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**From:** Jenn Tanaka <jenn@cmabs.org>  
**Sent:** Tuesday, March 21, 2023 11:29 AM  
**To:** CITY COUNCIL; CityManager; SETHURAMAN, RAJA  
**Cc:** CITY CLERK; THOMAS, BRETT ATENCIO; ROSALES, JENNIFER  
**Subject:** Public Comment for City Council Meeting on March 21, 2023  
**Attachments:** March 21 CC Letter (Bus Shelters).pdf

Greetings:

Please find enclosed a letter to the City Council, City Manager Farrell Harrison and Director Sethuraman regarding our bus shelter contract with Clear Channel Outdoor, which will expire next year. I urge you to review this contract and to begin gathering the data and information necessary to put the city in a strong negotiating position either with CCO or another advertising provider, so that we can improve our bus shelter program throughout the city.

Best,  
Jenn Tanaka

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March 21, 2023

***Via Email***

Costa Mesa City Council  
Lori Ann Farrell Harrison, City Manager  
Raja Sethuraman, Public Services Director  
77 Fair Drive  
Costa Mesa, CA 92626  
[citycouncil@costamesaca.gov](mailto:citycouncil@costamesaca.gov)  
[citymanager@costamesaca.gov](mailto:citymanager@costamesaca.gov)  
[raja.sethuraman@costamesaca.gov](mailto:raja.sethuraman@costamesaca.gov)

Dear Members of the City Council, City Manager Farrell Harrison and Public Services Director Sethuraman:

As you have heard from me and my colleagues at the Costa Mesa Alliance for Better Streets in the past weeks, we are concerned about the state of our bus shelters. Now it has come to my attention that bus shelter maintenance is a contracted service with Clear Channel Outdoor (CCO), and that the current contract for bus shelter maintenance with CCO is set to expire on April 1, 2024. Therefore, now is the time to start planning for a new contract. I urge you to pursue a new contract, either with CCO or another competitive vendor, that provides for better maintenance of bus shelters and more bus furniture.

***The state of our bus stops are a public statement of our priorities and the value we place on transit riders.*** And unfortunately, the current state of bus shelters in our City is very concerning. Many of them are in a state of disrepair, with chipping paint, cracked plexiglass or poor lighting. This creates an unsightly and uncomfortable experience for everyone, not only the bus riders but also those who pass by in their cars, on their bicycles or on foot.

Furthermore, many bus stops lack basic amenities, such as benches, shelter, trash cans, and wayfinding signage. It is extremely disheartening to see transit riders waiting – sometimes for thirty minutes or more – in the rain or the extreme heat without any nearby shelter. It is also distressing to witness seniors, persons with disabilities, or persons carrying laundry, groceries or children, waiting for buses without seating. ***If we want to encourage people to use public transportation, making waiting for the bus difficult or even downright miserable isn't the way to do it.***

The importance of bus shelters should not be underestimated. As more people move to Costa Mesa to participate in our strong job market and to enjoy our world class amenities, public mobility must increasingly rely on more spatially efficient modes such as transit. Attractive and well appointed bus stops support the use of public transportation by making it more accessible and attractive to a wider range of people and activities. And encouraging transit use through

public investment, rather than discouraging it through public neglect, will support the City's stated long-term environmental sustainability goals.

Therefore, I urge the City Council to begin the process of evaluating the current contract with CCO **as soon as possible** and to identify areas of improvement. In particular it is crucial that the new contract for bus shelter maintenance includes provisions for **better maintenance than the status quo** and **more amenities**. There should be no provision under a future contract to allow bus shelters to be "maintained" in a state that includes significant, visible chipped paint, trash cans with visible holes, cracked plexiglas and dirty sidewalks. And it shouldn't be up to our residents to police our contractor's agreement.

Furthermore, I urge any new contract to provide bus furniture and maintenance **on the basis of present and anticipated usage**, rather than on the basis of advertising revenue potential. Boarding data should be available from the Orange County Transit Authority, and Developmental Services should be aware of areas where we expect significant future multifamily growth. In particular we should ensure our contract will permit us to direct bus furniture to be installed along these future growth corridors so that we can anticipate transit demand, rather than expecting residents to shiver in the rain or bake in the sun to "prove" demand exists.

If we come to the table armed with data, sound planning and clear objectives, I am confident that the next contract, **which could last for decades**, can provide substantial revenue to support the City's transit goals while also making visible and meaningful improvements to the quality of life of our residents.

Thank you for your attention to this important matter.

Best,  
Jenn Tanaka

CC:

Brenda Green, City Clerk (cityclerk@costamesaca.gov)

Jennifer Rosales, Transportation Services Manager (jennifer.rosales@costamesaca.gov)

Brett Atencio Thomas, Active Transportation Coordinator  
(brettatencio.thomas@costamesaca.gov)

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**From:** GREEN, BRENDA  
**Sent:** Monday, March 20, 2023 4:58 PM  
**To:** TERAN, STACY  
**Subject:** FW: Fly Field Closure

**Importance:** High

Additional correspondence

*Brenda Green*  
City Clerk  
City of Costa Mesa  
714/754-5221

*E-mail correspondence with the City of Costa Mesa (and attachments, if any) may be subject to the California Public Records Act, and as such may, therefore, be subject to public disclosure unless otherwise exempt under the act.*

**From:** FARRELL HARRISON, LORI ANN <LoriAnn@costamesaca.gov>  
**Sent:** Monday, March 20, 2023 4:48 PM  
**To:** GREEN, BRENDA <brenda.green@costamesaca.gov>; CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>  
**Cc:** MINTER, JASON <JASON.MINTER@costamesaca.gov>  
**Subject:** FW: Fly Field Closure  
**Importance:** High

Please see the below email from the State Department of Fish and Wildlife re the Fly Field.

**From:** Turner, Jennifer@Wildlife <[Jennifer.Turner@wildlife.ca.gov](mailto:Jennifer.Turner@wildlife.ca.gov)>  
**Sent:** Monday, March 20, 2023 11:51 AM  
**To:** DALTON, KELLY M. <[KELLY.DALTON@costamesaca.gov](mailto:KELLY.DALTON@costamesaca.gov)>  
**Subject:** Fly Field Closure

Hello Kelly,

In response to our conversation a few weeks ago and our most recent email exchange, CDFW would be supportive if the City was to eliminate the model aircraft flying activity in Fairview Park. As a State Trustee Agency for natural resources sees the current activities at Fairview Park as potentially adverse to a variety of sensitive plant and wildlife species as well as valuable habitat types, including vernal pools, coastal sage scrub, and riparian vegetation. Currently, the designated model aircraft flying area directly overlaps with these habitats.

Sensitive wildlife species are found in and adjacent to the designated flying area, including burrowing owl (*Athene cunicularia*; CDFW Species of Special Concern (SSC)), white-tailed kite (*Elanus leucurus*; Fully Protected), northern harrier (*Circus hudsonius*; SSC), coastal California gnatcatcher (*Polioptila californica californica*; SSC, Federal Endangered Species Act (ESA) listed-threatened), San Diego fairy shrimp (*Branchinecta sandiegonensis*; Federal ESA listed-endangered), and Riverside fairy shrimp (*Streptocephalus woottoni*; Federal ESA listed-endangered). Sensitive plant species in and adjacent to the flying area include San Diego button celery (*Eryngium aristulatum* var. *parishii*; California Endangered Species Act listed-endangered, Federal ESA listed-endangered, California Rare Plant Rank (CRPR) 1B.1), Orcutt's grass (*Orcuttia californica*; Federal ESA listed-endangered, CRPR 1B.1), , prostrate navarretia (*Navarretia prostrata*; CRPR 1B.2), and small-flowered microseris (*Microseris douglasii* ssp. *platycarpha*; CRPR 4.2).

CDFW would like to express our support for full closure of the flying field due to impacts to sensitive biological resources. Small, unmanned aircraft have high potential to disturb sensitive avian species and can cause physiological stress and decreases in reproduction and survival (Mulero-Pázmány et al., 2017). We are especially concerned about impacts to raptor species which forage on the mesa near the flying field and may mistake a model craft for a competing predator. Smaller birds such as coastal California gnatcatcher may also identify craft as birds of prey; similar instances with other species have occurred locally. For example, in 2021, a drone crash led to the abandonment of approximately 1,500 elegant tern nests at CDFW-owned-and-managed Bolsa Chica Ecological Reserve, only seven miles northwest of Fairview Park. We are concerned that continued operation of the flying field could lead to similar direct and indirect impacts to sensitive avian resources there.

Fairview Park supports one of the last coastal terrace vernal pools complexes in Orange County. Conservation and management of the San Diego fairy shrimp and its habitat in Fairview Park and other vernal pool complexes in the Los Angeles Basin-Orange Management Area is one of the criteria identified for recovery of the San Diego fairy shrimp in the U.S. Fish and Wildlife Service's Recovery Plan for Vernal Pools of Southern California. Vernal pools in Fairview Park also support several plant species that are locally rare (City 2008; Chung 2010). Model aircraft activity at the flying field results in degradation of vernal pool habitats at Fairview Park when uncontrolled landings and associated vegetation trampling occur. For the above reasons, CDFW would be in support of a closure which would eliminate this source of pedestrian disturbance for the sensitive habitats present on site.

If you have any questions or comments regarding this email please contact me directly.

Sincerely,

***Jennifer Turner***

Senior Environmental Scientist (Supervisor)  
California Department of Fish and Wildlife  
South Coast Region 5  
3883 Ruffin Road  
San Diego, CA 92123  
Office: (858) 467-2717  
Mobile: (858) 539-9109

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**From:** TORRES, IVIS  
**Sent:** Tuesday, March 21, 2023 10:22 AM  
**To:** GREEN, BRENDA  
**Cc:** CONSTITUENT SERVICES; TERAN, STACY  
**Subject:** FW: keep the flying field

Good morning Brenda,

Please see the public comment below to share with the Mayor and City Council.

Thank you,

**Ivis D. Torres**

Management Aide | Constituent Services Team  
(714) 754-4867 (office) | (949) 629-5032 (cellphone)



77 Fair Drive | Costa Mesa | CA 92626



PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL. THANK YOU!

As City Hall has reopened, we encourage the public to take advantage of our appointment system.

Appointments can be made at [www.costamesaca.gov/appointments](http://www.costamesaca.gov/appointments).

Please note that it is required that all guests check in with our Concierge Staff, located on the 1<sup>st</sup> Floor Lobby, upon arrival at City Hall.

**From:** John R. Browning <johnrbrowning@gmail.com>  
**Sent:** Tuesday, March 21, 2023 10:20 AM  
**To:** CONSTITUENT SERVICES <constituentservices@costamesaca.gov>  
**Subject:** keep the flying field

it's an invaluable resource to the community, providing needed recreation for all ages. Please please please allow remote control aircraft at the flying field!!

