

Oceanside Sewer Improvements Program

Appendix G – Responses to Comments

RESPONSES TO COMMENTS

INTRODUCTION

As required by the California Environmental Quality Act (CEQA), the Draft Program Environmental Impact Report (PEIR) prepared for the Oceanside Sewer Improvements Program (Program) was circulated for public review and comment for a period of 48 days beginning Friday, January 30, 2026, and ending Wednesday, March 18, 2026. During this period, comments “on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the proposed Program might be avoided or mitigated” were accepted by the City pursuant to CEQA Guidelines Section 152049(a). Comment letters received during the public review period are shown on the matrix below. A copy of each comment letter along with corresponding responses has been included. Letters and responses are provided in side-by-side format for ease of reader review.

Letter Identification	Commenting Party	Comment Numbers
A	California Department of Fish and Wildlife	A-1 through A-16
B	California Department of Transportation (District 11)	B-1 through B-8
C	Rincon Band of Luiseño Indians	C-1 through C-11
D	San Diego County Archaeological Society, Inc.	D-1

The City has reviewed all public comments received on the Draft PEIR and provided a written response to all comments pertaining to substantive environmental issues and/or the adequacy of the Draft PEIR. Several comment letters received during the Draft PEIR public review period contained requests for revisions that resulted in minor changes and text clarifications to the Draft PEIR text. These changes to the text are indicated by strikeout (deleted) and underline (inserted) markings in the Final PEIR. Some of the comments do not pertain to the adequacy of analysis in the Draft PEIR or to other aspects pertinent to the potential effects of the proposed project on the environment pursuant to CEQA. Regardless, a good faith effort has been made to respond to the comments submitted where they may touch on a relevant environmental topic.

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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE



GAVIN NEWSOM, Governor
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March 16, 2026

Mabel Uyeda
Senior Civil Engineer, Project Manager
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Subject: Draft Program Environmental Impact Report for the Oceanside Sewer Improvements Program, SCH No. 2021030277, San Diego County, CA

Dear Mabel Uyeda:

The California Department of Fish and Wildlife (CDFW) reviewed the Draft Program Environmental Impact Report (DPEIR) from City of Oceanside (City) for the Oceanside Sewer Improvements Program (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802;

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Conserving California's Wildlife Since 1870



A-1

A – California Department of Fish and Wildlife (CDFW)

A-1 The City acknowledges these introductory comments and description of the CDFW's role pursuant to the California Environmental Quality Act (CEQA). This comment does not raise an issue concerning the environmental analysis or adequacy of the Draft PEIR; no response is required.

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Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law² of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code. CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program (Fish and Game Code 2800 et seq.).

PROJECT DESCRIPTION SUMMARY

Proponent: City of Oceanside (City)

Objective: The Project proposes sewer improvements in Oceanside:

- **Oceanside Mesa Garrison Force Main (OMG FM) Project:** Construction of 16,100 linear feet (LF) of 36-inch sewer force main between the San Luis Rey Water Reclamation Facility (SLRWRF) and the El Corazon Lift Station (discussed below). Much of the pipeline would occur outside of paved roadways within City utility easements.
- **El Corazon Lift Station Project:** Construction of a five-million-gallons-per-day sewer lift station near Mesa Drive and Garrison Street at the former Garrison Elementary School property. The 11.2-acre parcel would be subdivided, with 3 acres used for the lift

² "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

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A-2 The City acknowledges the summary of the project description as disclosed in the Draft PEIR, including the proposed Program improvements, location, biological setting, project history, and timeframe. This comment does not raise an issue concerning the environmental analysis or adequacy of the Draft PEIR; no response is required.

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station and facilities, including a wet well, emergency storage, future pipeline connections, parking, training area, and equipment storage. The Project would also reroute gravity flows in Mesa Drive and Garrison Street to the new lift station and connect to existing or planned sewer mains.

- **Land Outfall Replacement Project:** Replacement of 27,000 LF of existing 24-inch pipe to 36-inch pipe between the SLRWRF and the La Salina Wastewater Treatment Plant (LSWWTP). Approximately 19,000 LF would follow the same corridor as the Proposed OMG FM project between SLRWRF and the southern entrance to the Garrison Elementary School Property. The remaining 10,000 LF would be replaced in segments near the North County Transit District railroad right-of-way, Oceanside Boulevard, and Garrison Street.
- **Mission Avenue Lift Station Force Main (MALS FM) Replacement Project:** Replacement of 13,000 LF of existing 24-inch sewer force main between SLRWRF and the Mission Avenue Lift Station with a new parallel pipeline or in-place replacement. If a new pipeline is constructed, the existing pipeline may be retained as a backup force main after cleaning and repair.
- **Mission Avenue Gravity Sewer Lining and Replacement Project:** Cured-in-place lining of 600 LF of 24-inch gravity sewer pipe from 3560 Mission Avenue to Fireside Street. From Fireside Street to the Mission Avenue Lift Station, 1,600 LF of pipe would be replaced and upsized to a 30-inch or 36-inch pipe. Portions of the existing pipelines occur within private easements through the Marketplace Del Rio shopping center and undeveloped Ocean KAMP parcels; where feasible, the replacement pipeline would be relocated to Mission Avenue.

Project activities include vegetation trimming and clearing, grubbing, grading, trenching, and other ground-disturbing activities associated with pipeline construction. Pipelines will be installed using open-trench methods in areas of uplands habitats (e.g. grasslands, disturbed habitat, developed areas) while trenchless techniques such as jack-and-bore, horizontal directional drilling, or tunneling will be utilized in areas beneath roadways, waterways, or wetlands.

Location: The 30.14-acre Project site includes linear underground infrastructure extending south from the SLRWRF (3950 North River Road) to Oceanside Boulevard, then southwest to the LSWWTP, in the City of Oceanside. The Project will be constructed within existing roadways or developed areas except in four locations: Pilgrim Creek, the San Luis Rey River,

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Fireside St, and Garrison Creek. The Project alignment also abuts several conserved properties including Vista De La Valle preserve, the San Luis Rey River Park, and Whelan Ranch. An aerial map of the Project alignment is provided in Attachment A. Figure 1.

Biological Setting: Per the Biological Technical Report (BTR; Helix 2026), the 30.14-acre Project site is nested within a survey area encompassing 107.9 acres of the San Luis Rey River Valley. The San Luis Rey River represents one of the largest remaining river systems in northern San Diego County and serves as an important regional wildlife movement corridor and riparian habitat network supporting numerous sensitive species.

The Project site supports a mosaic of riparian, coastal sage scrub, grassland, and developed land cover types. Upland habitats include Diegan coastal sage scrub (including disturbed; 2.20 acres), *Baccharis* scrub (0.20 acre), native grassland (0.20 acre), salt grass grassland (<0.10 acre), non-native grassland (24.2 acres), non-native vegetation (3.20 acres), eucalyptus woodland (0.30 acre), disturbed habitat (16.8 acres), and developed land (57.5 acres). Sensitive wetland vegetation communities occur primarily along the San Luis Rey River corridor and include southern riparian forest (1.73 acres), southern willow scrub (1.21 acres), mule fat scrub (0.35 acre), and freshwater marsh (0.05 acre).

Based on CDFW's review of the BTR and the California Natural Diversity Database ³(CNDDDB; CDFW 2026), the following species⁴ were detected or have the potential to occur within the Project site:

Plants:

- thread-leaved brodiaea (*Brodiaea filifolia*; ESA-listed threatened, CESA-listed endangered, CRPR 1B.1)
- Brand's phacelia (*Phacelia stellaris*; CRPR 1B.1)

Invertebrates:

- Crotch's bumble bee (*Bombus crotchii*; CESA-listed candidate endangered)

³ <https://wildlife.ca.gov/Data/BIOS>

⁴ Nomenclature and species status follows the CNDDDB Special Animals List (CDFW, January 2026) and Special Vascular Plants, Bryophytes, and Lichens List (CDFW, January 2026). ESA = Federal Endangered Species Act, CESA = California Endangered Species Act, FP = state Fully Protected Species, SSC = state Species of Special Concern, WL = state Watch List, CRPR = California Rare Plant Rank

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Birds:

- light-footed Ridgway's rail (*Rallus obsoletus levipes*; ESA-listed endangered, CESA-listed endangered, FP)
- white-tailed kite (*Elanus leucurus*; FP)
- least Bell's vireo (*Vireo bellii pusillus*; ESA-listed endangered, CESA-listed endangered; vireo)
- southwestern willow flycatcher (*Empidonax traillii extimus*; ESA-listed endangered, CESA-listed endangered)
- burrowing owl (*Athene cucularia*; CESA-listed candidate)
- coastal California gnatcatcher (*Poliophtila californica*; ESA-listed threatened, SSC; gnatcatcher)
- yellow warbler (*Setophaga petechia*; SSC)
- yellow-breasted chat (*Icteria virens*; SSC)
- northern harrier (*Circus hudsonius*; SSC)
- Cooper's hawk (*Accipiter cooperii*; WL)
- California horned lark (*Eremophila alpestris actis*; WL)

Mammals:

- Stephens' kangaroo rat (*Dipodomys stephensi*; ESA-listed endangered, CESA-listed threatened)

The Project survey area includes U.S. Fish and Wildlife Service (USFWS) designated critical habitat for thread-leaved brodiaea, coastal California gnatcatcher, and least Bell's vireo; however, the Project impact area avoids direct impacts to critical habitat areas. HELIX biologists conducted general biological surveys within the survey area in 2020, 2022, and December 2023. Rare plant surveys for thread-leaved brodiaea and Brand's phacelia were completed in 2021, 2022, and 2023. Six individuals of each species were detected outside of the Project impact area in 2021.

Focused wildlife surveys were conducted within the Project survey area between 2020 and 2023 for least Bell's vireo, southwestern willow flycatcher, light-footed Ridgway's rail, Stephens' kangaroo rat, burrowing owl, and coastal California gnatcatcher. Surveys for southwestern willow flycatcher, burrowing owl, and Stephens' kangaroo rat were negative. However, multiple vireos, two gnatcatchers, and one light-footed Ridgway's rail were detected adjacent to the Project survey area. The following species were also incidentally observed within or adjacent to the Project area: California horned lark, white-tailed kite,

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yellow-breasted chat, northern harrier, and Cooper's hawk. Crotch's bumble bee was not detected during general biological surveys in 2021 and was determined to have low potential to occur (HELIX 2026).

