



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

South Coast Region
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October 22, 2026

Cecilia Gallardo-Daly
Manager
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
cecilia.gallardodaly@costamesaca.gov

Letter Regarding Fish and Game Code Noncompliance– Fairview Park Fly Field Activities, Costa Mesa, CA

Dear Cecilia Gallardo-Daly:

The purpose of this letter is to inform the City of Costa Mesa (City) that ongoing fly field activities in Fairview Park's vernal pool complex are not in compliance with Fish and Game Code. On October 16, 2026, California Department of Fish and Wildlife (CDFW) met City staff on site to inform the City of this issue. CDFW was represented by Lieutenant Nicholas Molsberry, Warden Ethan Rugg, Senior Environmental Scientist Supervisor Jennifer Turner, and Environmental Scientist Grant Samaniego. City staff in attendance were Park Manager Kelly Dalton, Parks and Community Services Director Brian Gruner, Public Works Director Raja Sethuraman, and Recreation Specialist Diana Terreros. During that visit, CDFW was clear that activities that occur within the vernal pool complex without appropriate CDFW authorization will be subject to a Notice of Violation of Fish and Game Code. The unauthorized activities include but are not limited to: flying model aircraft, weeding, mowing, retrieving model aircraft, and hosting group events in the vernal pool complex.

As they have been previously conducted, the activities in the vernal pool complex are subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of these activities could result in "take" as defined by State law of any species protected under the California Endangered Species Act (Fish & G. Code, § 2050 *et seq.*) or the Native Plant Protection Act (Fish & G. Code, § 1900

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et seq.), applicants should seek related take authorization as provided by the Fish and Game Code, prior to resuming activities. Possible take within the vernal pool complex could include but is not limited to Crotch's bumble bee (*Bombus crotchii*; CESA Candidate) and western burrowing owl (*Athene cunicularia*; SSC; CESA Candidate).

CDFW has a long history of engaging with the City at Fairview Park, specifically: vernal pool complex management issues, historic violations, CESA, and ongoing impacts to areas subject to Fish and Game Code 1600 *et seq.* Despite the positive steps that the City has taken with the Fairview Park Master Plan Update and the Orange County Transportation Authority (OCTA), fulfillment of outstanding mitigation obligations for projects with OCTA, the U.S. Army Corps of Engineers (ACOE), and the Department of Toxic Substances Control remain incomplete (OCTA 2018 and CDFW 2019). Please see the Administrative Record in Attachment A for a full summary of CDFW engagement.

As a first step to address this matter, immediately stop all further actions, including recreational use of model aircraft, that will impact the vernal pool complex if you have not done so already. CDFW is available to scope the permitting obligations it would take to authorize such activities moving forward. If you have questions regarding this letter, contact Jennifer Turner, Senior Environmental Scientist (Supervisory) at (858)539-9109 or by email at Jennifer.Turner@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Melanie Burlaza
Acting Environmental Program Manager
South Coast Region

Attachment A. Administrative Record

Attachment B. References

cc: California Department of Fish and Wildlife
Ethan Rugg, Fish and Game Warden
Glen M. Lubcke, Environmental Program Manager
Grant Samaniego, Environmental Scientist
Jennifer Turner, Senior Environmental Scientist (Supervisory)
Nicholas Molsberry, Fish and Game Lieutenant

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Attachment A. Administrative Record

In 2014, CDFW partnered with the U.S. Fish and Wildlife Service (USFWS) to provide comments on vernal pool restoration after the installation of a path in the Park that was routed within and adjacent to vernal pools occupied by the federally endangered San Diego fairy shrimp (USFWS 2014). Impacts to these pools from the installation of paths and parking areas, improvements to Estancia High School stadium, and the operation of motorized vehicles during the wet season were mitigated through restoration efforts at pools 2, 5, 6, and 7 (Glen Lukos Associates 2015). It is unclear to CDFW and the USFWS (hereafter referred to as the Wildlife Agencies) as to whether the stated mitigation and restoration efforts were achieved in full.

In 2016, CDFW investigated the City's fill of Little Canyon as a possible violation of Fish and Game Code, section 1602, when soil stockpiles from the artificial pond creation were used to fill Little Canyon for purposes of trail creation and realignment. CDFW concluded the unauthorized activities were subject to Fish and Game Code; however, the statute of limitations to issue a Notice of Violation had passed and no action was taken (City 2015).

