

Debbie Linn, Contract Planner
City of Newport Beach
3300 Newport Blvd.
Newport Beach, Ca 92658.

10 April 2009

CITY OF NEWPORT BEACH

RECEIVED BY
PLANNING DEPARTMENT
APR 10 2009

Re: BANNING DEVELOPMENT PROPOSAL AND PUBLIC COMMENTS

Dear Ms. Linn,

This will acknowledge the only City sponsored informational meeting to discuss the impacts of the Banning Ranch "uber" development. All or selected populations of Newport citizenry were invited to city hall for the April 2 presentation. Public comments, objections and questions were invited to be in written form by April 17, 2009.

Fifteen (15) days are allowed to formally respond so that the Environmental Impact Report might consider valid public questions. However, the developers have had a year or two to freely access the City's departments with the developer's own professional staff. True, the developer has held a few informational meetings to make its case and charm the public. The disparity in review time is very significant!

Incidentally, the City's material handouts such as charts of the property to be developed, buildings or relative positions to existing residential areas are not provided. Perhaps the developer may cut a corner on full disclosure, but one would expect the city to fully divulge! Not even the city boundaries or main streets are shown. How can thoughtful studied objections be presented?


We request an extension of time for public input before the EIR is started, and the extension of time to start from the date the public is provided more accurate details.

Some wordy objections or viewpoints follow:

- Accepting the charge that the Newport Crest Development has created and been the 35 year forerunners to a long considered inferior view location in Newport we now find the "establishment" comes to capitalize on the areas potential at a great cost to us. Substantial premium prices have been paid which will disappear with loss of environmental attractions and views. A TRANSFER OF WEALTH OF MANY MILLIONS FOR THE BENEFIT OF THE "JOHNNIES COME LATELY." [This may be a point more directly addressed to the City fathers and not in the purview of the EIR]. PRESERVE VALUES AND VIEWS
- City water is at risk due to climate change already being encountered. Third year of local drought and nine years of drought from Colorado River sources. Newport water is largely well sourced, which too requires natural precipitation to avoid over drawing this resource. The required 20 year projections and other criteria required by Senate Bills 221 and 610 must contemplate adequacy for a long period of time, just as for public retirement benefits. Ground reserves are not inexhaustible sources! WE DO NOT NEED TO ADD 1500 HOOKUPS. A 6% INCREASE TO ADD TO THE 10% CURRENT WATER REDUCTION.

- Natural "virgin" land is being protected throughout the country-even in vast empty spaces, deserts, etc., and here a rare parcel of natural ocean bluff, unbroken by plow; grazing land in the midst of a densely populated area, is a resource even a non-environmentalist can appreciate. PRESERVE THIS NATURAL ENVIRONMENT. The owners have prospered we know.
- We know we are in the zone for serious quake. We are warned often. We have suffered one that damaged shelf décor items. Earthquake is one of your important EIR concerns. DO CONSIDER THE PUBLICS RISK REWARD RATIO.
- DENY THE HEIGHT CODE AMENDMENT THERE IS NO JUSTIFICATION FOR SUCH VARIANCES. WHAT IS THE CITIZENRY NOT BEING TOLD ABOUT THE DEVELOPMENT'S FAVORED CONSIDERATION?
- Should serious variances be slipped into the small print under the heading STATISTICAL SUMMARY? Note Table 1 b. TRANSFER OF DWELLING UNITS this and other aspects of this summary appear to be BLATANT MISDIRECTION that needs redress.
- Many, perhaps all 460 Crest units have substantial exhaust blowers in the lower levels. In 1973 or so, it was deemed unsafe with respect to explosive methane gases. IS IT RECOMMENDED THAT THEY MAY BE REMOVED? ARE THERE OTHER WAYS TO MITIGATE THESE RISKS? WILL GROUND DISTURBANCES RESULTING FROM CONSTRUCTION AND SITE IMPROVEMENT CAUSE POSSIBLE ILL EFFECTS?
- As to traffic concerns, a city official has estimated 14,000 additional automobile Trips daily will be incurred. A great detriment to the area and the city. Further, Crest residents WANT A FORMAL GUARANTEE THAT TICONDEROGA STREET BE MAINTAINED AS A PRIVATE DEVELOPMENT ROAD WITH NO EXTENSIONS!

Finally, consider the objections above and all those that others may be writing to you about, some a subject for the EIR to consider and some for the City. It would seem much too much in negative response and detrimental impacts to justify additional tax income or other unknown benefits. IT IS NOT A FAIR EXCHANGE. If Exxon Mobile has some tenuous interest in the developers ownership I am sure it won't cause them to need "tarping"

Yours faithfully,  R.E Hageman / 7 Goodwill Court / 949.642.1998

Cc: Hon. Mayor
City Council

HAMILTON BIOLOGICAL

April 16, 2009

Debby Linn, Contract Planner
City of Newport Beach
Planning Department
3300 Newport Boulevard
Newport Beach, CA 92658

SUBJECT: COMMENTS ON THE NOTICE OF PREPARATION FOR THE NEWPORT BANNING RANCH EIR

Dear Ms. Linn,

On behalf of the Banning Ranch Conservancy, I am submitting these comments on the Notice of Preparation (NOP) for the EIR to be prepared for the proposed Newport Banning Ranch project. I am a consulting biologist with 20 years experience preparing and reviewing CEQA documents primarily in Orange County, California. I am very familiar with the project site because, during the early 1990s while employed by the consulting firm of LSA Associates in Irvine, I conducted several days of biological surveys of the subject property, including focused surveys for the California Gnatcatcher and Cactus Wren.

USE OF THE BEST AVAILABLE SCIENTIFIC INFORMATION

Plant and wildlife populations often fluctuate considerably through time. Some species may occur only sporadically, or may be detectable only during certain years or through specialized survey methods. This is why biologists are typically careful to incorporate the results of earlier reliable studies when they attempt to characterize the biota of a given area. I recently reviewed copies of the LSA reports from the 1990s, and those prepared by the consulting firm of PCR, all of which are available from the Carlsbad Field Office of the U. S. Fish & Wildlife Service. To help ensure the DEIR's completeness and adequacy, we request that copies of all publicly-available biological information on the Banning Ranch be included as technical appendices to the DEIR. We also request that the Biological Resources section of the DEIR include a summary of all relevant information from those older reports, including reproductions of LSA's detailed maps showing the areas of observed habitat use for Cactus Wrens and California Gnatcatchers during the 1990s.

I reviewed the draft biological technical report for this project, which Glenn Lukos Associates (GLA) prepared and which was posted on the City's web page. The GLA report indicated that six pairs of Cactus Wrens were recently found on the project site. The

comprehensive focused surveys that I conducted across the 17,000-acre Coastal Reserve of the Nature Reserve of Orange County (NROC) in 2006 and 2007 indicate that even just six pairs would represent the largest concentration of Cactus Wrens remaining in coastal Orange County today. The entire population in the Coastal Reserve may now be less than 20 pairs, so the Banning Ranch population could be critical to re-establishing Cactus Wrens within the Coastal Reserve of the NROC (i.e., through a program of reintroduction of juvenile wrens into suitable unoccupied habitat in the Coastal Reserve).

The regional collapse of Cactus Wren populations has recently spurred the formation of a large and active Cactus Wren Working Group as well as various public and private efforts to map, survey for, and otherwise study Cactus Wrens throughout their range in coastal southern California. Since the Banning Ranch property has the potential to be critically important to future “hands-on” efforts to conserve this species in coastal Orange County, we request that the DEIR include as much information as is available on the current and former size of the on-site Cactus Wren population, including the numbers recorded and maps of the territories the birds have occupied.

As part of the DEIR’s summary discussion of the status and distribution of Cactus Wrens in coastal Orange County, we request that the EIR include a summary table showing the annual or biennial estimate of the Cactus Wren population in the NROC’s Coastal Reserve from 1996 to present. This information, which is readily available from the NROC, will help readers and decision-makers gauge the relative importance of the Banning Ranch population to the overall population of this species in coastal Orange County.

We also request a thorough and scientifically credible evaluation of the potential effects of the proposed project on the site’s Cactus Wren population. Specifically, we request that the DEIR discuss what has happened to the large Cactus Wren population in Irvine’s Shady Canyon area following development of the Shady Canyon residential/ golf course project during the 1990s and 2000s. We ask that the DEIR evaluate and discuss possible reasons why the Cactus Wren population adjacent to the Shady Canyon development has collapsed during the past 12 years despite the preservation and management of large areas of intact cactus scrub vegetation in that area.

CHARACTERIZATIONS OF ESHA AND THE COASTAL ACT

Since Banning Ranch is a “deferred certification area,” the City’s Coastal Land Use Plan (CLUP) does not apply to this site and any proposed development at Banning Ranch will require a Coastal Development Permit from the California Coastal Commission pursuant to the California Coastal Act (Public Resources Code Sections 30000–30900). Banning Ranch is a large and biologically rich coastal area that has no parallel within the City’s sphere of influence. Within the City, the Upper Newport Bay Ecological Reserve has somewhat comparable wetland and upland resources, but the land use issues are very different. For example, Upper Newport Bay does not support vernal pools, San Diego Fairy Shrimp, or Burrowing Owls, and the bay’s only Cactus Wrens were experimentally translocated there from Irvine in 2006. Moreover, when the City prepared its CLUP nobody was contemplating a high-intensity residential/commercial project on the remaining uplands that

surround Upper Newport Bay. Given the uniqueness of Banning Ranch and its ecological resources relative to areas that are addressed in the CLUP, it would be misleading for this DEIR to suggest that the City's CLUP provides a useful measure for evaluating the project's level of consistency with the provisions of the California Coastal Act.