The Project will impact 30.14 acres, including 26.8 acres of upland habitat and 3.34 acres of wetland and riparian habitat (Table 1). The BTR and DPEIR do not distinguish between permanent and temporary impacts associated with the Project.

Table 1. Project Impacts

Vegetation Community / Habitat Type	Acres
Diegan coastal sage scrub (incl. disturbed)	2.20
Baccharis scrub	0.20
Native grassland	0.20
Salt grass grassland	<0.10
Non-native grassland	24.2
<i>Uplands impacts subtotal</i>	<i>26.8</i>
Freshwater marsh	0.05
Southern riparian forest	1.73
Mule fat scrub	0.35
Southern willow scrub	1.21
<i>Wetland impacts subtotal</i>	<i>3.34</i>
Impacts total	30.14

The DPEIR incorporates Mitigation Measures (MM) BIO-1 through BIO-9 to avoid and minimize impacts to sensitive habitats, jurisdictional resources, special-status plants, and wildlife through design modifications, pre-construction surveys, breeding season restrictions, construction fencing, biological monitoring, and implementation of best management practices (BMPs). Where impacts cannot be avoided, the measures require coordination with wildlife agencies and compliance with applicable regulatory requirements, including consultation and permitting under the federal Endangered Species Act (ESA), the California Endangered Species Act (CESA), and the Lake and Streambed Alteration provisions of the California Fish and Game Code (§§ 1600–1603). The measures also require compensatory mitigation and restoration through the purchase of mitigation bank credits and implementation of revegetation plans in consultation with the Wildlife Agencies.

Project History: In 2021, CDFW provided a comment letter on the Notice of Preparation for the Project (SCH No 2021030277). Our letter recommended focused surveys be completed

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for sensitive bird species, including gnatcatcher, vireo, and southwestern willow flycatcher and suggested nesting season avoidance measures. In 2025, USFWS provided an informal Section 7 Consultation letter (Consultation). Their letter concluded that the Project was not likely to adversely affect thread-leaved brodiaea, vireo, gnatcatcher, southwestern willow flycatcher, or light-footed Ridgway's rail. CDFW was not involved in the Consultation process or 2025 site visit; however, the biological information provided in the Consultation was considered for our letter.

Timeframe: Project construction is estimated to begin in May 2026 and continue until February 2030, with the phasing schedule provided in Table 2 below.

Table 2. Project Schedule

Project Component	Construction Start	Construction End
Oceanside Mesa Garrison Lift Station	May 2026	February 2028
Oceanside Mesa Garrison Force Main	May 2026	December 2027
Land Outfall Replacement (SLRWRF to former Garrison Elementary School Entrance)	May 2026	October 2027
Land Outfall Replacement (along Oceanside Blvd between Garrison Street and Canyon Drive)	October 2027	October 2028
Land Outfall Replacement (along Oceanside Boulevard between Canyon Drive and LSWWTP)	June 2028	February 2029
Mission Avenue Lift Station Force Main Replacement	May 2026	December 2027
Mission Avenue Gravity Sewer Lining and Replacement	November 2028	September 2029

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COMMENTS AND RECOMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

A-3

A-3 Please see the responses to each comment and associated recommendations below.

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COMMENT #1: Temporary Versus Permanent Impact Quantification

Issue: The DPEIR's impacts analysis does not clearly distinguish temporary and permanent impacts to sensitive natural communities.

Specific impact: The DPEIR identifies 30.14 acres of impacts to sensitive vegetation communities (Table 1) but does not specify how much of these impacts would be temporary or permanent. While mitigation measure BIO-8a states that compensatory mitigation will be required for both permanent and temporary impacts, and while BIO-8b proposes restoration of temporarily disturbed areas, the DPEIR does not clearly quantify the acreage of each impact type by vegetation community.

Why impact would occur: Construction of pipelines, trenching, staging areas, and other ground-disturbing activities may result in temporary disturbance of vegetation, while lift station construction, permanent infrastructure placement, and areas subject to long-term maintenance (e.g., sewer easements) may result in permanent loss or conversion of vegetation communities. Without clear differentiation between temporary and permanent impacts, it is difficult to determine the extent of habitat loss and whether the proposed mitigation is appropriate. Clear disclosure and quantification of temporary and permanent impacts is necessary to ensure appropriate mitigation is applied.

Evidence impact may be significant: In accordance with CEQA Guidelines §15126.2(a), an EIR must describe the nature and extent of environmental impacts. The DPEIR should clarify which impacts represent temporary construction disturbance versus permanent habitat loss or conversion, quantify these impacts separately, and identify the appropriate mitigation measures.

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

Recommendation #1 Revised Impacts Table: CDFW recommends the DPEIR include a revised impacts analysis that clearly discloses and quantifies temporary construction disturbance and permanent habitat loss separately for each vegetation community and clarify how

A-4

A-4 This comment suggests that the Draft PEIR does not clearly quantify and distinguish temporary and permanent impacts to sensitive natural communities. As described in Section 3.0, *Environmental Analysis*, the PEIR identifies and focuses on the potentially significant direct and indirect environmental effects that would be reasonably foreseeable if the proposed Program is implemented. Based on the varying stages of design and planning being undertaken for the proposed Program components, different levels of detail exist for each component. Where applicable for each environmental resource category, potential impacts are analyzed on a program-level basis for the Program as a whole and analyzed in greater detail where sufficient information is available based on the anticipated location, overall footprint, and construction methodology proposed for the Program components. While individual Program components may vary in construction sequencing, staging location, and construction methods, all environmental impacts evaluated in this PEIR are based on reasonable worst-case assumptions regarding ground disturbance, construction duration, equipment usage, and geographic extent within the defined Program Area.

The Draft PEIR evaluates potential biological resources impacts associated with the proposed systemwide infrastructure improvements that extend from the San Luis Rey Water Reclamation Facility (SLRWRF) to the La Salina Wastewater Treatment Plant (LSWWTP). The area of potential impacts evaluated in the Biological Technical Report prepared for the proposed Program (HELIX 2026; Appendix C) includes the proposed Oceanside Mesa Garrison (OMG) Lift Station site and the existing/proposed pipeline alignments with a 50-foot buffer to allow for alignment variability, totaling 107.94 acres (refer to Table 3.2-1, *Vegetation Communities and Land Covers*). Table 3.2-2 referenced in this comment conservatively identifies all sensitive communities mapped within the Program Area as areas of potential impact.

As noted in this comment and discussed in Section 3.2.4.2, *Sensitive Habitats*, of the Draft PEIR, ground-disturbing construction activities would result in temporary disturbance of vegetation within the pipeline alignments and staging areas; however, these areas would be revegetated to their pre-construction

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mitigation requirements would be applied for each impact type. Temporary impacts that require restoration should be clearly identified and accompanied by performance standards and monitoring requirements to ensure successful habitat recovery, while permanent impacts should identify the applicable mitigation ratios and mitigation mechanism (e.g., habitat restoration, enhancement, or conservation bank credits).

COMMENT #2: Take Authorization for CESA-listed Species

Issue: CDFW has not issued any incidental take authorization pursuant to CESA for the above-referenced species; therefore, any avoidance, minimization, and mitigation measures for CESA-listed species will also require coordination with CDFW. Several of the DPEIR's Mitigation Measures (MM BIO-1 and MM BIO-3 through 6) rely primarily on USFWS consultation and do not consistently reference CDFW permitting requirements for dually listed species.

A-5

Specific Impact: While MM BIO-2 acknowledges that, "...if the Program would impact a state listed species, then it shall be demonstrated that a Section 2081(b) Incidental Take Permit or Section 2080.1 Consistency Determination for impacts to the applicable species has been issued by CDFW or that none was required", MM BIO-1 and MM BIO-3 through BIO-6 reference coordination only with the USFWS. As written, these measures do not consistently reference coordination with CDFW or adherence to CESA where incidental take of state-listed species could occur.

Why Impact Would Occur: The DPEIR incorporates MM BIO-1 and MM BIO-3 through BIO-6 to address several dually listed species including light-footed Ridgway's rail, least Bell's vireo, southwestern willow flycatcher, thread-leaved brodiaea, and Stephen's kangaroo rat. As written, these measures do not reflect input or coordination with CDFW to address our regulatory authority over dually listed species.

Evidence Impact May Be Significant: Under the California Endangered Species Act, take of a state-listed species is prohibited except as authorized by the California Department of Fish and Wildlife (Fish and Game Code §2080). As mentioned in MM BIO-2, CDFW may authorize incidental take through issuance of an incidental take permit pursuant to Fish and Game Code §2081; however, as written, MM BIO-1 and MM BIO-3 through BIO-6 do not consistently reflect CDFW's regulatory authority under CESA.

A-4 (cont.) condition following completion of construction. The OMG Lift Station would result in permanent impacts from construction of the lift station and associated above-ground, permanent structures. The OMG Lift Station project is currently in design and would be evaluated per mitigation measure **BIO-8a** to identify acreages of permanent impacts to the vegetation communities identified in Table 3.2-2 and demonstrate that compensatory mitigation has been secured. Table 3.2-3, *Mitigation Ratios for Impacts to Sensitive Natural Communities*, identifies all applicable mitigation ratios for each vegetation community within the Program Area and provides the mitigation mechanisms available for satisfying the compensatory mitigation requirements.

