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October 8, 2018

Makana Nova, AICP  
Associate Planner  
Community Development Department  
City of Newport Beach  
100 Civic Center Drive  
Newport Beach, CA 92660

**Subject:** Response to Comments on the Initial Study/Mitigated Negative Declaration for the Big Canyon Coastal Habitat Restoration and Adaptation Project - Phase 2A

Dear Ms. Nova, AICP:

The IS/MND for the Big Canyon Coastal Habitat Restoration and Adaptation Project – Phase 2A was circulated for public review from September 4, 2018 to October 5, 2018. The City of Newport Beach received four comment letters, one email and one phone message that included a map. The comments that were received are presented in **Table 1** and have been bracketed and assigned a comment letter and then each comment has been assigned a number.

**TABLE 1**  
**LIST OF COMMENTS RECEIVED**

Letter Name	Commenter	Date of Letter
<b>Comment Letters</b>		
A	Citizens of The Bluffs	September 12, 2018
B	Tony Knox	September 14, 2018
C	Orange County Public Works	October 4, 2018
<b>Comment Email</b>		
D	Robert B. Olds	September 25, 2018
<b>Comment Phone Message</b>		
E	Anonymous	September 26, 2018
<b>Comment Letter</b>		
F	California Department of Fish and Wildlife	October 4, 2018



September 12, 2018

To: Mr. Kevin Muldoon  
City Of Newport Beach

Mr. David Webb  
Public Works Director

From: Citizens of The Bluffs  
Newport Beach, CA

**Subject: Big Canyon Coastal Habitat Restoration and Adaptation Plan**

Per new notifications of intent to adopt a negative Declaration, on behalf of citizens of The Bluffs, we are requesting to maintain the natural Habitat of Big Canyon Natural Preserve Park and the creek by cleaning up all the debris from old dry broken dead trees, graffiti on the trees and make an effort save the healthy ones. Also installation of appropriate fencing around the Big Canyon Creek area is a must to keep the public out of sensitive habitats and for safety purposes.

A-1

A-2

We appreciate the beauty of the Big Canyon natural Park environment plays an important role in environmental studies but prefer to maintain this natural preserve native habitat presence as much as possible by avoiding any significant changes to this surrounding Big Canyon natural park area.

A-3

We would appreciate some minor changes that include the following:

- Installation of more signs placed throughout the entire Big Canyon Natural Park area with same content as current signage
- Add to signage that the area is "closed and entrance prohibited from dusk to dawn" or 9PM to 6 Am
- We want to be assured that the currently installed and authorized metal pole gate on the back Bay Dr side of the Big Canyon adjacent to the Newport Back Bay Parking lot (picture attached) ) is not going to be removed for the safety of our neighborhood.
- We are requesting for regularly random patrolling by police officers or rangers of the Big Canyon nature park from different sides to eliminate camp fires, illegal activities, littering, and graffiti, especially in the evening hours for the safety our neighborhood and its citizens.
- We are requesting that the existing, healthy trees not be removed to prevent erosion from flooding and not creating an unnatural park setting.

A-4

A-5

A-6

Thank you for your assistance in supporting these actions in an effort to maintain and sustain the beauty of The Back Bay.

A-7


Sincerely,

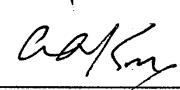


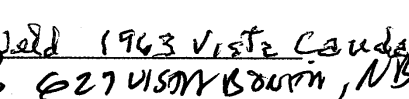
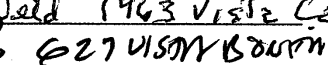
September 12, 2018

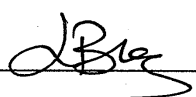
Subject: Big Canyon Coastal Restoration

Signatures of the residents of The Bluffs, Newport Beach, California

ROBERT HARTMAN  1987 VISTA CAUDAL, NB. 9/12/18

AA Knox  302 Avenida Carlos NB 9-13-18

Donald Weld  1963 Vista Caudal 9-13-18  
Richard Woods  627 VISTA BURN, NB 92660 9/13/18  
~~XXXXXXXXXXXX~~

