November 8, 2011

Patrick J. Alford, Planning Manager

City of Newport Beach, Community Development Department

3300 Newport Boulevard

P.O. Box 1768

Newport Beach, CA 92658-8915

Dear Mr. Alford,

Please accept the following comments and images in regards to the Banning Ranch Draft Environmental Impact Report.

Associated files on CD include Banning Ranch DEIR and Banning Ranch Habitat Damage.

Below are the reasons I believe the DEIR is in inadequate document, and that the project should not move forward in any fashion.

Missing and Incorrect Information Biological Resources Section

In 17 instances shown in the submitted slides and images, the applicant has not accurately mapped or labeled key plant communities that exist on the Banning Ranch mesa.

These plants support a unique and important coastal ecosystem that has few parallels in Orange County at the present time, and indeed along the entire Southern California coast.

It is the combination of a number of factors that make Banning Ranch a unique natural asset. Some of these factors include its size at more than 400 acres, a location contiguous to Talbert Riparian area, Fairview Park the Santa Ana River, multiple federally protected species, species of special concern, rare grasslands, riparian zones, bluffs, and salt marshes. The DEIR does not accurately assess the cumulative impact of the development to Coastal Orange County in losing an environment/ecosystem in which all these attributes are present.

Such a diverse, rare and large natural environment demands a high level of oversight and protection, given the attached images of the destruction of wetlands, mowing of native plants, unnecessary dead-end roads, scrapings of habitat areas and large clearings around simple well markers.

The applicant's consultant has listed approximately 70 separate areas described as disturbed or ruderal on pages 11 and 12 of the vegetation maps - on the mesa alone. Many of the areas listed contain native plants such as encelia and deerweed that have been altered or destroyed although they are not directly associated with oil wells or other operating facilities.

Given the importance of this habitat and the number of alterations, the land owner/applicant should supply on a case-by-case basis why these land alterations and mowing have occurred, when not directly associated with the physical presence of currently operating wells.

In addition, the DEIR fails to adequately address the following points:

Swallows Use of Grasslands

Large numbers of swallows have been observed and documented using the grasslands in feeding behavior on the mesas nearest to PCH and the quadrant at end of Ticonderoga/15th st. There is no mention of this large scale feeding behavior in the DEIR.

Undocumented Burrowing Owl Location

In item 8 of the attached images, a Burrowing Owl was sited near the east end of the arroyo, and this has not been noted in the DEIR.

Role of Grasslands in Ecosystem

The many ground squirrel burrows documented on the grassland areas near PCH and at the end of Ticonderoga are likely to be indispensible factors in sustaining the existing coyote population and avian predators such as hawks on Banning Ranch. The impact of the development on the role these grasslands play in species survival must be studied in greater detail.

Ongoing Ecosystem Health

In that the applicant's vegetation maps describe a fragmented environment as a natural asset of lessened value, the applicant should explain and study how the much greater fragmentation caused by the development will affect the ongoing health of the constituent parts of the ecosystem.

Just as buffers are created to protect ESHA, a biological assessment of potential future conditions must consider the natural resources required to insure the long term survival of species on Banning Ranch.

This assessment of the risks to the ecosystem health must include likely events such as the normal droughts Southern California has experienced, extended droughts caused by climate change, disease and fire. With the number of special status species already listed on Banning Ranch, it is of key importance that a detailed discussion be had in regards to the long term viability of this asset.

Mowing

Applicant should show any and all proof of permits issued to support mowing that occurs in winter and early spring. Within the context of fire prevention this explanation should assess the real risks considering the lack of fires on record in the past and the natural fire-breaks created by the many dirt roads on the property.

Clearings

The clearings noted in the Banning Ranch Habitat Damage file I have submitted need to be explained in detail.

Regional Water Supply

A development of this size in an era of already stressed water supplies is inconsistent with sound resource management, given that studies such as those noted below predict large possible impacts to one of our main regional water supplies, the Colorado River. The long term impact of at least 50 years this development will have in on water supplies needs to be assessed in light of the independent studies mentioned below.

Quote and study from University of Colorado and NOAA:

“But if climate change results in a 10 percent reduction in the Colorado River's average stream flow as some recent studies predict, the chances of fully depleting reservoir storage will exceed 25 percent by 2057, according to the study. If climate change results in a 20 percent reduction, the chances of fully depleting reservoir storage will exceed 50 percent by 2057, Rajagopalan said.”

"On average, drying caused by climate change would increase the risk of fully depleting reservoir storage by nearly ten times more than the risk we expect from population pressures alone," said Rajagopalan. "By mid-century this risk translates into a 50 percent chance in any given year of empty reservoirs, an enormous risk and huge water management challenge,"

Study: http://www.colorado.edu/news/r/f0f273435508fe6525e5e4903baa539b.html

Quote and Study by Scripps Institute of Oceanography:

From Study:

“With either climate-change or long-term mean flows, currently scheduled future water deliveries from the Colorado River are not sustainable.

Study: http://www.pnas.org/content/early/2009/04/17/0812762106.abstract

From Press Release:

"All water-use planning is based on the idea that the next 100 years will be like the last 100," said Scripps research marine physicist Tim Barnett, a co-author of the report. "We considered the question: Can the river deliver water at the levels currently scheduled if the climate changes as we expect it to. The answer is no."

Even under conservative climate change scenarios, Barnett and Scripps climate researcher David Pierce found that reductions in the runoff that feeds the Colorado River mean that it could short the Southwest of a half-billion cubic meters (400,000 acre feet) of water per year 40 percent of the time by 2025.

