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November 6, 2011

City of Newport Beach
3300 Newport Boulevard
Newport Beach, California 92663
Attention: Patrick Alford

RE: Newport Banning Ranch DEIR – Section 4.4 Hydrology and Water Quality

Dear Mr. Alford,

Thank you for the opportunity to comment on the Newport Banning Ranch (NBR) Draft Environmental Impact Report (DEIR). Please include the following comments and concerns in the official record. I have also attached a copy of my April 16, 2009 letter that presented Newport Banning Ranch NOP comments. Many of my current comments are similar, but include additional cites from the DEIR.

Flooding is a serious issue evidenced by numerous citations in city documents and Coastal Commission requirements. Flood risk is not confined to the project site. Storm runoff into property adjacent to the project has serious impacts and in this case I am referring to the probability of flooding in the Semeniuk Slough (Newport Slough and Oxbow Loop [**OIL**]) and the community of Newport Shores (NS). Here are some citations and issues from the NBR-DEIR:

1. The OIL portion of Semeniuk Slough (SS) provides only a 2-year level of storm runoff protection when the tidal gates are closed. This amounts to 1.5 feet of available flood storage capacity (section 4.4- page 14). Since flood storage capacity in the slough only accommodates a 2-year storm, the risk of flooding in Newport Shores is very high. Subwatershed A (SW-A) which includes most of the Banning Ranch (BR) land scheduled for development (houses, commercial space, etc.) creates an existing (currently - without development) 17.3 ac-ft runoff volume for a 2-yr storm and ~ 67 ac-ft of runoff for a 10-year storm that will greatly exceed the holding capacity of the slough.

2. The development of 149 acres of the BR site will increase the amount of impervious surfaces (roads, parking lots, driveways etc) by ~ 45% in SW-A (4.4-22). Section 4.4 does not provide any calculations of the amount of additional runoff produced from this 45% increase. The 17.3 ac-ft of runoff from of 2-year storm multiplied by 45% is 25 ac-ft (10 year = 97 ac-ft). Both of these storm events (with development) will exceed the storage capacity of OIL and produce a high probability of flooding Newport Shores.

3. Storm runoff from SW-A will be only slightly reduced by 1.14 ac-ft (likely overestimated) by BMP and LID design protocols for the development (4.4-39). A small portion of runoff from SW-A (~ 8 %) will be diverted from OIL (4.4-52) into the ESHA wetlands North of OIL. The wetlands and SS are all interconnected and the storm runoff that drains to the wetlands ends up in SS (4.4-56), which only has a flood storage capacity of 28 ac-ft (greatly reduced when the tidal gates are closed since the water level is already 3.5 feet above mean sea level (msl)).

4. In contrast to these citations the amount of runoff estimated for the proposed development (4.4-57) is only 18.3 ac-ft for a 2-year storm event (estimates for a 10-year storm are not provided) based on the runoff reductions discussed above in #3. The impact of a 45% increase in impervious surfaces is not discussed in any justification of these runoff estimates. Obfuscation seems to be the intent of the estimates provided and a calculated attempt to downplay the amount of flood risk in SS and Newport Shores (disingenuous would be another term for the information presented).

The amount of storm water draining into OIL and the Caltrans storm drain, which drains into OIL (4.4-61), must be clearly discussed based on the high level of flood risk to SS, OIL and Newport Shores (NS). The impact of the 45% increase of impervious surfaces in SW-A and the small runoff reductions from BMP's, LID's and SW-A runoff are not clarified based on reductions to flood risk. Most of the discussions of flood risks are focused on the development itself (uplands) and not the lowlands (SS, OIL and NS). Residents of NS deserve a simple and clear explanation of the flood risk associated with the BR development and risks to their safety and property values.

Additional comments pertaining to Section 4.4

Please refer to my letter dated April 16, 2009 for additional comments that pertain to this section.

Sincerely,

Ed Guilmette

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April 16, 2009

City of Newport Beach
Planning Department
3300 Newport Blvd.
Newport Beach, CA 92658
Att: Debby Linn, Contract Planner

Subject: Newport Banning Ranch NOP comments

My comments pertain to the technical files, Volume III, Draft Sewer and Water Facilities Plan. My comments concern two subjects:

- Storm water impacts and flooding in Oxbow Loop
- ESHA impacts: lowlands and saltwater marsh sites

1) The EIR should examine the impacts of rising sea levels associated with global warming and the carrying capacity of Oxbow Loop. Direct observations show very little reserve capacity in Oxbow Loop for increased storm water flows when compared to computer modeling. Source Section 3.2.2: "According to the field reconnaissance and conversations with the residents along the Oxbow Loop, the channel floods when high tide and large storms occur at the same time".

2) The EIR should prove the assumption that the lowlands will provide 123 acres for flood storage. Many of the plant communities in the lowlands are considered facultative wetland and facultative species. The impacts of flooding (roots under water) for multiple days on these communities needs to be carefully studied

3) The EIR should examine and justify the creation of flood storage structures/basins in ESHA sites. Alternatives to these structures should be clearly identified.

4) The EIR should examine whether runoff from the lowlands will degrade storage capacity in the Saltwater Marsh and Oxbow Loop and increase the danger of flooding in Newport Shores.

5) The EIR should examine the effect of ESHA on the salt marsh, Oxbow Loop and the lowlands. Using these areas for flood storage needs to be clearly justified. Modifying the lowlands to create flood control basins need to be justified.

6) The EIR should investigate and explain the impact of lowered salinity levels in the salt-water marsh and Oxbow Loop due to closed Tidal Gates and increased floodwater storage. Specifically, the impact to marine organisms used as food sources for many species, including some that are endangered, needs to be carefully studied.

7) The EIR should investigate the impact of the proposed construction of two diffuser basins on water quality issues. Basins and forebays have been shown to concentrate pollutants, especially bacteria and pathogens. Source: S.B. Grant, et al. 2001. Generation of Enterococci Bacteria in a Coastal Saltwater Marsh and Its Impact on Surf Zone Water Quality. The county has reported that Oxbow Loop frequently has high bacterial counts at Lancaster and Grant Streets, and it is suspected that these bacterial concentrations may contribute to warnings and beach closures on both sides of the Santa Ana river outlet to the ocean.

8) The EIR should carefully investigate impacts of on-site pollutants in the oil fields, including potential sources on groundwater leeching, prior to completing pollution assessments for storm water runoff.

Sincerely,

Ed Guilmette

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