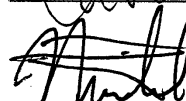
Jaime Brady  1965 VISTA CAUDAL 9-13-18

Doreen A. Mendell 1957 Vista Caudal 9/13/18

John Sturidge 525 AVENIDA CAMPO 9-13-18

David + Kaye Ross 501 Avenida campo 9-13-18

Carolyn Galt 2017 Vista Caudal NB 9-13-18

  
Kit LaScala 657 Vista Punta 9/13/18

September 12, 2018



Subject; Big Canyon Coastal Restoration

Signatures of the residents of The Bluffs, Newport Beach, California

Millie de la Cruz Millington 47 Vista Bonita NB 9/13/18

John Herndell 1957 Vista Caudal Newport Beach 9/13/18

Luiz Renter 2039 Vista Capri W 9-13-18  
1957 San Bruno 9.14.18

John Pagliassotti NB 677 Vista Bonita 9/14/18

Elena Grant NB Elena Grant 9/14/18  
2019 Vista Caudal

Margaret Wilburn

STEPHEN BEATT 323 AVENIDA CERRITOS 9/14/18

MICHAEL ESTABROOK 314 Avenida Corbore 9/15/2018

Mohammed Ghazi 1979 Vista Caudal 9/17/18

ROSEMARY Guesk 12660 1983 VISTA CAUDAL 9/17/18



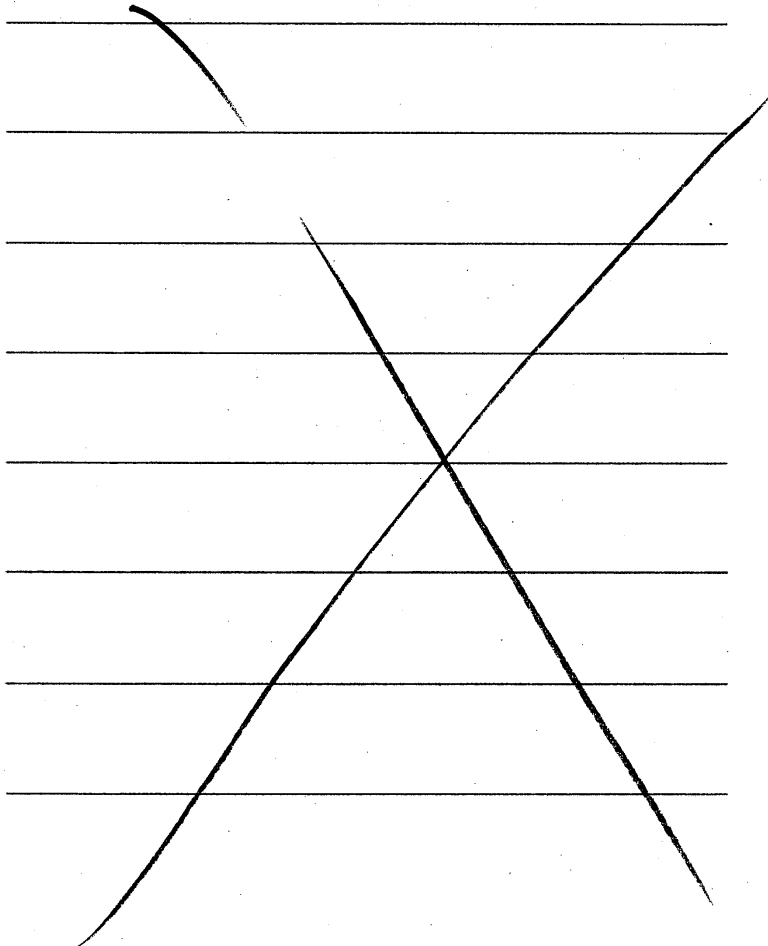
September 12, 2018


subject: Big canyon coastal Restoration

Signatures of the residents of The Bluffs, Newport Beach, California

Shane Miller - 1925 Vista Caudal CA 92668

Brenda Peterson 1971 Vista Caudal 92660  
9/17/2018



	<b>CITY OF NEWPORT BEACH</b> <b>100 Civic Center Drive</b> <b>P.O. Box 1768</b> <b>Newport Beach, CA 92658-8915</b> <b>(949) 644-3200</b>	<h2>Notice of Intent to Adopt a Negative Declaration</h2>
<b>To:</b> <input checked="" type="checkbox"/> Office of Planning and Research State Clearinghouse P.O. BOX 3044 Sacramento, CA 95812-3044	<b>From:</b> City of Newport Beach Planning Division 100 Civic Center Drive, Bay 1-B Newport Beach, CA 92658-8915	
<input checked="" type="checkbox"/> County Clerk, County of Orange Public Services Division Santa Ana, CA 92702	<b>Date:</b> 09/04/2018	
<b>Public Review Period:</b>	<b>30 days (September 4, 2018 through October 4, 2018 at 5:30 p.m.)</b>	
<b>Project Name and Activity Number:</b>	Big Canyon Coastal Habitat Restoration and Adaptation - Phase 2A CD2018-027 and ND2018-001 (PA2018-078)	
<b>Project Location:</b>	1900 Back Bay Drive, APN 440-092-79, Big Canyon Park, generally bounded by Back Bay Drive, Amigos Way, Jamboree Road, and Park Newport Drive	
<b>Project Description:</b>	A coastal development permit and mitigated negative declaration for the Phase 2a habitat restoration at an 11.3-acre site located at the mouth of Big Canyon. The City of Newport and the Newport Bay Conservancy propose to restore historic riparian habitat by removing non-native vegetation and replanting native species, creating a mosaic of native and sustainable habitats, stabilizing the creek and floodplain with erosion control measures, and enhancing public access and education within the Big Canyon Nature Park with improved trails and closure of illegal trails. The project also includes maintenance of the restored habitat area and erosion quality measures to ensure that the plants are established and erosion features function as designed.	
<p><b>Finding:</b> Pursuant to the provisions of City Council K-3 pertaining to procedures and guidelines to implement the California Environmental Quality Act, the City of Newport Beach has evaluated the proposed project and determined that the proposed project would not have a significant effect on the environment and therefore recommended preparation of a Mitigated Negative Declaration (MND). The MND reflects the independent judgment of City staff and recognizes project design features, previous environmental evaluations, standard construction and engineering practices, and the implementation of mitigation measures requiring review and reevaluation of future projects as contributing to avoidance of potential impacts. The project does not include any sites on an Environmental Protection Agency hazardous waste site list compiled pursuant to Government Code Section 65962.5.</p>		
<p>A copy of the Initial Study containing the analysis supporting this finding is on file at the Planning Division and is available for review during the comment period cited above between the hours of 7:30 a.m. and 5:30 p.m., Monday through Thursday and between the hours of 7:30 a.m. and 4:30 p.m. on Friday. The document can also be accessed online at: <a href="https://www.newportbeachca.gov/ceqa">https://www.newportbeachca.gov/ceqa</a>. Additionally, the document is also available for review at the following City public libraries:</p>		
Newport Beach Public Library Central Library 1000 Avocado Avenue Newport Beach, CA 92660	Newport Beach Public Library Mariners Branch 1300 Irvine Boulevard Newport Beach, CA 92660	Newport Beach Public Library Balboa Branch 100 East Balboa Boulevard Newport Beach, CA 92660
<p>The Initial Study includes mitigation measures that would eliminate or reduce potential environmental impacts. This document will be considered by the decision-maker(s) prior to final action on the proposed project.</p>		



An aerial photograph of a residential area. A large, irregularly shaped green space, likely a park or undeveloped land, is the central focus. It is bordered by a dark, dashed line that appears to be a fence or boundary. Handwritten in black ink on the image are the words "Fences" with an arrow pointing to the dashed line, and "Near" with an arrow pointing to a specific spot on the dashed line. To the left of the green space is a large, multi-story building complex, possibly a school or government building, with a parking lot. To the right, there are more residential buildings and streets. The text "Big Canyon Creek" is written in a large, cursive font across the right side of the green space.

**BIG  
CANYON  
HARBOR  
VIEW**



**NO**

• GOLFING  
• SMOKING

IN OR WITHIN 100 FT. OF PARK

M.C. 6.04.060  
M.C. 7.04.020  
M.C. 10.04.010  
M.C. 11.04.040  
M.C. 11.04.070  
M.C. 11.04.080  
M.C. 12.57.020

- ALCOHOLIC BEVERAGES
- LITTERING
- USE OF PARK BETWEEN 11:00 P.M. AND 6:00 A.M.
- GRAFFITI
- DOGS WITHOUT LEASH
- SKATEBOARDING ON:  
GRADES OF 6% OR MORE,  
BRICKWORK, ORNAMENTAL  
SURFACES, PICNIC TABLES,  
SEATING, ATHLETIC COURTS,  
STEPS, STAIRS, PLANTER  
WALLS, RETAINING WALLS,  
SCULPTURES, OR HANDRAILS.

