

California Native Plant Society, Orange County Chapter
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9 November 2011

Patrick Alford, Planning Manager
City of Newport Beach, Community Development Department
3300 Newport Blvd.
Newport Beach CA 92663

RE: Newport Banning Ranch DEIR

Dear Mr. Alford:

The Orange County Chapter of the California Native Plant Society, respectfully presents some additional comments on the Newport Banning Ranch DEIR. These comments generally review the mapping of plant communities and the focused botanical surveys prepared as presented in the Biological Technical Report, Appendix E of the DEIR. Overall, it appears that the Biological Resources Technical report provides sufficient documentation of the biological resources found at this property. However, we have a number of concerns about the documentation of site resources, analysis of potential impacts, and the feasibility of some of the proposed mitigation measures. The following paragraphs provide our supplemental review of this document.

Existing Environment

In general, it appears that this study did not fully review the existing literature of the biological resources, found in the study region. Other than the recent GLA studies, it appears that some of the previous biological surveys on or adjacent to the project site (PCR 2000, Harmsworth 1998a, 1998b, GLA 1998) were not reviewed for this document.

This study appears to have overlooked some important documents that provide information on the distribution of special status plant species and habitats adjacent to the property and in the study area. The study also neglected to review the database of existing plant collections for the study area, which also documents the presence of at least two special status plant species (*Lasthenia glabrata* subsp. *coulteri* and *Suaeda esteroa*) on or adjacent to the Banning Ranch property.

It is highly recommended that biological studies from Fairview Park, Santa Ana River, along with the supporting studies for the City of Newport Beach Local Coastal Plan be reviewed. The report should then be updated with the information from these previous reports.

The introduction section of this report is incomplete in providing the reader with a more complete overview of open space areas adjacent to this property, such as Fairview Park, and the mouth of the Santa Ana River. Such descriptions are found in other sections of the document e.g. Section 3.2.6), but should be included in the description of the locality of the project site.

The proposal to consider the property as an Environmental Study Area under the Local Coastal Plan (City of Newport Beach 2009), should also be noted in this section.

The plant community descriptions are overly brief and should be expanded. A more detailed description of the understory layer should be provided in the shrub communities, and details of patches of native plants should be noted in the descriptions of the more disturbed habitats. Plant community names are inconsistently applied within the document, e.g. alkali meadow vs. alkali marsh and the report should be modified to provide a consistent nomenclature for these habitats.

The mapping is inconsistent with previous vegetation maps prepared for the project site, and these differences should be explained within the technical report. In one a more sensitive community, coastal brackish marsh (as mapped in GLA 2008a), has now been identified as the less sensitive freshwater marsh in this technical report.

It is unclear why the description of the saltmarsh community varies from previous studies on the project site (GLA 2008). The field notes and previous descriptions of this highly sensitive community should be reviewed, to determine if important species were omitted from the description in this technical appendix.

Descriptions of the annual ("non-native") grassland are inconsistent between the text of the report, Appendix C, and previous studies conducted on the project site (Lukos 2008a). The text omits the presence of native grasses, including *Distichlis spicata* and *Nassella* spp., that could alter the assessment of the quality these grasslands and the assessment of impacts to these habitats. The description of the grasslands found on the project site should be revised, to include a better "picture" of these habitats as found on this property.

The discussion of disturbed and ruderal habitats should be clarified to note the importance of native plant species within these habitats. Despite past disturbances to these areas, a dominance of native plants, despite the presence of weedy species, could increase the importance of these communities in assessing impacts of project development.

The botanical descriptions of the vernal pool and ephemeral wetland habitats appear to be incomplete and should be expanded. It appears that some important species, such as *Marselia vestita*, that had been previously observed were omitted from the description of this highly

significant community. The discussion also drifts away from providing detailed description of the plants found in these pools. For example Table 2 does not provide a column of the plant species observed at each of the ephemeral wetlands noted on the project site. Therefore, the table and the associated text should be revised to include this information.

The information on special status vegetation types should be updated and revised. The section mixes riparian and wetland habitats, which should have separate detailed overviews. In addition, the discussion on vernal pool and ephemeral wetlands is totally inadequate. This discussion also fails to discuss how these wetlands should be addressed under the Coastal Commission's statewide interpretative guidelines for "Wetlands and other wet environmentally sensitive habitat areas".

