

Banning Ranch Park and Preserve

A Vision for the Future



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1. Introduction

The 401-acre Banning Ranch is located in Orange County, California along Pacific Coast Highway at the mouth of the Santa Ana River, between the cities of Newport Beach, Costa Mesa and Huntington Beach.



Figure 1 Banning Ranch is located at the mouth of the Santa Ana River

Banning Ranch is the largest parcel of unprotected coastal open space remaining in Orange County. The Banning Ranch Park and Preserve Vision Plan (“Vision Plan”) has been developed by the Banning Ranch Conservancy (“Conservancy”), a California public benefit corporation recognized as a non-profit charity under 501(c)(3) of the Internal Revenue Code.

The goals of the Conservancy are exemplified in its Mission Statement:

“To preserve, acquire, conserve and manage the entire Banning Ranch as permanent public open space, park and coastal nature preserve.”

The Banning Ranch Park and Preserve is envisioned primarily as a coastal nature preserve and public open space with recreational facilities. Despite 70 years of oil and gas production on the land, Banning Ranch continues as a rich ecosystem with an abundant source of natural biodiversity. Rich in history, Banning Ranch offers vast opportunities for education, exploration, contemplation and a variety of visitor-serving amenities.



Figure 2 The proposed Banning Ranch Park and Preserve

The Vision Plan:

- Presents the Conservancy's vision for preserving Banning Ranch and describes how the creation of Banning Ranch Park and Preserve will enhance the land, plant and animal life, as well as the communities surrounding Banning Ranch. The Vision Plan also describes opportunities for the public to become involved in the continued preservation of Banning Ranch.
- Describes the ongoing challenges and efforts to preserve Banning Ranch.
- Inspires philanthropy for the preservation, acquisition, conservation and management of Banning Ranch. Through this Vision Plan, the Conservancy offers the opportunity for benefactors to share in the preservation of Banning Ranch and create a legacy for generations to come.

The Vision Plan includes:

- A historical account of Banning Ranch.
- An overview of the current conditions of Banning Ranch.
- A review of natural resources with a description of topography, wildlife habitats and species.
- Plans for the acquisition, remediation and restoration of the property.
- A vision for land use to include open space, park and coastal nature preserves.
- A discussion of the long-term management plans for the Banning Ranch Park and Preserve.

Although this Vision Plan contains many specifics, it remains an active planning document and the specifics herein are subject to change due to the dynamic circumstances surrounding this property.

2. Executive Summary

The 401-acre Banning Ranch is the largest parcel of unprotected coastal open space remaining in Orange County, California. Banning Ranch contains habitat for many special and rare wildlife and plant species. Banning Ranch currently includes an active oil operation. In November 2006, Newport Beach voters approved a General Plan amendment which would *“Prioritize the acquisition of Banning Ranch as an open space amenity for the community and region, consolidating oil operations, enhancing wetland and other habitats, and providing parkland amenities to serve nearby neighborhoods.”* A large 1375-home residential development project is proposed for Banning Ranch. The Banning Ranch Conservancy is working toward the purchase of Banning Ranch from the owners and the preservation of the entire Banning Ranch as open space. Banning Ranch Park and Preserve, an alternative to the proposed development, is planned as public open space, park and coastal nature preserve.

3. History of Banning Ranch

3.1 Description of Terrain

Approximately two-thirds of Banning Ranch is comprised of a coastal mesa with bluff faces and arroyos, while the remainder constitutes lowland wetlands (the historic tidal marsh/estuary of the Santa Ana River). A more detailed description of the natural features of Banning Ranch can be found in Section 4.

Banning Ranch has been a source of shelter and sustenance for humans and animals alike from prehistoric times, throughout recorded history, and up to and including the modern era. ¹

3.2 Prehistoric Era

Evidence from the Northern Channel Islands suggests that the California coast was first populated 15,000-16,000 years ago by maritime hunters and gatherers. This great span of time allowed for the growth of many diverse cultures and languages over the millennia. At the time of European contact in the sixteenth century, there were at least 78 mutually unintelligible languages documented in California. Early European visitors from the 16th to 19th centuries described the California coast as populated by large groups living in relatively permanent villages adjacent to a water supply around lakes and wetlands.