John Browning  
949-244-5053

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**From:** Mat Garcia <mat.garcia@live.com>  
**Sent:** Tuesday, March 21, 2023 4:08 AM  
**To:** CITY CLERK  
**Subject:** Letter to City Council for 3/21/2023 Council Meeting - Public Record  
**Attachments:** Costa Mesa Letter\_Tyler Dobbs (AMA).pdf

Dear City Clerk,

The attached letter is from Harbor Soaring Society's governing body, the Academy of Model Aeronautics. We would like to submit this to the City Council for the March 21, 2023 council meeting as part of the public comment record related to new business agenda item 4, the flying field at Fairview Park.

Thank you,

Mat Garcia  
HSS President

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March 20, 2023

Costa Mesa City Council  
77 Fair Drive,  
Costa Mesa, CA 92626

**RE: Support for Continued Model Aircraft Operations at Fairview Park**

Dear Mayor John Stephens and Costa Mesa City Council:

The Academy of Model Aeronautics (AMA) is writing in opposition to permanently closing the Fairview Park model aircraft flying field, and terminating the model aircraft individual flyer permit system. AMA is a nationwide, FAA-recognized Community-Based Organization of 180,000 model aviation enthusiasts, with many members living in Coast Mesa. For more than 85 years, AMA has successfully managed the recreational UAS community by providing robust safety guidelines and training programs. All AMA members follow this strict safety program and have the benefit of a \$2.5 million liability insurance policy that comes with membership. AMA members know where and how to fly responsibly and have a strong safety record.

In an attempt to protect and preserve Costa Mesa's wildlife, suggestions have been made to close the Fairview Park model aircraft flying field. Unfortunately, many have the impression that centralized and known UAS flying sites are part of a problem to local wildlife, rather than a solution. However, this designated site creates a manageable and known location, greatly reducing the number of unknown UAS operations throughout the area.

Model aviation is more than a hobby, it's an effective tool for inspiring young people to explore careers in science, technology, engineering, and mathematics that are becoming increasingly vital to our future. In fact, without UAS technology, we would find ourselves without an effective tool that assists with conservation efforts, not only in Costa Mesa, but nationwide.

We share Coast Mesa's goal to protect and preserve the city's wildlife but believe banning model aircraft operations would create a problem, rather than provide a solution. For those of us concerned with environmental preservation, there are much greater threats than the relatively benign use of park property by model aviators. Thank you for your consideration of our views.

Respectfully,

A handwritten signature in black ink, appearing to read "Tyler Dobbs". The signature is written in a cursive, flowing style.

Tyler Dobbs  
Senior Director of Government Affairs  
Academy of Model Aeronautics  
tylerd@modelaircraft.org (765)287-1256 ext. 235

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**From:** Kim Hendricks <kimhendricks26@gmail.com>  
**Sent:** Monday, March 20, 2023 8:16 PM  
**To:** GREEN, BRENDA; TERAN, STACY  
**Subject:** Public Comments Agenda Item 4 New Business  
**Attachments:** FPA Response to Flying Field in FP March 21, 2023.pdf

Good Day Ladies,

Please include the attached letter in the public comments for Agenda Item #4 New Business for March 21, 2023 City Council Meeting. and please give it to all council members if possible.

Thank you and hope all is well.

Kim Hendricks

Fairview Park Alliance

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Board Members:

Wendy Leece  
*President*

Deborah Koken  
*Secretary*

Kim Hendricks  
*Treasurer*

Jason Komala  
*Board Member*

Mailing Address:

Fairview Park Alliance  
P.O. Box 2471  
Costa Mesa, CA 92628-2471

E-Mail Address:

[info@fairviewparkalliance.org](mailto:info@fairviewparkalliance.org)

Website:

[www.fairviewparkalliance.org](http://www.fairviewparkalliance.org)

March 21, 2023

Dear Mayor Stephens and City Council Members,

Fairview Park Alliance (FPA) reviewed the Agenda Report for March 21, 2023 Item #4 New Business; by city staff regarding environmental incompatibility for a fly field in Fairview Park. FPA agrees with the recommendation that the "fly field" be permanently closed on the west side of Fairview Park and no further investigation for a fly field on the east side be done. FPA has watched and participated in this process of evaluation, research, public input, discussion and consideration by city staff and the Fairview Park Steering Committee that has taken over a year and a half. They have addressed outstanding environmental constraints, safety issues, and infeasibility with required resource protection and identified them in the staff report. These concerns and constraints apply to the east side as well.

The city of Costa Mesa has a responsibility to care for nature in Fairview Park as stated by the federal agency US Fish and Wildlife (USFW) in their 2014 letter to the City.

*"While accommodating public uses within Fairview Park, it is the City's responsibility to ensure that its actions comply with the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.) (USFW letter to City Engineer and Project Manager Mr. Baltazar Mejia dated July 24, 2014 )*

The community wants a beautiful nature park to run, jog, bicycle, walk, and do passive recreation in. The community wants a place to decompress and enjoy nature. The community needs and deserves it.

For these reasons, FPA supports city staff recommendation that the fly field be permanently closed on the west side and there be no study for the east side. FPA would like to continue working with the City to meet their restoration and preservation goals for the whole community. Thank you for your consideration and service to all Costa Mesans.

Sincerely,

Fairview Park Alliance



Sea and  
Sage Audubon

P.O. BOX 5447, IRVINE, CA 92616-5447

(949) 261-7963

March 20, 2023

City of Costa Mesa Council Members

RE: Support for Staff Agenda File #: 23-1118

Delivered via email: City Clerk at [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov)

Honorable Councilmembers,

We are writing on behalf of Sea and Sage Audubon Society (Sea and Sage) in **support** of recommendations made by Fairview Park Staff in their conclusions as stated in the City of Costa Mesa Agenda File #: 23-1118 *"to permanently close the Fairview Park model aircraft flying field and terminate the model aircraft individual flyer permit system due to outstanding environmental constraints, safety issues, and infeasibility with required resource protection measures at the site"*

Sea and Sage has made multiple comments over the last 4-5 years in person, in writing, and during multiple public hearings regarding our concerns that the unique and rich natural resources found in Fairview Park, especially birds and endangered fairy shrimp in the vernal pools, are in jeopardy due to the model plane airfield operations. These operations had expanded from a small hobby airfield in the 1970s and 1980s into a much larger and more impactful operation by 2009.

To help Costa Mesa understand more about their bird populations at Fairview Park (FVP) in 2021 Sea and Sage initiated monthly bird occupancy surveys. Prior to these surveys our organization and our members recognized FVP as a unique urban location for birds and other wildlife. Our regularly scheduled surveys now span all four seasons and have supported our opinion that FVP is a regionally critical refuge for birds and wildlife that truly demands protection. Since 2021 we have documented 166 species of birds at FVP, including Federally Threatened California Gnatcatcher (*Polioptila californica*), Federally Endangered Least Bell's Vireo (*Vireo bellii pusillis*) and California Species of Special Concern Burrowing Owl (*Athene cunicularia*) and California Fully Protected Species White-tailed Kite (*Elanus leucurus*). These species rely on the park and neighboring Talbert Regional Park for nesting, foraging, year-round occupation, and important wintering grounds.

The park is also home to rare and endangered vernal pools (ephemeral wetlands) that support 3 species of fairy shrimp, 2 of which are Federally Endangered Species: San Diego fairy shrimp (*Branchinecta sandiegonensis*) and Riverside fairy shrimp (*Streptocephalus woottini*). We concur with conclusions drawn by Biologist Barry Nerhus in a letter dated February 24, 2023 that the vernal pools at FVP are incredibly important and threatened by impacts related to model aircraft operations. This is due in part

to the large geographic footprint that encroaches upon vernal pools and frequent trespassing into the pools associated with the air field operations.

The operation of "powered" model aircraft do not comply with the park's Master Plan, Measure AA, or Wildlife Agency expectations which are that the park should be used for the protection of natural resources and for passive recreation.

Sea and Sage previously commented, on multiple occasions, that we hoped for a modified approach to the fly field that would result in limited but continued operations. A plan that could provide protections for the natural resources while allowing for some flying. We participated in the public process to provide suggestions such as; instituting seasonal and daily air field closures and a stringent permitting process for model aircraft operators. However, it is apparent that these types of restrictions would not allow for the desired airfield operations and therefore are not feasible.

Given the unique biodiversity found in FVP, the need to protect these resources, regulatory restrictions, the failure to identify new and feasible air field strategies, and concerns about public safety, Sea and Sage respectfully requests that the City Council adopt the staff conclusion and recommendation that the fly field should be permanently closed and all group and individual permits be terminated.

Thank you for your consideration,



Scott Thomas, Vice chair Conservation Committee  
(949) 293-2915  
redtail1@cox.net



Doug Lithgow, Fairview Park Bird Survey Coordinator  
(714) 962-4145  
dmlithgow@aol.com

cc; Kelly Dalton, Fairview Park Administrator

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**From:** Joni Whitsitt <whitsittjo@gmail.com>  
**Sent:** Tuesday, March 21, 2023 10:45 AM  
**To:** CITY CLERK  
**Subject:** Item No. 4 tonight's City Council Meeting  
**Attachments:** Letter of Support from Christine Gunst.pdf

Dear City Clerk:

Can you please add the attached letter from Orange County Fair to the item No. 4 agenda at the City Council meeting tonight. Plus my comments. Thanks you.

It is now 12 years that Harbor Soaring Society has been promoting STEM education to the youth in and around the Orange County area plus the City of Costa Mesa. Our program is the highest draw of youth that are interested in STEM education. We are thankful that Orange County Fair Management gives us the opportunity to educate the children in the area.

Sincerely,

Joni Whitsitt, Program Director  
Harbor Soaring Society

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February 2021

I have had the pleasure of partnering with the Harbor Soaring Society for over 10 years. They have been one of our best and a long-time supporter of the OC Fair's annual educational youth S.T.E.A.M. event, IMAGINOLOGY (formerly Youth Expo).

Imaginology, is a free three-day family-friendly event featuring S.T.E.A.M.-related exhibits, hands-on activities and workshops for all ages encouraging young people to explore, discover and connect with Science, Technology, Engineering, Arts and Mathematics (S.T.E.A.M.) This is a popular event for schools, youth organizations and families from all over Orange County and LA County with up to 46,000 in attendance.

We invite community organizations, like Harbor Soaring Society and individuals to share their work and educate our youth. The participation of organizations and educators contribute greatly to the success of Imaginology.

For the last several years Harbor Soaring Society has hosted an Aerospace Adventure, one of the highlights of Imaginology, in the OC Fair's Hanger. Activities included, live radio-controlled flying demonstrations, tethered flying experiences for the youth, flight simulators, static displays, workshops for the kids and an abundance of information to include careers in aviation and the opportunity to visit with their guests from the Civil Air Patrol. For most youth this is an incredible first time experience.

I greatly value Harbor Soaring Society's participation and commitment to the youth who attend our event. This group goes above and beyond to make Imaginology a meaningful and fun event.