Relative to the other Program components, the majority of the proposed pipeline improvements would be located within existing streets, easements, and disturbed/developed corridors. For areas subject to temporary disturbance that are located outside of City Sewer Easements, sensitive habitat impacts would be mitigated through implementation of mitigation measure **BIO-8b**, which requires restoration of temporary impacts through implementation of the Programmatic Revegetation Plan. The Programmatic Revegetation Plan includes performance standards and monitoring requirements to ensure successful habitat recovery, as requested in this comment. As described in mitigation measure **BIO-8a**, City Sewer Easement areas that are temporarily impacted during construction would be unsuitable for restoration due to the routine access and maintenance required in these areas and the potential for future ground disturbance (i.e., associated with repairs); therefore, all improvements within City Sewer Easements would be considered permanent and subject to compliance with mitigation measure **BIO-8a**.

A-5 This comment describes the CDFW regulatory authority over state-listed sensitive species and requirements for coordination with CDFW pertaining to potential impacts where incidental take of state-listed species could occur. As recommended in this comment, mitigation measures **BIO-1** and **BIO-3** through **BIO-6** have been revised in the Final PEIR to consistently reference both federal and state regulatory requirements and ensure that CDFW coordination and requirements are appropriately referenced where they were inadvertently omitted in the Draft PEIR. Revisions to the mitigation measures that have been incorporated into the Final PEIR are summarized below:

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Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures be incorporated into the final CEQA document:

Recommendation #2 CDFW Authorization: The DPEIR should revise MM BIO-1 and MM BIO-3 through BIO-6 to consistently reference both federal and state regulatory requirements. Measures requiring agency coordination, biological monitoring, or species-specific avoidance should clarify that: (1) Take of species listed under CESA requires authorization from CDFW, such as a Section 2081(b) Incidental Take Permit or Section 2080.1 Consistency Determination and (2) Coordination with CDFW may be required in addition to any consultation with USFWS where impacts to state-listed species could occur. Revisions would ensure the mitigation measures accurately reflect CDFW’s regulatory authority and permitting requirements under CESA.

COMMENT #3: Impacts to Light-footed Ridgway’s Rail

Issue: The DPEIR does not clearly address the CDFW’s regulatory requirements for light-footed Ridgway’s rail, a State Fully Protected species, nor does it clearly demonstrate how Project activities would avoid impacts to this species.

Specific Impact: Per the DPEIR, one light-footed Ridgway’s rail was detected approximately 500 feet west of the Project survey area in the San Luis Rey River corridor. Although the DPEIR includes breeding season restrictions and/or nesting pre-construction survey requirements, the mitigation measures primarily rely on coordination with the USFWS and do not clearly address the species’ Fully Protected status or how Project activities would avoid potentially significant impacts to the rail. Additionally, the measures focus on detection of active nests, which may not adequately protect Ridgway’s rail because nests are difficult to detect within dense marsh vegetation.

Why Impact Would Occur: Light-footed Ridgway’s rail occupy marsh and riparian habitats and may be sensitive to disturbance from nearby construction activities. Project activities such as horizontal directional drilling, vegetation removal, staging, and operation of heavy equipment within the San Luis Rey River corridor may result in disturbance to nearby rail habitat. Construction-related noise, vibration, and increased human activity occurring near occupied habitat during the breeding season could also disrupt breeding behavior or result in nest abandonment, which may constitute take under the Fish and Game Code § 3503.

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A-6

A-5 (cont.)

- Mitigation measures **BIO-1a**, **BIO-1d**, **BIO-3**, and **BIO-6** have been revised to ensure that a biologist approved by both the U.S. Fish and Wildlife Service (USFWS) and CDFW (hereafter referred to as “Qualified Biologist”) is engaged to ensure adequate implementation of the Program mitigation measures.
- Mitigation measures **BIO-1c** and **BIO-5** have been revised to more generally apply to applicable “federally and state listed and other sensitive species,” such that these measures would apply to other species not specifically listed that have a reasonable potential to occur based on site-specific habitat conditions (e.g., Crotch’s bumble bee).
- Mitigation measure **BIO-1d** was updated to address both USFWS and CDFW requirements for mitigating potential impacts to Stephens’ kangaroo rat.
- Mitigation measures **BIO-3**, **BIO-5**, and **BIO-6** have been revised to require coordination with both the USFWS Carlsbad Fish and Wildlife Office (CFWO) and CDFW Region 5 regarding construction activity, monitoring, and avoidance measures to be implemented during the listed species’ breeding seasons.
- Mitigation measure **BIO-4** has been revised in response to Comment A-12, below, to require that pre-construction nesting bird surveys are conducted three (3) days prior to the start of construction and additionally conducted should a construction delay of more than three (3) days occur to ensure that active nests are not inadvertently disturbed.

A-6 This comment suggests that the Draft PEIR does not clearly address CDFW’s regulatory requirements for light-footed Ridgway’s rail or demonstrate how the Program would avoid impacts to this species. As described above in response to Comment A-5, CDFW coordination and requirements that were inadvertently omitted in mitigation measures **BIO-1** and **BIO-3** through **BIO-6** have been revised in the Final PEIR to consistently reference both federal and state regulatory requirements.

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Evidence Impact May Be Significant: Light-footed Ridgway's rail is designated as a Fully Protected species under the California Fish and Game Code § 3511 and take of Fully Protected species is prohibited. Project activities must be designed to avoid take of the species. Additionally, light-footed Ridgway's rail is listed as endangered under both the federal Endangered Species Act and the California Endangered Species Act and take of the species is prohibited unless authorized by law (Fish & G. Code, §§ 2080, 3511).

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures be incorporated into the final CEQA document:

Recommendation #3 Light-footed Ridgway's Rail Disclosure: The DPEIR should clarify how Project activities will avoid potentially significant impacts to light-footed Ridgway's rail and revise the mitigation measures to address the species' Fully Protected status. The DPEIR should also clarify that coordination with CDFW will be required to ensure impacts to the species will be fully avoided.

Mitigation Measure #1 Light-footed Ridgway's Rail Avoidance and Monitoring: Take of light-footed Ridgway's rail shall be fully avoided (Fish & G. Code § 3511). Project activities within 500 feet of suitable native wetland and riparian habitats (e.g. San Luis Rey River crossing) shall occur between September 16 and March 14 to avoid the breeding season for light-footed Ridgway's rail. Outside of the breeding season, a qualified biologist shall be present on site to survey and monitor for light-footed Ridgway's rail, during all work within 500 feet of marsh habitat. If rail is detected within 500 feet of work areas during biological monitoring, the qualified biologist shall implement a 500-foot avoidance buffer from occupied habitat. No flushing of rail shall be authorized. The qualified biologist shall have the authority to stop work if deemed necessary for any reason to protect the species. Additional avoidance measures such as noise attenuation or limited operating periods may be required in consultation with CDFW to ensure take of light-footed Ridgway's rail does not occur.

COMMENT #4: Impacts to Crotch's Bumble Bee

Issue: The Project has the potential to adversely impact Crotch's bumble bee. The DPEIR does not provide sufficient analysis of suitable habitat within the Project footprint or potential impacts to Crotch's bumble bee.

A-6
cont.

A-7

A-6 (cont.) As noted in this comment, no light-footed Ridgway's rail were detected within the Program survey area. Direct impacts to light-footed Ridgway's rail would be avoided during construction of the proposed Program components, as no ground disturbance is proposed within suitable rail habitat. To the extent feasible, construction located within proximity to suitable habitat of rail and other sensitive bird species would be scheduled to occur outside of the breeding season. Should construction activity be proposed during the breeding season, a Qualified Biologist is required to oversee monitoring within 500 feet of suitable habitat for light-footed Ridgway's rail. Mitigation measures **BIO-1c** and **BIO-2** through **BIO-7** would be implemented to adequately address potential indirect impacts to light-footed Ridgway's rail and the recommendations provided in this comment.

A-7 This comment states that the Draft PEIR does not provide sufficient analysis of suitable habitat within the Program Area or potential impacts to Crotch's bumble bee, a California Endangered Species Act (CESA) candidate species. As noted in the comment, Section 3.6.3, *Special-Status Animal Species*, of the Biological Technical Report listed Crotch's bumble bee as a special-status species with historic records in the broader survey area based on CNDDDB data and evaluated the species as having low potential to occur within the Program Area (HELIX 2026; Appendix C). Because the Draft PEIR is a program-level document prepared pursuant to CEQA Guidelines Section 15168, the precise location, timing, and extent of ground-disturbing activities for individual Program components have not yet been developed. As a result, the presence, absence, and specific habitat suitability for sensitive species such as Crotch's bumble bee shall

COMMENTS

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Specific Impact: The DPEIR concludes Crotch's bumble bee has low potential to occur within the Project site based on negative detections during general biological surveys in 2021; however, a focused habitat assessment and protocol-level surveys for Crotch's bumble bee have never been completed. Consequently, the DPEIR does not include measures to address potential impacts to Crotch's bumble bee.

Why Impact Would Occur: The DPEIR identifies the presence of native grassland, non-native grassland, *Baccharis* scrub, and Diegan coastal sage scrub within the Project footprint. These vegetation communities may contain suitable foraging or nesting habitat for Crotch's bumble bee. Crotch's bumble bee can use a variety of upland land cover types for foraging and often nest underground, sometimes occupying abandoned rodent burrows (Hatfield et al., 2015). If Crotch's bumble bee is using burrows within and/or adjacent to the Project site for nesting, direct and/or indirect impacts could result from ground disturbing activities (i.e. vegetation clearing, trenching, horizontal directional drilling) which could lead to death or injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success. The absence of detections during general surveys does not necessarily confirm absence of the species, particularly if focused surveys were not conducted during peak activity periods or did not specifically target pollinators. Additionally, because the DPEIR does not evaluate the availability of floral resources or nesting habitat within the impact area, the potential for impacts to Crotch's bumble bee are not adequately addressed.

Evidence Impact May Be Significant: The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as threatened or endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. Crotch's bumble receives the same protections as a listed species while it is a candidate species under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, §786.9). In addition, Crotch's bumble bee has a State ranking of S1/S2. This means that Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often five or fewer populations). Crotch's bumble bee is also listed as an invertebrate of conservation priority under the Terrestrial and Vernal Pool Inverts of Conservation Priority List⁵. Crotch's bumble bee also meets the CEQA definition of rare, threatened, or endangered species

⁵ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149499&inline>

A-7
cont.