¹ Please see Newport Banning Ranch DEIR Appendices J-1, J-2, J-3.

The key to survival over the millennia was mobility and expert foraging of food supplies from aquatic and terrestrial sources. Original California natives had relatively elaborate material cultures that enabled a wide range of fishing, collecting, hunting, manufacturing and ritual pursuits. Given the unpredictability of environmental conditions, three characteristics mark the California native cultures over the millennia: adaptability, interconnectedness among groups and a deep relationship with the supernatural.

3.3 Native American Era

At the time of Spanish contact, Orange County was occupied by Acjachemem (later called Juaneno by the Spanish missionaries of San Juan Capistrano Mission) and Tongva (later called Gabrielino by Spanish missionaries of the San Gabriel Mission).

The Juaneno and Gabrielino were hunters and gatherers subsisting on several species of oak and the acorns they provided, along with seeds garnered from grasses and sage brushes. Along the coast, fish, shell fish and sea mammals were sources of protein; whereas rabbits and deer provided protein in the interior regions.

Juaneno villages were located in southern Orange County at San Juan Creek and its tributaries and along Aliso Creek and San Mateo Creek. Panhe, located on San Mateo Creek, was the largest Juaneno village.

Gabrielino territory extended out to the Southern Channel Islands and on the coast, from Malibu to the lower Santa Ana River and Newport Bay where their principal villages were located. Principal villages provided a year round permanent residential center with ceremonial centers and cemeteries. The village of Genga, located very close to Banning Ranch on the mesa overlooking the Santa Ana River (site of the current Fairview Park in Costa Mesa), was closest to the coast, while Pajbenga, Totpavit and Hutukgna were villages further up the river. Hutukgna was the largest of the Gabrielino villages and Genga was the next largest.

Mission marriage records indicate the principal village of Genga was a multi-ethnic and multi-lingual community with marriage ties to members of villages up the river at Hutukgna and to Puvunga in current east Long Beach, as well as south to San Juan Capistrano.



Figure 3 Replica of Tongva home (San Gabriel Mission)

The Santa Ana River villages appear to have been a channel of contact and exchange of goods and ceremonial services among the Juaneno and Gabrielino cultural areas and between the coast and interior cultures, such as the Luiseno/Quechla of the San Luis Rey Mission and beyond to cultures extending to the desert.

3.4 Rancho/American Era



Figure 4 Juan Pablo Grijalva

In the early 1800's, Juan Pablo Grijalva and his son-in-law, Jose Antonio Yorba, were allowed grazing rights on over 62,500 acres of land that was located east of the Santa Ana River, starting from the ocean and extending 25 miles inland to the mountains.

The land, which included the area to be known as Banning Ranch, was eventually granted to Yorba and Yorba's cousin, Juan Pablo Peralta, in accordance with the Spanish-American Grant Act of 1851. It was called Rancho Santiago de Santa Ana and comprised a total of 81,855 acres. Through marriages and offspring between the Yorba, Peralta and Grijalva families, Rancho Santiago de Santa Ana became one of the largest ranchos in California.

3.5 Banning Family Era

According to court documents found during prior investigations into the history of Banning Ranch, it was incorrectly reported that around 1874, Phineas Banning, a Southern California financier and transportation magnate known as "The Father of the Port of Los Angeles," bought the original 4077 acres of land that would become Banning Ranch as a wedding gift for his second wife, Mary Hollister Banning. In fact, Mary herself bought the prime farm and ranch land.

Over the years, Mary Banning leased land to various endeavors and farmers in the local area of what is now Costa Mesa. She leased 3,000 acres of her parcel for growing wheat, oats, and barley. In the early 1900's, Mary Banning Norris (daughter of Mary Hollister Banning) sold 1,020 acres of the existing 3,500 acres of the Banning Ranch. The land had been used for grazing, for the growing of crops and for the exploration of oil.