Regards,

*Christine Gunst*

Event Coordinator  
cgunst@ocfair.com



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**From:** Lisa S. <lisa.snowden73@gmail.com>  
**Sent:** Tuesday, March 21, 2023 11:04 AM  
**To:** CITY CLERK  
**Subject:** Support for Flying Field at Fairview Park

Dear Councilmembers,

We were happy to have Mayor Stephens and Councilmember Gameros at Estancia and Costa Mesa high schools several weeks ago to showcase our Career Technical Education (CTE) programs. Harbor Soaring Society (HSS) members and employees of Overair have mentored our students in a variety of ways – providing feedback on design review projects, guest speaking, offering summer internships, and training students how to use the Haas CNC Mill in our lab at Estancia. Our programs are focused on industry and we value these types of partnerships.

We are exploring embedding drone curriculum into two CTE programs at Estancia High School and the partnership between HSS and Overair coupled with use of the Fairview Park flying field could be a wonderful opportunity to provide these amazing opportunities for our students and the community at large. The location of the flying field is particularly beneficial in its current location for maximum benefit to the youth of our community.

HSS, as an organization, is valuable to the community. Not only have they been supporting our programs and plan to participate in the upcoming Women in Engineering event but they also help to restore and beautify the park on select Saturdays. I use Fairview Park regularly and wouldn't mind hearing and seeing the planes in the sky. I also used to fly model airplanes with my father so I know how much joy they bring to families. As a long time Costa Mesa resident, I support their return to the park. If noise is an issue, perhaps a limit can be placed on when they can be flown.

Thank you again for your support of our students!

Thank you,

Lisa Snowden, M.Ed.

Longtime Costa Mesa resident.

Coordinator II, Career Counseling

Newport-Mesa USD

714-424-5036 | [lsnowden@nmusd.us](mailto:lsnowden@nmusd.us)

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**From:** Henry Smith <henry.smith.3@earthlink.net>  
**Sent:** Tuesday, March 21, 2023 11:18 AM  
**To:** CITY CLERK  
**Cc:** mgarcia@1hss.org; STEPHENS, JOHN; HARLAN, JEFFREY; MARR, ANDREA; CHAVEZ, MANUEL; GAMEROS, LOREN; HARPER, DON; REYNOLDS, ARLIS  
**Subject:** Fairview Park Flying Field

Sir,

I am writing to ask the city council to continue working toward opening the flying field again. This is a challenging, and rewarding hobby that has a long history in the park. Harbor Soaring Society has been a good neighbor in the park and will continue to be.

HSS has been a friend of the environment in Fairview Park for 50 years. Our members have reported incidents involving motor vehicles in the park and people walking in or near the vernal pools during the wet season. Members have also participated in park cleanup and restoration projects in Fairview Park.

I have been active in training new pilots over the years. Now some of the new pilots are Aerospace Engineers, Mechanical Engineers and future USMC helicopter mechanics. Radio Control airplanes have helped these individuals achieve their goals. Keeping this field open and available will help more young people find success in aviation or other technical fields.

I encourage the City Council to do the right think and keep this field open.

Respectfully,  
Henry A. Smith III  
Harbor Soaring Society

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**From:** Cynthia McDonald <cmcdonald.home@gmail.com>  
**Sent:** Tuesday, March 21, 2023 11:19 AM  
**To:** STEPHENS, JOHN; HARLAN, JEFFREY; REYNOLDS, ARLIS; MARR, ANDREA; CHAVEZ, MANUEL; GAMEROS, LOREN; HARPER, DON; CITY CLERK  
**Subject:** New Business No. 4 (Fairview Park Model Airplane Flying Field)  
**Attachments:** 20170124\_153946.jpg

Mr. Mayor and City Council Members:

Attached is a photo I took a few years back at Fairview Park after days of rain that filled the vernal pools. This man and his friends went beyond the fencing, despite the signage warning people not to go into the vernal pool area, so he could fly his remote-control sea plane in and out of the largest vernal pool. He practiced his landings and takeoffs for about a half an hour (the time it took me to get around to the other side to tell him to stop).

This is only photo I have taken of scofflaws in the park, but I have seen many more over the years. I doubt this man was a member of the soaring club, as the plane was not a glider and was very noisy, as are most of the remote-controlled planes I have seen flying in Fairview Park.

Please do not renew the soaring club's contract. While they are not responsible for most of the radio-controlled vehicle problems in Fairview Park, they aren't able to police those who refuse to obey the rules and the City doesn't seem to be able to either. The scofflaws, along with the drone operators, endanger the species that inhabit Fairview Park both year-round and on a seasonal basis. Since there are endangered species (such as gnatcatchers and burrowing owl) all over the park, it would be best to restrict the park to passive use by eliminating motorized recreational vehicles such as the airplanes and drones.

Thank you for your consideration.

Cynthia McDonald

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**From:** Jared Jimenez <derajjimenez@gmail.com>  
**Sent:** Tuesday, March 21, 2023 11:35 AM  
**To:** CITY CLERK  
**Subject:** Fairview Park Flying Field

Dear Council Members,

I'm writing to you in hopes that my own experiences with the Harbor Soaring Society and similar outreach programs can provide reasoning to allow the reopening of the Hobby Flying Field in Fairview Park. Last year, my senior year at Estancia High School, HSS facilitated an internship for me over the summer with Overair Inc. This has proven to be one of the most valuable experiences I've had thus far through class discussions, topics surrounding professional development in engineering, and in proving myself in clubs/group activities. Additionally, as an Electromechanical Systems Engineering Technology major at California State Polytechnic University, Pomona who got his first taste of this field in a STEM outreach program in elementary school, I have lived experience of the kinds of change that groups like HSS can provide. The hands-on experience and meaningful mentoring provided by programs like HSS are—to me—the most effective means of encouraging students to pursue an education in the STEM field, and we should try to reinforce these programs as much as possible for the sake of future students and the overall good of the community. As I stated before, I got my start in Engineering with an outreach program at Victoria Elementary School, having lived almost my whole life in Costa Mesa, I would love to see the outreach programs that helped me when I was younger continue to grow and teach more students the world of Engineering. With all this said, I hope you can consider reopening the Fairview Part Flying Field. Thank you for your time,  
Jared Jimenez.

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**From:** Mat Garcia <mat.garcia@live.com>  
**Sent:** Tuesday, March 21, 2023 11:56 AM  
**To:** CITY CLERK  
**Cc:** dv92627@yahoo.com  
**Subject:** FW: Public Comment Agenda Item 4 - Vozenilek  
**Attachments:** Nic Vozenilek Fairview Park Letter 3\_21\_2023.docx

Hi City Clerk,

Please see attached and below email.

Thank you,  
Mat Garcia

**From:** Dan Vozenilek <dv92627@yahoo.com>  
**Sent:** Tuesday, March 21, 2023 11:52 AM  
**To:** cityclerk@costamesa.gov  
**Subject:** Public Comment Agenda Item 4 - Vozenilek

>  
>  
> My Son Nic Vozenilek would like to have the attached letter included as part of the public comments for agenda item 4 on tonight's City Council meeting.  
>  
> Thank you,  
>  
> Dan Vozenilek - Costa Mesa Resident  
>

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Dear members of the Council,

I want to raise the issue regarding RC model flying at Fairview Park. It is important to me and my family who have been flying there for four generations that it is reopened.

I would have been there tonight but I am sick so I am writing this letter. Some reasons why the field should be reopened are it gives people a reason to make a plane to fly.

One question I would like to ask would be over the last three years without any flying has there been a significant increase in wildlife, especially the endangered species mentioned in the report. If the answer is no isn't it logical that the field is not having an impact on the wildlife. Why are you voting now when you already have. Without the field I would have to be driven to the closest one which is about a thirty minute drive.

Please reopen the flying field.

Thank you,

Nic Vozenilek  
4<sup>th</sup> grade Victoria Elementary student

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**From:** josh johnson <josh@howiseeyou.com>  
**Sent:** Tuesday, March 21, 2023 11:58 AM  
**To:** CITY CLERK  
**Subject:** Harbor Soaring Society Airfield

Hello,

My name is Josh Johnson, I've been a Costa Mesa resident most of my life since 1977. Over the years we have seen our city change in many ways, some for the better and some for the worse, but I loved being raised in Costa Mesa and I've chosen to raise my own children here as well. I believe I am likely one of many whom the Harbor Soaring Society Airfield made an important and lasting impression on at a young age, and I would very much like to have my own children and their local peers to have the same opportunity. Having witnessed human controlled flight up close at Fairview Park as a child I remember a radio-controlled aircraft being the ONLY thing I wanted for Christmas in 6<sup>th</sup> grade. After learning about flight dynamics, I remember applying that interest to hand building from scratch a R/C submarine in 7<sup>th</sup> grade. Beginning to understand the science of radio waves opened the door to radio communications, eventually I would use similar radio waves to talk to people all over the world as an armature ham radio operator. The innate desire to fly stuck with me and when I was 20 I began to pursue my private pilot's license, and skydiving certification later that same year. I'm not saying none of this would have happened had it not been for HSS Airfield as a child, but I can connect the dots all the way back, and I remember what it felt like on that airfield the first time.

Not only is the airfield an asset to this community but the Harbor Soaring Society itself is of tremendous value to Costa Mesa as a role model community organization. They have shown great interest and concern for the environmental stewardship of the park. They have eagerly sought to cooperate and communicate with the city council on these issues all along the way. They have remained a profoundly popular and engaging presence at OC Fair's Imaginology. They are exactly the kind of S.T.E.A.M. (science, technology, engineering, art and math) based organization local parents like myself want to be available to our children and located in our very own backyard. If our community loses this airfield how long then till we lose Harbor Soaring Society? Neither of those loses is a change I want to see happen to Costa Mesa.

Consider the flying field in the master plan process, not ad hoc.

Evaluate alternate sites.

Proceed with the City Council's approved actions and immediately allow silent glider flying at Fairview Park

Thank you for your time.

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**From:** Jim Erickson <jimwerickson@gmail.com>  
**Sent:** Tuesday, March 21, 2023 12:00 PM  
**To:** STEPHENS, JOHN; REYNOLDS, ARLIS; HARLAN, JEFFREY; GAMEROS, LOREN; HARPER, DON; MARR, ANDREA; CHAVEZ, MANUEL; CITY CLERK  
**Subject:** Letter to council re: agenda item 4  
**Attachments:** Council letter 3.21.23.docx

Hello all,

Please receive and review the attached letter of public comment for agenda item 4 on tonight's council agenda.

Thank you,

Jim

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21 March 2023

Honorable Mayor and City Council,

I'm writing in support of the fly field at Fairview Park. HSS has been a steward of the park for decades, and they are friendly, helpful community members. They participate in park cleanups, provide STEM education in our schools, and even help (or used to help, when they were able to fly) curious children learn about their hobby when they walk or bike or get pushed in a stroller past the fly field. My children were babies the last time the field was open, and we enjoyed visiting, just to sit and watch the planes fly.