Press Release: http://scrippsnews.ucsd.edu/Releases/?releaseID=977

Thank you,

Kevin Nelson

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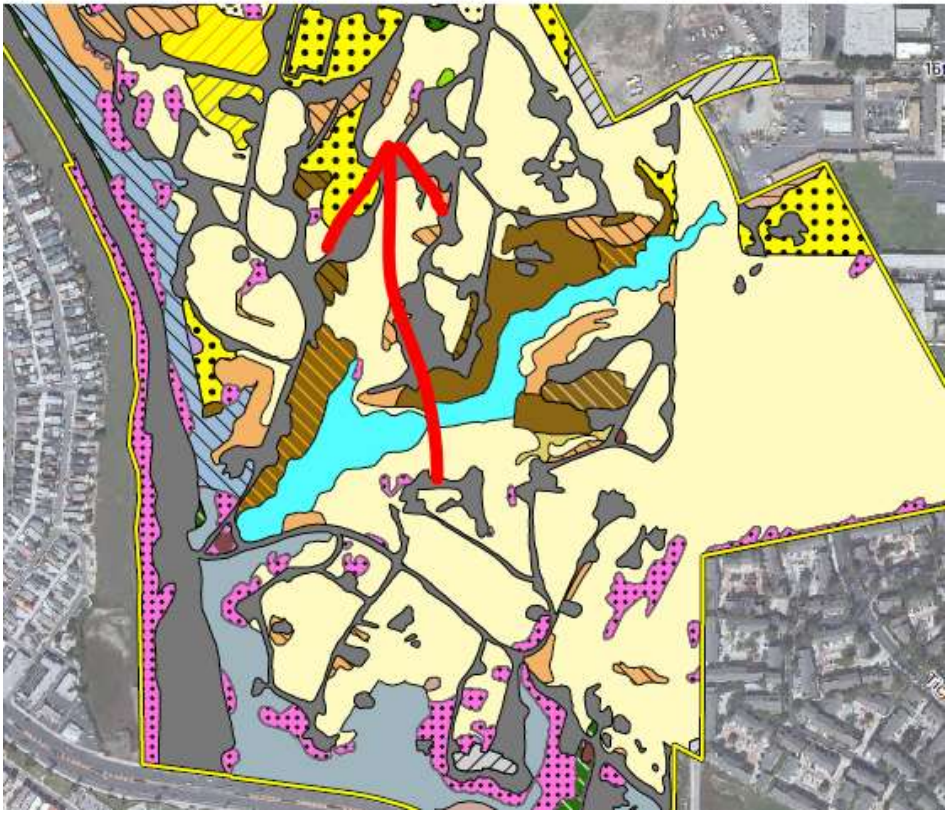
San Clemente, CA 92673

Response to Biological Resources Section of Banning Ranch DEIR

Compiled from multiple sources by
Kevin Nelson

Vegetation Mapping Error 1

Applicant maps show grasslands with small native plant patches along east and west sides. Images show what is actually an arroyo with wetland indicators and encelia along most or all of western edge.



Error 1 – image 1a

Error 1 – image 1b

Error 1 – image 1c

Error 1 – image 1d

Error 1 – image 1e

Error 1 – image 1f

Error 1 – image 1g

Northwest region of area showing encelia .

Error 1 – image 1h

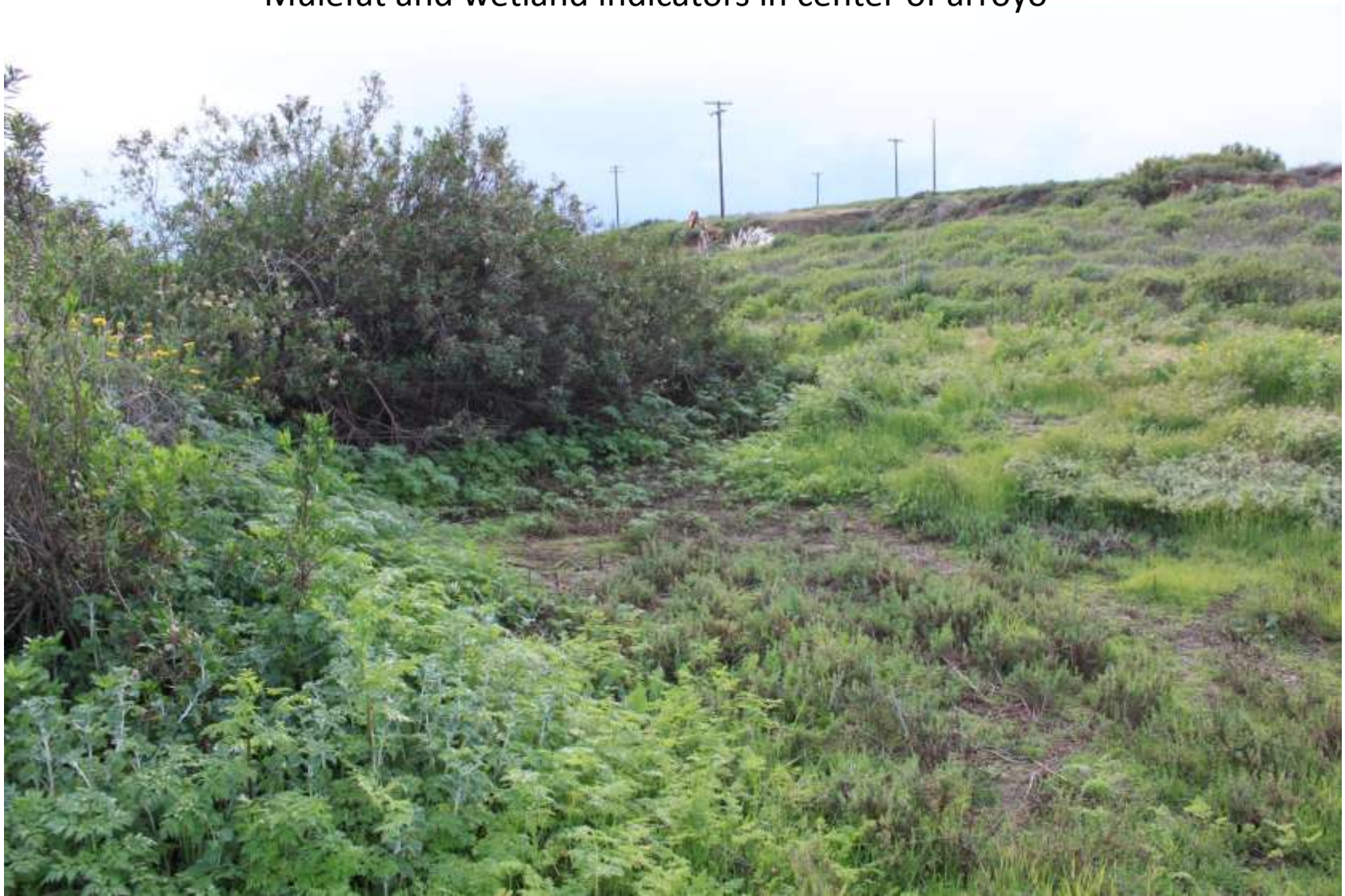
Northern section of arroyo

Error 1 – image 1i

Image from 1994 shows arroyo feature, as do images from other years.