Setting the boundaries of Environmentally Sensitive Habitat Areas (ESHA) at Banning Ranch shall be the sole responsibility of the California Coastal Commission, not the City or its biological consultants. Therefore, we request that the DEIR (a) not to give a false impression that project biologists have any authority to map or classify ESHA on the project site, and (b) not suggest that ESHA provisions or buffer standards contained in the City's CLUP apply to resources on the project site.

The draft report by GLA contained confusing references to "Coastal Land Use Policies," which GLA seemed to use interchangeably with the term "Coastal Land Use Plan" or "CLUP." For clarity, the DEIR should not use the ambiguous term "Coastal Land Use Policies" in a way that might be confused with "Coastal Land Use Plan."

POTENTIAL FOR *ATRIPLEX COULTERI* AND *DUDLEYA MULTICAULIS*

The draft report by GLA stated that Coulter's Saltbush (*Atriplex coulteri*) and Many-stemmed Dudleya (*Dudleya multicaulis*) have "no potential to occur on site due to lack of suitable microhabitat." Botanist David Bramlet has found small numbers of the very inconspicuous saltbush growing on a disturbed, eroding slope vegetated with annual grassland near Fashion Island, Newport Beach, a few miles southeast of the project site.¹ I have found this low-growing species growing on coastal bluffs at Crystal Cove State Park, a few miles southeast of the project site. Considering how much of Banning Ranch appears to offer habitat comparable or superior to that found at these known populations, and given that these plants can be very inconspicuous, especially during drought periods, it seems that the saltbush and dudleya have at least moderate potential for occurrence on the site. Botanical surveys conducted this spring should be careful to search for these easily overlooked plants.

VERNAL POOL IMPACT ANALYSIS

The site's vernal pool supports the endangered San Diego Fairy Shrimp, serves as a seasonal water source for wildlife during some periods, and supports vegetation suitable for use by California Gnatcatchers and many other wildlife species. The DEIR should analyze all of the potential adverse ecological effects associated with surrounding the site's vernal pool with buildings and roads, effectively cutting off the pool from its surroundings.

¹ http://ucjeps.berkeley.edu/cgi-bin/new_detail.pl?RSA655236

From: Mansour Djadali [dj1327@gmail.com]

Sent: Wednesday, April 08, 2009 5:38 PM

To: dlinn@city.newport-beach.ca.us

Subject: Banning Ranch

Dear Debby:

We live in the California Seabreeze community, located at the most western end of 18th Street in Costa Mesa, overlooking the bluff and PCH. Our biggest (and only local) enjoyment is walking and biking in the area along the Santa Ana River, whose banks has been developed so effectively for the enjoyment of bikers and nature lovers. We are so grateful and appreciative of that. The only eyesore is the huge ongoing water conservation project, but at least it's to do with the precious and life-giving commodity, water, and not for gobbling up more pristine land for real estate projects, more traffic, increased population density, inevitable increased pollution, years of construction activity, and (we firmly believe) loss of home values.

With all due respects to all the efforts expended in drafting the NOP and other documents, we don't really have to analyze the details of the NOP to feel strongly against the proposed project. This is because, based on over 20 years of experience in project management here and around the world, we know first hand how quickly the scale and scope of the best planned and the best intended projects can (and often do) increase almost immediately after starting. And once started, there's little political will to halt it. In that event, it's safe to assume that the first casualties will be green areas and open spaces, and not condos, hotels, and roads. To expect otherwise would be a classic case of total denial.

Add to that the people's loss of trust and confidence in the real estate business over the past year (thanks to so much lies, fraud, greed, and misrepresentation by high level government and business leaders), well, you can understand our reservation. We'll get over it eventually, but more than anything, what is totally unacceptable (slightly less than the project itself) is the principle and idea of destroying such pristine, fragile, and precious plant and animal life in favor of more concrete and steel -- as if there's a shortage of places for people to live in or stay at in southern California.

As for the oil fields and the dangling before our eyes of oil financed remediation projects as incentive, we'll take our chances with the status quo and forego change. That's the devil you know and there's plenty of established technology to deal with that -- it will happen sooner or later and at no risk or cost to the environment and the quality of life.

Respectfully,

Mansour & Mariam Djadali
1065 Catamaran Court
Costa Mesa, CA 92627-4584
949-642-4673
dj1327@gmail.com

From: James, Steven R. [sjames@Exchange.FULLERTON.EDU]

Sent: Friday, April 17, 2009 4:01 PM

To: 'dlinn@city.newport-beach.ca.us'

Subject: Banning Ranch

Debby Linn, Contract Planner

City of Newport Beach

Planning Department

3300 Newport Boulevard

Newport Beach, CA 92658

RE: Notice of Preparation Newport Banning Ranch Program Environmental Impact Report

Dear Ms. Linn,

The proposed Banning Ranch development should not be constructed and should be preserved as open space for endangered species and wetlands habitat, for its recreational values, and for the preservation of significant prehistoric and historic archaeological sites that are on the property.

Sincerely,

Steven R. James, Ph.D.

Attention: Cal State Fullerton's area code is changing soon! Beginning Saturday, May 30, 2009, all Fullerton campus phone numbers will have the area code 657.

From: Koken, Debby [HMA] [dkoken@hmausa.com]
Sent: Friday, April 17, 2009 2:06 PM
To: dlinn@city.newport-beach.ca.us
Subject: Here are my Banning Ranch NOP Comments

April 17, 2009

Debby Linn, Contract Planner
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92685-8915

Subject: NOP, Newport Banning Ranch (PA 2008-114)

Dear Ms. Linn,

As a Costa Mesa resident and a member of the Banning Ranch Conservancy, I appreciate the opportunity to comment on the Notice of Preparation (NOP) for an environmental impact report (EIR) (SCH# 2009031061) for the Newport Banning Ranch project (PA 2008-114).

1. The EIR should include analysis of how traffic will be mitigated throughout Newport Beach and Costa Mesa when Pacific Coast Highway (PCH), Newport Blvd., and numerous intersections including 17th and Newport, 17th and Superior, Newport and Harbor, Newport and 19th, and others, are already at capacity and beyond, and no further mitigation is possible because all possible mitigations have been carried out.
2. The EIR should include analysis of how traffic will be mitigated throughout Newport Beach and Costa Mesa without building a bridge across the Santa Ana River at 19th Street or elsewhere.
3. The EIR should examine how the development can be built without the proposed Bluff Road, which is planned to be built across acknowledged Environmentally Sensitive Habitat Areas (ESHA). No such proposal will pass Coastal Commission review.
4. The effect of the proposed project on recreational and commuter bicycling should be studied and remediation planned. Cyclists will be discouraged by the increased traffic on Pacific Coast Highway, 19th Street, and the other streets impacted by development traffic during and after the construction period. Every bicycle trip relieves traffic pressure and results in less air pollution, and this benefit will be reduced unless dedicated off-road bicycle trails are provided on existing streets as well as along roads within the development to allow bicycle commuters and

recreational cyclists to travel safely outside of traffic lanes.

5. The EIR should evaluate how views of Banning Ranch and the ocean from the Santa Ana River Bike trail will be affected by the proposed project, since this will impact the recreational value of the existing bike trail.

6. The EIR should consider how rescue crews would reach the area in the event of a major earthquake, in view of the traffic impacts of the proposed project.

7. The EIR should consider how residents can be evacuated, both from the development and from surrounding areas, in the event of an earthquake, in view of the increased population and the traffic impacts of the proposed project.

8. The EIR should include a detailed review of what evacuation plan could be devised to save local populations in the event of a tsunami, in view of the added population and the traffic impacts of the proposed project.

9. The EIR should consider the geological instability of the area. How would the proposed buildings, including multistory condos and commercial and hotel structures, be constructed to ensure safety when the Inglewood/Newport earthquake fault gives way?

10. The EIR should consider the geological instability of the vulnerable hillfiker walls supporting existing housing in the area, in view of the proximity of the Inglewood/ Newport earthquake fault. Any construction must be specifically planned to guard against weakening the existing structures.

11. The EIR should study the possibility that the weight and vibration caused by added construction and traffic could weaken the existing Inglewood/Newport fault and be a contributing cause of an earthquake.

12. The EIR should study the possibility that the weight and vibration caused by added construction and traffic could weaken the existing hillfiker walls and cause damage.

13. The EIR should study the possibility that erosion caused by runoff could weaken and increase erosion or cause damage to the existing hillfiker walls and adjacent neighborhoods.

14. The EIR should analyze the results of erosion caused by earthmoving, grading, construction traffic and other aspects of the construction process.

15. The EIR should study the effects of erosion on ESHA areas, both on the mesa and in the

wetlands below.

16. The EIR must study in detail the effects of runoff from the developed mesa both on the ESHA on the mesa and on the wetlands below. Paving the mesa will increase runoff from rainfall, which will carry pollutants from motor vehicles, pets, herbicides, fertilizers, etc. created by the inhabitants of the new construction.

17. The effects of runoff from landscape watering carrying pollutants from motor vehicles, pets, herbicides, fertilizers, etc. must also be studied.

18. Effects of runoff must be studied in view of the impact of a 200 year storm. Such storms are expected to occur far more frequently in the future due to climate change.

19. The EIR must review the effects of runoff on the sensitive plants and wildlife of the protected wetlands below the mesa, and also the ESHA areas on the mesa. Effects on the ecology as a whole as well as on each species of plant, animal and bird known to inhabit the area must be studied.