I am also very concerned about the future for our park, and the precedent you would set for it, if you revoked the fly field usage. On page 9 of the staff report you've been presented, a biologist states the fly field area is "highly disturbed by pedestrian and model airplane activity." So, are we prohibiting walking in Fairview Park next? Despite mountains of evidence that dogs present a threat to sensitive habitat, they are allowed in Fairview Park. Perhaps staff is signaling the next revocation of an approved use in the park. Is bicycling next after pedestrian use? Surely gliders have less of an impact on sensitive habitats than large carbon-polluting trains that bring thousands of visitors to the park and run on tracks cemented into the ground over burrowing owl habitat. Are the trains part of the long-term removal plan?

The voters of Costa Mesa established glider flying as an approved passive use of Fairview Park when they voted Measure AA into effect. You, the council, voted to open the fly field to glider use in September 2021. Why has staff stood in the way of the will of the people and of the people we elected to represent us (you)?

I mentioned my kids in this letter. It's been four years since they had a chance to witness and learn about the science of flight at the park. They are old enough now that they would like to try the hobby themselves. Please don't continue to prohibit this activity that generations of Costa Mesa families have grown to love. Open the fly field, please.

Thank you,

Jim Erickson

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**From:** Mat Garcia <mat.garcia@live.com>  
**Sent:** Tuesday, March 21, 2023 11:54 AM  
**To:** CITY CLERK  
**Subject:** Submission for Public Record for Tonight's City Council Meeting - Agenda Item 4  
**Attachments:** 2023-03-21 HSS Written Response to City Council, Agenda Item 4 - Final.pdf

Hi City Clerk,

I would like to include the attached written response from the Harbor Soaring Society in the public record for agenda item 4 for tonight's council meeting.

Thank you!

Mat Garcia  
HSS President

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.



**HARBOR SOARING SOCIETY WRITTEN RESPONSE  
to the  
COSTA MESA CITY COUNCIL'S AGENDA ITEM:  
CONSIDERATION OF MODEL GLIDER FLYING FIELD AT FAIRVIEW PARK**

**Introduction**

The Harbor Soaring Society (HSS) recommends implementation of the actions City Council approved at the September 21, 2021 meeting to 1) include in the Fairview Park Master Plan update a broader analysis for flying options at the park, 2) identify other potential sites including Fairview Developmental Center, and 3) permit glider flying going forward in the park. Absent any new substantive, empirical data or analyses from regulatory agencies or independent, authoritative sources, we believe it is appropriate to proceed with the City Council's approved actions. No such information has been provided in the latest staff report.

HSS strives to be a partner with the City and Costa Mesa community with our flying activities, training, and educational programs. We also want to be good stewards of Fairview Park and work collaboratively with park rangers and other stakeholders to ensure safe operation of the flying site.

**Background**

In the spring of 2019, as a component of the review of the 2008 Fairview Park Master Plan, the Fairview Park Steering Committee and the Parks, Arts and Community Services Commission made recommendations to the Costa Mesa City Council, approved a one-year agreement between the City and Harbor Soaring Society (HSS). With the approval, City Council directed staff to conduct a comprehensive evaluation of the value of the partnership between HSS and the City and an analysis of the compatibility of all flying activity with the Master Plan for Fairview Park, and Measure AA. In September 2021, Parks and Community Services Department staff presented the Item "Consideration of Proposals for the Use of the Flying Field at Fairview Park" to the City Council. The item was presented following a series of stakeholder meetings that were held during the preceding months and years. Ultimately, the result of the discussion included City Council direction to evaluate flying activity during the Master Plan update, consider other sites including Fairview Developmental Center, and permit gliders going forward. It has now been 18 months since that meeting and glider flying has still not been permitted.

**Compatibility of Glider Flying Activity with the Fairview Park Master Plan and Measure AA**

*Fairview Park Master Plan*

**Glider Flying**

Model glider flying is recognized in the Public Use Objectives of the current Fairview Park Master Plan, and indeed is included in the third defined objective of the plan: *Provide for the continuation of the organized uses that have historically occurred on the site, including model railroading, model airplane, and model glider flying (Pg. 27).* The plan presents a park for passive uses, including walking, jogging,



biking and quiet contemplation, and includes a model railroad, glider and kite flying, and group picnicking, all offered *without compromising the overall passive nature* of the plan (Pg.28).

The Master Plan includes the fly field use in general discussion as a “passive use” and in specific entries, describes the activity as “model glider planes” with both “electric motor launch operations” and “bluff top launches.” The Plan states “Both operations are planned to be retained and provided for in the park” (Pg. 33).

The flying of glider aircraft is specifically noted as an activity “*compatible with the natural habitat restoration and archeological preservation to occur in the major portion of the site*” within the Fairview Park Master Plan on several occasions. This specific designation within the Plan is significant and should there be any desire to revisit the compatibility of gliders with passive use and restoration activity, that assessment shall be made in conjunction with the Fairview Park Master Plan update as previously directed by the City Council vote on September 21, 2021.

**Model Railroad**

In addition to the specific references to glider flying, the Plan also makes similar statements regarding the model railroad operations. As previously noted, the third defined objective of the plan: *Provide for the continuation of the organized uses that have historically occurred on the site, including model railroading, model airplane, and model glider flying* (Pg. 27). The model railroad has significant infrastructure in place and draws large crowds as noted on Pg. 24 of the master plan, attendance is in excess of 50,000 people per year.

**11. Existing Narrow Gauge Railroad**

Beginning in 1988 the Orange County Model Railroad Engineers, Inc. were granted permission to construct a rail system in Fairview Park on the east side of Placentia. The Railroad Engineers is a club, which is open to any member of the public. Over three miles of track have been constructed by the club. Free train rides are offered to the public on the third weekend of each month. The annual attendance at these weekends exceeds 50,000 persons per year. The presence of the tracks and the intermittent train traffic is consistent with the passive use goals of the park and is compatible with other uses such as walking, picnicking, and additional landscaping.

It must be noted that this level of attendance is significantly higher than visitors to the flying field, as noted in the February 2020 Draft FVP Fly Field Compatibility Evaluation (Pg.17).

City of Costa Mesa Permits Issued:						
YEAR	2015	2016	2017	2018	2019	2020* (as of 02/30/20)
RESIDENTS	66	58	61	37	34	21
NON-RESIDENTS	288	275	237	190	155	88
TOTAL	354	333	298	227	189	109

Again, this level of use of the model railroad is identified within the Plan as consistent with the passive use goals of the park.

The recent staff report “Discussion Regarding Environmental Incompatibility Of Model Aircraft Flying Field At Fairview Park And Consideration Of Staff’s Recommendation To Close The Model Aircraft Flying Field To Protect Sensitive And Rare Species And Habitats At The Site” contemplates the relocation of the fly field to the east side of the park near the model railroad and states, “One alternative would be to further evaluate the east side of the park for the compatibility of relocating the model gliding activity to the east of Placentia Avenue. However, this option is not recommended as this area also contains vernal pools, designated trails, and biological resources that pose conflicts with the activity” (Pg.11).



If the flying field poses a conflict, it begs the question, does the model railroad as well? Surely the noise, crowds, infrastructure, and the like cause disturbance to the biological resources on the east side. Is the model railroad next on the list of recreational activities specifically designated in the Master Plan as compatible passive uses to be shut down?

#### *Measure AA*

On November 8, 2016, Costa Mesa residents had the opportunity to cast their votes in favor of or against Measure AA. The measure was known as *"An Initiative Requiring Changes in Use at Fairview Park Be Subject to Voter Approval"* and was overwhelmingly supported by the voters, passing with 70.85% in favor. This measure amended the Costa Mesa Municipal Code to require that certain changes to Fairview Park go to a vote of the people. It is important to note that Measure AA gives the public the right to determine if a project, beyond the "As Built" condition of FVP, shall be allowed or not. The "As Built" condition means the amenities and alterations that have been built as of the effective date of the ordinance (Nov 2016), which includes the fly field and related infrastructure. Measure AA includes the following phrases related to the flying field:

- allows for "all uses passive" including "glider flying"
- "protect against alteration that reduce the tangible and intangible benefits to the public"

Clearly, closing the flying field is an alteration that reduces benefits to the public and changes the "As Built" condition of the park. An option that includes modifications to the use, and/or movement of the field, will have consequences from Measure AA, potentially including the requirement of a full vote of the public to be implemented.

#### **Balanced Approach**

We believe in a balanced approach where gliders can co-exist with sensitive habitat and we are willing to work with all the stakeholders of Fairview Park to identify and implement a solution amenable to all. We have reviewed much of the correspondence with regulatory agencies and believe there is a path forward, working together.

#### *Regulatory Input*

USFWS documented communications identify utilizing the flying field in the current location and do not identify it as a concern to the restoration, protection, or management of the vernal pools at Fairview Park (*Restoration, Management, and Protection of Vernal Pools within Fairview Park, City of Costa Mesa, Orange County, California – Letter from USFWS to City, July 24, 2014*). They even support utilizing the winch turn around anchor in its current location within the vernal pool, during the dry season (*Fairview Park and Harbor Soaring Society Agreement – Email from USFWS to concerned citizen and City, June 26, 2019*).

Sea and Sage Audubon, Irvine Letter January 24, 2020

"...put forth a plan to fly aircraft within the original vision of the Master Plan and provide for a high degree of wildlife and natural habitat protection."

"Our biggest concerns relate not so much to small model gliding aircraft operation, but engine driven planes, and jet aircraft ... We believe that the increase in these aircraft...are the primary causes of disturbances to wildlife...also to the general public..."

HSS is supportive of RC glider flying at the current flying field location in Fairview Park. The major compromise was to remove electric powered model aircraft and to change the rules to only allow RC gliders going forward. Glider flying is silent. This is a significant compromise that eliminates all noise and reduces the overall amount of model airplane flying that will take place at Fairview Park.



*Community Support*

There is significant community support for glider flying at Fairview Park, as noted in the February 2020 Draft FVP Fly Field Compatibility Evaluation, authored by Cynthia D'Agosta, previous Fairview Park Administrator. Below include excerpts from that report.

“To compile some general information about the Fairview Park users who were interested in this compatibility evaluation, staff prepared an on-line survey available for interested parties. This survey was advertised on the City Website, posted at Fairview Park, and announced at Fairview Park public meetings. The Survey asked about respondent’s residency, the type and frequency of their park use, their experience with fly field activity at Fairview Park, and their visits to other fly fields. When asked about preferred activity, eighty-five respondents indicated that walking and hiking was their preferred activity at Fairview Park, with the second highest number of respondents stating that flying was their preferred activity” (Pg. 21).

QUESTION # 3	
PREFERRED ACTIVITY:	
Walking/Hiking	85
Flying	81
Birding/Photography	33
Walking Dogs	14
Biking	13
Nature Appreciation	9
Running	5
RC Cars	4
Work Adjacent	2
Dog Mushing	1
Relaxing	1

City Hall Meeting January 16, 2020

“The table below is a summary of comments that were gathered at the January 16th meeting. Staff gathered comments from the community which indicated that fly field activity was not compatible, or compatible as is, but focused the detail of this matrix on the comments provided in yellow, summarizing suggestions for modifications to current fly field operations to increase compatibility” (Pg.24).



