

## ATTACHMENT 3

### **Option 3: Consider closing the Fly Field on the West Side**

- a. The benefits of this option include opportunities for full restoration of the vernal pool complex and watershed; decreased potential of environmental regulatory rules being broken; less occurrences of trail interference with other users; and elimination of noise nuisance created by the hobby.
- b. The current location of takeoff and landing area, winch lines, and runway size, limits the optimization of future restoration and protection efforts by the City for the rare vernal pool complex and associated habitats. The fly field lies within the watershed of vernal pool #1 and is in the center of the vernal pool complex comprised of vernal pools #4, 5, 6 and 7. In addition to the footprint of these fly field areas, the airspace above the park is also utilized by the flyers.
- c. There remains potential for a federally defined "take" of an endangered species:
  - i. The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, any threatened or endangered species, or to attempt to do the same. [16 U.S.C. § 1532\(19\)](#). An "incidental take" refers to a taking that results from, but is not the purpose of, carrying out an otherwise lawful activity. [50 C.F.R. § Endangered Species Act Section 10 Incidental Take Permit](#).
  - ii. "Because the City is issuing permits to allow the operation of model planes within the park they will also be responsible should take of Federally listed species occur in association with these activities. For example, if the planes cause disturbance to nesting gnatcatchers in a manner that results in abandonment of an active nest then we would consider this a potential violation of Section 9 of the Endangered Species Act that can be referred to our Law Enforcement Division." USFWS email communication with FVP Administrator 6/26/2019.
- d. Protection of the flora and fauna is limited because of lack of enforcement capabilities involving equipment retrieval in sensitive habitat areas.
- e. Fencing the surrounding fly field area and closing all trails in this area, as recommended by HSS is not feasible given the location and other park uses. The AMA has best practices/guidelines for appropriate field layout and proximity to trails that are not reflected in this field layout.
- f. In addition to advocating for Model Aircraft flying, the AMA offers regular assistance to flying clubs when field relocation is required (a common occurrence according to AMA).
- g. There are other opportunities for flying model aircraft at fields within the area such as Black Star Canyon, OC; El Dorado Park, Long Beach; Kite Hill, Laguna Niguel; Lily Shappell, Laguna Niguel; Trabuco Canyon, OC; Mile Square Park (future), Fountain Valley.
- h. Next steps would include removal of existing site amenities (kiosks, winch line anchors, flags, and HSS storage container).