

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
DIRECTOR'S OFFICE
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR
RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2024-060-R5**

Project: Wetland Reserve Coastal Habitat Restoration and Resiliency Project
Location: San Diego County
Lead Agency: City of Oceanside
Lead Agency Contact: Shannon Vitale; svitale@oceansideca.org

Background

Project Location: The Wetland Reserve Coastal Habitat Restoration and Resiliency Project (Project) is approximately 5.95 acres and situated on the northern portion of the Buena Vista Lagoon (BVL). The Project is located both in the City of Oceanside and the City of Carlsbad, San Diego County, at the approximate coordinates of 33.169134, -117.358141. The Project site also lies within the coastal zone and has three landowners: the Buena Vista Audubon Society (BVAS), the California Department of Fish and Wildlife (CDFW), and the City of Oceanside.

Project Description: BVAS, in partnership with the City of Oceanside (Lead Agency), proposes to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend and restore or provide habitat for California native fish and wildlife. The Project will enhance and restore the physical and biological functions and services of freshwater wetland habitat by improving ecosystem functionality, and will establish a continuous mosaic of native habitats that transition between upland, wetland, and future tidal marsh. The Project will also accommodate sea level rise (SLR) and maintain coastal access for the public. The Project is designed to benefit a number of sensitive species, including light-footed Ridgway's rail (*Rallus obsoletus levipes*; Federal Endangered Species Act (ESA) – listed endangered; California Endangered Species Act (CESA) – listed endangered; Fully Protected), wandering skipper (*Panoquina errans*; Federal Species of Concern), and southwestern spiny rush (*Juncus acutus*; California Rare Plant Rank 4.2).

The Project is necessary to restore site conditions degraded by urban development and invasive plant introduction, and to prepare for anticipated climate change impacts. To address these issues and accomplish restoration, the Project will include the following activities:

- **Grading and fill relocation**, including excavation of two channels, to restore historic wetlands and allow for future tidal influence due to SLR. Excavated soil from the grading will be placed at the toe of the coastal bluff to help stabilize the slope.
- **Removing non-native vegetation** following grading and fill relocation, all non-native trees, shrubs, and groundcover will be removed and revegetated with fire tolerant native species. The restored channels will be planted with native vegetation, such as bulrush (*Scirpoides holoschoenus*), and the transitional area will be restored to alkali meadow and coastal dune scrub. The northeast corner of the Project site will be restored to coastal sage scrub through native seeding. Native revegetation efforts will be supported through temporary irrigation or by other water techniques, where appropriate, until successful establishment.
- **Creating a bioswale to capture and treat urban runoff** for improved water quality. The road in this area will be stabilized with gravel, and a curb will be added to direct runoff and promote water quality.
- **Realigning and establishing a formal nature trail** to the fill area, to allow for public access and educational opportunities. The trail system, with accompanying gate, fence, and interpretive signage, will refocus existing foot traffic away from wildlife. The trail system will also be used to monitor and maintain restoration benefits.

Following initial restoration, the Project will include a period of monitoring and maintenance. During this period, irrigation use will be scheduled to support native vegetation development and establishment. A comprehensive weed control and eradication program and an Integrated Pest Management approach will be applied.

Tribal Engagement: In 2022, the Project team contacted the California Native American Heritage Commission and requested a search of the Sacred Lands File as well as a list of California Native American Tribes who may have interest in the Project. Following the search request and subsequent correspondence with a number of tribes, the Project team has gathered valuable input on the design of the Project, as well as plant species preferences.

As part of tribal engagement, the Project team has coordinated directly with members of the Payómkawichum (Luiseño) Nation from the San Luis Rey Band of Mission Indians and 'ataxum Pomkwaan, an indigenous non-profit, to facilitate connection to the Project and access to ancestral lands. The Project team also continues coordination with the California Indian Basketweavers' Association.

Interested Party Coordination: There has been ongoing community engagement for the Project since early 2022. In December 2022 the Project team held a community meeting to present the preliminary design and receive feedback on the Project. The community meeting was attended by community members and adjacent neighbors. Follow-up meetings were held in 2023 to show changes that had been made to the Project design based on feedback. There have been specific meetings with the City of Oceanside and the City of Carlsbad.