A-7 (cont.) be determined during subsequent project-level review when final disturbance limits, access and staging areas, and construction footprints are available.

Mitigation measure **BIO-1c** requires review of vegetation communities and sensitive resource mapping by a Qualified Biologist to determine if pre-construction protocol level surveys are required to confirm presence/absence and distribution of federally and/or state listed species. To address CDFW's concern, mitigation measure **BIO-1c** has been refined to cross-reference language consistent with CDFW's recommendations. As revised, **BIO-1c** now explicitly applies to all federally listed, state listed, and other sensitive animal species with a reasonable potential to occur based on site-specific habitat conditions within or adjacent to the construction footprint. The Qualified Biologist will determine if suitable habitat is present and whether additional habitat assessment and/or focused or protocol-level surveys are warranted. For Crotch's bumble bee, habitat assessment of suitable foraging and nesting habitat within the colony flight period would be conducted pursuant to the applicable regulatory guidance (e.g., CDFW's *Survey Considerations for CESA Candidate Bumble Bee Species*), consistent with the recommendations provided in this comment.

Mitigation measure **BIO-1c** requires that impacts to each sensitive species (including its habitat) be restricted and minimized through project-level design changes and/or construction methods. The minimization measures listed in **BIO-1c** have been expanded to reference seasonal restrictions (i.e., not restrictive to scheduling outside of avian breeding seasons) and no-disturbance buffer zones sized according to species-specific guidance, as recommended in this comment.

In addition, mitigation measure **BIO-2**, which requires federal and state coordination when any listed species is present, would apply to Crotch's bumble bee. If protocol surveys or project-level habitat assessment confirm that Crotch's bumble bee occurs within or adjacent to a Program component and avoidance of impacts is not feasible, compliance with the CDFW regulatory process would be required prior to ground disturbance.

Direct impacts to suitable habitat would be mitigated through implementation of mitigation measure **Bio-8a**, which requires compensatory mitigation for impacts to sensitive vegetation communities identified in Table 3.2-3. Because floral

COMMENTS

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(CEQA Guidelines, § 15380). Therefore, take of Crotch's bumble bee could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures be incorporated into the final CEQA document:

Recommendation #4 Crotch's Bumble Bee Analysis: The DPEIR should further evaluate the potential for Crotch's bumble bee to occur within the Project footprint, including an assessment of suitable foraging and nesting habitat, as well as floral resources present within impacted vegetation communities. If suitable habitat occurs, the DPEIR should incorporate avoidance and minimization measures to address Crotch's bumble bee.

Mitigation Measure #2 Surveys and Disclosure: The Project Proponent shall retain a qualified biologist familiar with the species to survey the Project site for Crotch's bumble bee and suitable habitat prior to construction. Surveys should be conducted during the flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). Surveys should also occur within one year prior to vegetation removal and/or ground disturbance and adhere to the Survey Considerations for CESA Candidate Bumble Bee Species⁶. The DPEIR should provide full disclosure of the presence of Crotch's bumble bee and the Project's potential impact on Crotch's bumble bee.

Mitigation Measure #3 Avoidance, Minimization, and Mitigation: If the Project site or adjacent areas are determined to be occupied by Crotch's bumble bee, the DPEIR should include measures to avoid impacts on Crotch's bumble bee. If Crotch's bumble bee is present, the qualified biologist should identify the location of all nests in or adjacent to the Project site. If nests are identified, 50-foot no-disturbance buffer zones should be established around nests to reduce the risk of unauthorized take. Additionally, the DPEIR should require consultation with CDFW to determine if a CESA Incidental Take Permit (ITP) is required. In addition, the Project Proponent should provide compensatory mitigation for removal or damage to any floral resources associated with Crotch's bumble bee. Floral resources should be replaced as close to their original location as is feasible.

⁶ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

A-7
cont.

A-7 (cont.) resources and nesting substrates for Crotch's bumble bee occur within these vegetation types, **BIO-8a** satisfies the request to provide compensatory mitigation for removal or damage to floral resources.

Overall, these revisions ensure that all future Program components will undergo site-specific biological evaluation during project-level CEQA compliance, and that appropriate survey methods, avoidance strategies, and regulatory coordination are implemented when suitable habitat or the species itself is detected, consistent with CDFW's recommendations. With the refined mitigation framework provided in the Final PEIR, including the revised mitigation measures **BIO-1c** and **BIO-2**, the Program will effectively avoid, minimize, and mitigate potential impacts to Crotch's bumble bee as required under CEQA and CESA.

COMMENTS

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COMMENT #5: Impacts to White-tailed Kite

Issue: The DPEIR does not disclose nor analyze potential impacts to white-tailed kite, a State Fully Protected species. Take of Fully Protected species must be avoided.

Specific Impact: The DPEIR acknowledges an incidental observation of white-tailed kite adjacent to the Project survey area; however, the DPEIR does not clearly evaluate nor disclose whether suitable nesting habitat occurs within the Project footprint or whether Project activities could have impacts to the species.

Why Impact Would Occur: White-tailed kite nest in trees or large shrubs typically located adjacent to open grassland or agricultural areas used for foraging. The DPEIR identifies grassland habitats within the Project area, which may provide suitable foraging habitat. Construction-related noise, vegetation removal, or human activity occurring near active nests during the breeding season could result in disturbance or nest abandonment, which may constitute take under the Fish and Game Code. Project activities may also result in temporary disturbance or loss of foraging habitat.

Evidence Impact May Be Significant: White-tailed kite is designated as a Fully Protected species under the California Fish and Game Code § 3511. A Fully Protected species may not be taken or possessed at any time. Given that Fully Protected species are afforded protections beyond state or federal listing status, minimization of significant impacts is not sufficient for Fully Protected species, and impacts must be fully avoided.

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures be incorporated into the final CEQA document:

Recommendation #5 White-tailed Kite Analysis: The DPEIR should include an analysis of whether suitable nesting habitat for white-tailed kite occurs within or adjacent to the Project footprint. Additionally, the DPEIR should include a discussion of how potential direct, indirect, and cumulative impacts to white-tailed kite will be fully avoided.

ADDITIONAL COMMENTS

1. **Mitigation and Monitoring Reporting Plan.** CDFW recommends the Project's environmental document include mitigation measures recommended in this letter.

A-8

A-9

A-8 This comment suggests that the Draft PEIR does not adequately analyze potential impacts to white-tailed kite or disclose if suitable nesting habitat occurs within the Program Area; however, Section 3.2.1.6, *Sensitive Resources*, of the PEIR discloses that white-tailed kite was observed within 500 feet of the Program survey area and has the potential to nest within areas of suitable nesting habitat (e.g., trees, shrubs, and other vegetation) in the Program Area. The impact analysis presented in Section 3.2.4.1, *Issue 1: Special Status Species*, notes that implementation of the Program could result in the removal or trimming of trees and other vegetation during the general bird nesting season (collectively from January 15 through September 15) and, therefore, could result in impacts to nesting birds in violation of the MBTA and CFG Code, including white-tailed kite. Adverse indirect effects also could occur as a result of construction noise in the immediate vicinity of undeveloped areas supporting an active bird nest, such that the disturbance results in nest abandonment or nest failure. Direct impacts would be mitigated by the implementation of the pre-construction surveys and avoidance of nesting birds and raptors in mitigation measure **BIO-4**. Potential indirect impacts during construction would be mitigated by the installation of temporary construction and/or silt fencing at the limits of work (**BIO-5**), biological construction monitoring where work limits occur adjacent to known sensitive resources (**BIO-6**), and implementation of construction BMPs (**BIO-7**). Overall, potential direct, indirect, and cumulative impacts to white-tailed kite are adequately addressed in the PEIR.

A-9 This comment references Attachment B to this letter, which provides a Draft Mitigation Monitoring and Reporting Plan (MMRP) table that summarizes the recommended mitigation measures presented in comments A-4 through A-8. Refer to Responses to Comments A-4 through A-8, which discuss how each recommended mitigation measure has been addressed in the Final PEIR, as applicable. No further responses to Attachment B are required.

As required by CEQA Section 21081.6, the Final PEIR includes an MMRP (Appendix H) that identifies the mitigation measures that would reduce or eliminate potential environmental impacts of the Program with responsibilities for implementation delineated for each measure.

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A-9
cont.

CDFW has provided comments via a Mitigation Monitoring and Reporting Plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The Lead Agency is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment B).

A-10

2. **Lake and Streambed Alteration.** The DPEIR identifies jurisdictional aquatic resources within the Project area, including riparian habitat, freshwater marsh, and other waters associated with the San Luis Rey River corridor. Construction activities such as trenching, horizontal directional drilling, jack-and-bore installation, access road development, and staging near these resources may alter the bed, bank, or channel of a river, stream, or lake. CDFW acknowledges that the City has submitted written notification to CDFW pursuant to Fish & G. Code, § 1602 et seq. We look forward to coordinating with the City further on this notification.

A-11

3. **Mitigation for Directional Drilling.** CDFW recommends that the environmental document include a mitigation measure or measures which will avoid, minimize, or mitigate impacts to aquatic biological resources as a result of "frac-outs" associated with directional drilling and jack-and-bore techniques. If a frac-out occurs or drilling fluid is not contained in or adjacent to environmentally sensitive areas, the release of fine particles into the stream system can constitute a significant impact under CEQA. Even where the Project drills beneath an intermittent stream and/or a concrete-lined channel, aquatic habitats may be impacted downstream in the event of a frac-out. Mitigation measures in the environmental document and subsequent wetland permits gives the Project proponent assurances that in the event of an unanticipated event, the clean-up activities can be quickly authorized, and construction delays can be minimized or avoided.

A-12

4. **Avoidance of Nesting Birds and Raptors.** CDFW appreciates the inclusion of MM BIO-4 to address impacts to nesting birds and raptors protected under the California Fish and Game Code. Specifically, MM BIO-4 requires pre-construction nesting surveys no earlier than seven (7) days prior to start of construction activities to confirm the presence or absence of nesting birds and/or raptors. However, nesting birds may initiate nests quickly during the breeding season, and surveys conducted several days

A-10 The City acknowledges this comment summarizing the PEIR discussion of jurisdictional aquatic resources and written notification provided to CDFW pursuant to Fish and Game Code Section 1602 et seq. The City will continue to coordinate with CDFW regarding jurisdictional aquatic resources within the Program Area. No further response is required.