**AUTHORIZED  
VEHICLES  
ONLY**

















Ms. Nova, AICP  
October 8, 2018  
Page 12

### **Comment No. A-1**

The comment request that the natural habitats of the Big Canyon Nature Preserve Park and the creek are maintained by cleaning up all debris from old broken dead trees and graffiti.

### **Response to Comment No. A-1**

The proposed Project encompasses 11.32 acres and includes the removal of the non-native habitat that includes the pepper trees and replacement with a mosaic of habitat types consisting of native vegetation. The native habitats on the Project site that includes the freshwater marsh, alkali heath marsh and the Menzies's goldenbush scrub are not proposed to be removed. Up to 0.5 acres of mixed habitat containing native arroyo willows and non-native pepper trees may also be removed, as well as individual willow trees and branches that are infested with the Polyphagous Shot Hole Borer (PSHB).

The implementation of the proposed restoration would result in the removal of existing debris from old broken trees as well as the removal of graffiti on the 11.32-acre project site.

Cleaning up all debris from old broken dead trees and graffiti outside of the Project site is not part of the proposed Project.

### **Comment No. A-2**

The comment requests the installation of appropriate fencing adjacent to the existing trails that extend around the Big Canyon Creek area to keep the public out of sensitive habitats and for safety purposes.

### **Response to Comment No. A-2**

Currently, there is no fencing along the existing trails around the Big Canyon Creek area. Signs along the trails will be included to direct visitors to remain on the trails and out of the habitat restoration area as depicted on Figure 14 in the IS/MND. Fencing is not proposed, however, the City will revisit their determination to not fence Big Canyon Creek area during the final design of the Project.

### **Comment No. A-3**

The comment requests installation of more signs placed throughout the entire Big Canyon Natural Park area with the same content as the current signage.

### **Response to Comment No. A-3**

As illustrated on Figure 14 of the IS/MND, the Project includes proposed interpretive signs and signs for rest areas. The current signs in the Big Canon Nature Park that are located outside of the Project site prohibit certain



Ms. Nova, AICP  
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activities within the park. The Project does not include additional signs that prohibit activities because these signs are appropriate at entrances to the park.

#### **Comment No. A-4**

This comment requests that signage in the area state that the park is closed and entrance prohibited from dusk to dawn or 9 pm to 6 am.

#### **Response to Comment No. A-4**

Based on discussions with City staff, there will be a recommendation to modify the park hours restrictions by stating “No Use of Park Between Dusk and Dawn” and eliminate the current restriction which is “No Use of Park Between 11:00 PM and 6:00 AM.

#### **Comment No. A-5**

This comment requests that the currently installed metal pole gate on the Back Bay Drive side of the Big Canyon Nature Park adjacent to the Newport Back Bay Parking lot is retained for the safety of the neighborhood.

#### **Response to Comment No. A-5**

The existing metal pole gate is located off of the Project site. Modification to the existing gate is not included in the proposed Project.

#### **Comment No. A-6**

The comment requests that a regular random patrolling by police officers or rangers of the Big Canyon nature park is provided to eliminate camp fires, illegal activities, littering, and graffiti, particularly within the evening hours.

#### **Response to Comment No. A-6**

According to City staff, the Newport Beach Police Department does not regularly patrol the Big Canyon Nature Park, but will respond to incidents. After the construction activities for Phase 1 were completed, there have been no incidents within the Phase 1 area because the area contains substantially less dense trees. The removal of the pepper trees within the Project site and the establishment of a meadow habitat within the majority of the Project site would substantially reduce opportunities for illegal activities because these activities would not be hidden from views.



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### **Comment No. A-7**

The comment requests that the existing, healthy trees not be removed to prevent erosion from flooding and not create an unnatural park setting.

### **Response to Comment No. A-7**

The proposed restoration project would remove non-native trees and selective removal of some native trees that exhibit infestation by PSHB. In one discrete 0.5-acre area some willow trees may be removed to conduct stream and bank stabilization. The project as proposed will improve the long term productivity and health of the site by replacing the invasive pepper trees with native trees within and adjacent to a stabilized stream and floodplain. The proposed restoration plan includes engineering the creek and adjacent area to reduce the potential for erosion during floods.



City of Newport Beach Planning Division  
Attn: Makana Nova, Associate Planner  
100 Civic Center Drive, Bay 1-B  
Newport Beach, CA 92658-8915

RECEIVED BY  
COMMUNITY  
DEVELOPMENT

OCT 02 2018

September 14, 2018

CITY OF  
NEWPORT BEACH

Re: **Big Canyon Coastal Habitat Restoration & Adaptation – Phase 2A - COMMENTS**  
#CD2018-027 and ND2018-001 (PA2018-078)

Gentlemen:

In response to your Notice of Intent to Adopt a Mitigated Negative Declaration regarding the above application, be advised that the proposed project will most definitely have significant negative impacts on the environment. In my view, it would be blind and deaf to arrive at any other conclusion. To rip out a mature forest of evergreen trees standing 20 to 30 feet tall and replacing them with bushes 3 to 4 feet tall will leave this park a hot, barren waste land of little interest to anyone, at least anyone that I know.

B-1

Here are the significant impacts that I see:

1. Removal of the mature pepper tree forests in this park (3.4.2 (d) & (e) will also:

- A. Remove (kill) the most beautiful habitat in the park
- B. Remove the root systems that prevent erosion when the creek floods
- C. Remove the tree cover for birds, including two endangered species you noted
- D. Result in intense heat in summer as there will be no shade from the trees
- E. Result in removal of native species that are close to and intermingled with the pepper trees
- F. Prevent new evergreen trees from re-growing
- G. Deprive the existing educational program from utilizing the forest to foster adventure, shade and learning experiences for underprivileged children bussed into the area for nature study
- H. Take away protection for the indigenous animals from surrounding urban intrusion
- I. Interfere with the natural symbiosis between plants and animals existing for decades there
- J. Replace beautiful green with ugly, useless brown brush and stunted green desert plants
- K. Eliminate totally the scenic beauty of the forest from all directions, including the homes and apartments surrounding the park and individuals walking through the park
- L. Deplete the oxygen making capacity of the park's habitat – green trees make more oxygen than desert bushes. They also absorb more carbon dioxide (CO<sub>2</sub>).
- M. Contrary to Section 3.4.2 (D) of the project plan, it WILL “Result in the loss of forest land or conversion of forest land to non forest use”.