CONCERN	RED NOT COMPATIBLE	YELLOW COMPATIBLE WITH MODIFICATIONS	GREEN COMPATIBLE AS IS	CHALLENGES/SOLUTIONS
<b>SAFETY/NUSIANCE:</b>				
Safety concerns related to flying equipment interference with park patrons.	3	10	13	<b>Suggested Modifications</b> include enforcement of boundaries, additional controls, HSS members only, additional enforcement, separation of activities, relocation of flight area, additional signage.
Flying equipment noise level interference with enjoyment of park users.	2	14	16	<b>Suggested Modifications</b> include approving plane styles, requiring quieter planes, restricting types of planes or motors, scheduling times for different kinds of planes explore current noise ordinance for other activities, conduct a noise study, HSS regulate plane types, use decibel meter.
<b>ENVIRONMENTAL:</b>				
Flying equipment interference with avian activity (intentional/non intentional)	6	3	20	<b>Suggested Modifications</b> include monitoring of park activity that interferes with avian activity, including dogs, children and other park patrons.
Retrieval of flying equipment from sensitive habitat area.	3	22	5	<b>Suggested Modifications</b> include training and instruction on flight parameters and out-of-bounds areas, train HSS member to retrieve out of sensitive areas, fine for entering sensitive areas, rules posted at fly field, on line and on permit application, fence and sign sensitive areas, permits to HSS members only.
Flights outside of the designated flying area, over trails, sensitive habitats.	5	8	11	<b>Suggested Modifications</b> include revoking permits for non-compliant flyers, reduce speed, regulate types of planes, move runway closer to bluff, education and safety briefing, post rules, limit distance to 200 yards from runway.
<b>FLIGHT PARAMETERS:</b>				
Regulation of flying equipment size, color and engine types.	0	8	20	<b>Suggested Modifications</b> include no powered aircraft, limit aircraft size and decibels, HSS to regulate, no jets or drones, only gliders, restrict to certain models.
Takeoff and landing area location, runway size.	0	9	18	<b>Suggested Modifications</b> include better delineation of runway, fenced runway, clearly marked runway, better pedestrian signage, reduction in runway size.
Number of flying equipment in the air at any given time.	2	8	17	<b>Suggested Modifications</b> include additional policing, self-regulate, limit to 5 planes, limit to 3 or 4 planes, no exhibit flying,
Hours the fly field is open/closed	1	10	15	<b>Suggested Modifications</b> include modifying hours, changing hours, reducing hours, restricting hours, limiting hours to 8am – 4pm, limit hours to less active times.
<b>ENFORCEMENT:</b>				
Enforcement of existing regulations governing flying activity.	1	16	5	<b>Suggested Modifications</b> include: HSS provide enforcement, more education, HSS membership only, HSS membership for permits, posted rules, revoke permits of non-compliant flyers, additional rules enforced by park rangers, all flyers HSS members, permit checks by park rangers, HSS should not be required to enforce.

The majority of attendees responded that the fly field was compatible as is or with some modifications. HSS is willing to work with the City and interested stakeholders to implement modifications to address the environmental and safety concerns. Some modifications could include:

- Issue a new fly field permit for both HSS members and other flyers
- Develop a new agreement with flyers and require needed modifications to address identified concerns
- Develop new flight parameters for the fly field, and gather resources to enforce existing flight parameters



- Limit fly field hours of operation to coincide with environmental, keeping bird foraging times “flight free”
- Explore seasonal parameters, limiting flight during nesting season, when trails are flooded, etc.
- Post and observe unobtrusive and temporary field flags, signifying that the fly field is open/closed
- Install markings for sensitive habitat and out-of-bounds areas; visual cues that park users can easily see
- Create an education/enforcement plan with staff, partners, ambassadors, rangers, and non-profit groups

### *Partnership with the City*

HSS would like to continue its long-standing partnership with the City and work within the parameters set forth as the club has done for decades, including through the origination of the fly field and subsequent grading of the field.

The site of the present day flying field was graded in 2005. The City Parks Project Manager put before the Parks and Recreation Commission (Parks and Rec. Commission Agenda Report - Meeting Date: January 26, 2005) asking for a fly field to be graded. The Parks Project Manager (Bart Mejia) said Council Ordinance 200-11 had been followed and the grading was not in conflict with the FPMP. The city attorney (Kimberly Hall-Barlow) also signed off on the activity and asserted that it was not in conflict with CEQA.

HSS worked with the City throughout the development of the flying field. To the extent that there are different opinions regarding the historical grading at present, HSS has no fault in the matter and operated within the bounds set forth at the time. We are willing to continue to work with the City and regulatory agencies should there be a need to remediate some of these past actions as we have done historically.

### **HSS Community Outreach and Education**

We strive to be a conduit through model aviation training and educational programs to encourage youth towards science and engineering careers in addition to a lifelong recreational activity. We do this in multiple ways, including flight training and certification under the Academy of Model Aeronautics Intro Pilot training program. Additionally, the club's ongoing STEAM activities include annual participation in Imaginology, where ours is continually a hugely popular booth. Imaginology is an annual event at the fairgrounds where elementary school kids are exposed to various clubs, businesses, and educational opportunities.

HSS has significant of history working with educators at the high school level since HSS' establishment in 1964, especially at Estancia High School. That tradition continues and today we have weekly volunteers in the classroom supporting educator Jerry Rizza and the engineering curriculum he teaches. Most recently, HSS has helped support advanced manufacturing, specifically helping get Estancia's two Haas CNC machines up and running, introducing the classes to solid modeling and CAM technology, support for their electric vehicle design, build, and race competition, facilitating paid internships for the graduating seniors, and general engineering guidance and design review support. Within the last two years, HSS has developed a collaborative relationship with Racine Cross, engineering educator at Costa Mesa High School. HSS has supported her engineering classes by providing guest speakers, facilitating externship opportunities at industry partners' facilities, and coordinating engineering education support with Orange County engineering and manufacturing companies.

In November 2022, Harbor Soaring Society had the privilege to exhibit and participate in Vital Link's inaugural 2022 Student Leadership Summit. The summit was a terrific one-day event that connected local high school students and educators with industry, non-profits, and colleges. Students and educators from both Costa Mesa High School and Estancia High School attended the event. HSS members engaged with over 275 students: sharing advice and talking about experiences working in the local aerospace



industry. Students tried their hand on the flight simulator and engaged with HSS members one-on-one at the HSS booth and in groups during the lunch hour mentor round-table session.

HSS, a regular participant at the City's past Scarecrow Festivals, participated again at the 2022 Scarecrow Festival. We built a scarecrow and built over 250 pumpkin penny gliders with the kids. This year, HSS has also coordinated student internships and teacher externships and collaborated with several community partners including the Girl Scouts, Vital Link, NMUSD, and the City of Costa Mesa. HSS members are supporting NMUSD and the City's Women in Engineering Night where one HSS member will be on the panel of engineers. Additionally, we will have an HSS table at the event. We recently met with Melissa Arambula from the Shalimar teen center, Think Together, and are exploring ways to collaborate to provide the youth more STEM opportunities.

Because of our influence on the youth of our community, we know of many who have gone on to become engineers and pilots. The Council may not be aware, but the world is facing an extreme shortage of airline pilots, as the baby boomers reach mandatory retirement age, and the aerospace industry is facing a similar shortage of engineers and technicians.

In addition to STEAM engagement with the community, Harbor Soaring Society champions environmental protections as well, with HSS members regularly participating in the City of Costa Mesa's Fairview Park second Saturday of the month restoration events at Fairview Park.

### **Response to the Staff Report**

The recommendation from staff in the current report "Discussion Regarding Environmental Incompatibility Of Model Aircraft Flying Field At Fairview Park And Consideration Of Staff's Recommendation To Close The Model Aircraft Flying Field To Protect Sensitive And Rare Species And Habitats At The Site" to permanently close the fly field is "based on additional feedback provided by State and Federal regulatory agencies" (Pg. 1). Presumably there has been clear guidance from these agencies since the September 2021 meeting that would necessitate another thorough review, staff report, and item brought before City Council. However, no such additional documentation is included in staff's report or related attachments, or any correspondence provided to the public on this matter.

In addition, the staff report notes, "The City's contracted biologist who has supported the City with biological resources compliance and management services has also submitted correspondence pertaining to a range of biological and environmental impacts associated with the model aircraft activity at Fairview Park (Attachment 3)" (Pg. 5). Some items of note after review of this correspondence:

- There is little if any substantive evidence referenced within this email, mostly relying on observation and conjecture.
- This biologist is contracted by the City to perform restoration work and therefore has a direct financial conflict of interest on this matter and cannot be relied upon to provide an independent, unbiased opinion.
- It should be noted that the staff report does in fact include this email as an attachment to the report, something that is notably missing from the regulatory agencies' feedback.

The staff report goes on to say, "In addition, the wildlife agencies have communicated to the City that model flying activities should not be performed in or over sensitive resource areas including vernal pools, coastal sage scrub, and wetland/riparian vegetation" (Pg. 5). Again, no evidence is provided to support this claim. Any written documentation from these agencies since the September 2021 meeting is markedly absent. If this evidence does in fact exist, HSS would like the opportunity to review and have a dialogue with such agencies as well prior to a Council vote to permanently shut down the flying field.

The staff report also makes reference to receipt of grant funding on several occasions, stating "In addition to the City's significant contributions of funds and staffing resources towards restoration, preservation and mitigation projects over time, the City has also successfully obtained a large number of competitive grant funds from outside entities to complete these projects..." (Pg. 2) "Notably, over the last two decades, the



City has accepted significant sums of competitive restoration grant funds... The City has accepted substantial sums of mitigation and restoration funds to restore sensitive habitats" (Pg. 8).

The staff report seems to suggest that part of the driving force behind the desire to shut down the flying field is due to these project agreements and funding acceptances from private and public sources. We question whether these grant funding acceptances are not subject to City Council approval. Through acceptance of these funds, is staff is binding the City to certain courses of action and policy decisions that would otherwise be beyond their authority and have the potential to influence policy counter to voter and council approved plans? The lack of grant money transparency and oversight is an issue all unto its own and perhaps an item for future public input.

### **Conclusion**

We are approaching four years since the flying field was shut down by City staff. While HSS appreciates all the time and energy spent working with us on this topic, we feel that the actions that came out of the September 21, 2021 City Council meeting were clear: flying of gliders only should resume at the current location without undue delay, alternate sites should be evaluated, and major changes to the park, like the flying field, should be considered in the master plan process, not ad hoc as was done in 2021. Absent any new specific and explicit guidance from regulatory agencies or independent, authoritative sources, we believe it is appropriate to proceed with the City Council's approved actions and immediately allow silent glider flying at Fairview Park. We look forward to collaboratively working with the City to make this happen.