20. The EIR must review the effects of erosion on the sensitive plants and wildlife of the protected wetlands below the mesa, and also the ESHA areas on the mesa. Effects on the ecology as a whole as well as on each species of plant, animal and bird known to inhabit the area must be studied.

21. The EIR should study existing problems with drainage in the Newport/Mesa area which would be exacerbated by additional development. Current drainage through Newport is inadequate and causes flooding in Costa Mesa during approximately 10-year storms.

22. The EIR must include intensive detailed field surveys by qualified impartial biologists of all ESHA areas on the mesa. The developer's proposal tries to minimize the ESHA area by dismissing much of it as "fragmented" or "degraded." The Coastal Act does not allow ESHA to be discounted due to condition or fragmentation.

23. The EIR should include and examine all archival research, including all documentation prepared for previous projects (Taylor Woodrow, and earlier development proposals) as well as the studies used for the GPAC committee. Earlier biological studies are of particular importance as more recent studies are skewed by recent drought conditions.

24. The EIR should take into account adverse effects on endangered species of plants and animals observed on the mesa in prior studies.

25. The EIR should study adverse effects on the Cactus Wren, which is not yet listed as endangered, but has experienced a precipitous decline in population and available habitat. The mesa is known to be excellent habitat for Cactus Wrens as well as other species.
26. Impacts of noise and lighting on wildlife and specifically the species of concern should be studied.
27. The EIR should review adverse effects on ESHA in the light of climate change which means, among other problems, that current sea levels will rise, eliminating lower-elevation habitat.
28. The EIR should review the proposed project for provision of adequate buffer zones of at least 100 meters around all ESHA areas
29. The EIR should analyze the extent of development compatible with minimum 100 meter buffers for all ESHA.
30. The EIR should include reviews of alternative projects including development of the mesa as a passive park, native plant botanical garden or arboretum for public recreation.
31. In view of the huge scope and enormous impacts of this project, the EIR should allow the maximum possible period of time for public review.

Please include my comments in the Draft EIR.

Sincerely,

Deborah Koken
1778 Kenwood Place
Costa Mesa, CA 92627

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From: leecefam@sbcglobal.net
Sent: Friday, April 17, 2009 3:25 PM
To: dlinn@city.newport-beach.ca.us
Subject: Banning Ranch

Debby Linn, Contract Planner

City of Newport Beach

Planning Dept.

3300 Newport Blvd.

Newport Beach, CA 92658

Dear Ms. Linn,

I am writing this as a resident of Costa Mesa.

I want to strongly state my opposition to the construction of "Bluff Road" in the proposed Master Land Use Plan of Banning Ranch.

All of the environmental effects need to be analyzed before going forward: noise, GHGs, impact on other streets.

Traffic from PCH may use this road as a cut through--that would include, trucks, motorcycles, etc.--not normally allowed in a residential area. Traffic on 19th Street would also be increased. It would be unfair for the City of Newport to place traffic burdens on the City of Costa Mesa residents due to a project in Newport Beach.

Also, what about the environmental effects on all the open space and nearby parks?

As a resident of Costa Mesa who lives in California Seabreeze, my quality of life will be impacted as a result of the proposed street.

Thank you for reading my comments.

Sincerely,
Wendy Leece
1804 Capetown Circle
Costa Mesa, CA 92627

April 16, 2009

Debby Linn, Contract Planner
City of Newport Beach
Planning Department
3300 Newport Boulevard
Newport Beach, California 92658

Subject: Notice of Preparation Draft Environmental Impact Report
Newport Banning Ranch

Dear Ms. Linn,

As a resident of the Newport Heights neighborhood, I am very concerned about the potential adverse environmental impacts that could result from the proposed project; and request that the EIR for the project address these potential impacts, listed below:

1. Traffic: The Newport Heights neighborhood contains an intermediate and high school that Banning Ranch residents would likely attend. School trips generated by Banning Ranch would add 2,000 to 3,000 peak hour vehicular trips to our neighborhood each day. Clay Street and Riverside Avenue would be particularly impacted. The EIR should describe mitigation measures for these impacts, including street closures and other traffic calming techniques that would direct the traffic to arterials rather than local streets.
2. Mixed use: Successful mixed use projects are typically located within commercial districts or adjacent to universities or other high traffic areas. The proposal to locate mixed use in Banning Ranch, which is physically isolated from nearby commercial districts, does not appear feasible. Should such a development actually be constructed, it is very likely that the retail or commercial components would remain vacant, creating physical blight, increasing crime and straining police services. The EIR should contain a detailed description of the type (percent residential to commercial and type of commercial) of mixed use proposed; and the type of conditions or mitigations that would be imposed to ensure the viability of the mixed use and to avoid potential impacts associated with blight and crime.
3. Height: A proposed height of 65 feet is out of character for residential properties in west Newport Beach. If approved, the height increase would cause potentially adverse physical and visual changes to the West Newport area. Further if approved, this increased height could create a precedent, resulting in further height increases in the mixed use areas along Old Newport Boulevard and PCH. The EIR should discuss how the proposed height increase could impact land use, physical character and visual appearance of the West Newport area, both directly and cumulatively.

From: Conrad Maher [cemaher@gmail.com]

Sent: Friday, April 17, 2009 1:18 PM

To: dlinn@city.newport-beach.ca.us

Subject: Newport Banning Ranch

Debby,

Sorry for the late submission, but I have been out of the country for many months and have just come across the notice for the public meeting while going through a massive amount of mail.

I am a geological/petroleum engineer with experience in construction and 52 years of experience in the petroleum industry in 11 countries on four continents.

Geology

My first thoughts about any construction on Banning Ranch are about the suitability of the geology and the safety of the people who might live in Banning Ranch and all of the people living in housing surrounding the ranch.

There is geological information available which shows the area of the Banning Ranch to be unsuitable and dangerous for building homes of any kind.

It is likely that the sediments of Banning Ranch overlie unconsolidated, silty, clayey, saturated sediments which will liquify with even modest movement along the Newport-Inglewood. This fault is located just offshore of Newport and approximately parallel to the coast. Movement along the fault in 1933 resulted in 6.25 magnitude earthquake and substantial. There was relatively few buildings and homes built on the floodplain area of the Santa Ana River at that time.

Modern Information regarding the suitability of construction on the Santa Ana Floodplain.

Hoag Hospital Industrial Plant (east of Superior Ave and at the toe of the mesa)

Hoag Hospital were allowed to build a power plant with four large diesel powered generators, a large cooling tower with four cells and all of the associated pumps and pumping required to move liquids between the hospital and the industrial plant. During this construction, the large Catepillar tractors caused serious vibrations in the housing on the Meas on both side of Superior.

The continuing vibrations from the plant with both horizontal and vertical movement impart vibrations strong enough to be very irritating and on occasion wake me in the middle of the night. My experience as a geologist indicates this is caused in part because all machinery of this type vibrates, but in the case of the Hoag Industrial Plant, it is magnified by the unconsolidated and saturated sediment which underly the plant at the toe of the Mesa.

Production from the oil field that underlies Banning Ranch and area to the east of the ranch.

This production is from unconsolidated sands. While this is normally not a problem, we know from the subsidence in the Long Beach area that production can cause reorientation of the sand grains in unconsolidated sediments. This can lead directly to subsidence and or amplify subsidence during and earthquake.

Available Public Data

Some of the wells drilled in the Banning Ranch will have measurements in the Top Hole and this data should be available in the public domain. There should also be sample descriptions of the sediments in some of these wells.

This data should be collected and studied. It is imperative that geologists with relative experience be involved in the study. Civil Engineers by their charter do not require any input from geologists and this can lead to very misleading reports. Subsequent lawsuits against might eventuate if they have been used to planning on construction sites which are later determined to have been unsuitable for the use approved in the report.

Geophysical program to extrapolate other data

After all relevant and available data has been collected and studied, a geophysical program to study the shallow sediments underlying the Santa Ana Floodplain in the Banning ranch can be undertaken. This will require the input of geophysicists with relevant experience in this type of data gathering to gather the data required and keep the costs from going off scale.

The geophysical data will enable the planners to extrapolate the data gathered from oil wells and other sources in the Banning Ranch Area and build up a strong, science based understanding of the shallow sediments beneath the ranch and the likely response in earthquakes of various magnitudes.

I thank you for this opportunity to submit these comments and appologize for the late submission.

Conrad Maher
16 Escapade Court
Neport Beach, CA 92663

949 645 4287

Paul Malkemus.txt

From: Paul Malkemus [pmalkemus@yahoo.com]
Sent: Wednesday, April 15, 2009 2:19 PM
To: dlinn@city.newport-beach.ca.us
Subject: Comments on Newport Banning Ranch NOP

Why are primary arterial roads (125' Right of Way) being planned to be built in such close proximity to existing residential areas? It would appear that South Bluff Road will be less than 50' from existing property lines in at least one location. With all the available open space that is under consideration for this development, it does not seem reasonable to locate primary roads in an area that would adversely impact existing developments - developments that have been at that location for over 30 years. The specific area of concern is the existing Newport Crest development. Please reconsider the alignment of roads specifically in this area. The possibility of 34,000 vehicles per day (VPD) traveling through this area at rates of speed higher than 40 miles per hour is extremely troubling.