B-2

B-3

B-4

B-5

B-6

B-7

B-8

B-9

B-10

B-11

B-12

B-13

B-14

Discussion:

These 13 major impacts are just the beginning. I invite you to walk through Phase 1 – it is not anything like a park. It is hot, everything except the dirt paths is full of weeds so tall you cannot see through them and there is no “nature”! There is nothing to do or to see! – only the City's attempt to tame the creek's flood waters and mitigate the soil's salinity and other chemistry. Phase 2A would just extend the horrid result further into the park from Jamboree Road, leaving nothing but an arid trail nobody would want to use, except maybe to traverse the park and exit it as soon as possible. The evergreen forest is the gem, not the foe.

B-15

The pepper trees have been dubbed “invasive”, but so what. There are invasive trees all over the

city, and there is no good reason to replace them with “native” vegetation, basically desert scrub. Since I have lived in the area (a quarter century), there have been 2 attempts to replace the scrub outside the confines of the creek in what is now the park, with native vegetation, to no avail – it still looks like the desert, which it always has been.

B-15

Mitigation of the pepper trees. It is reported that some of the trees have been infested with some kind of “borer” and eventually this will kill the trees. This has been the mainstay reason for tearing them out, that is, they are going to die anyway, so let's just take them out now. Not a good reason. If they die, they have seeds, and new trees will grow in their stead, as a natural progression of vegetative life. The report does not state that all the trees are infected, so let the uninfected trees stay. The report is silent about whether or how these trees might be treated to protect against the “borers” - would that be better than tearing down all the forests? We need more light shined on this alternative. Thinning out the forest makes sense not only from the perspective of users' enjoyment and the neighborhoods' lovely view out over the forests, but also increasing the utility of the forest as an integral part of the park, where new nature trails might be made so that the public could actually use the forest instead of just viewing it.

B-16

Use of the forest – another view. Apart from rare vandalism, e.g. burning of palm trees not too long ago, the forest has been **primeval** and undebased – until very recently. Neighbors have told me that nefarious activities are now occurring there, particularly from young people from out of town, e.g. smoking pot, sex, and most recently, graffiti on the trees themselves. To preserve the forest, it has been suggested that the city fence off the forest with a gate to be opened only for scheduled uses, e.g. educational programs. That seems a good idea, because the city's idea of promoting use of the nature park (whereas it has been inconspicuous before now) is bound to also promote accelerated vandalism, not only in the forest but throughout the park. That means more police surveillance and visitor fear and reluctance. So, consider keeping the evergreen forest and preserving it from vandalism.

B-17

One last thought from a neighbor: if you really are intent on tearing out all these trees, you should erect a fence along the fire road above the forest where it is very possible that people could fall over the cliff, such as where the fire road T's into the other dirt road which goes left to the Bluffs and right towards Jamboree Road under the apartments.

And oh – an afterthought – the parking lot, which I understand is owned by the Dept. of Fish and Wildlife, but is in the city limits, needs to be chained off at night (or speed bumps installed, or both) because in the last few months, almost every night between 10 PM and 2 AM there are cars doing really loud broodies there, which is (mildly to very) disturbing to hundreds of nearby residents. A hidden motion actuated camera might catch these (probably juvenile) culprits.

B-18

2. Construction of this project will **denude the land with no guarantee that replanting with immature native bushes will prevent severe erosion from flood waters of Big Canyon Creek.**

#### Discussion:

It cannot be denied that the centerpiece of this park is a creek. This creek undoubtedly formed the canyon through which it flows. In other words, historic hydraulic forces carved out this canyon, just as such forces carved out our mini Grand Canyon back bay, now seen from space. The point is that hydraulic forces of **flood waters take out small vegetation** along with soil, and in nature, only strong trees, if anything, can withstand such forces and afford protection to smaller, sturdier and mature plants. Removal of the forests in this park cannot help but to destroy the plants which the city intends to replace the trees with – all it will take is a good winter storm to wipe out the park's new plant life and leave an ugly mess. Replanting after that is always subject to the vagaries of future storms, not to mention the cost to taxpayers of funding this process.

B-19

A much better scenario is the forest left in tact, thinned out for better park use, but remaining to

continue protecting the canyon, its inhabitants and provide a worthy habitat for the creek.

3. Heavy equipment and hundreds of truckloads of earth, uprooted trees and vegetation over a period of several months in the rainy winter season will be seen, heard, smelled and endured unnecessarily by park goers, joggers, cyclists, regular street traffic and surrounding neighborhoods, resulting in the following significant impacts:

A. NOISE. The plan calls for 5 months (weather permitting during winter) of 6-day-a-week destruction/construction followed by more months of repairing, planting, landscaping and maintenance of the newly manufactured contours of this park. This is a BIG, intensive project. This means big noise. Presently the park is completely silent. Quite a contrast to utter tranquility.

1. Excessive noise will be made by enormous diesel dump trucks traversing the dirt roads of the park (hundreds and hundreds of trips are projected to haul dirt, trees etc).

2. Heavy diesel earth moving equipment, like bulldozers, backhoes etc. will be employed to regrade the banks of the creek and other loud equipment will be needed to uproot all the trees etc,

3. Loud chain saws will cut up the trees and other "unwanted" plants

4. Stump grinders and tree chippers will scream.

Those of us who live on the bluffs of this park (like I do) know that you can sometimes hear voices across the back bay, it is that quiet. The loud, excessive noise and vibration from this project over the course of many months will most certainly irritate every person within earshot, and it will deprive all the hundreds of surrounding residences of peace and quiet.