This section should also provide an expanded discussion of the issues regarding this parcel and the Orange County Central-Coastal NCCP/HCP.

The literature review for the special status plant species appears to have been incomplete and should be updated. It appears that the Consortium of California herbaria was not reviewed and that localities of special status species (e.g. *Lasthenia glabrata* subsp. *coulteri*, and *Suaeda esteroa*) on or adjacent to the site were overlooked and should be noted in Table 3.

The section on Special Status Plant Species should be revised to provide a more focused review of special status plant species that could occur in the study area, including species of local concern. Many of the species on Table 3 have no potential for occurring on the project site, however, other species, e.g. *Abronia maritima*, were excluded from consideration in this study. In addition, recently documented special status species recently documented from the study area, e.g. *Orcuttia californica*, were also not included in the review of species potentially occurring on the project site.

The plant species list found in Appendix A, notes the presence of two special status plant species (*Convolvulus simulans* and *Suaeda esteroa*), and these localities are not discussed in Section 3.3. If these species were reported in error, then the entire list observed plant species should be reviewed for any other possible mis-identifications (e.g. *Pluchea sericea*).

The background discussion of *Centromadia parryi* subsp. *australis* is inadequate and should be revised. This discussion should provide an overview of the known localities of this species within the County, and the known size of each of the general locales. It should also generally note the known status of the species in the County and loss or preservation of particular sites within the last decade.

Impact Assessment

The permanent loss of 0.07 acres of ephemeral wetland should be considered a significant impact of the proposed project and the impact should be mitigated by including the loss of this wetland acreage, into the mitigation plan for the vernal pools.

The evaluation of the impacts be updated to note the significance of the loss of these wetlands and a discussion on how these impacts would be remediated should be added to the text.

The discussion of the potential impacts to *Centromadia parryi* subsp. *australis* should be revised and expanded. The section should note the significance of the locality of this species found on the project site. It would appear, based on the number of plants reported, that the site contains one of the largest populations of this tarplant in the County. Therefore, the site is highly significant in maintaining the species within its known range.

A more refined analysis of the potential total loss of individuals that could result from the implementation of this project should be presented in this section. A major concern is that oil field remediation efforts would require the removal of soil occupied by this species. The section should be revised to address this issue.

Human Activity – It would seem very doubtful that the development of a brochure could significantly reduce potential impacts of urban-wildlands impacts caused by the developed of this project. This section should be expanded to provide a more detailed analysis of the potential impacts, caused by the placement of residential development on this property. More stringent measures on the residents may be necessary to remediate these potential impacts.

A proposed remediation measure for the urban-wildland impacts is to fence some of the areas to remain as natural open space. However, this will potentially reduce wildlife movement into and between these isolated habitats. Therefore, the impacts of the loss of wildlife movement in these localities should be evaluated.

The potential of increased fires within the natural areas retained on the project site, should be evaluated in this section.

The potential impacts of increased sedimentation to the wetland habitats during grading and from the completed development should be fully evaluated in this section.

Mitigation Program

Coastal Sage Scrub Restoration – The discussion of this mitigation measure fails to provide sufficient information on the feasibility of this proposed effort. It is unclear if there is sufficient area to restore 36.96 acres of coastal sage scrub on the project site. If efforts are to be

performed offsite, where would the restoration be performed? Would these sites be adjacent to the project site?

The mitigation measure should be revised to require the preparation of restoration plan that would note all of the plant species used in this effort, the planting methods, and measures used to assist in the establishment of these species.

Mitigation Measure 7 *Centromadia* - The mitigation measure fails to provide sufficient information to determine the feasibility of the proposed effort. This measure should require the development of a plan, noting the procedures used to replant the seeds of *Centromadia parryi* subsp. *australis* and measures to prepare the sites for planting. This plan should require testing of the seed for purity and germination. It should also include measures to improve germination of the seed, if the germination rates are low.

The plan should provide for, at a minimum, some qualitative evaluation of the success of the re-seeding effort. These studies should also include a review of the status of the localities found within the proposed open space areas. Maintenance should also be considered, both to assist establishment of the planted seeds, both from herbivory and weeds, along with maintaining the existing localities of this species.

The Orange County Chapter of CNPS appreciates this opportunity to examine and comment on the Newport Banning Ranch DEIR.

Sincerely,

David Bramlet

David Bramlet
Rare Plant Chair
CNPS, Orange County Chapter.

References

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