Error 1 – image 1j

Mulefat and wetland indicators in center of arroyo



Error 1 – image 1k

More wetland indicators in center section

Error 1 – image 1l

Error 1 – image 1m

Error 1 – image 1n

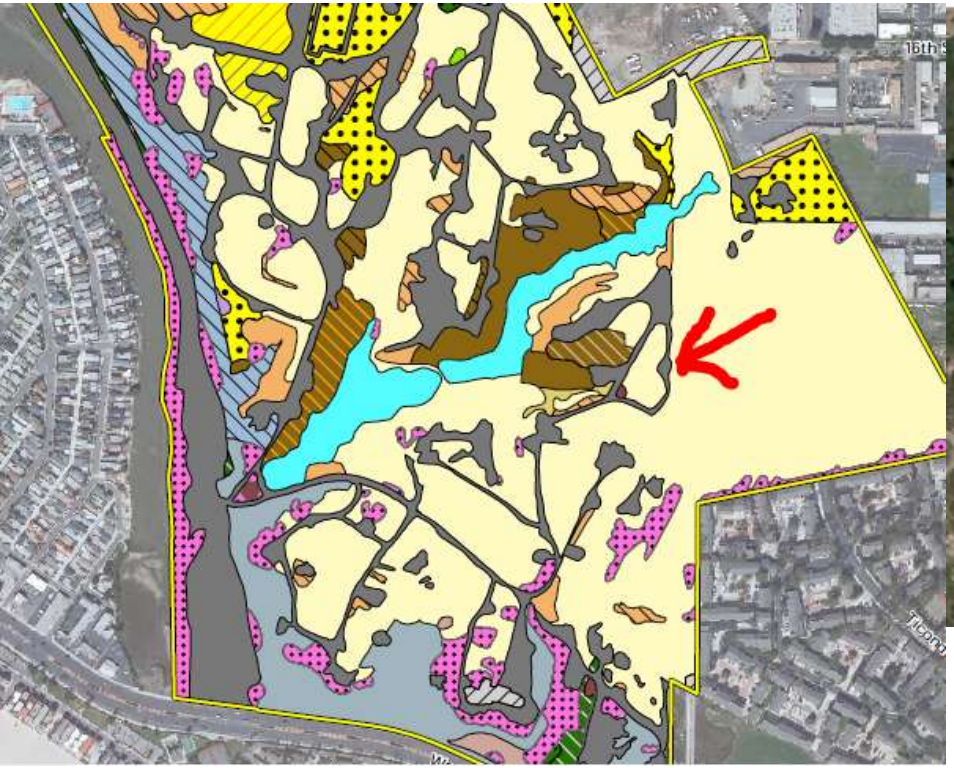
Error 1 – image 1o

South section of arroyo, encelia spilling over, filled in vernal pool in distance.

Error 1 – image 1p

Vegetation Mapping Error 2

Area near and along fence is marked as having little native vegetation. Images show significant encelia, deerweed and cactus areas.



Error 2 - image 2a

Error 2 - image 2b

Error 2 - image 2c

Error 2 - image 2d

Error 2 – images 2e

Error 2 – image 2d

Error 2 – image 2e

Error 2 – image 2f

Error 2 – image 2g

Error 2 – image 2h

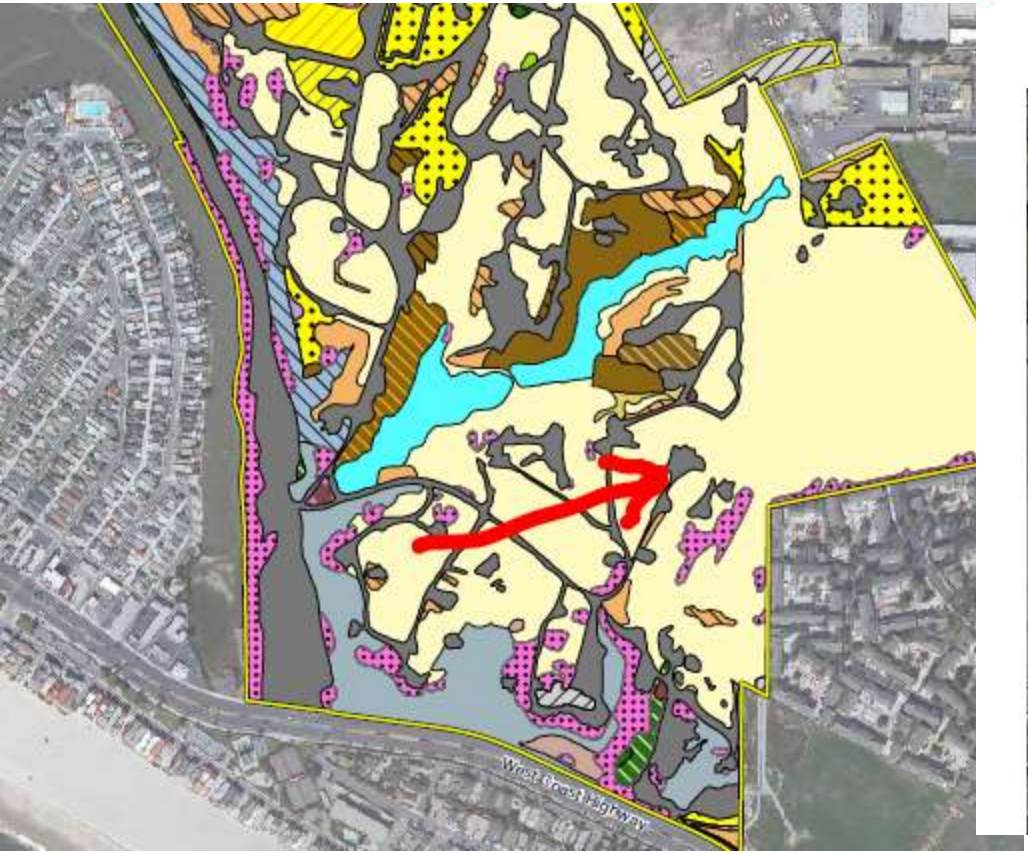
Error 2 – image 2i

Error 2 – image 2j

Error 2 – image 2k

Vegetation Mapping Error 3

Area is marked as grasslands. Even after mowing the images show native encelia and deerweed.