B. AIR/WATER POLLUTION. Plenty of dust, diesel and gasoline fumes, pollen, construction and plant particulate will contaminate the air in, on, around and over the project site and the surrounding neighborhoods. The creek itself cannot be fully protected against construction and earth moving work, let alone changing its banks and meanderings. The creek's pollution, of course, runs out into the harbor via the back bay.

C. VEHICULAR DANGER. The project depends on all the necessary workers, vendors, trucks and equipment to access the park, coming and going, via Back Bay Road. As a lot of us know, Back Bay Road is dangerous already, because it is not a real road but a multi-use TRAIL. It was obviously designed as very slow (15 MPH max) one-way travel except for bicyclists, who share the trail with motorized vehicles, joggers, baby carriages, lots of dogs and pedestrians, all within feet of each other without curbs or center dividers. Back Bay Road is not straight, but rather a series of reverse curves, some of them blind. Not uncommonly, motorists who embark on the trail will become worried or disoriented and turn around and go the wrong way to exit, rather than complete the course, despite the "Wrong Way" signs.

Heavy trucks and equipment plus all the other traffic on this narrow, one-way trail will create unusually dangerous condition for all users, especially those exposed to extra wide vehicles which will encroach on to the bike lanes and cause bicyclists to encroach into the pedestrians lane. That, combined with the dust and noise of construction vehicles will make the Back Bay Road untenable.

#### Discussion:

The above impacts (A, B & C) on humans are self evident. They are many, and they are more than "significant". In totality, they preclude the magnitude of and misguided vision for this project. But how about the animals. The park is full of animals. They have no voice to speak out or object. Their only choice is to leave the area and take their chances somewhere else, or try to survive in a much changed environment

↑ B-19  
B-20  
B-21  
B-22  
B-23  
↓



of construction, deforestation, and confrontation. Some of the animals are admittedly “endangered species”. **A lot of animals will be displaced, injured or killed.** That is not what we want.

B-23

4. Destruction of aboriginal historical site. Native American artifacts and evidence of aboriginal culture dating back perhaps 5000 to 10,000 years ago are likely in the zone of proposed construction and must be identified and preserved; if this is not possible, neither should this project be approved or pursued further.

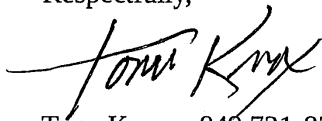
It is well documented that local villages of Native Americans once lived on the shores and canyons of our back bay, particularly on the side of the back bay where this project is intended, such as the Moyogna, or perhaps outposts of the Kenyaangna, both of which were tribes in Newport Beach. Known variously as the Gabrielino, Tongva or Kizh (pronounced “Keech”), these aboriginals left many artifacts and other indicia of their civilization, some of which has been saved from other construction projects in our city. These must be found, preserved and turned over to the descendents of these people. Reference: <http://gabrielenoindians.org/> and <http://socialstorytelling.blogspot.com/>

B-24

I have personally spoken with people driving through the park claiming to represent the Kizh nation who say they have found native artifacts there.

I have re-read this letter and have to add, if this isn't convincing, I don't know what is.

Respectfully,



Tony Knox 949 721-8311  
P. O. Box 8678  
Newport Beach, CA 92658



Ms. Nova, AICP  
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### **Comment No. B-1**

This comment expressed an opinion that the proposed Project will most definitely have significant negative impacts.

### **Response to Comment No. B-1**

As discussed in the IS/MND, there are potential significant impacts related to biological resources, cultural resources, and noise; however, mitigation measures have been recommended to reduce the potential significant impacts to less than significant.

### **Comment No. B-2**

This comment identified that removal of the mature pepper trees on the Project site would remove (kill) the most beautiful habitat in the park.

### **Response to Comment No. B-2**

This comment expressed an opinion and does not address the contents of the IS/MND. The proposed project includes restoration with native habitats and the removal of non-native vegetation. Although the restoration would alter existing views from Jamboree Road, Back Bay Drive, as well as the public viewpoint west of the project site, the quality of the views of the project site would be subjective, but would remain aesthetically pleasing, and impacts to the scenic quality of the project area would be less than significant.

### **Comment No. B-3**

This comment identified that removal of the mature pepper trees on the Project site would remove the root systems that prevent erosion when the creek floods.

### **Response to Comment No. B-3**

Construction activities would remove the root system of the existing pepper trees. The proposed restoration plan includes engineering the creek and adjacent area to reduce the potential for erosion during floods. The project includes erosion control measures as part of the Construction Pollution Prevention Plan (CPPP) located on pages 2, 6 and 8 of the 60% Design Plans in Appendix A of the IS/MND. In addition, the project includes long-term stabilization measures as part of the Water Quality Management Plan.

### **Comment No. B-4**

This comment identified that removal of the mature pepper trees on the Project site would remove the tree cover for birds, including two endangered species.



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### **Response to Comment No. B-4**

One State and federally-listed Endangered species, least Bell's vireo, may occur occasionally in the vicinity of the Project site but has not been reported in the project area. California gnatcatcher, which is federally-listed as Threatened is known to occur in coastal sage scrub habitat to the south and west of the project area but does not occur on the Project site. The pepper trees are non-native and do not provide suitable habitat for either species. Current use of the project area by other avian species is very low as compared with areas containing more native vegetation. Although there may be a temporary disturbance to nesting habitat and permanent removal of non-native stands of trees, there will be an overall benefit to native avian species, as well as other wildlife, through implementation of the proposed project by restoring native habitat to the area, which can be utilized for nesting and foraging.

### **Comment No. B-5**

This comment identified that removal of the mature pepper trees on the Project site would result in intense heat in summer as there will be no shade from the trees.

### **Response to Comment No. B-5**

This comment expressed an opinion and does not address the contents of the IS/MND. The vegetation proposed as part of the restoration is better suited to provide habitat for native wildlife than the existing non-native trees and shrubs.

### **Comment No. B-6**

This comment identified that removal of the mature pepper trees on the Project site would result in removal of native species that are close to and intermingled with the pepper trees.

### **Response to Comment No. B-6**

The existing pepper trees which are non-native do not provide good habitat value for native plant or wildlife species. The description of the proposed project acknowledged that some removal or damage of native vegetation from the Polyphagous Shot Hole Borer would occur. All vegetation removal is temporary since the project proposes to establish native vegetation throughout the project area, in all areas subject to removal. The vegetation proposed as part of the restoration is better suited to provide habitat for native wildlife than the existing non-native trees and shrubs.