Further it would appear that extending 15th, 16th, 17th and 19th streets will essentially serve to create an excellent "short-cut" for commuters traveling both to and from the beach areas. This situation will surely impact, at the very least, West Newport. Granted, it will be an extremely opportune route for commuters who wish to avoid the inevitable Newport Boulevard bottlenecks and traffic jams. But, what about the traffic impacts on the City of Newport Beach as well as the City of Costa Mesa? There does not seem to be any indication as to how these smaller roads (15th, 16th, & 17th Street) will be engineered to accommodate the additional traffic loads. Are connections to all 3 of these existing roads really necessary? The connection or extensions of 15th and 16th streets appear to be potentially the more problematic.

The Zoning and municipal code changes, briefly mentioned in the document, that are apparently designed to accommodate greater building heights in this area are not fully explained. Aren't zoning changes somewhat contrary to what the newly adopted General Plan (as voted upon by the citizens of Newport Beach) is all about?

There are also some serious wildlife concerns. The report states that several special status species, including the coastal California gnatcatcher (*Polyptila californica californica*), a federally listed species, the coastal cactus wren (*Campylorhynchus brunnei capillus couesi*), a California Department of Fish and Game (CDFG) Species of Special Concern and State listed Endangered Belding's savannah sparrow (*Passerculus sandwichensis beldingi*). The report also mentions the possibility of vernal pools that may be occupied by the San Diego fairy shrimp (*Branchinecta sandiegoensis*), a federally Endangered species.

Areas that currently serve as hunting grounds and travel corridors for coyote, skunk, fox, raccoon, owls, blue heron & hawks will be eliminated by this development.

The document listing of Probable Environmental Effects of the Proposed Project states there is potential for this project to significantly impact a number of environmental factors. This is very troublesome.

Paul Malkemus
7 Aries Court
Newport Beach, CA
92663

From: Jim Mansfield [jtmansfield@ca.rr.com]

Sent: Thursday, April 16, 2009 7:34 PM

To: dlinn@city.newport-beach.ca.us

Subject: Response to the March 16, 2009 Notice of Preparation, DEIR, Newport Banning Ranch

Dear Ms. Linn:

Pursuant to CEQA §21080.4, I am submitting the following comments for consideration in response to the March 16, 2009 Notice of Preparation, Draft Environmental Impact Statement, Newport Banning Ranch.

- The DEIR should consider the findings of all past environmental studies done on the Banning Ranch property, including the Taylor Woodrow studies done around the year 2000. These older studies may show migration of plant and wildlife species within the Banning Ranch and point to the need to consider wider use of the property by these species than a single, current survey would indicate.
- The DEIR should study the effect of the development on local water supplies. It is expected that the broad, divided roads planned for the development, the resort, and the 1375 dwellings will require large amounts of water for landscaping. Native plants, with low water usage, should be considered throughout the development, both to lower water usage and in keeping with the large number of native plants already on the property.
- The DEIR should include an estimate of the number of school-age children that will be living in the development and show how they will be accommodated within the Newport-Mesa school district. At present I believe the school district is operating near capacity in this area, with no plans to build additional schools.
- The DEIR should address all changes in traffic flow and traffic density that may be caused by this development. These changes may be substantial and complex – far exceeding the trip-ends from the development alone – because the development will create many new connecting arteries between West Coast Highway and the east-west streets (15th-19th Streets) leading to Newport Boulevard, the I-55, and the I-405.
- The DEIR should address the effect of the tall (65 foot) buildings (planned for the northeast portion of the development) on on-shore winds. The prevailing on-shore winds come off the ocean from the southwest and are vital to cooling southwest Costa Mesa. If these winds are blocked by this line of tall buildings, many residences in southwest Costa Mesa will need to add air-conditioning – to the detriment of the environment.
- The DEIR should include an estimate of the noise pollution generated by the 1375

houses, the resort, the commercial property, the traffic generated by these facilities, and the traffic generated by the increased traffic using the Banning Ranch roads to bypass Newport Beach. It is thought that the level of noise generated will be substantial and will have an extremely detrimental effect on the wildlife in adjoining ESHAs and wetlands, as well as on existing, adjoining, residential communities.

- The DEIR should address the modifications made to the property over the past 50 years and how oil-drilling has degraded the land. New roads that have been built across ESHAs during that time should be identified, and the DEIR should indicate how these ESHAs will be restored and/or rejoined.
- The DEIR should identify any additional areas that qualify as wetlands due to the presence of water during the local rainy season, such as the area known locally as “Lake Perry.”
- The DEIR should show how local water run-off from the Banning Ranch, including water that will run through Banning Ranch from higher ground, will be accommodated without contaminating the adjacent wetlands. Just as the adjacent Santa Ana River is analyzed from the viewpoint of the “100-year storm”, Banning Ranch run-off should be required to meet similar criteria.

Thank you for your consideration.

Sincerely,

James T. Mansfield

Board Member of the Banning Ranch Conservancy and concerned local citizen

1857 Rhodes Drive

Costa Mesa, CA 92626

jtmansfield@ca.rr.com

714-751-2243

From: paul moreno [bigrockcreek@msn.com]

Sent: Thursday, April 16, 2009 8:30 PM

To: dlinn@city.newport-beach.ca.us

Subject: banning ranch

Dear Ms. Linn,

I am against the development of Banning Ranch because it is one of the few open spaces for endangered species and it is in part a wetland. It also probably has archaeological deposits that haven't even been properly explored let alone preserved! This is land that was certainly occupied by the first peoples prior to the European invasion and that means it is culturally valuable!!! Do you know for sure that it doesn't have any burials there? Has it even been checked?? The development plan would destroy everything that makes it valuable other than a money maker for the developers.

Do you care at all?

Banning Ranch should be studied, preserved and valued for something other than a space to exploit!

I know that the first people built villages on the bluffs and mesas all along the Santa Ana River. So what makes you think they are not there?

Do you know for sure? If you don't, there shouldn't be any development until those questions can be answered and the Native Americans agree!

I mean maybe you don't mind letting people build homes on graves but I think it's WRONG!

Has any one even talked to any of the local tribes about this? Are the developers ignoring laws or are you allowing them to be broken behind our backs?

Do the right thing now and re-think these development plans because as they are now, they are really inconsiderate and destructive. Set a precedent and be the good guy. Someone has to start.

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From: Patricia Barnes [mezzohiker@msn.com]
Sent: Thursday, April 16, 2009 10:16 PM
To: dlinn@city.newport-beach.ca.us
Subject: RE: Notice of Preparation-Draft Environmental Impact Report for Newport Banning Ranch Project
April 16, 2009

**Debby Linn, Contract Planner
City of Newport Beach
Planning Department
3300 Newport Boulevard
Newport Beach, CA 92658**

**RE: Notice of Preparation-Draft Environmental Impact Report
Project: Newport Banning Ranch**

Dear Ms. Linn,

Banning Ranch consists of approximately 412 acres of open space. It is the largest remaining portion of undeveloped open space that yet exists within West Newport Beach and within the very densely constructed and populated Newport coastal area. It is home to several species of endangered flora and fauna, including the California Gnatcatcher, fairy shrimp, and the Least Bell's Vireo. Banning Ranch also serves as an important link amidst publicly owned lands within the cities of Newport Beach, Costa Mesa, and Huntington Beach. Furthermore, the preservation of the remaining acreage of Banning Ranch as "entirely open space" is defined as the preferred option within the Newport Beach General Plan approved by voters in 2006. Therefore, the proposed Environmental Impact Report to be prepared in reference to the Newport Banning Ranch Project must include a large number of topics for analysis in order to be consistent with the aforementioned General Plan.

I respectfully request that the following be included in your preparation of the Environmental Impact Report for the Newport Banning Ranch Project:

- 1. Protection of open space habitat for the Cactus Wren. Cactus Wren populations have suffered a significant loss of habitat since the recent wildfires in Orange County. Cactus Wren have been seen on Banning Ranch acreage; therefore, it is imperative that this acreage be protected as it is providing refuge for the dwindling populations of Cactus Wren, a species that is indigenous to our county.**
- 2. An evaluation of the effects of increased traffic and pollution that would occur along Pacific Coast Highway near Superior and around 17th and 19th Streets, Fairview Park, and within various surrounding residential communities such as Newport Shores as a result of construction/development on Banning Ranch acreage.**

- 3. An evaluation of the accumulative effects of pollution to Santa Ana River and to the Newport Beach and Huntington Beach coastlines that would result from the development of Banning Ranch.**
- 4. An evaluation of the soil and groundwater contamination that has resulted from more than sixty years of wildcat oil drilling occurring on Banning Ranch, and an analysis of the potential remedies for this highly toxic contamination.**
- 5. Preservation of the indigenous coastal sage habitat for the purposes of soil retention and the protection of watershed.**
- 6. Preservation of open space to meet the needs of those who reside in the densely populated area which surrounds all 412 acres of Banning Ranch.**

Thank you.

**Patricia Barnes
Chairperson
Orange County Group Executive Committee
Sierra Club, Angeles Chapter
10736 Lynn Circle
Cypress, CA 90630**

From: Norbert Puff [norbpuff@sbcglobal.net]
Sent: Friday, April 17, 2009 9:10 AM
To: dlinn@city.newport-beach.ca.us
Subject: Fw: EIR Newport Banning Ranch Project
Ms. Linn

Please indicate whether the enclosed comment has been received.
PS Note the school referred herein should be Whittier School.

Sincerely

Norb Puff
Newport Beach

--- On **Wed, 4/15/09**, **Norbert Puff** <norbpuff@sbcglobal.net> wrote:

From: Norbert Puff <norbpuff@sbcglobal.net>
Subject: EIR Newport Banning Ranch Project
To: dlinn@city.newport-beach.ca.us
Date: Wednesday, April 15, 2009, 9:58 AM

City of Newport Beach

The circulation proposed for 1,375 units plus a resort and commercial uses is completely inadequate.

