

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
DIRECTOR'S OFFICE
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR
RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2024-058-R5**

Project: Buena Vista Creek Restoration and Disadvantaged Community Stewardship Planning Project
Location: San Diego County
Lead Agency: City of Oceanside
Lead Agency Contact: Bronti Cash; bcash@oceansideca.org

Background

Project Location: The Buena Vista Creek Restoration and Disadvantaged Community Stewardship Planning Project (Project) encompasses approximately 6.99 acres and is located along a 1,600 linear-foot stretch of Buena Vista Creek. The Project site is situated within an urbanized part of the City of Oceanside (Lead Agency), near the intersection of Thunder Drive and Lake Boulevard, at the approximate coordinates of 33.180299, -117.291070. The Project site includes a combination of parcels owned by the Lead Agency and two private property owners.

Project Description: The Lead Agency, in partnership with the Buena Vista Audubon Society (BVAS), 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. The Project will improve and restore existing riparian habitat, enhance water quality, and provide passive recreational opportunities. The Project is designed to benefit least Bell's vireo (*Vireo belli pusillus*; Federal Endangered Species Act (ESA) listed endangered; California Endangered Species Act (CESA) listed endangered) southwestern willow flycatcher (*Empidonax traillii extimus*; ESA listed endangered; CESA listed endangered), coastal California gnatcatcher (*Polioptila californica californica*; ESA listed threatened), yellow warbler (*Setophaga petechia*; Species of Special Concern), and yellow-breasted chat (*Icteria virens*; Species of Special Concern). The Project may also benefit other native species including Crotch's bumble bee (*Bombus crotchii*; CESA candidate species), monarch butterfly (*Danaus plexippus plexippus*; ESA candidate species), white-tailed kite (*Elanus leucurus*; Fully Protected Species), and Cooper's hawk (*Accipiter cooperii*).

Upstream of the Project site, segments of the Buena Vista Creek have been altered by replacing some sections of the natural streambed and banks with concrete channels and armored banks. Within the Project site, these upstream artificial features have contributed to increased erosion, bank scouring, adverse hydrological changes, native habitat

loss/fragmentation, proliferation of invasive plant species, and an overall decline in biodiversity. Human transient encroachment has also intensified habitat degradation within the Project site.

To address these issues and restore site conditions the Project will include the following activities:

- **Site preparation and non-native vegetation removal.** After provision of adequate notice, the area will be cleared of any unaccounted-for human items, followed by invasive/non-native vegetation removal within the Project site. These invasive plant species include, but are not limited to, Arundo (*Arundo donax*), castor bean (*Ricinus communis*), eucalyptus (*Eucalyptus spp.*), and other non-native tree species.
- **Channel enhancement and bank stabilization.** A small secondary channel will be excavated in the downstream portion of the Project, where the riparian area is incised. This secondary channel will increase the wetted area of the riparian zone and will be supported through bank stabilization by willow wattles, willow cuttings, and container planting.
- **Native revegetation.** Southern willow scrub, southern willow riparian forest, south coast live oak riparian forest, and mule fat scrub communities will be revegetated in the riparian areas of the Project site. Restoration of these native vegetation communities will be accomplished through container planting and seeding/hydroseeding. Upland areas of the Project site will be enhanced through container plantings and hydroseeding of Diegan coastal sage scrub.
- **Trail consolidation.** To support restoration success, while providing both public access and monitoring/maintenance access, the Project will consolidate an unregulated trail network located on the site by establishing a formal trail system focused on protecting sensitive riparian habitats. A 50-foot riparian buffer will further limit the potential for trespassing, littering, and encroachment into the riparian habitat. This will be accompanied by installation of fencing, benches, picnic tables, and interpretive signage to promote public awareness of the restoration Project and to promote stewardship among community members.

After initial restoration activities are completed, the Project will include maintenance and monitoring, which will involve vegetation management, water quality monitoring, public waste/debris removal, and any measures necessary to maintain the channel's hydrological benefits.

Tribal Engagement: A Sacred Lands File search through the Native American Heritage Commission was initiated for the Project, which recommended contacting the La Jolla Band of Luiseño Indians and the San Luis Rey Band of Mission Indians. The La Jolla Band of Luiseño Indians was contacted via telephone and email, and the San Luis Rey Band of Mission Indians was contacted by phone. Letters were also sent to tribes and representatives with traditional geographic association of the Project site, including the San Pasqual Band of Mission Indians, Pechanga Band of Luiseño Mission Indians, Rincon Band of Luiseño

CDFW will post this Concurrence on its CEQA Notices and Documents internet page: <https://wildlife.ca.gov/Notices/CEQA>.