Error 3 – image 3a

Error 3 – image 3b

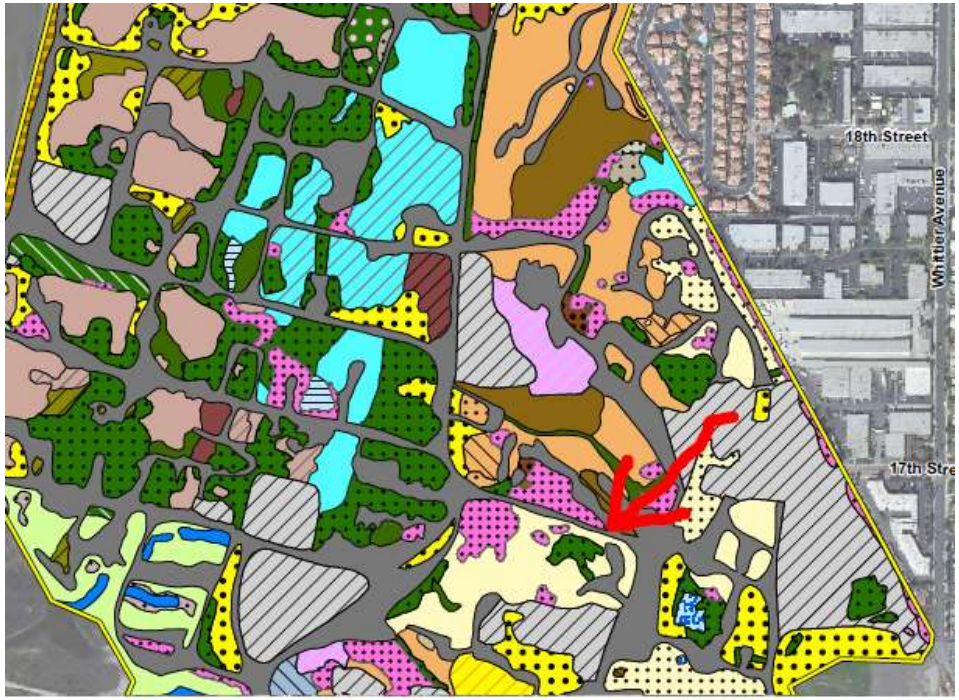
Error 3 – image 3c

Error 3 – image 3d

Error 3 – image 3e

Vegetation Mapping Error 4

Area is marked as grassland next to road. Images show encelia as dominant plant.



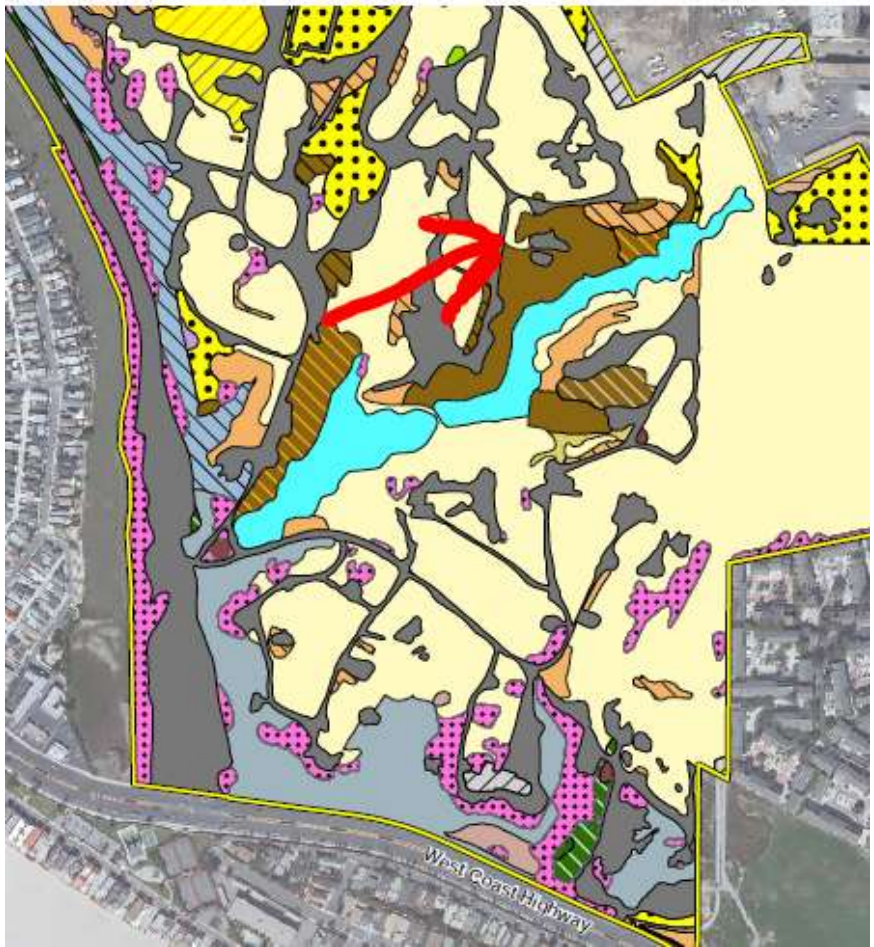
Error 4 – image 4a

Error 4 – image 4b

Error 4 – image 4c

Vegetation Error 5

On maps, the vegetation type is listed as cactus scrub with adjacent grasslands. The images show encelia where grasslands should be.



Error 5 – image 5a

Error 5 – image 5b

Error 5 – image 5c

Error 5 – image 5d

Error 5 – image 5e

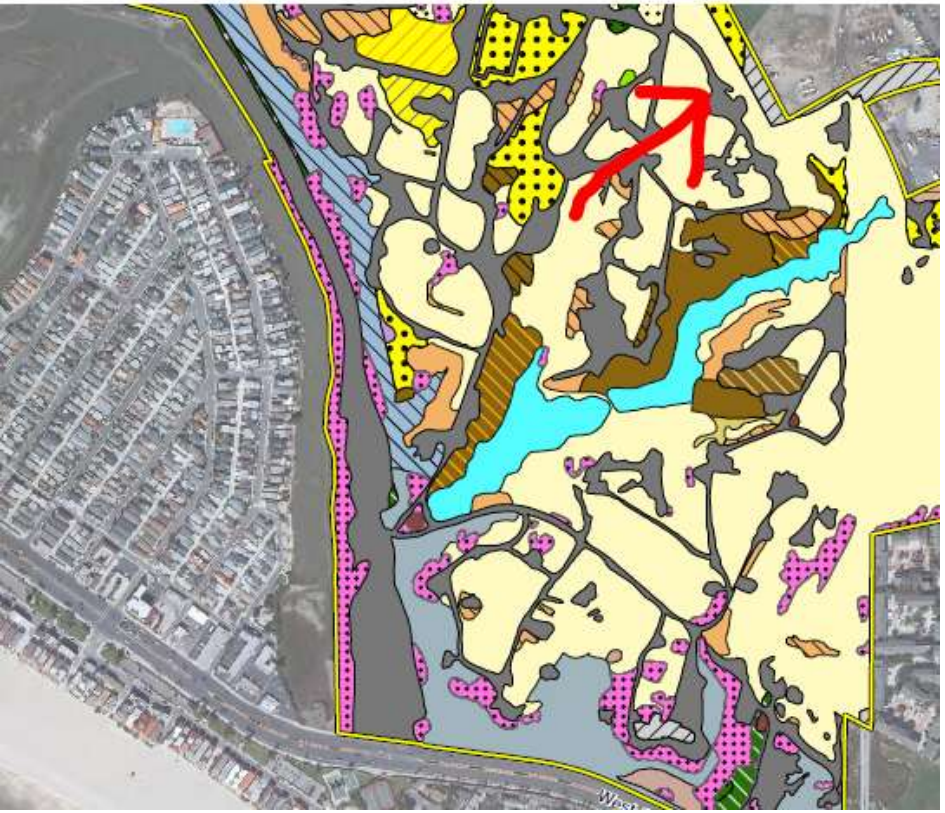
Right side listed as “disturbed”. Disturbed by applicant with encelia growing back.

