park Mesa Restoration) to fulfill outstanding OCTA mitigation obligations.

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; and to ensure Project consistency with regional conservation objectives in the Orange County Central/Coastal NCCP/HCP.

1. Evaluation of Impacts Under CEQA. CDFW recommends that the MND be revised to include additional analysis of impacts to biological resources. If additional analysis of these impacts will subsequently occur, we recommend that the additional analysis be explicitly addressed in a revised document. While CDFW greatly appreciates the incorporation of our feedback into the Plan Update, we have a concern that the MND alone may not fully analyze impacts to biological resources under CEQA. In isolation, the City's reliance on the MND risks improperly deferring environmental review; this is potentially inconsistent with CEQA's requirements that the whole of the action be evaluated, including its reasonable, foreseeable direct, indirect, and cumulative impacts. (CEQA Guidelines, §§ 15003(h), 15165, 15378(a).) Furthermore, CEQA requires that environmental reviews occur prior to Project approval and it be based on substantial evidence in the record. (CEQA Guidelines, §§ 15004, 15064, 15384.) Accordingly, all proposed projects and management actions considered in the MND should be evaluated through an appropriate CEQA pathway prior to implementation. In considering appropriate pathways, we encourage the City to consider potential permitting requirements, consultation obligations, feasible mitigation measures, and alternatives where applicable. (CEQA Guidelines, §§ 15126, 15126.4.)
2. Fly Field Relocation. Consistent with our prior letter, CDFW strongly supports the relocation of the fly field. We support the relocation because relocation places the 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 the likelihood of unauthorized take of state and/or federally listed species that occupy the Mesa.

Kelly Dalton
City of Costa Mesa
June 2, 2026
Page 7 of 9


3. CESA-listed and Candidate Species. CDFW acknowledges and appreciates that the MND requires take authorization for impacts to CESA-candidate species; however, we remain concerned that the analysis provided in the MND does not address all future Project impacts to a depth and scope such that CDFW can use it for issuance of any CESA-issued permits. We request that the City work with CDFW to ensure that the MND is revised to include this information, and/or that supplemental analysis be provided such that future CEQA analysis is not an impediment to issuance of an incidental take permit.
4. Appendices. Echoing the sentiments of the USFWS, we would appreciate the opportunity to review and provide detailed feedback on the Appendices of the Fairview Park Master Plan Update, in coordination with the City. CDFW recommends that the MND is revised to incorporate this review process as a mitigation measure.

Conclusion

CDFW appreciates the opportunity to comment on the MND to assist the City of Costa Mesa in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Jennifer Turner, Senior Environmental Scientist (Supervisory), at (858) 539-9109 or Jennifer.Turner@wildlife.ca.gov.

Sincerely,

Signed by:

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Glen M. Lubcke
Environmental Program Manager
South Coast Region

ec: California Department of Fish and Wildlife
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Kelly Dalton
City of Costa Mesa
June 2, 2026
Page 8 of 9

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Kelly Dalton
City of Costa Mesa
June 2, 2026
Page 9 of 9

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