Feeder streets outlined in the Scope EIR of 15th, 16th and 19th streets will not handle the traffic that will ultimately feed into Newport Blvd. and the 55 Freeway.

19th street, for example, is already overcrowded from morning commuter traffic and traffic from Monrovia School. Further, traffic at 19th and the 55 Freeway requires multiple signal changes before one can access the 55. And this is under current conditions.

The feeder streets contemplated in the proposed plan are effectively one lane roads and were not designed for the load proposed by this development.

Finally 19th street is, I believe, substantially within the City of Costa Mesa which recently repaved and refurbished 19th to include medians, etc. Also 15th and 16th feed into Costa Mesa's circulation. I would be interested in Costa Mesa comments.

Sincerely

Norb Puff
Newport Beach

Debby Linn, Contract Planner
City of Newport Beach
Planning Department
Newport Beach, CA 92663

Dear Ms. Linn,

Please address the following hazards:

- . special flood hazard areas, a federal designation;
- . potential flooding and inundation areas;
- . very high fire hazard severity zones;
- . wild land fire areas;
- . earthquake fault zones;
- . seismic hazard zones;
- . ground failure liquefaction;
- . provides tsunami inundation maps
- . also, FEMA's comments

Sincerely,
James R Quigg
1869 Park View Circle
Costa Mesa, CA 92627

04-17-09

Debby Linn, Contract Planner
City of Newport Beach
Planning Department
3300 Newport Boulevard
Newport Beach, CA 92658

Submitted via email to dlinn@city.newport-beach.ca.us

RE: Comments to Notice of Preparation (NOP) for Newport Banning Ranch Project (Project)

Ms. Linn,

I proffer the following comments to the Notice of Preparation (NOP) for the preparation of the Program Environmental Impact Report (EIR) (SCH# 2009031061) for the Newport Banning Ranch Project (Project) (PA 2008-114) on behalf of the Watershed Coordinating Council (WCC), of which I serve as President, and of the Banning Ranch Conservancy (Conservancy), of which I serve as a founding Board Member.

The comments are included both in the body of this submitted email and as an attachment, in Word format, thereto. The comments address (1) the scope and content of the EIR and (2) the environmental issues and alternatives to be addressed in the EIR pursuant to California Environmental Quality Act (CEQA) Guidelines #15082.

1. SCOPE, CONTENT and PROCESS

1.A. It may appropriate that sixteen (16) topics on the City's Environmental Checklist are identified as required for assessment in the EIR, excluding only Agricultural Resources. However, an Initial Study (IS), while optional, was not completed. The NOP does briefly describe existing environmental conditions, but any probable or specific environmental impacts are not stated. This makes it difficult for anyone (public agency, member of the public, me) to be adequately informed or capable of offering cogent comments. **This significant omission leaves the NOP wanting and warrants a reissue of the NOP and renewal of the process, which I herewith recommend.** This omission requires some extraordinary measures by the City to ensure adequate review and analysis by all other parties. I list some of them below. Not being reliant on a decision to reissue the NOP, I will attempt to provide comments on all potential issues to be addressed in the EIR. I will state herewith that any omission on my part is due to the inadequacy of the NOP.

1.B. Given the scope and anticipated size and complexity of the Draft EIR and its Appendices, I strongly recommend that the public review period for it be extended beyond the normal 45 days to, at least, 60 (sixty) days and, preferably, 90 (ninety) days. Bear in mind that, while the applicant and the City and other public agencies may have full-time paid staff, members of the public, generally, have other non-related jobs and family lives that occupy their time and are less experienced at reviewing and comprehending all of the information, methodologies, studies, statistics and conclusions contained in the Draft EIR and its Appendices. Having an engaged and fairly-treated public is critical to the intent of CEQA, for the City's relationship with its citizenry and for the applicant's public relations.

1.C. I recommend that the City Planning Commission and City Council hold public study sessions on the Draft EIR at least two weeks prior to the public hearing meetings of each body. With the review conducted by City staff, this provides a very informative session not only for the Commission/Council, but also for the public and the applicant, who can be available for any appropriate questions.

1.D. The City Planning Commission and City Council review, consideration and action on the EIR must be accomplished as a stand-alone process, not combined with the entitlement documentation. Combining both processes into one consideration and action is not fair to the public and raises questions of intent and prejudgement by the adjudicative bodies. Each action deserves its own separate hearing and consideration.

1.E. At public hearings of the Planning Commission and City Council, I recommend that the bodies permit members of the public to donate time – for instance, 3 members of the public being present and making the donation to another – so that a more comprehensive, thoughtful and meaningful presentation can be made by an organization or groups of citizens in concert. As a former chair of the Huntington Beach Planning Commission, I can attest as to the effectiveness of this provision and to its time-saving value.

1.F. As this property has been subject to previous attempts at development and has, accordingly, been subject to studies, surveys and other reviews, I ask that all such prior information gathering be included in the EIR preparation for comparative analysis and for comprehensive data collection, noted and made available to the applicant and the public.

1.G. The listing and comprehensive review and analysis of Alternatives and Cumulative Impacts are necessary to attain a complete and adequate EIR.

1.H. All written comments to the NOP as well as the transcript of the Public Scoping meeting held on April 2, 2009, should be included in the EIR.

2. ENVIRONMENTAL ISSUES and ALTERNATIVES

2.A. **Alternatives:** Alternatives outlined in the NOP are inadequate and incomplete.

Alternatives must also include the following options:

--- A Reduced Size Project based on the habitat value and locations of the Environmentally Sensitive Habitat Areas (ESHA's) extant on the property. All such habitats must be preserved. Additionally, buffers should be based on California Coastal Commission (CCC) standards established in previous coastal projects (such as 100 feet to 100 meters). These standards apply to both ESHA's and bluff areas.

--- A Reduced Height Project based on existing zoning limitations on height requirements for commercial and residential development. Any call for exception must be environmentally justified.

--- An Environmentally Progressive Project which meets LEED certification standards, preferably at the Platinum level.

--- A Relocation of the Project to another site in Newport Beach or other nearby city that would result in a significantly reduced environmental impact.

2.B. **Biological Resources:**

--- The NOP indicates use of the City's Coastal Land Use Plan (CLUP) to define an ESHA, to indicate potential ESHA's, to identify Environmental Study Areas (ESA's), to define buffer requirements and for other purposes. This is not acceptable. The CLUP does not apply to Banning Ranch, which is an area of "deferred certification" or, as specified by the CCC, a "white hole". Therefore, Coastal Act statutes and CCC standards are the only acceptable means to define and identify the environmental features and development requirements.

--- Removal of any valued habitat in any condition and replacement or restoration of habitat elsewhere is not an acceptable practice as determined in the well-known Bolsa Chica case. The EIR must not refute this standard and should fully identify environmental impacts caused by the development footprint.

--- Because plant habitats and wildlife species, especially avian, are sensitive to seasonal changes, variations in water availability and other acts of nature, it is highly recommended that multi-year studies be conducted to adequately assess their populations, patterns and constituents.

--- Any planned glass walls, whether they are a fence (such as the infamous "Wall of Death" at the Bolsa Chica Hearthsides development) or a building or other structure must be analyzed for potential avian mortality.

2.C. Transportation / Traffic:

--- The proposed project plan in some iterations calls for an extension of Bluff Road to 19th Street, while in other iterations, that extension is missing. There needs to be clarity on this issue.

--- If there is a connection to 19th Street, all potential traffic impacts must be analyzed. It will become a thru-way for anyone and everyone wanting a short cut between the west side of Costa Mesa and Pacific Coast Highway. All that probable traffic through the project site as well as on 19th Street and the nearby Costa Mesa west side must be included in any analysis. It will occasion calls for the extension of 19th Street to the River and completion of the 19th Street / Banning Street bridge. Both Huntington Beach and Costa Mesa are on record opposing the bridge. Traffic studies and all alternatives must exclude the bridge from any consideration. Too many obstacles - environmental, financial and political - exist to consider it a reasonable solution to the increased traffic issues for this project. It should also be removed from the Master Plan of Arterial Highways, with such removal included in the project plan.

--- Traffic increases studied for the 17th Street, 16th Street and 15th Street connections should also include the realistic probabilities of the short cut traffic, not just the classic model of traffic accessing the proposed project.

--- Traffic impacts to Pacific Coast Highway, not just at the junction with the proposed project's Bluff Road, but throughout Newport Beach and Huntington Beach, must include not only project traffic but also the short cut traffic described above. Given that Pacific Coast Highway is reported to be at or near capacity, scenarios to handle the new load must be sufficiently identified.

2.D. Water:

--- What is the source of water supply for this project? Given that California is in a declared state of drought and water emergency, with supply cuts being announced and conservation measures required, an adequate supply of water - not just "the City will supply it" - must be identified for the long term, a period of at least 50 to 100 years.

2.E. Other issues that must be addressed in significant detail:

--- The increased building heights will seriously impact the viewshed and, thus, property values of current local residents. How are those inequities to be addressed?

--- What will be the impact of the inclusionary housing on existing local residents?

--- What are the impacts of lighting and glare for local residents, wildlife and plant habitats?

- How will public services – police, fire protection, schools, etc – be provided?
- Water quality, hydrology, sewer systems, runoff impacts, water retention and reuse, reclamation – all of these water related issues and potential impacts will need full analysis and mitigation.
- How to mitigate for the loss of open space and recreational opportunities that would be realized through the open space alternative?