Error 5 – image 5f

East end of area in image 5d, looking north

Vegetation Error 6

This heavily mowed area is mapped as grasslands, yet native coyote bush is sprouting across the entire area.



Error 6 – image 6a

Error 6 – image 6b

Error 6 – image 6c

Error 6 – image 6d

Error 7 – New Burrowing Owl Location Missing from DEIR

DEIR makes no mention of this previously reported Burrowing Owl location near upper end of arroyo.

Error 7 – image 7a

Error 7 – Image 7b

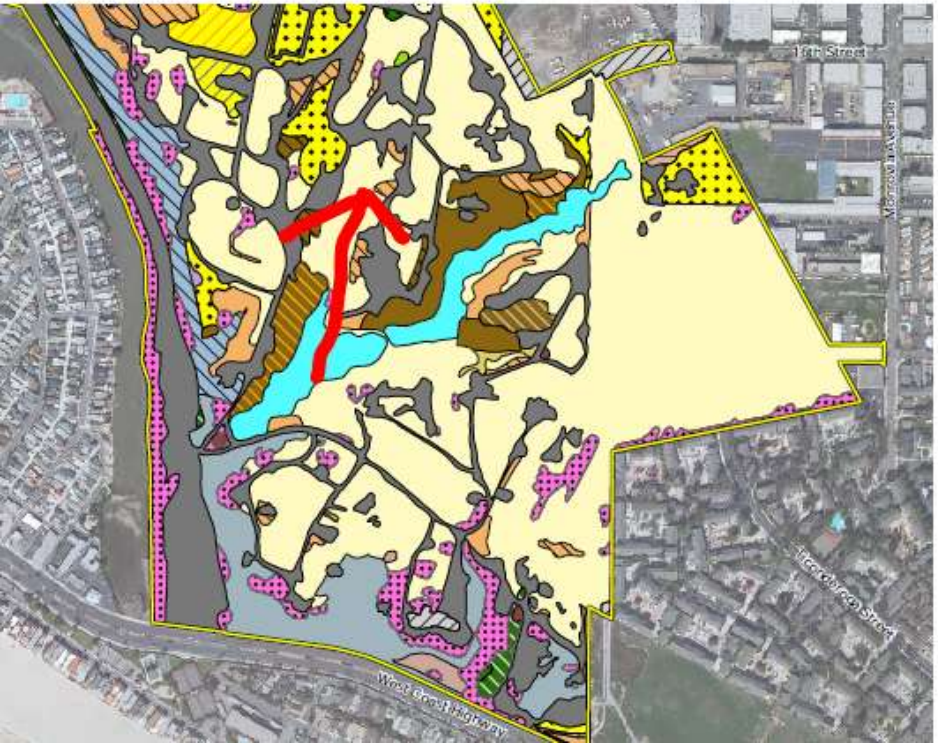
A Burrowing Owl in flight indicates the important role the grasslands play within the ecosystem . The DEIR must address how development of this habitat will affect all species on Banning Ranch.

Error 7 – image 7c

Burrows in vicinity of Owl burrow, now mowed flat and driven over daily by trucks.

Vegetation Map Error 8

Maps show grasslands where significant areas of encelia exist. Area is mowed heavily for no apparent reason.



Error 7 – image 8a

Error 7 – image 8b

Error 7 – image 8c

Error 7 – image 8d

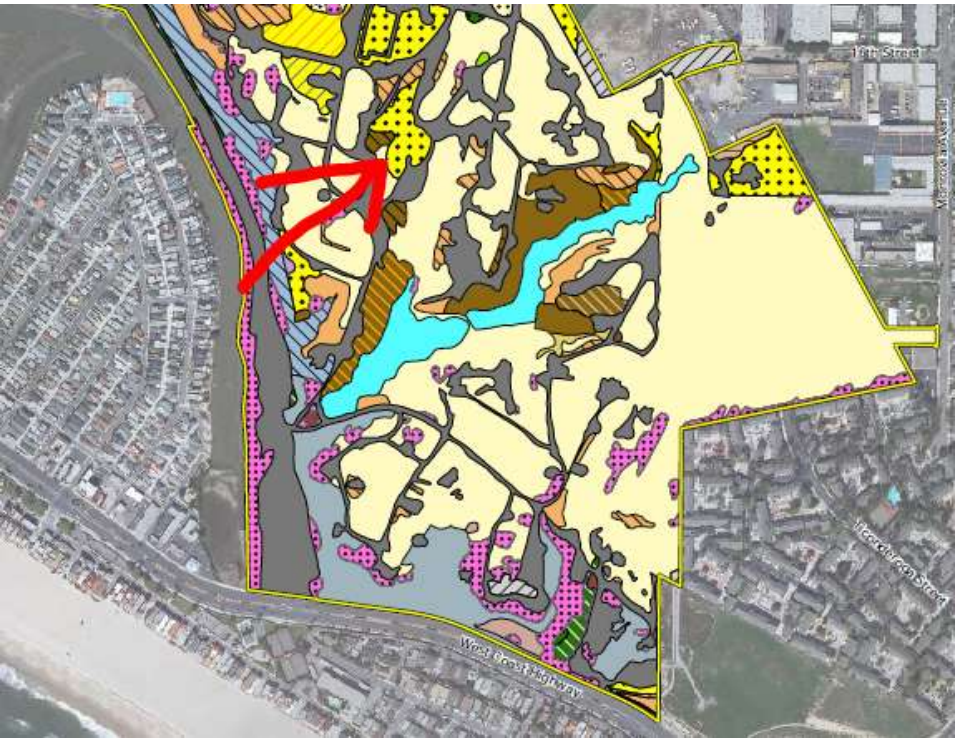
Error 7 – image 8e

Error 7 – image 8f

Error 7 – image 8g

Vegetation Mapping Error 9

This error in mapping is an example of intentional alteration by the land owner, after which the habitat is listed “disturbed” and “ruderal”. The satellite image shows mid-winter mowing on an isolated patch with NO facilities located within the habitat.



Error 9 – image 9a

This image shows close mowing of the area called “ruderal” . On the near side of the cactus is the scraping, while the far side suggests that encelia had been destroyed earlier. The area on either side of this cactus has no facilities, as confirmed in satellite photos.