In 2018, the City contacted CDFW regarding clearing of vegetation in and around the artificial pond complex during the nesting season for coastal California gnatcatcher. At that time, CDFW communicated that a Routine Maintenance Lake and Streambed Alteration Agreement (LSAA) per our Lake and Streambed Alteration program was required to move forward with the clearing. The notification for this LSAA is still incomplete; per our October 2026 meeting with the City, the project is at 90% design and the effort to complete the notification will resume in the next year.

In 2019, the Wildlife Agencies and OCTA met with the City several times to discuss their outstanding mitigation obligations to OCTA and ACOE (OCTA 2018).

In November of 2025, CDFW provided comments on the Draft Fairview Park Master Plan Update. CDFW acknowledges and appreciates the incorporation of our prior comments into the associated Mitigated Negative Declaration.

In December 2025, the City acquired a Restoration Management Permit (RMP-2025-0016-R5; Fairview Park Mesa Restoration) to fulfill outstanding OCTA mitigation obligations.

On June 2, 2026, CDFW provided comments on the Mitigated Negative Declaration for the Fairview Park Master Plan Update, SCH No. 2026041370, Costa Mesa, CA.

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On August 28, 2026, the Wildlife Agencies provided comments on the Fairview Park Master Plan Update Project Recirculated Mitigated Negative Declaration, 2026-0093929-S7-TA-OR.

On October 16, 2026, CDFW informed the City that ongoing fly field operations within the vernal pool complex needed to cease immediately and that future activities would be subject to a Notice of Violation of Fish and Game Code, without formal authorization.

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Attachment B. References

- ACOE. 2010. Personal Communication. Electronic mail received by C. Medak from J. Chung on April 16, 2010. On file at Carlsbad Fish and Wildlife Office.
- City of Costa Mesa. 2025. Fairview Park Master Plan Update DRAFT. September 29, 2025. Available at <https://www.costamesaca.gov/community/fairviewpark/fairview-park-master-plan>.
- CDFW. 2019. RE: Remedial Action Plan for Ascon Landfill Site Project, Huntington Beach, CA (SCH# 2013041010). Electronic mail received by X. Zhai from J. Turner on April 17, 2019. On file at CDFW.
- CDFW. 2023. EPIMS-ORA-38510-R5. Lake and Streambed Notification. Submitted by the City of Costa Mesa on June 26, 2023. On file at CDFW.
- CDFW. 2024. California Terrestrial and Vernal Pool Invertebrates of Conservation Priority List. On file at CDFW.
- CDFW. 2025. Incomplete Notification of Routine Maintenance Agreement No. EPIMSORA-38510-R5, Fairview Park Wetlands Maintenance Project. Issued July 3, 2024 to the City of Costa Mesa. On file at CDFW.
- CDFW. 2026. Comments on the Mitigated Negative Declaration for the Fairview Park Master Plan Update, SCH No. 2026041370, Costa Mesa, CA.
- CDFW and USFWS. 2026. Fairview Park Master Plan Update Project Initial Study and Recirculated Mitigated Negative Declaration, City of Costa Mesa, Orange County, California. 2026-0093929-S7-TA-OR.
- City of Costa Mesa. 2008. Fairview Park Master Plan March 1998, Revised February 2001 and November 2002, Updated November 2008. Available at <https://www.costamesaca.gov/community/fairview-park/fairview-park-master-plan>
- City of Costa Mesa. 2015. Fairview Park. Electronic mail received by J. Edwards from B. Mejia on September 24, 2015. On file at CDFW.

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Glen Lukos Associates. 2015. Fairview Park Vernal Pool Restoration Plan for Restoration of Areas Within the Jurisdiction of the USFWS Pursuant to the Endangered Species Act. Prepared for the City of Costa Mesa. Costa Mesa CA.

Hamilton Biological. 2025. Biological Resources Technical Report, Fairview Park, City of Costa Mesa. Prepared for the City of Costa Mesa. Online at <https://www.costamesaca.gov/home/showpublisheddocument/60543/638865317803900000>.

Land IQ. July 23, 2024. Fairview Park Coastal Sage Scrub and Flower Fields Habitat Restoration and Monitoring Plan. Prepared for the City of Costa Mesa. On file at CDFW.

OCTA. 2018. RE: Fairview Park Wetlands. Electronic mail received by J. Turner from L. Hill on December 11, 2018. On file at CDFW.