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September 14, 2018

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

OCT 02 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.

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 (CO₂).
- 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”.

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.

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.

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.

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.

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 brodies there, which is (mildly to very) disturbing to hundreds of nearby residents. A hidden motion actuated camera might catch these (probably juvenile) culprits.

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.

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

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.

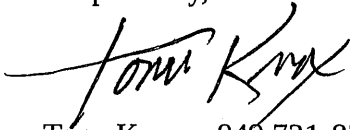
4. Destruction of aboriginal historical site. Native American artifacts and evidence of aboriginal culture dating back perhaps 5000 to 10,000 years ago are likely in the zone of proposed construction and must be identified and preserved; if this is not possible, neither should this project be approved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

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,

A handwritten signature in black ink that reads "Tony Knox". The signature is written in a cursive, flowing style.

Tony Knox 949 721-8311

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