Error 9 – image 9b

Area above cactus in recovery from mowing

Error 9 – image 9c

Error 9 – image 9d

Error 9 – image 9e

Error 9 – image 9f

Error 9 – image 9g

Error 9 – image 9h

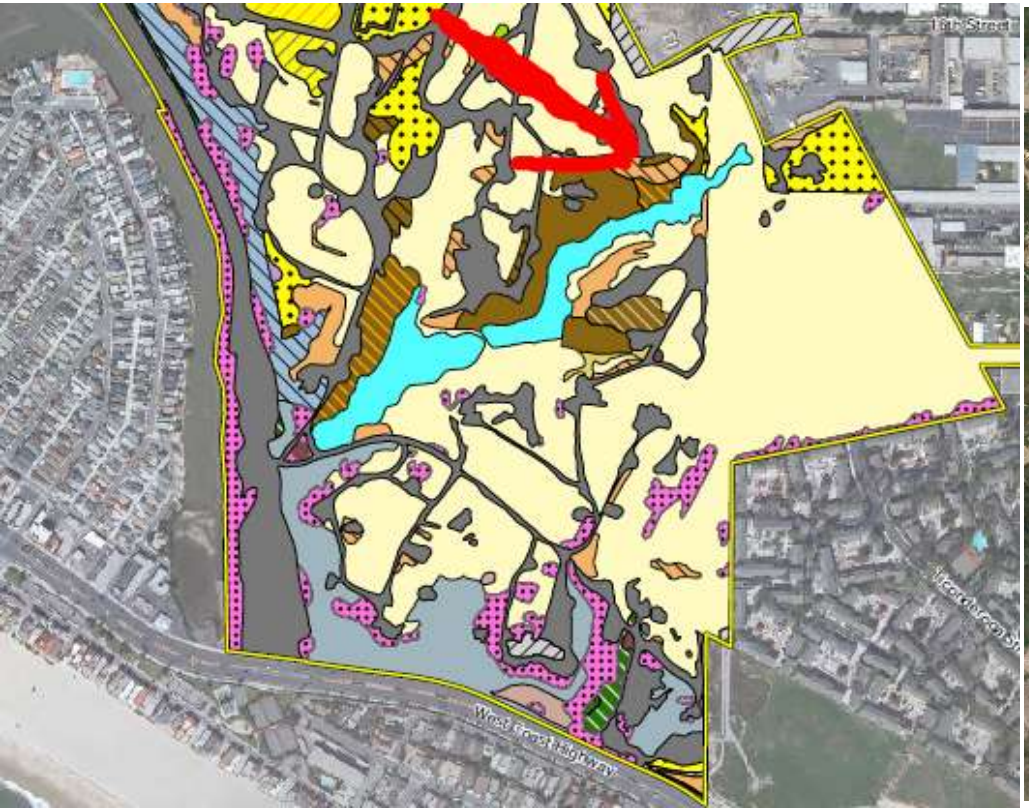
Area above cactus marked as disturbed

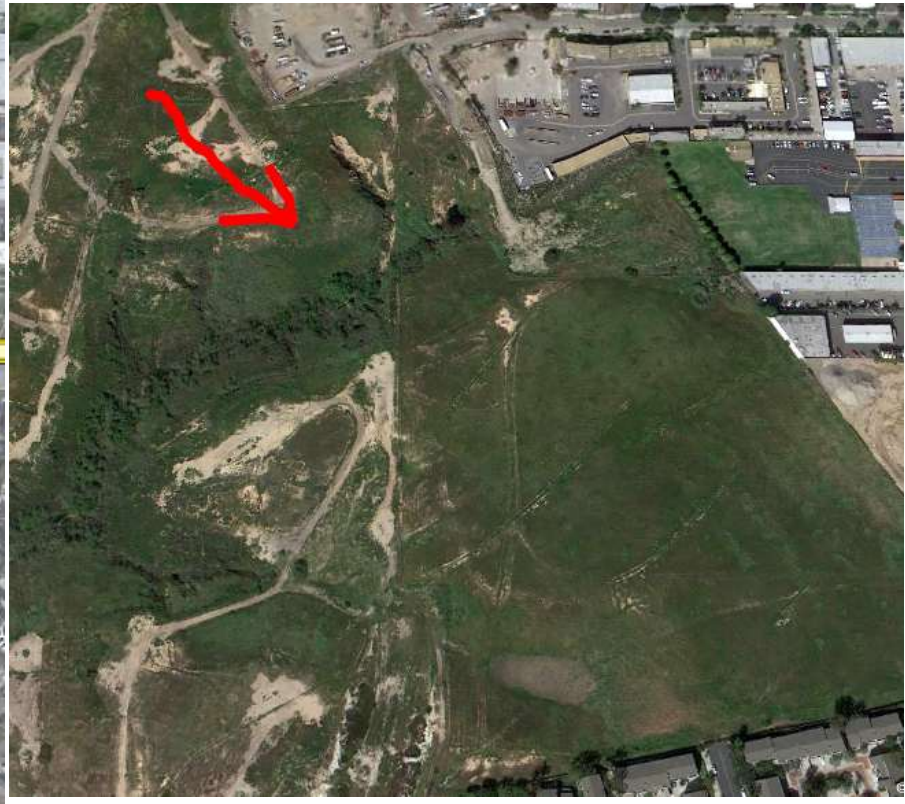
Error 9 – image 9i

Error 9 – image 9j

Vegetation Mapping Error 10

Area shown is mapped as “disturbed encelia scrub”. However, the next image shows that it was mowed by the applicant, close to the cactus, and has no facilities or roads located within the habitat.





Error 10 – image 10a

The applicant needs to explain why this mowing occurred within an arroyo.