2.F. Cumulative Impacts:

- All of the impacts of this project must be properly considered in the analysis of Alternatives to the Project plan.
- The impact of this project on the cities of Newport Beach, Costa Mesa and Huntington Beach and all past, current and potential future projects must be evaluated and considered in their entirety to determine the appropriateness of this project as a whole, as a reduced project, or as open space.
- What is the impact of the loss of this last large parcel of coastal open space of wetlands, bluffs, arroyos and mesas not only to Newport Beach and its neighbor cities, but to all of Orange County, indeed to Southern California? Once it is lost, it is gone forever. How do we account to future generations that we lost Nature's Last Stand on our precious coast?

Thank you for the opportunity to comment.

Steve Ray/s/

Please add me to the mailing list for this Project. My addresses and emails are:

Steve Ray, President
Watershed Coordinating Council
17231 Ash Street, Suite 5
Huntington Beach, CA 92647
Email: watershed1@hotmail.com
Phone: 310.961.7610

and

Steve Ray, Board Member
Banning Ranch Conservancy
P.O. Box 16071
Newport Beach, CA 92569
Email: steveray4surfcity@hotmail.com

From: Johntommy Rosas [tattnlaw@gmail.com]

Sent: Friday, April 10, 2009 9:29 AM

To: Debby Linn

Subject: Re: Banning Ranch

HI THANKS - I HAVE JUST TODAY RECEIVED THESE DOCUMENTS -SO NO TIME CONSTRAINTS EXIST ON US, ALSO THE REQUIRED SB 18 TC HAS NOT OCCURRED SO THE 2006-GEN PLAN AMEND. IS DEFECTIVE AND ILLEGAL.

I CONFIRM RECEIPT OF THESE DOCUMENTS AND WILL RESPOND TO THE NB GOVERNMENT DIRECTLY,

AND WE ARE STATING FOR YOU AND THE RECORD THAT WE OBJECT AND OPPOSE THIS PROPOSED DEVELOPMENT.

/S/ JOHNTOMMY ROSAS

On Fri, Apr 10, 2009 at 10:12 AM, Debby Linn <linnassociates@verizon.net> wrote:

attached are the NOP for the Banning Ranch project and the correspondence received to date from the Native Americal Cultural Commission.

Debby Linn
Linn & Associates
826 Molino Avenue Long Beach, CA 90804

Phone (562) 433-9444 Fax (562) 433-7190

--

JOHN TOMMY ROSAS
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Alternative analysis that assumes no impacts from any or all of the roads should only be considered if the road easements are permanently removed and identified as removed in that particular alternative analysis.

19th Street Extension

The City of Costa Mesa has historically opposed the extension of 19th Street across the and into Huntington Beach, while the City of Newport Beach has been overwhelmingly supportive of the extension. The annexation of the Banning Ranch Property into the City of Newport Beach will therefore have a direct effect outcome of the extension of 19th Street and it would be perfectly reasonable to assume that the extension will be pursued because of the annexation and this project. The extension of 19th Street would be a clear and foreseen cumulative impact of the project.

However, at the NOP Scoping Hearing the City of Newport indicated that the extension of 19th Street will not be included in the DEIR analysis. We feel that the DEIR must include both an assessment of the impacts of the extension, and should identify any and all decision making processes and communications about why or why not to include and consider the extension of 19th Street. To simply state that the extension is not going to be considered is inadequate and inappropriate. To intentionally ignore the impacts of the road extension would be very poor public policy.

Biology

Impacts to the biological resources at Banning Ranch, including all sensitive birds, must be analyzed inclusively, in all alternatives and models, with all the features of the associated habitats on the Newport Banning Ranch properties included in the analysis, in an easy to understand format. Impacts cannot be adequately analyzed by considering independently, separate micro habitat features or sub associations of plant communities, or any other system that does not recognize the ecological connection between the organisms and all the features that make up there communities on the property. Many of the sensitive species that will be analyzed are dependent upon interactions with multiple habitats, including degraded and non-native plant communities and habitats.

Impacts to sensitive birds and other wildlife species that have been noted only irregularly on the property must be assessed, in all alternatives, as if the species exist year round, unless there have been regular surveys completed year round that indicate otherwise. It would create an unscientific bias to consider species as a visitors based on only a limited number of observations.

Included with the complete assessments of impacts to listed, protected, and identified sensitive species, including but not limited to California Gnatcatchers, White-tailed Kites, Least Bell's Vireos, and Burrowing Owls, the DEIR needs to identify the impacts and risks to Coastal Cactus Wrens, which are widely recognized by conservation organizations and wildlife agencies as suffering from unprecedented declines. Newport Banning Ranch has a robust satellite population of Cactus Wrens. Currently there is much concern that larger reserves in Orange County are failing to protect the species as designed and there is reasonable concern that the species may need further protection. It would be unjustified to ignore impacts to Coastal Cactus Wrens from development at Newport Banning Ranch while determinations about the larger population in southern California are in doubt.

ESHA

All habitats should be assessed in compliance with the California Coastal Act provisions. All areas deemed Environmentally Sensitive Habitat Areas (ESHA) must be treated as such under the Coastal Act including full protection and proper setbacks and buffers in the wetlands, riparian areas, grasslands, coastal sage scrub communities, and the disturbed habitats that interconnect them all.

Development Footprint

The footprint of the proposed development in the upland habitats, as shown in NOP maps, grossly bisects the upland habitats into basically three distinct units, with very little upland connection between the areas. An alternative that reduces the fragmentation of these areas should be included.

Vernal Pools

The NOP maps and discussion, place development and roads completely surrounding an established vernal pool. It is unconceivable that an adequate DEIR could address the impacts to the vernal pool and include such an alternative. A vernal pool cannot function surrounded by walls as if it were a swimming pool. In addition to innumerable threats to the pool itself such as run-off, pollution, disturbance from human and pets, non-native species intrusions and isolation from other natural features, the function of the pool as a water source for all the other wildlife existing on the Newport Banning Ranch is cut-off. None of the alternatives should include a configuration as shown in the current NOP maps.

Biologically Superior Alternatives

In addition to the complete acquisition alternative, which is the most biologically superior alternative, other alternatives should include a fully functioning and non-isolated vernal pool system, combined with a much smaller overall development footprint, with greatly reduced fragmentation of the uplands, less impact on Coastal Sage Scrub and associated habitats, less impacts on upland grasslands, the removal of road easements, and a fully inclusive assessment of all biological and ecological impacts.

Thanks you for your considerations

Scott Thomas
Conservation Director, Sea and Sage Audubon Society
(949)261-7962
Redtail1@cox.net

Delivered by email to: dlinn@city.newport-beach.ca.us

From: Mike Siebert [mike.siebert@apexlogisticsllc.com]

Sent: Friday, April 17, 2009 3:27 PM

To: dlinn@city.newport-beach.ca.us

Cc: watershed1@hotmail.com

Subject: Banning Ranch NOP

To Debby Linn

My home is backed up to Banning Ranch at 9 Aries CT Newport Beach CA 92663.

My concerns are as follows:

- 1) The noise levels from the new Bluff RD. at my bedrooms and kitchen windows, we do not have A/C and have to leave them open.
- 2) The pollution from the cars driving on the new Bluff RD coming in my bedrooms and kitchen windows because we have no A/C.
- 3) Blocking our view of the wild life, ocean and mountains.
- 4) There is a vernal pond that forms when it rains where the new Bluff RD will go through and the Ducks and birds and other wild life feed there.
- 5) I moved into this home on July 15 2000 because of the Aesthetics and Visual Resources at my back door.
- 6) The movement from all the dirt and clean up of the 40 miles of oil piping will cause a health risk to every one in the area.
- 7) The Biological effects could bring Valley Fever because any dirt disturbed 2 feet or below when the wind is blowing can be inhaled by any one near by and it can cause death.
- 8) There is already to much traffic on PCH per studies from CalTrans, Newport Beach and Huntington Beach.
- 9) There is a water shortage all ready in California as I was informed at the last Water District meeting at Babcock Labs.
- 10) For 9 years I have watched all the wild life live on the Banning Ranch land such as Cranes, Owls, Hawks, Doves and hundreds more.
- 11) With the public beach only blocks away we do not need more man made parks in this area.
- 12) This land is an historic site in the 1940s the military set up a gunnery on the Banning Ranch land.
- 13) The run off from this project may end up in the Wet Lands.
- 14) When Taylor Woodrow turned in there plans to build on Banning Ranch they had a bridge over the Vernal Pond because they stated it was the only way for the water to run through the Banning Ranch from above.
- 15) There are 36 home owners along Banning Ranch that I am speaking for today and for the 450 home owners in Newport Crest which I have sat on the NCHA Board.

You may respond back by email or send it to my home.

Thank You

Michael C Siebert

9 Aries CT

Newport Beach CA 92663

Cell 949-413-6632

From: Robert Siebert [eesolar@sbcglobal.net]

Sent: Saturday, April 11, 2009 6:39 PM

To: dlinn@city.newport-beach.ca.us

Subject: Banning Ranch

To: City of Newport Beach

I would respectfully suggest that the City of Newport Beach retain all or most of the Banning Ranch property as open space. Benefits to be derived from this "long view" of our future include not having to solve traffic problems at Superior and 19th and nearby streets. Further the beach itself will benefit by reduction in the local runoff problem. Of course minimum disturbance of the soils at a site of long term oil drilling is again best for the city; lawsuits on land converted from oil fields to residential are not new nor pleasant for the affected city.