A-11 This comment recommends that the Program mitigation measures be updated to address avoidance, minimization, and mitigation to aquatic biological resources as a result of "frac-outs" associated with the trenchless construction methodology (e.g., directional drilling, jack-and-bore, etc.) that is proposed to avoid impacts to jurisdictional resources. Mitigation measure **BIO-9a** has been revised to include the following:

"The City shall notify the CFWO, USACE, RWQCB, and CDFW prior to any ground disturbing activities associated with the trenchless construction methods (e.g., microtunneling, HDD, auger boring) beneath jurisdictional features. Prior to ground disturbing activities, a plan to address potential frac-out shall be prepared by the Contractor for submittal to the City, CFWO, USACE, RWQCB, and CDFW that outlines the provisions that will be implemented to avoid and/or contain pollutants in case of an accident (e.g., should a frac-out occur)."

The language in mitigation measure **BIO-9a** would ensure that potential impacts related to frac-outs are addressed and coordinated with the appropriate regulatory agencies prior to ground disturbing activities as part of the regulatory permitting process for the Program.

COMMENTS

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A-12 cont. prior to construction may not accurately reflect current nesting conditions. Therefore, CDFW recommends MM BIO-4 be revised to require pre-construction nesting surveys to occur within three (3) days prior to the start of activities to ensure active nests are not inadvertently disturbed. CDFW also recommends that MM BIO-4 clarify that if construction activities are delayed for more than three (3) days after completion of the nesting bird survey, additional surveys shall be conducted prior to the initiation of construction.

A-13 5. **California Brown Pelican.** The BTR indicates that California brown pelican (*Pelecanus occidentalis californicus*) was observed within the survey area and designates it as a California Fully Protected Species. Please note, California brown pelican was delisted under CESA in 2009 and removed from the Fully Protected species list in July 2023 by Senate Bill no. 147.

A-14 **ENVIRONMENTAL DATA**
CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB website⁷ provides directions regarding the types of information that should be reported and allows on-line submittal of field survey forms.
In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the Combined Rapid Assessment and Relevé Form⁸.
The City should ensure data collected for the preparation of the DPEIR is properly submitted.

⁷ <https://wildlife.ca.gov/Data/CNDDDB>
⁸ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

A-12 This comment requests that mitigation measure **BIO-4** be revised to change the requirement for pre-construction nesting bird surveys to be conducted no earlier than seven (7) days prior to the start of construction to three (3) days prior to construction to ensure that active nests are not inadvertently disturbed. CDFW also requests that a delay in construction activities by more than three (3) days should require additional surveys to be conducted prior to the initiation of construction. Mitigation measure **BIO-4** has been revised as follows to accommodate this request:

“If the construction activities cannot avoid the general bird breeding season, a Qualified Biologist shall be retained to conduct a pre-construction nesting bird survey within ~~seven~~ three (3) days before the start of the activities to confirm the presence or absence of active bird nests. If construction activities are delayed for more than three (3) days after completion of the nesting bird survey, additional surveys shall be conducted prior to the initiation of construction.”

A-13 The City acknowledges this comment regarding the delisting of the California brown pelican. While the California brown pelican was noted to be observed within the Program survey area in the Biological Technical Report, no impacts were anticipated from implementation of the Program and no edits are required to the Final PEIR regarding the species’ change in status.

A-14 As requested in this comment and required per the noted regulations, the City and/or its Designated Representative(s) shall report special status species and natural communities detected during project surveys to the California Natural Diversity Database (CNDDDB) and CDFW’s Vegetation Classification and Mapping Program, including all data collected for the preparation of the PEIR.

COMMENTS

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A-15

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

A-15 The City acknowledges these comments regarding CDFW filing fee requirements. The required fees would be paid upon filing of the Notice of Determination.

A-16

Conclusion

CDFW appreciates the opportunity to comment on the DPEIR to assist the City of Oceanside in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Alison Kalinowski, Environmental Scientist, at (858) 775-6320 or Alison.Kalinowski@wildlife.ca.gov.

A-16 The City acknowledges these concluding comments. This comment does not raise an issue concerning the environmental analysis or adequacy of the Draft PEIR; no response is required.

Sincerely,

Signed by:

AD7D070BCB86466

Glen M. Lubcke
Environmental Program Manager
South Coast Region

ATTACHMENTS

- A. Figure 1. Project Location
- B. Draft Mitigation Monitoring and Reporting Plan (MMRP) Table

ec: California Department of Fish and Wildlife
Glen M. Lubcke, Environmental Program Manager
Jennifer Turner, Senior Environmental Scientist (Supervisor)
Alison Kalinowski, Environmental Scientist

United States Fish and Wildlife Service
Jonathan Snyder, jonathan_d_snyder@fws.gov

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Office of Planning and Research
State.Clearinghouse@opr.ca.gov

REFERENCES

California Department of Fish and Wildlife. (2017). *Terrestrial and Vernal Pool Invertebrates of Conservation Priority List*. Available at:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149499&inline>

California Department of Fish and Game. (2026). *California Natural Diversity Database* [webpage]. Available at: <https://wildlife.ca.gov/Data/CNDDDB>

California Fish and Game Commission. (2005). *Miscellaneous Policies*. Available at:
<https://fgc.ca.gov/About/Policies/Miscellaneous>

Halfield, R., Jepsen, S., Foltz Jordan, S., Blackburn, M., Code, Aimee. (2018). A Petition to the State of California Fish and Game Commission to List Four Species of Bumblebees as Endangered Species. Available at: <https://www.xerces.org/sites/default/files/2019-10/CESA-petition-Bombus-Oct2018.pdf>

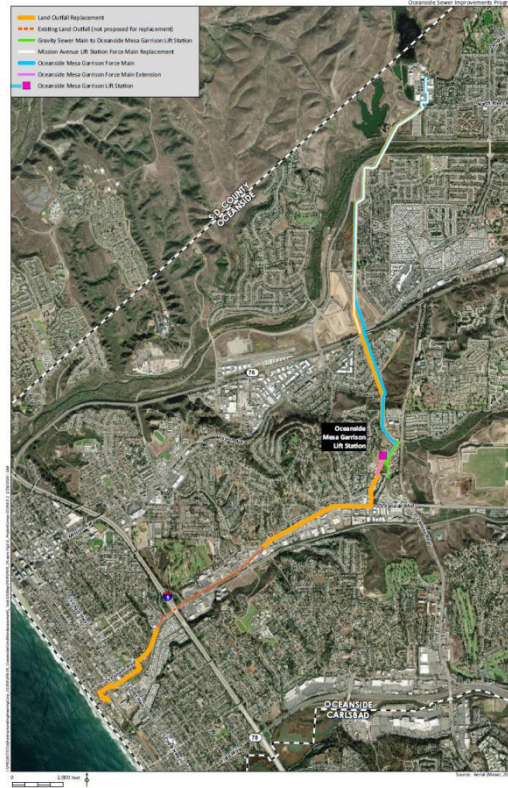
HELIX Environmental Planning (HELIX). (January 2026). Oceanside Sewer Improvements Program Biological Technical Report.

Thorp, R. W., Horning, D. S., Jr., & Dunning, L. L. (1983). *Bumble bees and cuckoo bumble bees of California (Hymenoptera: Apidae)*. Bulletin of the California Insect Survey, 23, 1-79. Available at: <https://essig.berkeley.edu/documents/cis/cis23.pdf>

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ATTACHMENT A: FIGURE 1. PROJECT LOCATION (SOURCE: HELIX 2026)



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ATTACHMENT B: DRAFT MITIGATION MONITORING AND REPORTING PLAN (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Mitigation Measure	Timing	Responsible Party
Recommendation #1 Revised Impacts Table: CDFW recommends the DPEIR include a revised impacts analysis that clearly discloses and quantifies temporary construction disturbance and permanent habitat loss separately for each vegetation community and clarify how mitigation requirements would be applied for each impact type. Temporary impacts that require restoration should be clearly identified and accompanied by performance standards and monitoring requirements to ensure successful habitat recovery, while permanent impacts should identify the applicable mitigation ratios and mitigation mechanism (e.g., habitat restoration, enhancement, or conservation bank credits).	Prior to adoption of CEQA document	City
Recommendation #2 CDFW Authorization: The DPEIR should revise MM BIO-1 and MM BIO-3 through BIO-6 to consistently reference both federal and state regulatory requirements. Measures requiring agency coordination, biological monitoring, or species-specific avoidance should clarify that: (1) Take of species listed under CESA requires authorization from CDFW, such as a Section 2081(b) Incidental Take Permit or Section 2080.1 Consistency Determination and (2) Coordination with CDFW may be required in addition to any consultation with USFWS where impacts to state-listed species could occur. Revisions would ensure the mitigation measures accurately reflect CDFW's regulatory authority and permitting requirements under CESA.	Prior to adoption of CEQA document	City

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Mitigation Measure	Timing	Responsible Party
Recommendation #3 Light-footed Ridgway's Rail Disclosure: The DPEIR should clarify how Project activities will avoid potentially significant impacts to light-footed Ridgway's rail and revise the mitigation measures to address the species' Fully Protected status. The DPEIR should also clarify that coordination with CDFW will be required to ensure impacts to the species will be fully avoided.	Prior to adoption of CEQA document	City
Mitigation Measure #1 Light-footed Ridgway's Rail Avoidance and Monitoring: Take of light-footed Ridgway's rail shall be fully avoided (Fish & G. Code § 3511). Project activities within 500 feet of suitable native wetland and riparian habitats (e.g. San Luis Rey River crossing) shall occur between September 16 and March 14 to avoid the breeding season for light-footed Ridgway's rail. Outside of the breeding season, a qualified biologist shall be present on site to survey and monitor for light-footed Ridgway's rail, during all work within 500 feet of marsh habitat. If rail is detected within 500 feet of work areas during biological monitoring, the qualified biologist shall implement a 500-foot avoidance buffer from occupied habitat. No flushing of rail shall be authorized. The qualified biologist shall have the authority to stop work if deemed necessary for any reason to protect the species. Additional avoidance measures such as noise attenuation or limited operating periods may be required in consultation with CDFW to ensure take of light-footed Ridgway's rail does not occur.	Prior to Project Initiation, During Project Activities	City, Qualified Biologist