Error 10 – image 10b

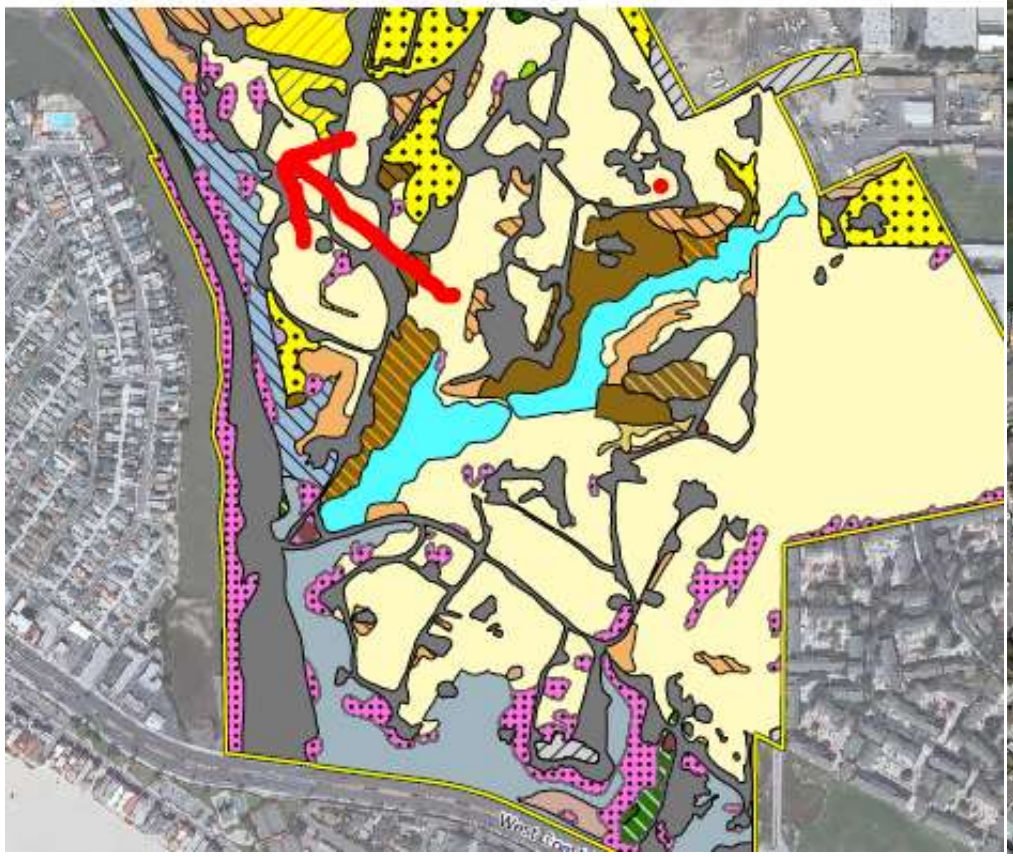
This image shows the same area after recovery from unwarranted mowing.

Error 10 – image 10c

Area from different angle, dense encelia in recovery after mowing.

Vegetation Error 11

In yet another example of habitat destruction by the applicant, this area is marked as “disturbed”. The markers were established years ago, so why was this clearing necessary?



Error 11 – image 11a

Error 11 – image 11b

Error 11 – image 11c

Error 11 – image 11d

Error 11 – image 11e

Error 11 – image 11f

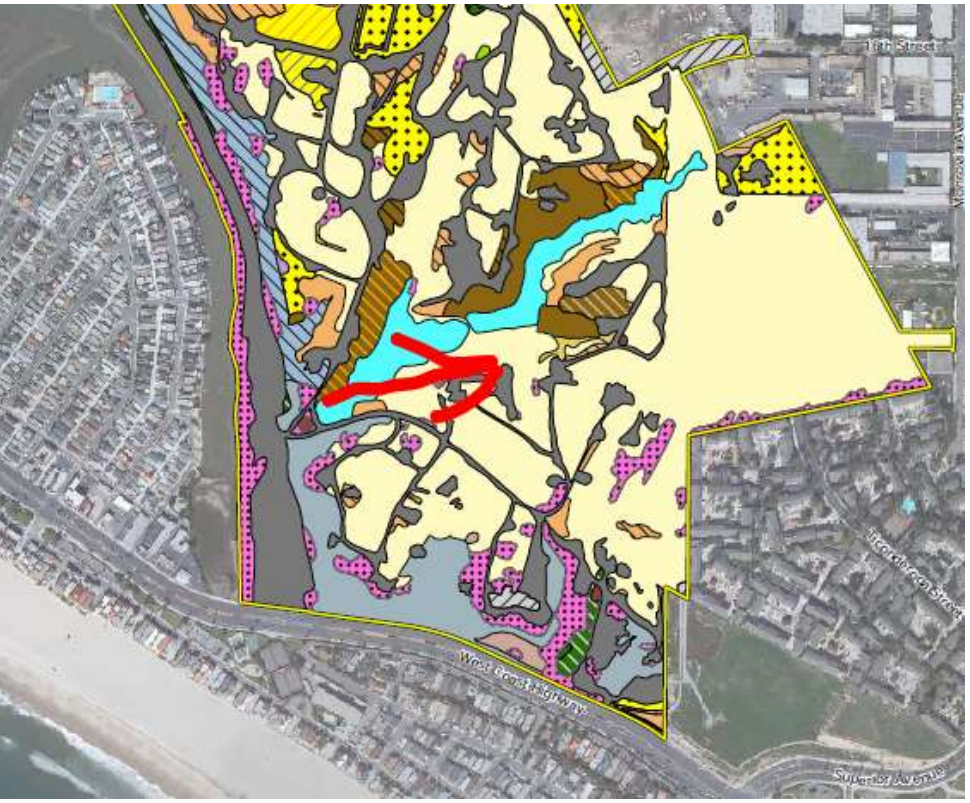
The applicant should describe what was done here, since it is clear that the marker itself was untouched.

Error 11 – image 11g

This is approximately 50 yards north of clearing, marked as disturbed

Vegetation Mapping Error 12

Area is listed as grasslands, however images show native deerweed appearing.



Error 12 – image 12a

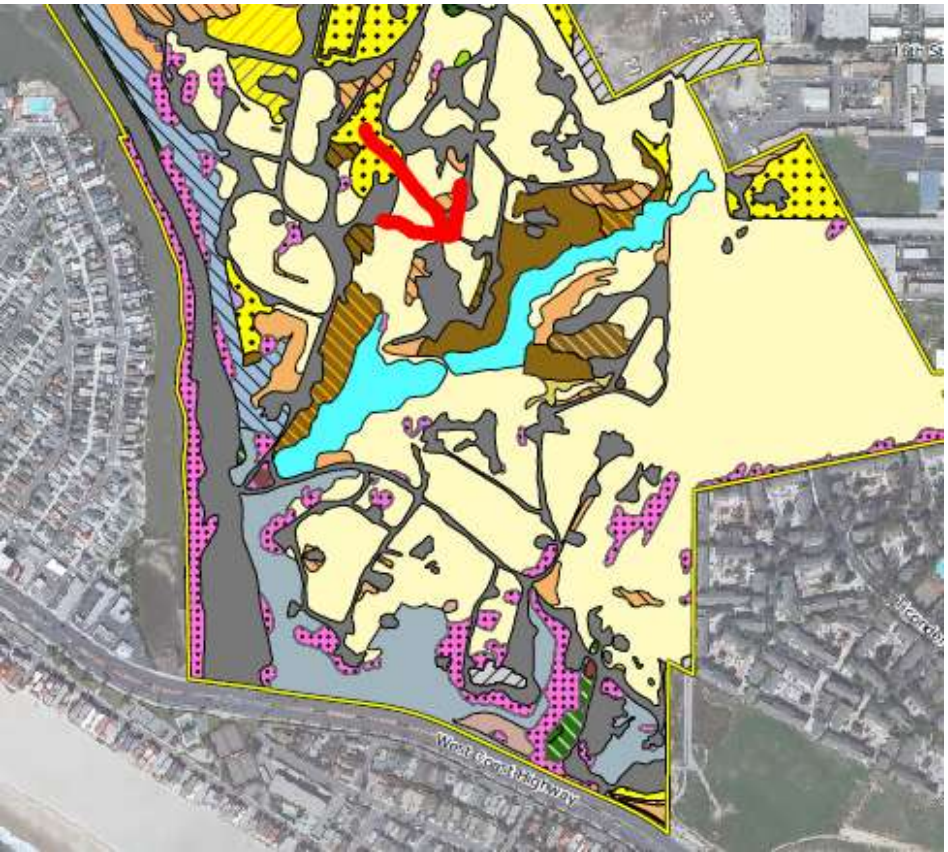
Error 12 –image 12b

Nearby, another unexplained clearing.