Finally, we just plain have to little open space in this crowded corner of Orange county.

Sincerely,

Robert Siebert
Orange

From: JonV3@aol.com
Sent: Friday, April 17, 2009 10:28 AM
To: dlinn@city.newport-beach.ca.us
Subject: Banning Ranch NOP Comments
April 17, 2009

Debby Linn, Contract Planner
City of Newport Beach
Planning Department
3300 Newport Blvd.
Newport Beach, CA 92663

Re: Notice of Preparation Draft Environmental Impact Report
Newport Banning Ranch Project
PA2008-114

Dear Ms Linn,

Thank you for the opportunity to comment on the NOP for Newport Banning Ranch project. The following are my suggestions that the EIR should address for this project:

The environmental documentation should use the Coastal Act rather than the Newport Beach CLUP as the standard of review for the Newport Banning Ranch project. The Newport Beach CLUP differs from the Coastal Act in numerous ways, especially in the ways Environmentally Sensitive Habitat Areas (ESHA's) are defined and protected.

Section 30107.5 of the Coastal Act defines environmentally sensitive areas in the coastal zone. In the Coastal Act, "environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Certainly, Banning Ranch with its diversity of flora and fauna meets the Coastal Act definition of an environmentally sensitive area. As stated in the NOP, page 5:

“Native vegetation that remains intact on the Project site consists of several large patches of maritime succulent scrub and southern coastal bluff scrub. This vegetation supports several special status species, including the coastal California gnatcatcher (*Polioptila californica californica*), a federally listed species, and the coastal cactus wren (*Campylorhynchus brunneicapillus couesi*), a California Department of Fish and Game (CDFG) Species of Special Concern. The lowland supports special status plants (e.g., southern tarplant [*Centromadia parryi* ssp. *australis*]) and a number of wetland habitats, including areas of tidal coastal salt marsh that support the Statelisted Endangered Belding's savannah sparrow (*Passerculus sandwichensis beldingi*); southern willow scrub; and southern willow forest that support the State and federally listed Endangered least Bell's vireo (*Vireo bellii pusillus*) and a variety of special status nesting raptors. In addition, vernal pools occur on the Project site and may be occupied by

the San Diego fairy shrimp (*Branchinecta sandiegoensis*), a federally Endangered species.”

The burrowing owl, another California Species of Special Concern, is also found on the site, as well as the sensitive vegetation types of coastal sage scrub (CSS) and native grasslands which should be quantified and mapped in the EIR..

Thus, the Banning Ranch qualifies as an environmentally sensitive area under the Coastal Act definition.

Section 30240 of the Coastal Act is the section that defines and protects ESHA in the coastal zone.

Section 30240 states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

In Section 30107.5 and Section 30240 above, there is no mention of fragmentation, isolation, or degradation when designating areas of ESHA. However, the Newport Beach CLUP contains these terms that denigrate habitat values in areas that otherwise are ESHA under the Coastal Act definition. These terms of fragmentation, isolation, and degradation, were extensively used in the biology report submitted by the consultant Glenn Lukos for the Newport Banning Ranch application to the city to denigrate the ESHA values at the Banning Ranch site. Since this project is not governed by the Newport Beach CLUP, and is an area of deferred certification that goes directly to the Coastal Commission, these terms should not be used in the biology report prepared for the EIR. In the landmark California Court of Appeals “Bolsa Chica Decision” of 1999, ESHA was ESHA and it did not matter whether or not it was degraded. ESHA can not be built upon by houses or any uses that are not compatible with the resource functions of the ESHA, and the adjacent development has to be compatible with the continuance of the resource values.

Instead, the biology report prepared for the EIR should document where coastal sage scrub and other sensitive vegetation exists and all these areas should be designated as ESHA, whether or not the areas are crossed by dirt roads, paths, or have non-native vegetation within the areas of CSS. A bird such as the coastal California gnatcatcher or a small animal is not going to be deterred from using habitat because an area of open space like a dirt road or weeds intervenes within the overall expanse of CSS. In fact, the biology report prepared by Glenn Lukos acknowledged that open space is seen within habitat areas, and in fact, is an integral part of habitat.

The whole area of Banning Ranch is designated Critical Habitat for the coastal California gnatcatcher by the USFWS, so the whole Banning Ranch should be considered ESHA in the EIR, with only the heavily disturbed and paved areas that have serve as oil operation staging areas such as the end of 17th Street subtracted from the ESHA for purposes of development. The areas of urbanized development can be easily seen on aerial photographs of the property.

The areas of paved urban development that exists on the property should be clearly demarcated in the EIR and an alternative project that preserves the entire site as open space except for the paved areas should be considered in the EIR. Such an alternative should also estimate the acreage that is currently occupied by pavement, buildings, pipes, tanks, and storage of equipment, etc. This acreage can then be used to develop a project consisting of housing, etc.

Such an alternative, with development located only on existing paved areas within the project would help to preserve the maximum open space consistent with the Newport Beach General Plan preferred alternative for Banning Ranch as open space. The proposed Newport Banning Ranch is not consistent with the preferred alternative of open space within the General Plan, and instead, does major damage to the existing open space values that includes habitat for sensitive species such as the Burrowing Owl, the Cactus Wren, and the Coastal California Gnatcatcher.

The grasslands of the mesa tops should be protected in an alternative for Banning Ranch for the purposes of preserving burrowing owl habitat, as well as habitat for the cactus wren and the gnatcatcher which have been located on the mesas in previous biologic studies of Banning Ranch.

Previous biologic studies of Banning Ranch ought to be reviewed and pertinent sections included in the EIR, including previous locations of cactus wrens, gnatcatchers, and burrowing owls in biology reports prepared by LSA in the 1990's.

Also all documents that have previously designated ESHA within Banning Ranch should be made available as part of the EIR in the form of appendices to allow readers to determine the value of Banning Ranch as ESHA when considering the whole of the site, including the reports submitted to the Newport Beach General Plan Advisory Committee (GPAC) from 2002 to 2005. At GPAC, a document was prepared by a consultant which recommended designating the whole of Banning Ranch as ESHA, "based on its high and sensitive biological value, and diverse biological communities" ("Identification of Biological; Habitats and Communities Within the City of Newport Beach Environmental Sensitive Habitat Areas And Environmental Policies", prepared by Chambers Group for the City of Newport Beach Planning Department, December 2002). This document should be made available in the EIR.

Included within ESHA should be all areas on the property containing native grasslands such as Nassella species, and these areas of native grasslands should be accurately sized and mapped in the EIR. Significant parts of the mesas contain Nassella species which were not identified and mapped in the biology report for the application. These areas correspond with the burrowing owl habitat. Preservation of the native grasslands on the site as ESHA would also preserve the habitat for the burrowing owl.

The EIR should document the declining populations of the burrowing owl in the local and regional context and analyze the Banning Ranch habitat for support of this dwindling species in Orange County. The mesas have numerous burrows from ground squirrel activity that are used for habitat by the burrowing owl. This habitat will become more and more valuable as comparable habitat disappears under development pressure in Orange County. A burrowing owl survey and mitigation plan consistent

with the “Burrowing Owl Survey Protocol and Mitigation Guidelines” prepared by the California Burrowing Owl Consortium, dated 1993 and the “Staff Report on Burrowing Owl Mitigation” prepared by the California Department of Fish and Game, Environmental Services Division, dated September 25, 1995 should be included in the EIR.

Similarly, the EIR should evaluate the declining populations of the cactus wrens in Orange County, especially from the recent fires in inland areas that provided habitat for this declining species. Banning Ranch, with its known populations of cactus wrens, provides a haven for this species should fire in inland areas be a continuing source of loss of habitat.

The EIR should consider the dirt oil roads and oil pads around the oil wells on the property as part of the ESHA habitat. Within the past year, native vegetation has revegetated spontaneously in these oil roads and pads, only to be recently scraped off within the past few months to maintain the roads and pads for oil operations. However, when these oil operations eventually are discontinued, the native vegetation will grow back spontaneously, indicating the natural role of these areas as part of the overall ESHA habitat.

All ESHA on the property should have appropriate buffers using Coastal Act standards, not Newport Beach CLUP standards which only apply 50 foot buffers to ESHA. Since Banning Ranch is one large open space area, there are no development sites within it that would necessitate only a 50-foot buffer. Recent buffers from ESHA in a nearby project at Bolsa Chica ranged from 150 feet to 382 feet for the Eucalyptus ESHA, similar to the Banning Ranch large arroyo ESHA. A buffer of 164 feet was required for burrowing owl habitat at Bolsa Chica, similar to the Banning Ranch grassland mesas.

Fuel modification zones should be clearly identified, where fuel modification cannot replace unirrigated ESHA buffer. At Bolsa Chica, where the buffer for burrowing owl habitat was 164 feet, only the first 50 feet next to the houses was allowed for drip-irrigated fuel modification.

The revised findings of the Coastal Commission action at Bolsa Chica in their approval of the Brightwater project on April 14, 2005, with revised findings approved at the October 2005 Coastal Commission meeting, should be analyzed in the EIR, especially with respect to ESHA , buffers, wetlands including vernal pool, fuel modification zones, etc. Banning Ranch is very similar to Bolsa Chica in its habitat values. In many ways, the habitat values at Banning Ranch are superior to the habitats at Bolsa Chica and will require more stringent resource protections. The staff report with the revised findings can be found at:

<http://www.coastal.ca.gov/lb/Th11a-10-2005.pdf>

The extent and costs of cleanup of the contamination from oil operations should be clearly analyzed in the EIR. The difference between cleanup standards for natural open space wildlife habitat purposes as compared to human habitation in the form of houses, hotels, and retail operations should be stated in the EIR, as feasibility of preservation or development will be heavily impacted by cleanup costs. As far as wildlife habitat is concerned, it appears that if oil wells are properly capped and abandoned, then much

of the property will naturally revegetate without much active restoration. This would include all of the dirt roads and currently scraped off oil well pads on the mesas.