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Mitigation Measure	Timing	Responsible Party
Recommendation #4 Crotch's Bumble Bee Analysis: The DPEIR should further evaluate the potential for Crotch's bumble bee to occur within the Project footprint, including an assessment of suitable foraging and nesting habitat, as well as floral resources present within impacted vegetation communities. If suitable habitat occurs, the DPEIR should incorporate avoidance and minimization measures to address Crotch's bumble bee.	Prior to adoption of CEQA document	City
Mitigation Measure #2 Surveys and Disclosure: The Project Proponent shall retain a qualified biologist familiar with the species to survey the Project site for Crotch's bumble bee and suitable habitat prior to construction. Surveys should be conducted during the flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). Surveys should also occur within one year prior to vegetation removal and/or ground disturbance and adhere to the Survey Considerations for CESA Candidate Bumble Bee Species*. The DPEIR should provide full disclosure of the presence of Crotch's bumble bee and the Project's potential impact on Crotch's bumble bee.	Prior to adoption of the CEQA document	City
Mitigation Measure #3 Avoidance, Minimization, and Mitigation: If the Project site or adjacent areas are determined to be occupied by Crotch's bumble bee, the DPEIR should include measures to avoid impacts on Crotch's bumble bee. If Crotch's bumble bee is present, the qualified	Prior to Project Initiation, During Project Activities	City, Qualified Biologist

* <https://nrm.ctfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

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Mitigation Measure	Timing	Responsible Party
biologist should identify the location of all nests in or adjacent to the Project site. If nests are identified, 50-foot no-disturbance buffer zones should be established around nests to reduce the risk of take. Additionally, the DPEIR should require consultation with CDFW to determine if a CESA Incidental Take Permit (ITP) is required. In addition, the Project Proponent should provide compensatory mitigation for removal or damage to any floral resource associated with Crotch's bumble bee. Floral resources should be replaced as close to their original location as is feasible.		
Recommendation #5 White-tailed Kite Analysis: The DPEIR should include an analysis of whether suitable nesting habitat for white-tailed kite occurs within or adjacent to the Project footprint. Additionally, the DPEIR should include a discussion of how potential direct, indirect, and cumulative impacts to white-tailed kite will be fully avoided.	Prior to adoption of the CEQA document	City

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
(619) 985-1587 | FAX (619) 688-4299 TTY 711
www.dot.ca.gov



March 18, 2026

11-SD-5, 76
PM VAR

Oceanside Sewer Improvements Program
DEIR/SCH#2021030277

Ms. Mabel Uyeda
Senior Civil Engineer
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

Dear Ms. Uyeda:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Draft Environmental Impact Report (DEIR) for the Oceanside Sewer Improvements Program project located near Interstate 5 (I-5) and State Route 76 (SR-76). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has the following comments:

Additional Comments

Please note all unresolved Hydrology and Drainage comments from the April 8th, 2021, comment letter will need to be addressed before this project can move to the permit process. Please see previous Hydrology and Drainage comments below and attached comment letter for reference.

Hydrology and Drainage Studies

- Please provide hydraulics studies, drainage, and grading plans to Caltrans for review.
- Provide a pre- and post-development hydraulics and hydrology study. Show drainage configurations and patterns.
- Provide drainage plans and details. Include detention basin details of inlets/outlet.
- Provide a contour grading plan with legible callouts and minimal building data. Show drainage patterns.

"Improving lives and communities through transportation."

B-1

B-2

B – California Department of Transportation (Caltrans)

B-1 The City acknowledges these introductory comments; however, they do not raise an issue concerning the environmental analysis or adequacy of the Draft PEIR. Please see the responses below to specific comments.

B-2 The City acknowledges Caltrans’ comments regarding hydrology, drainage, and floodplain considerations provided in the April 8, 2021 comment letter received during public circulation of the Notice of Preparation (NOP). As described in Section 3.0 of the Draft PEIR and summarized in Response to Comment A-4, above, the PEIR is intended to evaluate broad, system-wide impacts that may potentially occur under the Program. Based on the varying stages of design and planning being undertaken for the proposed Program components, potential impacts are analyzed on a program-level basis for the Program as a whole and analyzed in greater detail where sufficient information is available based on the anticipated location, overall footprint, and construction methodology proposed for the Program components. With the exception of the OMG Lift Station, the Program would involve the installation of pipelines located primarily within existing disturbed corridors that would be restored to pre-construction conditions. The proposed pipelines as described in the PEIR would not create additional impermeable surfaces, channel modifications, or floodplain encroachments that could substantially alter hydrology or drainage patterns.

Ms. Mabel Uyeda, Senior Civil Engineer
March 18, 2026
Page 2

B-2
(cont.)

- On all plans, show Caltrans' Right-of-Way (R/W).
- The project (City of Oceanside) crosses SR-76 at PM M2.92 and I-5 at PM R52.316. At the crossing with SR-76, the Land Outfall Replacement project proposes to upsize existing 24-inch pipe to 36-inch.
- The SR-76 bridge spans over the existing sewer pipe (buried in ground below) within Caltrans' R/W, so there will not be direct impact on any of Caltrans' existing drainage systems, however, Caltrans' Structures Maintenance and Investigation will need to review if any structure on, around or under the bridge may be impacted.
- Considering that the sewer line replacement is in a floodplain when it crosses Caltrans' R/W, please clarify if grading in the floodplain will change it with the proposed project.
- Identify any impacts to the floodplain within the proposed project.
- Early coordination with Caltrans is recommended.
- Caltrans generally does not allow development projects to impact hydraulics within the State's Right-of-Way. Any modification to the existing Caltrans drainage and/or increase in runoff to State facilities will not be allowed.

B-3

North County Corridors (NCC)

Some utility construction work will be near and in Caltrans' R/W where Mission Avenue crosses under the SR-76 UC structures.

Caltrans requires that traffic control performed for this work within (or affecting) Caltrans' R/W follows the Traffic Control sheets in the latest [Caltrans Standard Plans](#).

B-4

Structures

Please provide a cross-section showing the clearance between the proposed force main sewer pipeline and the outer edge of the existing foundation within Caltrans' R/W.

Please identify all impacted columns and their footing footprints. A minimum horizontal clearance of 15 feet must be maintained from the outermost edge of any footing structures.

B-5

Traffic Engineering & Analysis (TEA)

A traffic management plan will be needed during construction.

An encroachment permit will be needed for any temporary traffic control and any work within Caltrans' R/W.

"Improving lives and communities through transportation."

B-2 (cont.) Based on these considerations and the programmatic nature of the PEIR, detailed hydrology and hydraulic engineering studies, drainage plans, and contour grading plans as requested in this comment are not warranted at this stage.

Potential impacts related to hydrology, water quality, drainage, and floodplains raised in this comment are addressed in Section 4.3, *Hydrology and Water Quality*, of the PEIR. Hydrologic and water quality impacts associated with temporary ground disturbance during construction would be addressed through compliance with National Pollutant Discharge Elimination System (NPDES) requirements and implementation of standard construction best management practices (BMPs) and erosion/sedimentation control measures. The Program would obtain coverage under the State Water Resources Control Board's NPDES General Permit for Discharges of Storm Water Associated with Construction Activity (Order No. 2012- 0006-DWQ), which requires the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for each Program component. Temporary construction activities would not substantially increase runoff or impede or redirect flood flows, including within Caltrans right-of-way.

The proposed improvements include two pipeline crossings at State Route 76 (SR-76) at the Mission Avenue undercrossing and a pipeline near the Interstate 5 (I-5) interchange at Oceanside Boulevard. As described above, construction methods have not been finalized for all Program components, including the Land Outfall Replacement and OMG Force Main pipelines. The SR-76 crossing is located within a floodplain area mapped by the Federal Emergency Management Agency (FEMA) as Zone A99, a Special Flood Hazard Area that is designated to be protected from 100-year flood conditions with planned flood-control system improvements. The proposed crossing is located within a constrained area near bridge substructure elements. Construction methods are currently under evaluation and may include trenchless or open-cut approaches, depending on final design and coordination with Caltrans. Regardless of construction method, all Program components will be designed to avoid impacts to flood elevations, flow conveyance, and Caltrans drainage infrastructure.

B-3 This comment requests that Program components being constructed within Caltrans right-of-way perform traffic control that follows Caltrans' Traffic Control sheets in the latest Caltrans Standard Plans. As described in Section 3.9.4.1 of the PEIR, the Program would be implemented in accordance with mitigation measure **TRA-1**, which requires preparation and implementation of a Traffic Control Plan (TCP) for facilities that would be constructed within or otherwise temporarily disturb public right-of-way. The TCP would be prepared by the construction coordinator for review and approval by the applicable agencies of jurisdiction to address vehicular traffic during construction within public right-of-way. Implementation of the TCP would ensure that construction activities do not unreasonably interfere with circulation system operations or undermine adopted policies promoting mobility, safety, and accessibility for all transportation modes. As required by **TRA-1**, the TCA would be prepared according to applicable Caltrans requirements. Please see Response to Comment B-6, below for additional discussion regarding compliance with Caltrans' TCP requirements.

B-4 The City acknowledges Caltrans' request to provide a cross-section showing the clearance between the proposed pipeline and the outer edge of the existing bridge foundation within Caltrans right-of-way. Based on current design information, the proposed pipeline would be located below the roadway and within the vicinity of bridge substructure elements, including columns and associated foundations. Final design would include preparation of cross-sections and identification of column locations and footing extents to verify vertical and horizontal clearances. The City is coordinating, and will continue to coordinate, with Caltrans Structures Maintenance and Investigations to evaluate the proposed alignment, confirm that structural integrity would not be affected, and determine whether a design exception or variance from standard clearance requirements may be necessary. The Program components are required to be designed and constructed to avoid adverse effects to bridge structures, subject to Caltrans approval through the encroachment permit process.