### **Comment No. B-7**

This comment identified that removal of the mature pepper trees on the Project site would prevent new evergreen trees from re-growing.





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### **Response to Comment No. B-7**

The proposed Project includes a restoration plan that has specific plant species based on the soil conditions of the Project site. Furthermore, based on historical records, the native plant species that were located in the Big Canyon Nature Park in the past did not include evergreen trees.

### **Comment No. B-8**

This comment identified that removal of the mature pepper trees on the Project site would deprive the existing educational program utilizing the forest to foster adventure, shade and learning experiences for underprivileged children bussed into the area for nature study.

### **Response to Comment No. B-8**

This comment expressed an opinion and does not address the contents of the IS/MND. Access to the educational programs would only be restricted during the 5-month construction period of the project.

### **Comment No. B-9**

This comment identified that removal of the mature pepper trees on the Project site would take away protection for the indigenous animals from surrounding urban intrusion.

### **Response to Comment No. B-9**

This comment identified that the Project would eliminate protection of native animals from surrounding urban intrusion. The non-native pepper trees provide habitat of relatively low value for local wildlife. Therefore, the removal of the non-native pepper trees and replacement with native trees, shrubs, succulents, and herbaceous species in the near term would not eliminate protection of native animals from surrounding urban intrusion.

### **Comment No. B-10**

This comment identified that removal of the mature pepper trees on the Project site would interfere with the natural symbiosis between plants and animals existing for decades at the Project site.

### **Response to Comment No. B-10**

This comment identified the relationship of the existing pepper trees and plants and animals. The commenter does not acknowledge that the invasion of non-native pepper trees constitutes an unnatural condition for this area. Native animals and wildlife are not associated with the non-native pepper trees.



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### **Comment No. B-11**

This comment identified that removal of the mature pepper trees on the Project site would replace beautiful green with ugly, useless brown brush and stunted green desert plants.

### **Response to Comment No. B-11**

There are no desert plants proposed to be planted in association with this project. Every plant species selected for planting or seeding occurs in the Upper Newport Bay area. The goal of the project is to implement native habitat rather than supporting existing invasive species that have resulted from urban interference such as irrigation runoff.

### **Comment No. B-12**

This comment identified that removal of the mature pepper trees on the Project site would eliminate the scenic beauty of the forest from all directions, including the homes and apartments surrounding the park and individuals walking through the park.

### **Response to Comment No. B-12**

This comment expressed an opinion of the scenic view of the Project site and does not comment on the contents of the IS/MND. The City's General Plan and Coastal Land Use Plan policies protect public views points and do not protect private property views. A discussion of public viewpoints is provided in the Aesthetics section of the IS/MND.

### **Comment No. B-13**

This comment identified that removal of the mature pepper trees on the Project site would deplete the oxygen making capacity of the park's habitat because green trees make more oxygen than desert bushes and green trees absorb more carbon dioxide.

### **Response to Comment No. B-13**

This comment regarding the cycle of oxygen is correct, but this comment does not address the contents of the IS/MND. No further response is necessary.

### **Comment No. B-14**

This comment disagreed with the finding that the proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use.



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### **Response to Comment No. B-14**

As discussed on page 44 of the IS/MND, in determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the Department of Forestry and Fire Protection regarding the State's inventory of forest lands, including the Forest and Range Assessment Project and the Forest Legacy Assessment project. Forest lands refer to productive land for timber; and therefore, the Project site is not identified as forest land because it is not used for producing timber.

### **Comment No. B-15**

This comment refers to the current environmental conditions of Phase 1 after the construction activities were completed. The comment provided an opinion that the evergreen trees (i.e., the non-native pepper trees) should remain and not replaced with native vegetation.

### **Response to Comment No. B-15**

This comment expresses an opinion and does not provide a specific comment on the contents of the IS/MND. There are a number of objectives of the Project as listed on Page 18 of the IS/MND. The primary purpose is to restore the Big Canyon Nature Park by removing the exotic and invasive plants and create a mosaic of ecologically appropriate natural coastal habitats as well as restoring the creek. The existing pepper trees are non-native and do not provide habitat for sensitive wildlife species.

### **Comment No. B-16**

This comment states that the removal of the pepper trees is proposed because the trees are infested with the PSHB.

### **Response to Comment No. B-16**

There are a number of objectives of the proposed Project as listed on page 18 of the IS/MND. The primary purpose is to restore the Big Canyon Nature Park by removing the exotic and invasive plants and create a mosaic of ecologically appropriate natural coastal habitats as well as restoring the creek. The existing pepper trees are non-native and do not provide habitat for sensitive wildlife species. Some of the native arroyo willows trees are currently infested with PSHB and are proposed to be removed to reduce the spread of infestation.

### **Comment No. B-17**

This comment requests that a fence be constructed along the fire road around Big Canyon Creek area to prevent people from falling over the cliff.



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### **Response to Comment No. B-17**

As stated in Response to Comment No. A-2 above, there is currently no fencing along the existing fire roads which are trails around the Big Canyon Creek area. Signs along the trails will be included to direct visitors to remain on the trails and out of the habitat restoration area. Fencing is not proposed, however, the City will revisit their determination to not fence Big Canyon Creek area during the final design of the Project. The removal of the pepper trees would increase visibility to the project area and would discourage nefarious activities that currently occur within the pepper tree grove.

### **Comment No. B-18**

This comment requested that the existing parking lot off of Back Bay Drive be chained off at night.

### **Response to Comment No. B-18**

The Back Bay Drive parking lot is not located on the Project site, and the Project does not include modifications to the operation of the existing parking lot. As stated in Response to Comment A-4, there will be a recommendation by City staff to modify the park hours restrictions by stating “No Use of Park Between Dusk and Dawn” and eliminate the current restriction which is “No Use of Park Between 11:00 PM and 6:00 AM. However, this restriction would only apply to the Big Canyon Nature Park and not the Back Bay.

### **Comment No. B-19**

This comment states that the construction of the Project would denude the land because hydrologic forces would remove smaller plantings and that there would be no guarantee that the restoration efforts would prevent erosion from flood waters.

### **Response to Comment No. B-19**

As described in the IS/MND, the proposed Project includes the re-contouring of the creek and flood area as well as provide stabilization of the creek channel. These efforts will reduce the potential for erosion during flood events.