Similar to the way the biology report for the Newport Banning Ranch application shortchanges ESHA designations required by Section 30240 of the Coastal Act, the report also shortchanges protections of wetlands that are supposed to be protected by Section 30233 of the Coastal Act.

The biology report in the EIR should identify all wetlands as defined by the one-parameter approach used by the Coastal Commission, including riparian habitats and mule fat scrub, as being protected by Section 30233 using the vegetation criteria.

There are large patches of wetland vegetation in areas that are proposed to be used by the entrance road off Pacific Coast Highway that meet the definition of wetlands under the Coastal Act.

There are also concentrations of mule fat (FACW) and other wetland species bordering the south and eastern edges of the property near 17th and 18th Street bordering Costa Mesa urban areas that qualify as wetlands under the Coastal Act.

There are many patches of mule fat plants scattered throughout the proposed development areas on the mesas that will qualify for wetlands under the Coastal Act that ought to be acknowledged and preserved in the EIR. Since there is no irrigation on the mesas, the water needed for these wetlands indicators may come from seeps, hence the name for mule fat as “seep willows”.

All wetlands identified using Coastal Commission criteria should be mapped and buffers of at least 100 feet required in any development alternative, including the vernal pools which are also wetlands. The vernal pools should have natural connections to other open space areas so as to prevent them from being isolated.

Section 30251 of the Coastal Act protects scenic and visual qualities of coastal areas including Banning Ranch. The EIR should conduct a scenic and view analysis not only of views towards the coast, but of public views looking towards Banning Ranch from Pacific Coast Highway, which will be heavily impacted by development on the mesa of Banning Ranch. Section 30251 also minimizes alteration of natural landforms. The EIR should ensure that alterations of all the gullies and ravines at Banning Ranch are minimized or eliminated, and the proposed fill areas of 60 feet eliminated.

Section 30253 of the Coastal Act minimizes risks to life and property by new development in areas of high geologic, flood and fire hazard, and also assures stability and structural integrity by requiring that new development neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or in any way, or requires the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. Banning Ranch is in a high geologic and flood hazard zone, with branches of the Newport Inglewood earthquake fault crossing the mesa causing a large erosive gully where bluff road is proposed to be located. The EIR should identify all the areas of proposed fill of natural gullies and arroyos on the property and eliminate proposed fill areas of 60 feet

which is patently absurd if alteration of natural landforms is to be minimized. All proposed cut and fill areas should be accurately sized and mapped in the EIR.

Since Banning Ranch overlies the same geologic structures as Hoag Hospital that had problems with underground methane and hydrogen sulfide gas, and was required to do a detailed hydrogen sulfide gas report in its 1992 Master Plan Supplemental EIR, the Banning Ranch EIR should do the same.

The traffic studies should include traffic predicted to attend the nearby high schools. The closest high school, Estancia High School, would be the logical high school for the children of the development, but that high school is in Costa Mesa. If the Newport Harbor high school is predicted to be the high school, traffic mitigations will need to be implemented in the Newport Heights section of Newport Beach, including Clay street, 15th street and 16th street. A mitigation requirement including restricting access to these streets to encourage use of 17th Street should be considered.

Since the Project has so many complex elements of environmentally sensitive areas, oil contamination, geotechnical considerations, view considerations and other Chapter 3 Coastal Act issues, as well as local traffic concerns, etc., I request that the public have the maximum amount of time to review the Draft EIR when it is completed, such as 60 days. The oil operators are going to be continuing their operations for years and imminent development is unlikely. The Newport General Plan land use priority for this site is open space preservation and acquisition, so the maximum amount of time to study and review the extreme complexities of the Project site should be granted to the public.

Thanks again for the opportunity to comment on the NOP.

Please include me on any notices involving this project.

You should send notices by email to me at: JonV3@aol.com, or by US Mail to:

Jan D. Vandersloot, M.D.
2221 E 16th Street
Newport Beach, CA 92663

Sincerely,

Jan D. Vandersloot, M.D.

Jan D. Vandersloot, M.D.

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From: Linda Vas [auzwombat@hotmail.com]

Sent: Friday, April 17, 2009 8:37 AM

To: dlinn@city.newport-beach.ca.us

Subject: Re: EIR

Dear Ms Linn,

I am sending my concerns regarding the proposed development of the wetlands and wilderness area of Banning Ranch. If developed in the manner proposed it would not only destroy habitat for a variety of species of birds and other wildlife but threatens several endangered species, as well. Additionally, I have grave concern about the severe impact on the peace and serenity of our community life here in Newport Beach. We already navigate overburdened streets and a busy and often congested Pacific Coast Highway as we use go about our daily activities. To put so much more congestion and vehicles in this area in favor of protecting our few spaces of natural environment for the public would be a shame. However, a nature preserve with public access and minimal development would be a benefit to all. I can speak for my neighbors in our community who share my concerns.

Sincerely, Linda Vas, Homeowner
17 Odyssey Court
Newport Beach, CA

From: Terry Welsh [terrymwelsh@hotmail.com]

Sent: Thursday, April 16, 2009 11:55 PM

To: linnassociates@verizon.net; dlinn@city.newport-beach.ca.us

Subject: NOP comments

Debby, here are some comments for the draft EIR. Thank you for making them part of the record.

NOP Comments for Newport Banning Ranch Project:

1. All previous biology and cultural/anthropology studies for Banning Ranch, including those prepared for previous projects (Taylor Woodrow, and earlier development proposals) as well as the studies used for the GPAC committee should be included in the draft EIR. These should include all studies referred to in the above mentioned studies.
2. Alternative projects based on the assumption that 100 meter ESHA buffers will be used and all POTENTIAL ESHAs will be considered as ESHAs should be evaluated in the draft EIR.
3. Studies on how the 19 St road connection will affect ESHAs in the North portion of the property should be included in the draft EIR.
4. Studies on how lighting and noise from the project will affect nearby wildlife, specifically the bird and mammal populations, with emphasis placed on each species, should be included in the draft EIR.
5. The draft EIR should study aspects of the current project that weren't included in the Taylor Woodrow project. The EIR should address why any such aspects included in the current project weren't included in the Taylor Woodrow project.
6. Due to the complexity of this project, the maximum time should be available for review of the draft EIR (90 days).
7. Since it is unlikely that the 19th St. bridge will be built, an alternative traffic study should be done without the 19th St. bridge included.
8. The draft EIR should study Native American artifacts by using augers to evaluate soil for deposits of carbon and shell middens. This should be done every 5 - 10 feet.
9. The draft EIR should evaluate whether views of Banning Ranch from the Santa Ana River Bike trail and Pacific Coast Highway will be altered by the proposed project.
10. The draft EIR should include thorough study to evaluate Native American artifacts and history of Native American history of Banning Ranch. This should include an exhaustive search of ALL available records at all of the local colleges, universities and museums as well as input from ALL local scholars on local Native American life. Local tribes (Juaneno and Gabrieleno) should be consulted. If any artifacts are identified, all of the above mentioned groups and individuals should be notified and no development be allowed to proceed until

ALL of the above mentioned groups and individuals are satisfied that proper steps have been taken to catalogue, relocate, or, if necessary, leave alone and re-plan the project.

11. A few more thoughts on Native American artifacts.....

The site is known to include cultural resources. About 10 years ago, archaeologists with The Keith Companies conducted archival research and a field survey. Based on records and surface evidence (i.e. artifacts on the surface) they identified a number of prehistoric and historical archaeological deposits. The depth, horizontal extent and full contents of these deposits are as yet undetermined. Human remains may be present.

Again, the draft EIR should include comprehensive, early, frequent and sustained consultation with Native Americans including all representatives of the Juaneno and Gabrielino, and the California Native American Heritage Commission.

The above mentioned groups should generally agree on any Native American consultants hired to evaluate the project should construction begin and such Native American consultants should be respected by the above mentioned groups as capable and competent.

The draft EIR should review all archival research, minimally including SCCIC and GLO records, and the Sacred Lands Inventory.

The draft EIR should include intensive, full-coverage field survey by qualified archaeologists. Test excavation to determine the depths, horizontal extents, contents and scientific significance of all archaeological deposits.

The draft EIR should recommend reservation in place of all cultural resources ("historic resources" as defined by CEQA Guidelines).

12. The draft EIR should refer to the Sacred Sites bill, Senate Bill 18, regarding the notification of Native Americans when land is rezoned. In addition, SB 18 amended Government Code 66560 to include open space for the protection of cultural places as an allowable purpose of the open space element.

13. Native American artifacts have been found on other mesas overlooking historic routes of the Santa Ana river (Bolsa Chica and the "cogwheels" findings and the many remains found in the Newport Back Bay). There is every reason to expect such similar significant findings on Banning Ranch and therefore the draft EIR should be absolutely exhaustive in its effort to evaluate Native American artifacts on Banning Ranch.

Thank you

Terry Welsh

President, Banning Ranch Conservancy
Chairperson, Sierra Club Banning Ranch Park and Preserve Task Force

3086 Ceylon Rd
Costa Mesa, CA 92626
714-999-3865