In 2022 and 2023, the Project team met with CDFW, Army Corps of Engineers, Regional Water Quality Control Board, U.S. Fish and Wildlife Service, and California Coastal Commission to discuss the Project design and receive input.

The Project team has also been working with the San Diego Association of Governments in connection with the larger Buena Vista Lagoon Enhancement Project.

Anticipated Project Implementation Timeframes: Start date: September 2025
Completion date: September 2035

Lead Agency Request for CDFW Concurrence: On September 3, 2024, the Director of the California Department of Fish and Wildlife (CDFW Director) received a concurrence request from the Lead Agency pursuant to Public Resources Code section 21080.56, subdivision (e) (Request). The Request seeks the CDFW Director's concurrence with the Lead Agency's determination on September 3, 2024 that the Project meets certain qualifying criteria set forth in subdivisions (a) to (d), inclusive, of the same section of the Public Resources Code (Lead Agency Determination). The CDFW Director's concurrence is required for the Lead Agency to approve the Project relying on this section of the California Environmental Quality Act (CEQA). (Pub. Resources Code, § 21000 et seq.).

Concurrence Determination

The CDFW Director concurs with the Lead Agency Determination that the Project meets the qualifying criteria set forth in Public Resources Code section 21080.56, subdivisions (a) to (d), inclusive (Concurrence).

Specifically, the CDFW Director concurs with the Lead Agency that the Project meets all of the following conditions: (1) the Project is exclusively to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend; or is exclusively to restore or provide habitat for California native fish and wildlife; (2) the Project may have public benefits incidental to the Project's fundamental purpose; (3) the Project will result in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery; and includes procedures and ongoing management for the protection of the environment; and (4) Project construction activities are solely related to habitat restoration. Pursuant to Public Resources Code section 21080.56, subdivision (g), CDFW will post this Concurrence on its CEQA Notices and Documents internet page: <https://wildlife.ca.gov/Notices/CEQA>.

This Concurrence is based on the best available science and supported, as described below, by substantial evidence in CDFW's administrative record of proceedings for the Project.

This Concurrence is also based on a finding that the Project is consistent with and that its implementation will further CDFW's mandate as California's trustee agency for fish and wildlife, including the responsibility to hold and manage these resources in trust for all the people of California.

Discussion

- A. Pursuant to Public Resources Code section 21080.56, subdivision (a), the CDFW Director concurs with the Lead Agency that the Project will exclusively conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend; or restore or provide habitat for California native fish and wildlife.

The Project will enhance and restore the site through the removal of non-native vegetation, reintroduction of native plants, and restoration of wetland and transitional habitat types. Grading and fill relocation will restore wetland habitat to enhance present and future hydrologic function. As a result of these restoration efforts, it is expected there will be an increase in habitat for light-footed Ridgway's rail and wandering skipper, in addition to other native species.

- B. Pursuant to Public Resources Code section 21080.56, subdivision (b), the CDFW Director concurs with the Lead Agency that the Project may have incidental public benefits, such as public access and recreation.

The Project will replace an ad hoc existing network of trails that traverse the site and will establish and formalize the trail and fence system with interpretive signage. This new system will protect sensitive habitat by refocusing public access within a well-defined area. Visitors will have coastal access to passive recreational activities such as birdwatching, photography, and walking. Furthermore, the trail will be used for habitat maintenance and monitoring purposes.

Fill from the on-site grading will be placed at the toe of the coastal bluff, in the northern part of the Project site. This may provide some incidental public safety benefit to the adjacent homeowners through slope stabilization below their properties.

- C. Pursuant to Public Resources Code section 21080.56, subdivision (c), the CDFW Director concurs with the Lead Agency that the Project will result in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery, and includes procedures and ongoing management for the protection of the environment.

Long-term Net Benefits to Climate Resiliency: The Project will have long-term net benefits to climate resiliency by addressing future SLR. The grading and fill relocation will create transitional habitat and allow for future tidal influence. This will result in the Project site being more climate resilient and allow for long-term migration of wetland vegetation and habitat throughout the site.