This Concurrence is based on 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's environmental benefits include enhancement of approximately 4.06 acres of existing riparian habitat, restoration of approximately 1.51 acres of disturbed wetlands habitat, and restoration of approximately 1.33 acres of native uplands habitat. Invasive plants will be removed, and native species will be planted, which would improve conditions for native wildlife species and foster biodiversity. The Project will also stabilize channel hydraulics, improve water quality, and reduce site degradation due to flooding. These restoration activities will aid in the recovery of native species such as least Bell's vireo, southwestern willow flycatcher, yellow warbler, and coastal California gnatcatcher. The Project may also support opportunities of foraging and breeding for native migratory species such as Cooper's hawk, wrenit (*Chamaea fasciata*), black-throated gray warbler (*Setophaga nigrescens*), Nuttall's woodpecker (*Dryobates nuttallii*), double-crested cormorant (*Nannopterum auratus*), and monarch butterfly.

- 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 informal existing network of trails that traverse the site with a trail and fence system including interpretive signage, benches and picnic tables. These public access and recreation features will be designed to protect sensitive habitat by refocusing public access outside of a 50-foot minimum biological buffer zone from the restored riparian habitat. The biological buffer will further limit the potential for trespassing, littering, and pet encroachment into the riparian habitat.

The Project may also have public health and safety benefits. The Project will remove unaccounted-for human items attributed to human transient encroachment. This may reduce fire risk and/or potential unsanitary conditions within the Project site.

- 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 contributes to the long-term net benefits to climate resiliency through enhancing riparian habitat along Buena Vista Creek. This includes the removal of invasives plant species and restoration of native plant communities. This enhanced habitat will help sequester carbon, mitigate the effects of more extreme weather, and support long-term ecosystem health in a changing climate.

Long-term Net Benefits to Biodiversity: The Project will enhance riparian habitat, creating favorable conditions for diverse native plant and animal species. Targeted native riparian vegetation communities include southern willow scrub, southern willow riparian forest, south coast live oak riparian forest, and mule fat scrub.

Also, the Project will address habitat fragmentation and degradation due to urbanization and development within the watershed and will help to provide habitat connection benefit to the Buena Vista Creek Ecological Reserve and the Buena Vista Lagoon Ecological Reserve.

Long-term Net Benefits to Sensitive Species Recovery: The Project will create long-term net benefits and support sensitive species recovery through enhancement of riparian and wetland habitat. These activities are designed to restore site conditions and create suitable habitat that will contribute to the recovery of sensitive species such as least Bell's vireo, southwestern willow flycatcher, yellow warbler, and yellow-breasted chat. Restoration of upland habitat in the Project site is also designed to attract and support coastal California gnatcatcher.

Procedures for the Protection of the Environment: The Project includes measures to protect sensitive species within the Project site. These measures include, but are not limited to, biological monitoring, preconstruction nesting bird surveys, nesting bird avoidance, preconstruction bee surveys, bee nest avoidance, preconstruction bat surveys, avoidance of bat maternity roosts, environmental awareness training, and Project site delineation. These protections also include measures from the Oceanside Subarea Plan of the North San Diego County's Multiple Habitat Conservation Plan, which requires limited public access to the riparian corridor and a 50-foot biological buffer from the channel.

Ongoing Management for the Protection of the Environment: Following the five-year monitoring and maintenance period of the Project, the Lead Agency will implement a long-term management plan. The plan is anticipated to address regular and post project maintenance activities. These ongoing maintenance activities include, but are not limited to, management of invasive species, water quality monitoring, and trash/debris removal. In addition, the Lead Agency will place a protective legal instrument on the land to prevent future development and ensure ongoing and long-term habitat protection on the Project site.

- 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.

Heavy machinery may be utilized for Project's channel enhancement, bank stabilization, and upland restoration activities. Following the completion of these activities, any impacts will be restored to natural conditions. For restoration purposes, the Project also includes improvements to existing access/recreation features within the site, such as establishment of a formal trail system and installation of picnic tables, benches, and interpretive signage, all designed to protect sensitive riparian habitats while allowing existing public access and passive recreation.

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:  _____

Date: 10/31/24

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