Error 12 – image 12c

Vegetation Mapping Error 13

Area is mapped as grassland, yet significant patches of encelia exist.



Error 13 – image 13a

Error 13 – image 13b

Error 13 – image 13c

Error 13 – image 13d

Nearby, genuinely disturbed habitat. Also seen in image 14a.

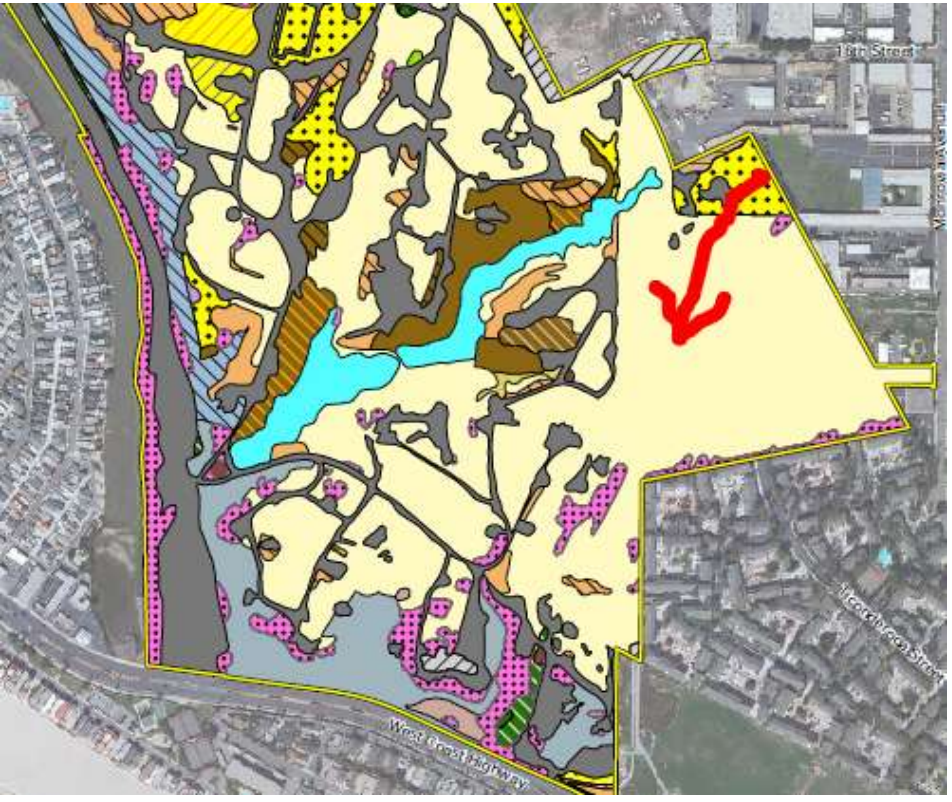
Vegetation Mapping Error 15

Error 15 – image 15a

Area of dense 3-5 ft tall encelia and mulefat is listed as ruderal on maps.

Vegetation Mapping Error 16

Maps show grasslands, but images shows deerweed colonizing the area in spite of consistent mowing.

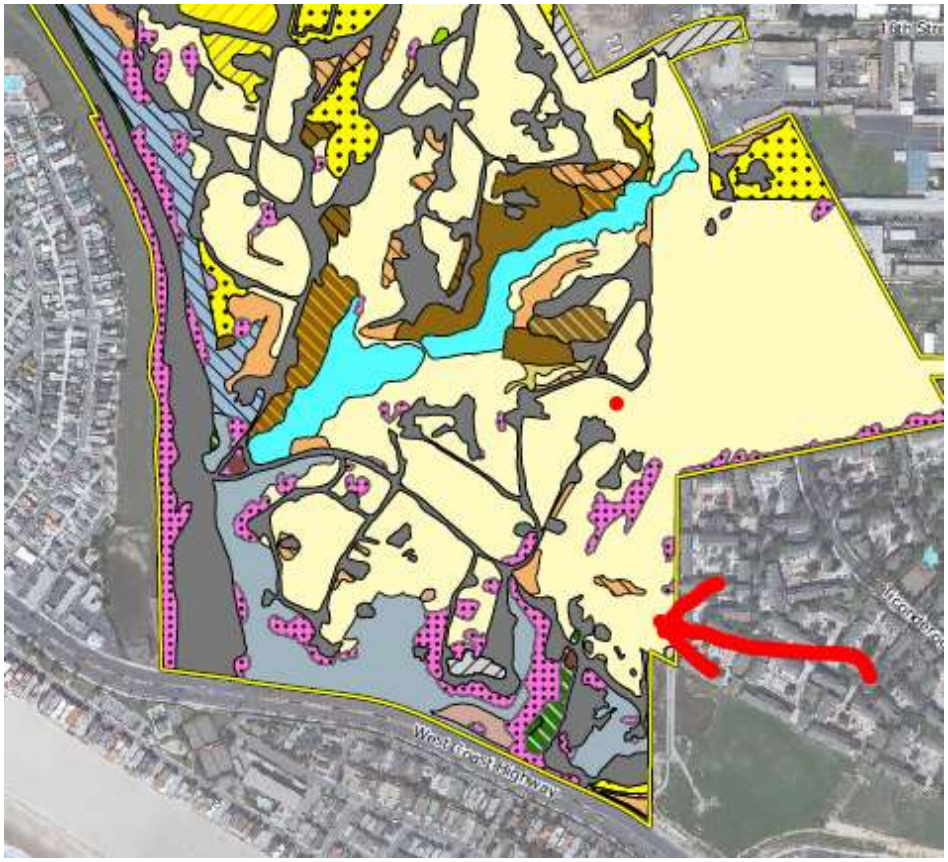


Error 16 – image 16a

Error 16 – image 16b

Vegetation Mapping Error 17

Maps show grasslands, yet images show native deerweed that has now been mowed.



Error 17 – image 17a

BANNING RANCH

Damage to Habitat and Clearings to be Explained


12 09 2010 17 35

Clearings on Banning Ranch-1

Clearings on Banning Ranch-2

Clearings on Banning Ranch-3

Clearings on Banning Ranch-4