### *Response to Late Submission of Email from California Department of Fish and Wildlife*

On the morning of the March 21, 2023 City Council meeting, HSS obtained last minute e-mail correspondence from Jennifer Turner, Senior Environmental Scientist (Supervisor), California Department of Fish and Wildlife regarding the flying field topic. It must be noted that the very late timing of this submission calls into question whether there is a good faith effort on the part of staff to allow sufficient response time.

Nevertheless, after review of this correspondence, it seems to contradict previous communication with regulatory agencies as referenced within the *Regulatory Input* section of this letter above. In previous correspondence, there has been a noteworthy effort to explore modifications to the flying activities rather than completely eliminate them. We cannot help but question what specific question was asked of Ms. Turner in soliciting this response. Was it, "Do you support closure of the flying field?" Clearly, the answer to that from a State Trustee Agency for natural resources is "yes." However, there is no indication that an unbiased question such as, "Is there any way for silent glider flying to coexist with the sensitive habitat at Fairview Park? What modifications could be made to reach the objectives of all our citizens; environmentalist supporters and RC enthusiasts alike?" was asked. We believe a question such as that would solicit an entirely different response, as we have noted in the past with regulatory agencies. We would appreciate the opportunity to have a voice on this topic and would welcome greater transparency as to the discussions between city staff and the regulators. We strongly believe we can work together with the regulatory agencies given the opportunity.

While the protection of sensitive plant and wildlife species is important, completely eliminating model glider flying activity in Fairview Park is not the solution and is counter to the Fairview Park Master Plan and Measure AA. We believe it is possible to balance the interests of hobbyists and conservation efforts and would appreciate your consideration to move forward with a balanced approach.



March 21, 2023

Attachment 1: 2019-June USFWS Correspondence - Flying Field Recommendations\_w\_comments



**From:** Medak, Christine [[mailto:christine\\_medak@fws.gov](mailto:christine_medak@fws.gov)]  
**Sent:** Wednesday, June 26, 2019 4:13 PM  
**To:** Ian Hendricks <[hendrickskia@sbcglobal.net](mailto:hendrickskia@sbcglobal.net)>  
**Cc:** D'AGOSTA, CYNTHIA <[CYNTHIA.DAGOSTA@costamesaca.gov](mailto:CYNTHIA.DAGOSTA@costamesaca.gov)>; [edtail1@cox.net](mailto:edtail1@cox.net); Jonathan Snyder <[jonathan\\_d\\_snyder@fws.gov](mailto:jonathan_d_snyder@fws.gov)>  
**Subject:** Re: [EXTERNAL] Fairview Park and Harbor Soaring Society Agreement

Hi Kim,

Unfortunately by the time I received the information from the City about the permit (one week before the meeting). I had too many other projects on my plate to be able to complete a detailed review of the ordinances for the USFWS; however, I did talk directly to Cynthia D'Agosta and Scott Thomas (Sea and Sage Audubon) before the meeting and shared the following concerns/recommendations verbally with them:

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# Summary of Comments on 2019-June USFWS Correspondence - Flying Field Recommendations\_w\_comments.pdf

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Page: 1

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 Number: 1 Author: mgarcia Subject: Highlight Date: 3/21/2023 4:33:10 AM  
This current map (created in March of 2016) of the designated flying area restricts flying over the canyon area.

---

 Number: 2 Author: mgarcia Subject: Sticky Note Date: 3/21/2023 4:24:03 AM  
HSS is happy to provide support as stakeholder of the park to help enforce the rules laid out by the City.

---

 Number: 3 Author: mgarcia Subject: Sticky Note Date: 3/21/2023 4:25:11 AM  
Gliders eliminate the noise concerns.

---

4) We pointed out that while the ordinance is silent on the presence of sensitive resources in the park. We recommended that the ordinance acknowledge the presence of sensitive resources and clarify the need to avoid flying over or landing in sensitive resource areas (e.g., vernal pools, coastal sage scrub, wetlands/riparian vegetation).

5) We recommended that the specific area allowed for launching planes is designated on a map and that disturbance is limited to the minimum area necessary to launch the permitted planes. This area should not be within wetland habitat (i.e., both because it is difficult to use a launch pad full of water and because of the impacts to aquatic resources) and should provide the maximum buffer possible from the basin of Vernal Pool 1. I am not familiar with the amount of area that is needed so I cannot speak to a particular size. Please see the attached figure for the previous area that we approved to be cleared by the Harbor Soaring Society.

6) In the past we have discussed with both the Harbor Soaring Society and the City that it is important to stay out of the vernal pools when they are wet due to the potential for trampling listed species and the alteration of hydrology that occurs when walking on wet ground (see attached email correspondence). For this reason, we specifically requested that the Soaring Society not have access to the winch (which is located within vernal pool 1) during the wet season. We discussed fencing this area off and only allowing access during the dry period of the year. I do not see any mention of this in the permit language.

While impacts to biological resources continue as a result of both authorized and unauthorized activities within Fairview Park, we would be hesitant to go down the path of developing a Habitat Conservation Plan and providing an incidental take permit to the City, as suggested by Sea and Sage. The City has accepted mitigation and grant funding to restore habitats in the park for the benefit of Federally Listed Species. Mitigation was provided in the park to offset impacts to resources that occurred somewhere else. It would not be appropriate to then permit uses that are expected to degrade those mitigation sites within the park.

We agree that the actions of the City do not align with the Master Plan; however, our plan is to continue to coordinate with the City to improve the condition of park resources. It is our understanding that vernal pools 5 and 6 will be restored this year. We are hopeful that the public perception of the park will change as conditions of resources improve and as the public is educated about the rarity of the resources in the park (e.g., through educational signs and nature tours).

Please feel free to call if you have any questions regarding this message.

Christine L. Medak  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
2177 Salk Avenue, Suite 250  
Carlsbad, CA 92008  
Phone: (760) 431-9440 ext. 298  
Fax: (760) 431-9624

## Page: 2

- 
-  Number: 1 Author: mgarcia Subject: Highlight Date: 3/21/2023 4:27:51 AM  
The sensitive resources are identified in the City's Flying Field Rules and restrictions are listed. HSS does not believe the Flying Field Rules were provided to USFWS, and it is possible to work with USFWS to tailor the field rules as needed.
- 
-  Number: 2 Author: mgarcia Subject: Sticky Note Date: 3/21/2023 4:22:29 AM  
Sections 5 and 6 from USFWS show that through collaboration, both flying at the current flying field location and protecting the sensitive resources in the park are possible.
- 
-  Number: 3 Author: mgarcia Subject: Highlight Date: 3/21/2023 4:17:33 AM  
HSS was not provided the 'attached figure' when Kelly Dalton provided this email PDF to us.
- 
-  Number: 4 Author: mgarcia Subject: Highlight Date: 3/21/2023 4:14:41 AM
- 
-  Number: 5 Author: mgarcia Subject: Highlight Date: 3/21/2023 4:15:08 AM
- 
-  Number: 6 Author: mgarcia Subject: Highlight Date: 3/21/2023 4:30:23 AM  
USFWS specifically authorized the use of the winch located within vernal pool 1 during the dry season. The winch has only ever been used in the dry season. HSS has incorporated language in a modified flying field rules document to support USFWS suggestions.

March 21, 2023

Attachment 2: 2019-June USFWS Correspondence - Flying Field Recommendations



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"I'd like to offer a plug for actually having the natural processes instead of having to simulate them."

— Nadav Nur, PRBO Conservation Science

On Wed, Jun 26, 2019 at 12:01 PM Ian Hendricks <[hendrickskia@sbcglobal.net](mailto:hendrickskia@sbcglobal.net)> wrote:  
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One thing that came up last night was that USFW had not given any official response regarding the agreement. A city council member asked the Fairview Park Administrator if USFW had given an official response regarding the agreement and the answer was, "No". Is this true? If so, why not?

Have you seen that the runway was graded next to a vernal pool (250 feet according to city measurements last night). It has been graded multiple times since 2005. I sent you the pictures but can send them again if you'd like.

Also, did you know that the runway isn't even supposed to be where it currently is? The Fairview Park Master Plan (FPMP) indicates the Silent Glider Land/Launch site to be next to the bathrooms near the lawn. It isn't. Doesn't the FPMP still hold some meaning for USFW? It doesn't seem to have that much importance with the city, in fact, they completely ignored the location being wrong last night. I did bring it up. The FP Administrator said she had been talking with USFW but nothing official - she didn't say that it wasn't even liked by USFW. Is it okay to keep flying, taking off and landing next to the vernal pools. Also, next to vernal pool 7 more space has been graded as well as a result of where they took out the wrongly placed cement posts from last year.

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Thank you,  
Kim Hendricks

You can watch that part of the city council meeting on YouTube if you'd like to hear what was said by the FP Administrator.

**From:** Medak, Christine [[mailto:christine\\_medak@fws.gov](mailto:christine_medak@fws.gov)]  
**Sent:** Wednesday, June 26, 2019 4:13 PM  
**To:** Ian Hendricks <[hendrickskia@sbcglobal.net](mailto:hendrickskia@sbcglobal.net)>  
**Cc:** D'AGOSTA, CYNTHIA <[CYNTHIA.DAGOSTA@costamesaca.gov](mailto:CYNTHIA.DAGOSTA@costamesaca.gov)>; [edtail1@cox.net](mailto:edtail1@cox.net); Jonathan Snyder <[jonathan\\_d\\_snyder@fws.gov](mailto:jonathan_d_snyder@fws.gov)>  
**Subject:** Re: [EXTERNAL] Fairview Park and Harbor Soaring Society Agreement

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March 21, 2023

Attachment 3: 2014-July USFWS Fairview Park Letter





# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
Carlsbad Fish and Wildlife Office  
2177 Salk Avenue, Suite 250  
Carlsbad, California 92008



In Reply Refer To:  
FWS-OR-13B0443-14TA0229

JUL 24 2014

Mr. Baltazar Mejia  
Senior Engineer, Public Services Department  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, California 92626

**Subject:** Restoration, Management, and Protection of Vernal Pools within Fairview Park, City of Costa Mesa, Orange County, California

Dear Mr. Mejia:

This letter has been prepared by the U.S. Fish and Wildlife Service (Service) to provide the City of Costa Mesa (City) with information on the actions needed to restore, protect, and manage vernal pool habitat and associated species within the City at Fairview Park, Orange County, California. This information is provided in response to: (1) the installation of a path in Fairview Park that was routed within and adjacent to vernal pools occupied by the federally endangered San Diego fairy shrimp (*Branchinecta sandiegonensis*), (2) your written request received September 4, 2013, for our review of restoration alternatives for vernal pools impacted by the installation of the path (LSA 2013), and (3) recommendations provided by Finium Environmental (2013) following removal of the path. Although the City's primary focus is on restoration of vernal pools impacted by the path, this letter includes actions the Service considers necessary to protect all vernal pool habitat and associated species within Fairview Park. This letter addresses future actions the City may take; it does not address or resolve issues relating to past actions, including the path construction, or the "take"<sup>1</sup> of listed species associated with those past actions. This letter does not constitute authorization for future "take" of listed species.