### **Comment No. B-20**

This comment states that the proposed construction activities will substantially increase noise levels during the approximately 5 months of construction activities.



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### **Response to Comment No. B-20**

The comment is correct. Construction activities for the Project will increase noise levels at the nearby residences; however, as stated on page 122 of the IS/MND, construction activities would comply with the current City noise ordinance which limits construction hours between 7:00 am and 6:30 pm on any weekdays and between 8:00 am and 6:00 pm on any Saturday. All construction work would be prohibited on any Sunday or federal holiday. Although construction noise levels would be less than significant, noise reduction devices and techniques are recommended as mitigation measures to reduce construction noise as discussed on pages 126 and 127 of the IS/MND.

### **Comment No. B-21**

This comment raises a concern regarding the increase of air emissions and surface water pollution during construction activities.

### **Response to Comment No. B-21**

Construction air emissions are discussed on pages 58 through 60 of the IS/MND and determined that the Project would not exceed the construction air quality significance thresholds established by the South Coast Air Quality Management District.

The Project includes a Construction Pollution Prevention Plan (CPPP) that would reduce water quality effects during construction activities of the Project. The CPPP includes a diversion of water if there is flow in the channel. This diversion would allow grading activities to occur within the area of the previous active channel.

### **Comment No. B-22**

This comment raises a safety concern regarding the use of Back Bay Drive by workers, vendors, trucks, and equipment to access the park because Back Bay Drive as a multi-use trail.

### **Response to Comment No. B-22**

As discussed on page 136 of the IS/MND, construction vehicles such as the haul trucks as well as construction employees, vendors and equipment, would use Back Bay Drive. As noted in the comment, the current speed limit on Back Bay Drive is 15 miles per hour. All vehicles associated with construction activities of the Project would limit their speeds to 15 miles per hour. Construction employees and haul truck drivers would be advised of the haul route and staging locations prior to commencing the construction activities. Information would be provided that identifies access to the site includes vehicles travelling north on Back Bay Drive from Jamboree Road and access from the Project site includes vehicles travelling north on Back Bay Drive to East Bluff Drive. Pages 134 and 135 of the IS/MND identified peak hour traffic associated with the Project would include about 24 one-way trips by employees during the peak hour while during the non-peak hour which is when haul truck would operate,





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a maximum of 26 one-way trips over 6 hours during the non-peak hours each day would occur. This would result in a maximum average of 4 to 6 one-way trips per hour. Because the speed limit on Back Bay Drive is 15 miles per hour, less than significant traffic safety impacts would occur.

### **Comment No. B-23**

The comment identified that animals in the Project area would be impacted during construction activities.

### **Response to Comment No. B-23**

Pages 67 through 71, provided an evaluation of the potential impacts on plant and wildlife species during construction activities. As discussed, potential impacts to special-status plant, nesting birds and special-status bats were found to be potentially significant. Mitigation measures BIO-1 through BIO-3 are provided to reduce the potential impacts to less than significant.

### **Comment No. B-24**

This comment identified the potential for Native American artifacts within the Project area and that the construction activities could impact them.

### **Response to Comment No. B-24**

As discussed on pages 83 through 85 of the IS/MND, there is a potential for construction activities to impact currently unknown historical and archaeological resources. Mitigation measures CR-1 (Archaeological Monitoring) and CR-2 (Native American Monitoring) have been included to reduce the potential impacts to unknown historical and archaeological resources to less than significant.



October 4, 2018

NCL-18-052

Makana Nova, Associate Planner  
City of Newport Beach Planning Division  
100 Civic Center Drive, Bay 1-B  
Newport Beach, CA 92658-8915

**Subject:** Notice of Intent to Adopt a Negative Declaration—Big Canyon Coastal Habitat Restoration and Adaptation

Dear Ms. Makana Nova:

The County of Orange has reviewed the Notice of Intent to Adopt a Negative Declaration for the Big Canyon Coastal Habitat Restoration and Adaptation Project and has no comments at this time. We would like to be advised of further developments on the project. Please continue to keep us on the distribution list for future notifications related to the project.

C-1

If you have any questions, please contact Cindy Salazar in Development Services at (714) 667-8870.

Sincerely,

Richard Vuong, Manager, Planning Division  
OC Public Works Service Area/OC Development Services  
300 North Flower Street  
Santa Ana, California 92702-4048  
Richard.Vuong@ocpw.ocgov.com



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### **Comment No. C-1**

This comment stated that the County of Orange has no comments on the IS/MND and requests that they receive future notifications related to the Project.

### **Response to Comment No. C-1**

The City acknowledges this comment from the County of Orange.

**From:** [rbolds@pacbell.net](mailto:rbolds@pacbell.net)

**Date:** September 25, 2018 at 4:03:19 PM PDT

**To:** [mnova@newportbeach.gov](mailto:mnova@newportbeach.gov)

**Subject:** Big Canyon Restoration-Phase 2A

Following comment submitted regarding subject project.

The location of the project, as stated, is not accurate. The Northern boundary of Project 2A does not abut Amigos Way, but does encompass Vista Bonita and Vista Caudal, which together comprise the vast majority of the Northern boundary of the entire restoration project. Recommend the project location information be changed to properly reflect the streets along the Northern boundary.

D-1

Sincerely,  
Robert B.Olds  
641 Vista Bonita  
Newport Beach, CA 92660



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### **Comment No. D-1**

The comment states that the description of the project location was not accurate because the northern boundary of the Project site does not abut Amigos Way. The comment suggests that describing the northerly project boundary as Vista Bonita and Vista Caudal.

### **Response to Comment No. D-1**

This comment was provided on the Notice of Intent to Adopt a Negative Declaration (NOI). The NOI was providing a general description of the location of the proposed Project. The Project location within the IS/MND provided a detailed description of the location, and Figure 2 illustrated the streets that are located north of the Project site. These streets included Amigos Way, Domingo Drive, and Vista Bonita. The reference to Vista Caudal in this comment as being located north of the Project site is not accurate. Vista Caudal is located north of future Phase 2C area. City staff has responded to this commenter and provided a vicinity map of the project location. After seeing the vicinity map, City staff and the commenter have mutually agreed that Vista Bonita and Amigos Way best describe the northerly project boundary.



