November 7, 2011

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

RE: Newport Banning Ranch DEIR

Dear Sir:

The mission of the California Native Plant Society is to conserve California native plants and their natural habitats, and to increase understanding, appreciation, and horticultural use of native plants.

OCCNPS focuses that mission on the native plants and remaining areas of natural vegetation in Orange County and adjacent Southern California.

The Orange County Chapter of the California Native Plant Society has long had an interest in Newport Banning Ranch. Despite its long-degraded condition, it still contains quite a variety of functioning native coastal upland, riparian and wetland habitats, including vernal pools. We are concerned that the pools' restoration and maintenance be done correctly and result in their forming a stable, viable native habitat.

1. The seven vernal pools on site, totaling a half-acre in area, were so designated because they host San Diego fairy shrimp (Table 4.6-5), although most lack any other vernal pool indicators. At the time of the Biological Resources studies, only the largest pool contained any native plant species that characterize vernal pool habitat (p. 4.6-33). MM 4.6-3 calls for restoration by seeding/planting with appropriate vernal pool species, incorporating on-site collected seed if appropriate, but no species list is given. The vernal pool restoration plant palette provided in Appendix K, Attachment 3, lists species that are mostly more characteristic of alkali/subsaline wetlands than of vernal pools. This palette does not appear to be appropriate for the purposes of MM 4.6-3.

2. MM 4.6-3 states that the vernal pool preservation/enhancement areas total 3.58 acres. Table 3.2 lists the Vernal Pool Preservation Area (Site Planning Area 1d) as 3.2 acres. Which is right?

3. The location of the Vernal Pool Preservation Area (Site Planning Area 1d) and Vernal Pool Interpretive Area (Site Planning Area 9b) should be specifically identified on Exhibit 3.2. Their location in relation to the proposed plan is not clear until Exhibit 3-15, despite being discussed in the text that is between the two Exhibits.

4. Exhibit 4.8-8 shows that the Vernal Pool Preservation Area is in a high-visibility site. In that site, especially, the vernal pools are potentially a unique community amenity and a valuable example of the subtle beauty and seasonal changes of authentic Southern California.

5.   Appendix K, *Fire Protection, Fire and Life Safety Program,* p. 5 states: "One edge of the Vernal Pool Watershed Area will be developed with homes. **A six-foot-high radiant heat wall** [typically a solid masonry wall] **shall be constructed along this residential edge** [emphasis added]**.** This wall ... will provide protection for the homes from a fire originating in that area." Having such a wall along one side of the Area, with rooflines immediately beyond, will destroy the "wide-open field" setting that is an essential part of the vernal pools habitat. OCCNPS requests that those 10 units of Planning Area 10b be removed, thus removing the fire danger and the need for the wall. The vernal pools should be surrounded by as wide an open space as possible.

6.   The Cut and Fill Map, Exhibit 3-17, indicates that much of the Vernal Pool Preservation Area will be higher than its immediate surroundings. How much higher does not appear to be included in the DEIR documentation. It may be inferred from the Bluff Restoration Plan, Exhibit 4.3-6, that the Area's northerly corner will be slightly higher than street level and at its southerly corner the street will be some feet lower. This perches the pools on a mesa, and limits their watershed to the 3+ acres of the Area. It's not clear how much area drains toward the pools at present, but Exhibit 3-17 suggests that it's somewhat more than 3+ acres. Since a vernal pool is a low spot into which rain water collects, its ability to sustainably support its plants and animals--in this case, especially the endangered San Diego fairy shrimp--depends on having a big enough catchment area. Three-plus acres does not look like enough catchment for these vernal pools.

7.   MM 4.6-3 calls for the Vernal Pool Preservation Area watershed to be planted with native alkali meadow or native upland grasses favorable for raptor foraging, but no species list is given. The Area watershed would then be "counted" as part of the overall project's required acreage for grassland mitigation/restoration. Appendix K, Attachment 3, includes a Vernal Pool Watershed Area plant palette that lists three appropriate grasses as well as nine non-grass species. Four of these are more likely to be found in alkali/subsaline wetlands and four are more likely to be found in coastal sage-scrub. If these species are planted in this area instead of mostly grasses, the area will not contribute to the overall acreage of grassland.

8.   The Vernal Pool Watershed Area plant palette in Appendix K, Attachment 3, includes coastal prickly-pear and coastal cholla. These two species are found in grasslands and could provide raptor perches once grown big enough, as well as habitat for various birds and small animals. And the cacti could form an effective natural barrier to deter visitors from roaming off-path. But there could be liability issues with its presence in a public park in a high-visibility, potentially high-visitation site.

9.   A great deal of restoration funding and effort will be applied to the Vernal Pool Preservation Area. It would be a waste of that funding and effort if any plants known to be invasive are allowed to be installed as landscaping anywhere within the overall development. It is good that, under MM 4.6-14 and MM 4.6-16, invasive species will be officially contraindicated and residents will be advised of the responsibilities of living in the Wildland-Urban Interface in coastal Orange County.

Thank you for the opportunity to comment on the Newport Banning Ranch DEIR.

Respectfully,

Celia Kutcher
Conservation Chair