### Background

San Diego fairy shrimp were first identified in Fairview Park in 1994 (Michael Brandman Associates 1995), 3 years prior to the Federal listing of the species (62 FR 4933). Seven vernal pool basins (numbered 1 through 7) and a "vernal marsh" were delineated in 1995 (Michael Brandman and Associates 1995) (Figure 1). San Diego fairy shrimp have since been identified in all but Basin 7

<sup>1</sup> Section 9 of the Endangered Species Act and associated regulations prohibit the take of endangered and threatened species without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or to attempt to engage in any such conduct. Harm is further defined by the Fish and Wildlife Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavior patterns, including breeding, feeding, or sheltering.

(City 2008, Appendix C, Simovich 2005). Three additional vernal pools were observed in Fairview Park, east of Placentia Avenue in 2002 (Glenn Lukos 2002 in LSA 2007). To our knowledge, no surveys for fairy shrimp have been completed in these pools.

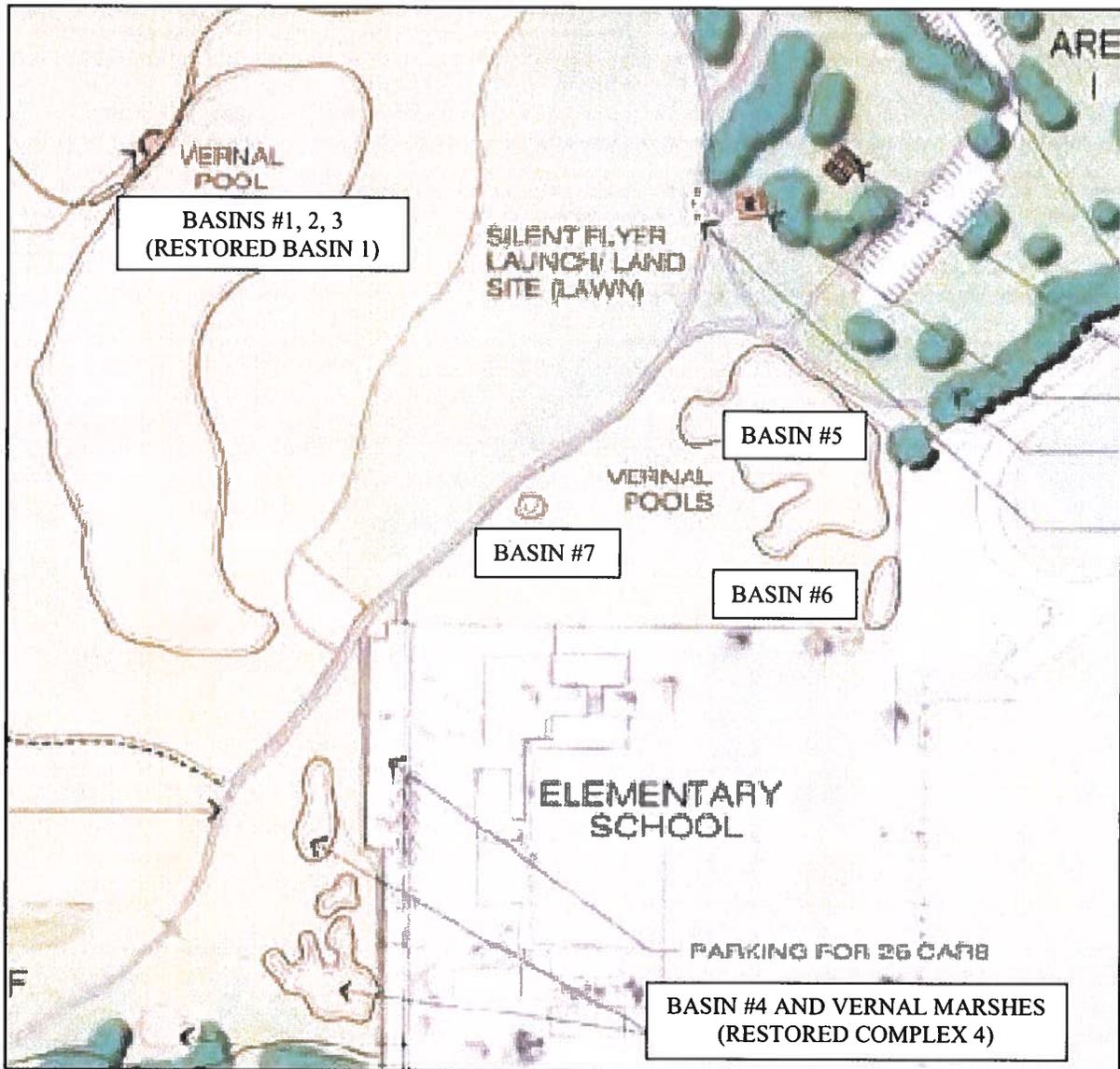


Figure 1. Location of vernal pool basins at Fairview Park.

Source: Michael Brandman Associated (1995) and Fairview Master Plan (November 2002 revision). Pool basins relabeled for clarity.

Restoration projects to improve the quality of habitat for San Diego fairy shrimp and sensitive plant species were completed in Fairview Park as mitigation for impacts to U.S. Army Corps of Engineers jurisdictional waters of the United States (Michael Brandman Associates 2002; Glenn Lukos Associates 2006). As a result of these projects, Basins 1, 2, and 3 were combined (Restored Basin 1), and Basin 4 and the “vernal marsh” were restored into a vernal pool complex (Restored Complex 4).

In above average rainfall years, it is likely that the watersheds of Restored Basin 1 and Restored Complex 4 are connected across the path that artificially separates the watersheds (Figure 2). It is also likely that Basins 5, 6, and 7 are part of a vernal pool complex with a shared hydrological connection during high rainfall years. Monitoring during previous restoration efforts identified the connection between Basins 5 and 6 (Michael Brandman Associates 2002), and the boundary between the watersheds of Basin 5 and 7 was coincident with a row of logs that have since been removed (Finium Environmental 2013).



Figure 2. Vernal pools in Fairview Park during an above average rainfall year (facing south). Paths bisect the basins in several locations, and the fencing is in the water.

Photo source: <http://www.savefairviewpark.org/documents/fpcac-pack-5-29-13.zip>. Labels added.

Fairview Park supports one of the last coastal terrace vernal pools complexes in Orange County (Service 2007). Conservation and management of the San Diego fairy shrimp and its habitat in Fairview Park and other vernal pool complexes in the Los Angeles Basin-Orange Management Area is one of the criteria identified for recovery of the San Diego fairy shrimp in the Service's Recovery Plan for Vernal Pools of Southern California (Service 1998). Vernal pools in Fairview Park also support several plant species that are locally rare (City 2008; Chung 2010).

In the past, the City has supported restoration of the vernal pools and other sensitive habitat in Fairview Park, and the Fairview Park Master Plan (City 2008) includes a commitment that “the pools and basins [in Fairview Park] are to be retained, restored, and protected.” Specific actions in the plan anticipated to benefit the San Diego fairy shrimp include, but are not limited to: (1) restoration of vernal pool habitat; (2) development of a formalized path system to avoid sensitive areas to the extent feasible; (3) installation of educational signage and observation platforms in the vernal pool restoration area; (4) installation of fencing to protect the vernal pools; and (5) cessation of mowing within the vernal pools or, if necessary, mowing only late in the season after annual forbs and grasses have set seed.

We agree that the general measures identified in the Master Plan are appropriate to maintain the vernal pools. We are concerned, however, that some measures have not been implemented and others have been implemented in ways that may have impacted the San Diego fairy shrimp. More specific details are needed to ensure that the San Diego fairy shrimp and its habitat are protected. Activities that may have impacted or have the potential to impact the San Diego fairy shrimp and its habitat at Fairview Park include the following:

Installation of paths and parking areas: A path was installed in late 2013 that may have resulted in direct and indirect impacts to San Diego fairy shrimp, as described in our letter, dated November 14, 2013 (13B0443-14TA0039). While the path has been removed, grading associated with path installation altered the hydrology of the watershed supporting Basins 5 and 6 so that water may not pond to the extent it did historically (Finium Environmental 2013). As a result, fairy shrimp cysts may not hatch to their historical capacities until changes in topography are corrected (Finium Environmental 2013). The portion of the watershed supporting Basin 7 (including the basin area) has been used as a temporary parking area, and logs were placed in the watershed to delineate the parking boundary. A portion of the watershed of Restored Complex 4 was impacted by the installation of permanent parking along Canyon Drive. Grading for the parking area changed the topography so that water now ponds in the parking area (Figure 2).

Improvements to Estancia High School Stadium: The installation of fencing and a field events area impacted a significant portion of the watershed area supporting Basin 6 and altered the hydrology by re-grading the site. The changes in topography may limit the potential for the City to restore the basin within the boundaries of Fairview Park.

Pedestrians, dogs, and bicycles: While substantial resources have been focused on restoring and protecting Restored Basin 1, the unfenced northern end has informal paths leading directly into the basin and allowing bicycle access. Bicycle tracks and paths encroach within the northern end of the basin. Because the fencing was installed only around the restored basin area, the paths leading to the boardwalk are within the watershed of the basin. In January 2011 (an above average rainfall year), it was apparent that several paths and the fence are located in the basin (Figure 2). Restored Complex 4 has multiple paths running through it and shows signs of frequent use by dogs.

Operation of motorized vehicles during the wet season: In Restored Complex 4, deep tire tracks are evident due to motorized vehicle encroachment when the basins were inundated. The deep tracks may have altered the hydrology of the basins by causing water to pool first in the tracks, potentially concentrating fairy shrimp cysts within smaller portions of each basin.

Installation of landscaping and associated irrigation systems: Ornamental landscaping and turf areas border Basins 5 and 6 to the north, south, and east. Irrigation systems installed to support the landscaping are contributing to conversion of the vegetation communities within the watershed where water is now available throughout the year. The perennial water source is supporting wetland species such as mulefat (*Baccharis salicifolia*), curly dock (*Rumex crispus*), and sedges (*Cyperus* sp.) (Finium Environmental 2013). The conversion of the vernal pool habitat to wetland can result in the permanent loss of habitat for San Diego fairy shrimp.

Mowing and pesticide and herbicide application: We have little information regarding the current timing and location of mowing activities or the application of pesticides and herbicides, but these activities have the potential to impact San Diego fairy shrimp and their habitat. Mowing equipment can crush cysts, spread invasive plant species, and cause ruts if mowing is conducted when the ground is damp. Pesticides and herbicides could potentially harm San Diego fairy shrimp cysts and adults.