Long-term Net Benefits to Biodiversity: The Project will have long-term net benefits to biodiversity by restoring and enhancing five native plant communities on site. These native plant communities will benefit native wildlife species and increase overall biodiversity on the Project site.

The Project site is currently impacted by invasive plant species that have limited the biodiversity on site. Invasive vegetation, such as Bermuda grass (*Cynodon dacylon*), perennial ryegrass (*Fesuca perennis*), and iceplant (*Carpobrotus edulis*) will be removed. This coupled with active seeding will restore parts of the site to coastal sage scrub. Following grading the excavated channels will be actively planted with bulrush, and the transitional areas will be restored to alkali meadow and rare coastal dune scrub.

The Project includes a long-term maintenance strategy where BVAS will continue to maintain the habitat and biodiversity benefits of the Project. This will be accomplished through continuous monitoring and volunteer events. One of the goals of this maintenance strategy will be to assist in the transitioning of the Project site to a tidally influenced system.

Long-term Net Benefits to Sensitive Species Recovery: The Project will provide long-term net benefits to sensitive species recovery by providing habitat for nesting and foraging. These sensitive species include great blue heron (*Ardea Herodias*; Fully Protected); white-tailed kite (*Elanus leucurus*; Fully Protected); wandering skipper; least bittern (*Ixobrychus exilis*; Species of Special Concern); light-footed Ridgway's rail; southwestern spiny rush; pallid bat (*Antrozous pallidus*; Special of Special Concern); Western yellow bat (*Lasiurus xanthinus*; Special of Special Concern); and pocketed free-tailed bat (*Nyctinomops femorosaccus*; Special of Special Concern). The new transitional zones between alkali meadow and wetland habitat will allow more southwestern spiny rush to benefit from increased habitat.

Procedures for the Protection of the Environment: The Project includes procedures for the protection of the environment that will avoid and minimize impacts of the Project to the sensitive species that occur on site. These include, but are not limited to, work being conducted outside of bird nesting season, pre-construction nesting bird surveys, invasive species introduction prevention, erosion control measures, and biological monitoring.

Ongoing Management for the Protection of the Environment: A Habitat Restoration Plan has been developed to implement ongoing management and to identify any necessary remedial measures. These measures may include replanting of alkali meadow and continued effort to control invasive vegetation and pests within the Project site. The Project has a long-term monitoring and management plan.

The Project will also coordinate future efforts in concert with the future larger Buena Vista Lagoon Enhancement Project. This future project is a joint effort of parties with lands adjacent to the lagoon to help remediate issues associated with the long-term impacts of SLR.

- D. Pursuant to Public Resources Code section 21080.56, subdivision (d), the CDFW Director concurs with the Lead Agency that the Project does not include any construction activities, except those solely related to habitat restoration.

All activities are solely related to habitat restoration. These include water quality measures to establish two bioretention basins, a bioswale, the modification of grade across the site, and the installation of a curb along the alley on the north side of the site. A fence will be installed along the trail for the primary purpose of protecting habitat and sensitive species.


Scope and Reservation of Concurrence

This Concurrence is based on the proposed Project as described by the Lead Agency Determination and the Request. If there are any subsequent changes to the Project that affect or otherwise change the Lead Agency Determination, the Lead Agency, or any other public agency that proposes to carry out or approve the Project, shall submit a new lead agency determination and request for concurrence from CDFW pursuant to Public Resources Code section 21080.56. If any other public agency proposes to carry out or approve the Project subsequent to the effective date of this Concurrence, this Concurrence shall remain in effect and no separate concurrence from CDFW shall be required so long as the other public agency is carrying out or approving the Project as described by the Lead Agency Determination and the Request.

Other Legal Obligations

The Project shall remain subject to all other applicable federal, state, and local laws and regulations, and this Concurrence shall not weaken or violate any applicable environmental or public health standards. (Pub. Resources Code, § 21080.56, subd. (f).)

CDFW Director's Certification

By: 
Charlton H. Bonham, Director
California Department of Fish and Wildlife

Date: 10/9/24