Much of Banning Ranch eventually became present-day Costa Mesa including Fairview Park, Fairview Developmental Center and Talbert Nature Preserve.

3.6 Military Use of Banning Ranch

In 1941, the U.S. Army Air Corps considered opening a flying base on 1,400 acres of the Banning Ranch. A private firm that trained pilots for military service also considered establishing a flying school on 750 acres of Banning Ranch. The use of the Banning Ranch site as an airfield was ultimately rejected by the U.S. Government. The U.S. Army did consider Banning Ranch a good place to locate a gun emplacement as part of a line of defense against a potential attack from Japan. In 1941 and 1942, temporary field mounts were used for the installation of field guns in the most southern part of Banning Ranch near the Pacific Coast Highway. In 1943, three gun mounts were constructed on Banning Ranch. After the end of World War Two, the guns were removed.

Banning Ranch shifted focus in 1943 when oil was struck.

3.7 Oil Operations Era and Current Conditions

Exploratory oil wells were drilled in the West Newport region in the mid-1920s with mixed results. In the late 1930's, 1,750 acres of the Banning Ranch were leased for drilling operations by the Thompson Company, an independent operator. After the death of Mary Banning Norris in 1956, her estate sold the oil fields to another corporation.

Banning Ranch currently consists of 401 acres. The property is now owned by separate entities, primarily Cherokee Newport LLC and AERA Energy LLC (a partnership of Shell Oil and Exxon-Mobil Oil). Those parties have formed another company called Newport Banning Ranch LLC (NBR LLC) with yet a third partner, Brooks Street. NBR LLC controls development rights for Banning Ranch, while the mineral rights are owned by Horizontal Development LLC (HD LLC) and the oil and gas production is operated by West Newport Oil Company. An 11-acre parcel on the eastern edge of the middle mesa is under the public ownership of the Newport Mesa Unified School District.

Current oil operations include 87 active or idle oil wells (and about 400 abandoned oil wells), as well as buildings and oil facility infrastructure comprising oil processing facilities, pipelines, storage tanks, utility poles and machinery. Related facilities include graded roads and equipment areas surfaced with gravel, asphalt, crude oil or crude oil tank sediments, as well as old sumps that held produced oil and fluids in in-ground surface impoundments. Oil produced at Banning Ranch is transported by truck to refining facilities off-site.

4. Banning Ranch Park and Preserve—A Vision for the Future

The intrinsic value of nature can be best experienced where the ecosystem is diverse and the space large. Banning Ranch is a unique ecological system referred to as an “ecological staircase”. It contains all of the elements that are necessary for a self-sustaining natural resource. The wide variety of rare and protected plant and wildlife species are what distinguish Banning Ranch as an ecological staircase. There are at least 19 “Special Status” species on Banning Ranch. (“Special Status” is defined as listed by the United States Fish and Wildlife Service [USFWS] or the State of California as endangered or threatened, or considered to be a State “Fully Protected” species, or a State “Species of Special Concern” or on the State “Watch List”.) In addition, the Light-footed Clapper Rail, a USFWS-declared endangered species, has been documented immediately next to Banning Ranch and the California Least Tern, a USFWS-declared endangered species, has been documented in the adjacent Army Corps of Engineers wetlands.



Figure 5 California Gnatcatcher

4.1 Special Status Species on Banning Ranch



Figure 6 Burrowing Owl

Burrowing Owl	Cactus Wren
California Gnatcatcher	Loggerhead Shrike
White-tailed Kite	Southern Tar Plant
California Horned Lark	Least Bell's Vireo
San Diego Fairy Shrimp	Yellow Warbler
Yellow-breasted Chat	Cooper's Hawk
Belding's Savannah Sparrow	Merlin
Sharped-shinned Hawk	Northern Harrier
Peregrine Falcon (de-listed)	Osprey
Ashy Rufous-Crowned Sparrow	
California Least Tern (next to Banning Ranch)	
Light-footed Clapper Rail (next to Banning Ranch)	