### **Restoration, protection, and management of vernal pools in Fairview Park**

While accommodating public uses within Fairview Park, it is the City's responsibility to ensure that its actions comply with the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*). In consideration of the degraded condition and management needs of the vernal pool habitat within Fairview Park, implementation by the City of the following measures would help ensure that the San Diego fairy shrimp population within the coastal terrace vernal pools at Fairview Park remains viable. Some of these restoration actions can be implemented immediately without further authorization under the Act, but others have the potential to result in take of listed species for which additional authorization under the Act would be required. To ensure that the City's future actions are appropriately authorized under the Act, we recommend that the City coordinate closely with our office to ensure that any incidental take associated with these actions is appropriately exempted under the Act. As indicated above, this letter does not exempt future take of listed species.

The following measures apply to Restored Basin 1, Restored Complex 4, and the vernal pool complex consisting of Basins 5, 6, and 7.

1. Watershed Restoration – Prepare and implement a restoration plan to address damages to the hydrological function of the vernal pool watersheds. The plan should be prepared by a biologist with a minimum of 5 years of experience restoring vernal pools in southern California and should identify actions that are necessary to restore hydrological function to the vernal pools. The plan should be reviewed and approved by the Service prior to implementation. Measures that should be included in the restoration plan include, but are not limited to:
  - a. Corrections to the watershed topography, as necessary, to ensure the basins will pond for a sufficient duration during an average rainfall year to support the life history of the San Diego fairy shrimp.
  - b. Management of the irrigation systems to prevent runoff from entering the watershed of Basins 5, 6, and 7. The City should coordinate with Newport-Mesa Unified School

District to ensure irrigation supporting landscaping at Estancia High School Stadium does not enter Fairview Park. We are available to assist the City with this coordination, as necessary.

- c. Removal of landscaping, turf, and non-vernal pool associated wetland plants (e.g., mulefat, curly dock) that were supported by irrigation systems in the watersheds and replacement with appropriate native vegetation.
  - d. Removal of non-native plant species (e.g., annual grasslands and mustards) if needed to re-establish hydrological function.
  - e. Restoration of native vegetation around the vernal pool basins and along informal and unauthorized paths, as appropriate (e.g., outside the basin area).
  - f. Removal of trash or other debris from the vernal pool watershed.
2. Permanent Protection – Record a conservation easement over the vernal pool basins and watersheds. Consistent with the Fairview Park Master Plan, the conservation easement should provide for the protection of the San Diego fairy shrimp and its habitat while allowing appropriate public access and enjoyment of the park.
  3. Fencing and Paths – The Service generally recommends fencing a sufficiently large habitat buffer (i.e., at least 100 feet from the outer edge of the watershed in most cases) to reduce encroachment by pedestrians and off-road vehicles, trash accumulation and dumping, and other indirect effects of development (Service 2008). A large buffer is necessary to account for natural changes in the basin dimensions over time in response to varying hydrological conditions and to prevent alterations to the watershed that could impact the duration and extent of ponding. To ensure the watersheds in Fairview Park are protected, the fencing should limit entry to the majority of the watershed area. Pets should be kept on leash in the park to prevent entry into fenced areas. Formal paths that will pass through the watershed of vernal pools should be placed on boardwalks, above the water surface elevation of the basins, to minimize changes in hydrology and the introduction of contaminants into the basins. Suggested locations for fencing are provided for discussion purposes (Figure 3).
  4. Public Education – The Service would like to partner with the City to develop educational materials and signs that can highlight the importance of biological resources in Fairview Park. The preservation of remaining coastal terrace pools in the City of Costa Mesa should be considered a source of pride for the City and its citizens. Educational signs, located along primary access routes (e.g., Figure 3), can help to enhance and contribute to the public’s use and enjoyment of the vernal pool area. A “nature path” with stopping points where users can learn more about vernal pools and the plants and animals they support can highlight species that are not readily seen and can maintain a public awareness of the rarity of these biological resources for generations to come.

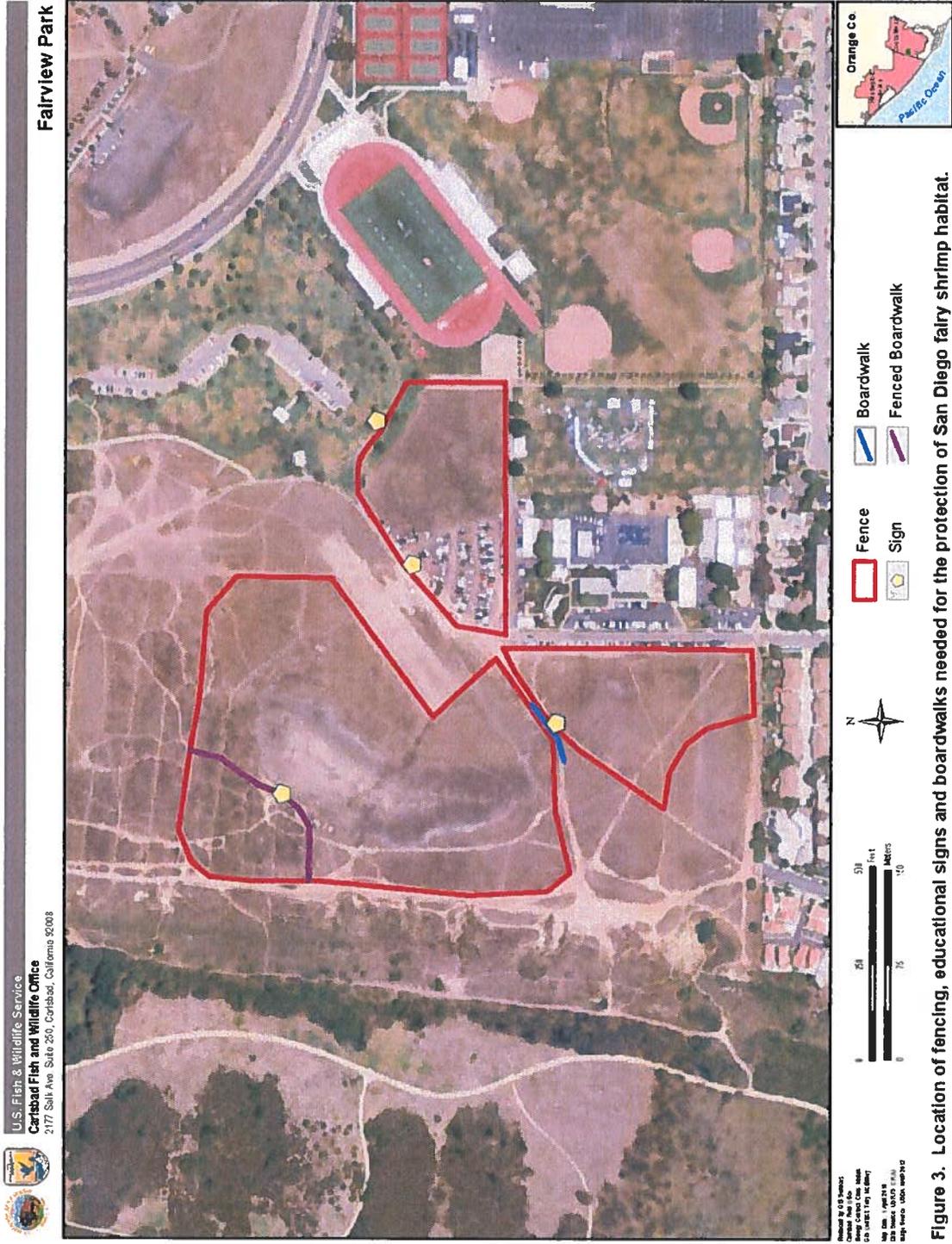


Figure 3. Location of fencing, educational signs and boardwalks needed for the protection of San Diego fairy shrimp habitat.

5. Trash – Provide trash receptacles and pet waste stations in convenient locations to minimize the potential for trash to be discarded in the vernal pool watersheds.
6. Mowing, Weed Control, and Pesticide Use – Mowing should be conducted outside the limits of the vernal pool basins to avoid direct impacts to San Diego fairy shrimp. In addition, we recommend that mowing be restricted within approximately 50 feet of the basin area to avoid restored habitat and sensitive plant species surrounding the basin area. The mowing limits should be periodically reevaluated to compensate for changes in the size and location of the basin area and corresponding zone of sensitive plant species. Please coordinate with the Service regarding use of pesticides and herbicides within the vernal pool watersheds to ensure chemicals harmful to San Diego fairy shrimp are avoided.
7. Employee Education – Provide an on-site education program for current and new employees of the City that will have assigned duties in Fairview Park to review sensitive biological resource areas and the City’s responsibilities for management of these areas.
8. Patrol – Include as part of regular patrol duties, inspection of the fencing surrounding the watersheds and reporting of any damage to the fences or signs of encroachment within the fenced boundary.
9. Biological Monitoring – Regular biological monitoring is necessary to determine the efficacy of management measures to preserve and protect the San Diego fairy shrimp. Biological monitoring should include:
  - a. Annual watershed inspection – A biologist who has experience with San Diego fairy shrimp and its habitat should prepare a brief summary of the status of the habitat and a list of any additional management actions needed to protect and/or restore damages to the habitat.
  - b. Surveys for fairy shrimp – The City should conduct periodic surveys once every 5 years when there is sufficient rainfall to document the status of the San Diego fairy shrimp in each of the pools in Fairview Park.
10. Adaptive Management – Review the effectiveness of management actions annually to determine if additional measures are needed to protect San Diego fairy shrimp from harm. Cable wire fencing is proposed in the Fairview Park Master Plan to protect the pool basins. If this type of fencing is not adequate to prevent the public from regularly entering the basin areas, additional fencing or a different type of fencing may be required. If the degradation of the pools has already impacted the viability of the San Diego fairy shrimp, additional inoculation of the pools with cysts may be necessary.

Three additional vernal pool areas, located east of Placentia Avenue, require additional surveys to determine if San Diego fairy shrimp and/or sensitive vernal plant species are present. We recommend the City delineate the watershed of the three pools in the near future and avoid impacts to the watershed areas until protocol surveys (Service 1996) can be completed. Positive survey results may require changes in management actions to address

San Diego fairy shrimp. The City should coordinate adaptive management with the Service prior to implementation.

11. Fairview Park Master Plan Update – Include in an update to the Fairview Park Master Plan specific and ongoing management actions that will be implemented to ensure high quality habitat for San Diego fairy shrimp is maintained and that the species is protected.

These are the measures that are needed to protect San Diego fairy shrimp and their habitat in Fairview Park and are not intended to offset the damage caused by path construction. Issues relating to take that may have been caused by path construction remain under investigation by the Service at this time and will be addressed separately in the future.

We look forward to meeting with the City to further refine the details and timing of restoration, protection, and management actions. Should you have any questions regarding this letter, please contact Christine Medak of this office at 760-431-9440, extension 298.

Sincerely,



Karen A. Goebel  
Assistant Field Supervisor

cc:  
Marilyn Fluharty, California Department of Fish and Wildlife

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