September 26, 2018

Voicemail Recording

Approximately 2 minutes and 41 seconds long

Citizen of Newport Beach

This is a message from a City of Newport Beach citizen representing others living around Big Canyon Nature Park. The commenter states that the City should implement a fence around the Big Canyon Creek because there is graffiti and trash around the area, and this is disrespectful to nature. The Park/Creek area looks like it is a disaster. A fence would keep the public out and stop the graffiti, littering, decrease the chance of fires starting in the area, and prohibit the use of drugs and other substances in the Park/Creek area. The commenter recommends that if the City wants to use the area for educational purposes, then they have someone open the gate for the group/educational entity, then close it after they are done. The commenter expresses extreme concern over these issues and states that it is unacceptable what is currently happening in the Park. The commenter clearly states that a new fence would keep people out and decrease these existing issues.

E-1



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### **Comment No. E-1**

This comment requested fencing to be included in the proposed Project and located around the entire Project site.

### **Response to Comment No. E-1**

As stated in Response to Comment No. A-2 above, there is currently no fencing along the existing trails around the Big Canyon Creek area. Signs along the trails will be included to direct visitors to remain on the trails and out of the habitat restoration area. Fencing is not proposed, however, the City will revisit their determination to not fence Big Canyon Creek area during the final design of the Project.



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
www.wildlife.ca.gov

**EDMUND G. BROWN JR., Governor**  
**CHARLTON H. BONHAM, Director**



October 4, 2018

Ms. Makana Nova  
City of Newport Beach Planning Division  
100 Civic Center Drive, Bay 1-B  
Newport Beach, CA 92658-8915  
Mnova@newportbeachca.gov

**Subject: Comments on the Notice of Intent to Adopt a Mitigated Negative Declaration for the Big Canyon Coastal Habitat Restoration and Adaptation Project - Phase 2A, Newport Beach, CA (SCH# 2018081098)**

Dear Ms. Nova:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Big Canyon Coastal Habitat Restoration and Adaptation Project - Phase 2A Mitigated Negative Declaration (MND), dated August 4, 2018. Thank you for granting the Department request to submit late comments. The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act [CEQA], Guidelines §15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (CESA; Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning program (NCCP). The City of Newport Beach (City) and the County of Orange (County) are participating landowners under the Central/Coastal Orange County NCCP/Habitat Conservation Plan (HCP). Additionally, the Department owns and manages the Upper Newport Bay Ecological Reserve.

Collectively, Big Canyon Coastal Habitat Restoration and Adaptation Project endeavors to restore the undeveloped parcels of the watershed, remove dominant invasive species, improve water quality, and increase habitat value; the Department commented on the draft MND for Phases 1A and 1B in a letter dated April 4, 2016.

Phase 2A of the project, analyzed in the draft MND, involves the restoration of at least 9.2 acres of Big Canyon Creek, including alkali wet meadow, dry meadow, and arroyo willow scrub habitats. The project is located on an 11.32-acre parcel within the eastern portion of the 60-acre Big Canyon Nature Park, east of Upper Newport Bay, west of Jamboree Road, in the City. Big Canyon is the only natural, undeveloped portion of the Big Canyon Watershed and the only significant remaining natural canyon on the east side of Newport Bay. Directly downstream of the project area, the lower 15-acre portion of Big Canyon Nature Park is owned by the Department and is a part of the Upper Newport Bay Ecological Reserve. Big Canyon Nature Park is located in the Upper Newport Bay State Marine Conservation Area and is part of southern California's coastal estuarine environment. In addition, Newport Bay discharges adjacent to the Newport Coast Area of Special Biological Significance.

F-1

Ms. Makana Nova  
 City of Newport Beach Planning Division  
 October 4, 2018  
 Page 2 of 2

Our primary concern regarding the proposed project is appropriate disposal of cleared vegetation and management of the spread of invasive Polyphagous and Kuroshio shot hole borers (collectively, ISHBs). We offer the following comments and recommendations to assist the City in avoiding or minimizing potential project impacts on biological resources.

The Biological Technical Report (Appendix C) states that, “the proposed project will use pest management techniques in consultation with experts from the University of California Riverside” (page 8); however, the draft MND states that, “project implementation would result in the need for disposal of vegetative debris from construction and maintenance activities” at Prima Deshecha Landfill in San Juan Capistrano” (pages 140-141). Currently, this facility does not have the US Composting Council's Seal of Testing Assurance (STA) as recommended by Dr. Eskalen's lab at the University of Riverside(<http://eskalenlab.ucr.edu/pshb.html>). The Department, therefore, recommends consideration of a disposal facility that meets this criteria. More information can be found at <https://compostingcouncil.org/seal-of-testing-assurance/>.

We appreciate the opportunity to comment on the MND for this project and to assist the City in further minimizing and mitigating project impacts to biological resources. The Department requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of the forthcoming hearing date for the project (CEQA Guidelines; §15073(e)). If you have any questions or comments regarding this letter, please contact Jennifer Turner, Environmental Scientist at (858) 467-2717 or via email at [jennifer.turner@wildlife.ca.gov](mailto:jennifer.turner@wildlife.ca.gov).

Sincerely,

Gail K. Sevens  
 Environmental Program Manager  
 South Coast Region

cc: Christine Medak (U.S. Fish and Wildlife Service)  
 Scott Morgan (State Clearinghouse)

↑  
 F-1  
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### **Comment No. F-1**

This comment expressed a concern that the Prima Deshecha Landfill located in San Juan Capistrano does not have a US Composting Council's Seal of Testing Assurance (STA) for the treatment of the Polyphagous Shot Hole Borer (PSHB) that has infected individual willow trees and branches on the project site.

### **Response to Comment No. F-1**

As discussed on page 27 of the IS/MND, a portion of the 800 cubic yards of chip material is anticipated to be infested by the PSHB. Only the potential infested wood chips which are anticipated to come from some of the onsite willow trees would be treated through solarization at locations along the existing trail that are illustrated on Page 6 of the 60% Design Plans in Appendix A of the IS/MND. The remaining wood chips as well as the dead and non-native vegetation would be disposed of at the Prima Deshecha Landfill.

If you have any questions, please call me at (714) 742-5375.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Houlihan", written in a cursive, flowing style.

Michael Houlihan, AICP  
Principal Associate