B-5 The City acknowledges the requirement for an encroachment permit for temporary impacts to Caltrans right-of-way and implementation of traffic management during construction. Section 1.3, *Required Public Actions and Approvals*, and Table 1-2 of the PEIR identify the various regulatory improvements and approvals anticipated to be required for the Program, including a Caltrans encroachment permit. Please see Response to Comment B-3, above, which describes the mitigation requirement for implementation of a TCP for each Program component affecting public right-of-way during construction.

Ms. Mabel Uyeda, Senior Civil Engineer
 March 18, 2026
 Page 3

B-6

Hauling/Traffic Control Plan

The California Department of Transportation (Caltrans) has discretionary authority with respect to highways under its jurisdiction and may, upon application and if good cause appears, issue a special permit to operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum limitations specified in the California Vehicle Code. The Caltrans Transportation Permits Issuance Branch is responsible for the issuance of these special transportation permits for oversize/overweight vehicles on the State Highway network. Additional information is provided online at: <https://dot.ca.gov/programs/traffic-operations/transportation-permits>.

A Traffic Control Plan is to be submitted to Caltrans District 11, including the interchanges at I-5 & SR-76, at least 30 days prior to the start of any construction. Traffic shall not be unreasonably delayed. The plan shall also outline suggested detours to use during closures, including routes and signage.

Potential impacts to the highway facilities (I-5, SR-76) and traveling public from the detour, demolition and other construction activities should be discussed and addressed before work begins.

Environmental

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We would appreciate meeting with you to discuss the elements of the Environmental Document that Caltrans will use for our subsequent environmental compliance.

B-7

An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans' R/W that includes impacts to the natural environment, infrastructure including but not limited to highways, roadways, structures, intelligent transportation systems elements, on-ramps and off-ramps, and appurtenant features including but not limited to

"Improving lives and communities through transportation."

B-6 The City acknowledges Caltrans' requirements related to traffic control and hauling. As described in Response to Comment B-4, above, implementation of a TCP would be required for each Program component affecting public right-of-way during construction. Based on current design, sewer improvements at the SR-76 crossing would be constructed below the roadway and would not require lane closures or affect SR-76 traffic operations. Sewer improvements associated with the Land Outfall Replacement along Oceanside Boulevard include segments in proximity to the I-5 interchange. While work is anticipated to occur within City right-of-way, construction activities near ramp terminals may require temporary traffic control measures to maintain safe operations and avoid impacts to ramp traffic. TCPs would be prepared in accordance with Caltrans standards and submitted for review and approval where work occurs within or affects State right-of-way. Hauling activities would comply with Caltrans permitting requirements for oversized or overweight vehicles, as applicable.

B-7 Please see Response to Comment B-5, above, regarding disclosure of the need for a Caltrans encroachment permit in the PEIR. The City will coordinate with Caltrans throughout the encroachment permit process to ensure that the necessary documentation is provided and that the appropriate process is followed. The environmental analysis presented in the Final PEIR encompasses the entire Program Area and proposed activities, including any that may occur within Caltrans right-of-way.

COMMENTS

RESPONSES

Ms. Mabel Uyeda, Senior Civil Engineer
March 18, 2026
Page 4

B-7
cont.

fencing, lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in any additional mitigation measures identified for the project's Final Environmental Document.

Right-of-Way

Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.

Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction.

Additional information regarding encroachment permits may be obtained by visiting the website at <https://dot.ca.gov/programs/traffic-operations/ep>. Projects with the following:

B-8

- require a Caltrans Encroachment Permit
- have completed the Caltrans Local Development Review (LDR) process
- have an approved environmental document

need to have documents submitted for Quality Management Assessment Process (QMAP) process via email to D11.QMAP.Permits@dot.ca.gov. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any questions or concerns, please contact Shannon Aston, LDR Coordinator, at (619) 992-0628 or by e-mail sent to shannon.aston@dot.ca.gov.

Sincerely,

Kimberly D. Dodson

KIMBERLY D. DODSON, GISP
Branch Chief
Local Development Review

Attachment: Caltrans comment letter, April 8, 2021

"Improving lives and communities through transportation."

B-8 The City acknowledges this comment; however, it does not raise an issue concerning the environmental analysis or adequacy of the PEIR.

Rincon Band of Luiseño Indians

CULTURAL RESOURCES DEPARTMENT

One Government Center Lane | Valley Center | CA 92082
(760) 749-1092 | Fax: (760) 749-8901 | rincon-rsn.gov



March 10, 2026

Sent via email: kdolinskiy@oceansideca.org

City of Oceanside
Kirill Dolinskiy
300 N. Coast Highway
Oceanside, CA 92054

Re: Rincon Band Comments under AB52 on draft PEIR and the proposed mitigation measures for the Sewer Improvements Project in the City of Oceanside, San Diego County, California

Dear Mr. Dolinskiy:

This letter is written on behalf of the Rincon Band of Luiseño Indians ("Rincon Band" or "Tribe"), a federally recognized Indian Tribe and sovereign government. Thank you for consulting with the Tribe on the above-mentioned project.

The Tribal Historic Preservation Office (THPO) has reviewed the provided documents and appreciates the City's continued consultation regarding the proposed project. We value the opportunity to engage in this process and offer the following comments and requests for clarification.

First, the Tribe would like to emphasize our interest in continuing discussions with the City of Oceanside regarding the preservation and protection of historic properties, particularly those of traditional, religious, and cultural importance to Tribes. The proposed project lies within a broader Traditional Cultural Property that has already experienced significant impacts from ongoing development and construction activities. As such, the Tribe would appreciate additional information on how the City is addressing cumulative impacts to Tribal cultural landscapes and how preservation considerations are being applied in these contexts. From the materials provided, it appears that there are more proactive mechanisms for the identification and preservation of non-Native historic properties than for Tribal cultural resources. We welcome further dialogue with the City regarding applicable City of Oceanside regulations and processes to better ensure balanced and meaningful protection of Tribal cultural resources moving forward.

Additionally, the Tribe provides the following comments regarding the proposed cultural mitigation measures:

CUL-1: Please clarify whether a single agreement will be developed that includes all consulting Tribes, or if each Tribe will have the opportunity to negotiate and enter into separate agreements with the City.

CUL-4: The Cultural Awareness Program should be developed in coordination with TCA Tribal representatives and presented with their participation to ensure that the information shared reflects appropriate cultural perspectives and guidance.

Steve Stallings
Chairman

Joseph Linton
Vice Chair

Laurie E. Gonzalez
Council Member

John Constantino
Council Member

Alfonso Kolb Sr.
Council Member

C – Rincon Band of Luiseño Indians (Rincon Band)

C-1 The appreciates the Rincon Band’s continued participation in consultation under Assembly Bill (AB) 52 and values the enclosed comments regarding the protection of Tribal cultural resources and landscapes. The City acknowledges the Tribe’s interest in continued dialogue regarding the preservation of historic properties of traditional, religious, and cultural importance and recognizes that the Program Area lies within a broader region that has experienced cumulative development and infrastructure improvements over time.

Consistent with the CEQA Guidelines, the PEIR addresses tribal cultural resources by evaluating presence and significance of existing tribal cultural resources within the Program Area; evaluating the potential for impacts; and incorporating avoidance, minimization, and mitigation measures that require continued consultation, Tribal monitoring, and Tribal participation during ground-disturbing activities. These measures are designed to ensure that Tribal input directly informs project-level decision-making as individual Program components are designed and constructed.

The PEIR does not evaluate or establish City-wide cultural resource policies, nor does it replace or supersede the City’s broader regulatory framework governing historic preservation, tribal cultural resources, or government-to-government consultation pursuant to AB 52. The City acknowledges the Tribe’s concern that the City’s framework may appear to provide more proactive mechanisms for non-Native historic resources than for TCRs. While the PEIR is not the appropriate mechanism for evaluating or revising City-wide regulatory processes or ordinances, the City recognizes the importance of advancing meaningful protection of Tribal cultural resources and affirms its commitment to ongoing consultation with the Rincon Band and other consulting Tribes outside of the CEQA process, as appropriate.

C-1

C-2

C-3

C-1 (cont.) Cumulative impacts to Tribal cultural landscapes are addressed in Section 5.4.10 of the PEIR to the extent required under CEQA for the Program; however, broader cumulative considerations related to historic development patterns, land-use policy, or long-term cultural landscape preservation within the City extend beyond the scope of the PEIR. The City welcomes continued dialogue with the Rincon Band regarding Tribal cultural landscapes, preservation priorities, and potential process improvements, and appreciates the Tribe’s willingness to engage collaboratively as the Program and individual Program components move forward.

C-2 This comment requests clarification regarding the Tribal Cultural Resources Treatment and Tribal Monitoring Agreement (Pre-Excavation Agreement) identified in mitigation measure **CUL-1**, which is required prior to issuance of the Notice to Proceed for each Program component. The City would develop a single agreement that would be executed with all Traditionally and Culturally Affiliated (TCA) Tribes for the proposed Program. The agreement would be prepared in consultation with the TCA Tribes, with the opportunity to discuss the protocols and procedures to be implemented during each Program component prior to executing the agreement.

C-3 As requested in this comment, mitigation measure **CUL-4** has been clarified to state that “The Cultural Resources Awareness and Sensitivity Training shall be developed in consultation with the TCA Tribes.” Mitigation measure **CUL-4** specifies that the Cultural Resources Awareness and Sensitivity Training shall be presented by the archaeological monitor and Luiseño Native American Monitor(s).

COMMENTS

RESPONSES

C-4	<p>CUL-6: The Tribe proposes that monitors from the consulting TCA Tribes who entered into a pre-excavation agreement be present during controlled grading within the boundaries of site P-37-005445 and any other previously recorded pre-contact site. Having monitors from both Tribes present will allow for timely responses and coordinated decision-making should cultural materials be encountered.</p>
C-5	<p>CUL-7: The Tribe requests that a 50-foot radius buffer be implemented for any discovery. This buffer will allow adequate space for proper evaluation and investigation, should it be necessary.</p> <p>In addition, the Tribe requests that the following language be removed from the measure: "For significant tribal cultural resources, artifact deposits, or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods."</p> <p>The Tribe considers this approach inappropriate for Tribal cultural resources and views the collection of such materials as a direct desecration of Tribal heritage.</p> <p>Further, the Tribe requests revision of the language concerning the treatment of unearthened cultural resources. Rather than allowing for the collection and transfer of materials by individual monitors, the measure should specify that all cultural materials are to remain at a secured location on the project site as agreed upon by the TCA Tribes or be placed in the care of the Rincon Band, and that all resources will be prepared for respectful reburial in accordance with Tribal cultural protocols.</p> <p>Additionally, the language allowing archaeologists to retain cultural resources at their offices for documentation should be revised. The Tribe requests that all inventory, documentation, and work occur either on the project site or at the Rincon Band offices, with representatives from the TCA Tribes that entered into a pre-excavation agreement present. We ask that artifacts will not be photographed unless the TCA Tribes provide prior written consent.</p>
C-6	<p>CUL-8: Please add for the resources disposition that it shall include "reburial at a protected location on-site" at a designated area agreed upon by the TCA Tribes.</p>
C-7	<p>CUL-10: The Tribe requests that the measure be revised to include a 50-foot buffer radius around any discovery area to allow for proper assessment and culturally appropriate treatment. Additionally, we ask that the measure states that the all TCA tribes that entered a pre-excavation agreement, will be present during the coroner's assessment.</p>
C-8	<p>The Tribe would like to express concerns regarding the proposed rotation of tribal monitors. In particular we are concerned about limited transparency regarding the monitoring schedule and activities occurring on-site. To ensure appropriate communication and coordination, we request that monitor rotations occur on a weekly basis to provide greater consistency and clarity for the consulting Tribes.</p>
C-9	<p>Additionally, we request that the Project Archaeologist provide weekly updates via email to the consulting Tribes. These updates must include information regarding monitoring schedules, grading activities completed during the week, and anticipated work for the upcoming week. Updates must also identify via GIS the specific areas that were monitored, and include GIS data identifying monitoring locations and any areas where inadvertent discoveries may have occurred.</p>
C-10	<p>The Tribe's preference remains that TCA Tribes be provided the opportunity to monitor all ground-disturbing activities associated with the project. However, we understand that the City is not supporting such proposal. While we remain concerned about the rotation structure, the Tribe is willing to agree to the proposed rotation provided</p>

C-4 Mitigation measure **CUL-6** requires that all ground disturbance within the boundaries of P-37-005445 (CA-SDI-5445) be monitored full time by the archaeological monitor and Luiseño Native American monitor. As requested in this comment, CUL-6 has been updated to indicate that the TCA Luiseño Native American Monitors who enter into the Pre-Excavation Agreement with the City shall be present during controlled grading within the boundaries of P-37-005445 (CA-SDI-5445). Mitigation measure **CUL-4** specifies that tribal monitors from each TCA Luiseño Tribe(s) that request to provide monitoring during ground disturbance would be systematically rotated on a schedule established by the City, whereby only one Luiseño Native American monitor would be present for monitoring at any given location. The following statement has also been added to **CUL-4** to allow for monitors from each TCA Tribe to be present during monitoring of the sensitive pre-contact sites:

"The rotation schedule will not be enforced for monitoring during controlled grading within the boundaries of recorded pre-contact sites that are mapped within the APE, including P-37-005445 (CA-SDI-5445). Pre-contact sites that have been previously evaluated and recommended not eligible for listing in the California Register of Historical Resources or National Register of Historic Places are not subject to this exception."

C-5 This comment requests revisions to mitigation measure **CUL-7** to implement a 50-foot buffer for discoveries, remove of language requiring artifact collection for data recovery, and revise the treatment and custody of unearthened cultural materials. Mitigation measure **CUL-7** has been updated in the Final PEIR to revise the 25-foot radius to 50 feet to allow adequate space for proper evaluation and investigation. The noted language specifying collection of artifact samples for significant tribal cultural resources, artifact deposits, or cultural features that are part of a data recovery plan has been refined to exclude "tribal cultural resources" and specify that sampling for data recovery only applies to historic-era archaeological resources.

Regarding the treatment and custody of unearthened cultural resources, mitigation measure **CUL-7** has been revised to remove reference to off-site storage and specify that items shall be secured at a location within the project site as agreed upon by the TCA Tribes until they can be repatriated.

C-6 This comment requests revisions to mitigation language regarding retention and reburial of tribal cultural resources unearthed during construction. Mitigation measure **CUL-8** has been revised to specify that reburial of tribal cultural resources may occur at a protected location on site or at another location agreed upon by the TCA Tribes. Additionally, the statement shown in ~~strikeout~~ below has been removed and replaced with the inserted text to allow flexibility for the location, documentation, and disposition of materials to be determined during project-level consultation with the TCA Tribes. These refinements ensure culturally appropriate treatment while allowing flexibility should on-site locations not be feasible or preferred.

~~“No tribal cultural materials will be removed, curated, photographed, or transferred without consultation and consent from the TCA Tribes. Excluding sacred items, human remains, and grave goods, project archaeologists will be allowed to retain the cultural resource(s) at their office to document and photograph the cultural resource(s) for inclusion in the final monitoring report.”~~

C-7 This comment requests revisions to mitigation measure **CUL-10** to implement a 50-foot buffer for discoveries and require that all TCA Tribes who enter into the Pre-Excavation Agreement shall be present during the Medical Examiner’s assessment of suspected Native American remains. Mitigation measure **CUL-10** has been revised as requested in the Final PEIR.

C-8 The City acknowledges the noted concerns regarding the proposed monitoring rotation schedule and request for weekly rotations. The monitoring rotation protocols would be established within the Pre-Excavation Agreements prepared in consultation with the TCA Tribes for each Program component.

C-9 The City acknowledges the Rincon Band’s request for weekly monitoring updates via email to the TCA Tribes. The discovery notification process and consultation protocols proposed for the Program are summarized in Table 1, *Notification and Consultation Protocols for Discoveries*, of the Cultural Resources Post-Review Discovery and Monitoring Plan. For the discovery of an in-situ Native American resource, the Archaeological PI is required to immediately notify the City of the discovery and email photos of the discovery in context (if possible) and a map of the feature indicating its location within the APE within 24 hours or less. The City is required to notify the TCA Tribes of the discovery. All notification and reporting protocols, including the frequency of updates, would be confirmed in consultation with the TCA Tribes during the Pre-Excavation Agreement process.

COMMENTS

RESPONSES

Rincon Band's comments on the Oceanside Sewer Improvements Project

Page 3 of 3

C-10
(cont.)

that all controlled grading and any work occurring within the site boundaries P-37-005445 and any other previously recorded pre-contact site occurs with a Rincon representative present.

Continued coordination, transparency, and timely communication will be critical to ensuring that tribal cultural resources are appropriately protected throughout the duration of the project.

The Tribe looks forward to continuing consultation with the City of Oceanside and appreciates the City's efforts to engage with Tribal governments on matters concerning cultural resources. We remain committed to working collaboratively with the City to ensure that Tribal cultural resources and landscapes are treated with the respect and protection they warrant.

C-11

Please do not hesitate to contact us should the City wish to discuss these comments further or schedule a meeting to continue this dialogue.

Thank you again for your continued collaboration and for your consideration of these recommendations. If you have additional questions or concerns, please do not hesitate to contact our office at your convenience at (760) 749-1092 or via electronic mail at cmadriral@rincon-nsn.gov.

Sincerely,



Cheryl Madrigal
Tribal Historic Preservation Officer
Cultural Resources Manager

C-10 The City acknowledges the Rincon Band's concerns regarding the proposed monitor rotation. The Final PEIR clarifies that monitor rotation schedules will be coordinated with the TCA Tribes in advance as part of the Pre-Excavation Agreement process. While the City maintains discretion over rotation logistics, the revised mitigation emphasizes transparency and coordination.

C-11 The City appreciates the Rincon Band's detailed comments and recommendations. The Final PEIR revisions clarify commitments to consultation, monitoring, culturally appropriate treatment, and regulatory compliance while maintaining flexibility appropriate for a Program-level infrastructure project. Project-specific implementation details would continue to be refined through ongoing consultation consistent with AB 52 and as enforced through implementation of the Program mitigation measures.



San Diego County Archaeological Society, Inc.

Environmental Review Committee

March 4, 2026

To: Ms. Mabel Uyeda, PE
Water Engineering Manager
Water Utilities Department
City of Oceanside
300 North Coast Highway
Oceanside, California 92054

Subject: Draft Program Environmental Impact Report
Oceanside Sewer Improvements Program

Dear Ms. Uyeda:

I have reviewed the cultural resources aspects of the subject DPEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information posted on the City's website for the Program, we agree with the mitigation measures for cultural resources as included in Section 3.3 of the DPEIR, with one correction to CUL-8: The last paragraph of CUL-8 should begin "Any archaeological resources unearthed during the monitoring which the TCS Tribe(s) does not wish..."

SDCAS appreciates the opportunity to participate in the environmental review process for this program EIR. Please include us in the public reviews of individual project conducted under this DPEIR.

Sincerely,

James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: Helix Environmental
SDCAS President
File

P.O. Box 81106 San Diego, CA 92138-1106 (858) 538-0935

D-1

D - San Diego County Archaeological Society

D-1 The City acknowledges the San Diego County Archaeological Society comments agreeing with the PEIR mitigation measures for cultural resources. As requested, mitigation measure CUL-8 has been corrected as underlined in the Final PEIR: "Any archaeological resources unearthed during the monitoring which the TCA Tribe(s) does wish..."

COMMENTS

RESPONSES