4.2 Banning Ranch Topography



Figure 7 Banning Ranch topography

- Mesa – The Banning Ranch mesa extends from the southern edge of the property at Pacific Coast Highway and runs along the eastern half of Banning Ranch to the northern edge of the property at 19th Street. The mesa is divided by the main arroyo into the larger middle mesa and the smaller southern mesa. A finger-like continuation of the mesa, which extends to 19th Street, is present along the extreme north-eastern edge of the property.

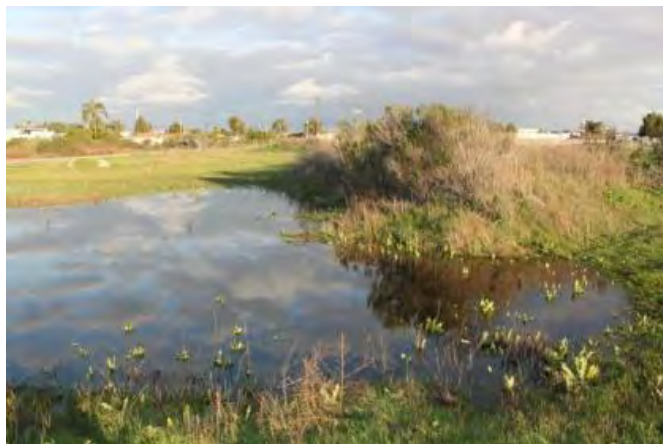


Figure 8 Vernal Pool on the Banning Ranch mesa



Figure 9 The main arroyo on Banning Ranch

- Arroyos – The arroyos are small canyons that transverse the mesa. The arroyos serve as a water course and contain riparian vegetation with abundant wildlife habitat value. These arroyos not only drain the Banning Ranch mesa, but also drain the adjacent portions of Newport Beach and Costa Mesa. The main arroyo

separates the middle mesa from the southern mesa. There are also two smaller arroyos north of the middle mesa.

- Bluffs - The bluffs outline the mesa and provide important areas of Coastal Sage Scrub (CSS) habitat.



Figure 10 Bluffs outline the Banning Ranch mesa

- Lowland wetlands – The lowland wetlands consist of the historic coastal tidal wetlands/Santa Ana River estuary, which currently contain active oil wells and are separated by a levy from the tidal influence of the adjacent Army Corps of Engineers wetlands (which include the Semeniuk Slough). The Conservancy will work toward restoring full tidal influence to the Banning Ranch lowlands in order



to promote the healthy restoration of the wetlands for both plant and animal species. Wetlands are a vital resource for many aquatic species. Wetlands also provide vital rest areas and food supply for migratory birds. The wetlands on Banning Ranch constitute an important resource for the Pacific Flyway (the main route for birds to move between their winter and summer homes).

Figure 11 Tidal wetlands (Semeniuk Slough) adjacent to Banning Ranch

The Conservancy acknowledges that Banning Ranch is a large parcel, presenting many opportunities for its use. While critical habitat must be preserved for “Special Status” species, other areas may be best suited for purposes such as public trails, an Interpretive Center, passive parks, picnic areas and parking, along with active recreational purposes. Final plans for the Banning Ranch Park and Preserve will be consistent with local, state and federal rules and statutes. Public input will be actively encouraged in this process.

Banning Ranch Park and Preserve is envisioned as being divided into the following basic use areas: Coastal Nature Preserve, Park and Public Open Space.

4.3 Coastal Nature Preserve

Because of Banning Ranch’s history as an oil field, it has escaped the dense residential development characteristic of the surrounding communities of Newport Beach, Huntington Beach and Costa Mesa. With only a relatively small crew of workers entering and leaving daily, plant life has flourished and has created habitat for an

exceptional number of wildlife species including mammals, birds, amphibians, reptiles and invertebrates.

The envisioned Coastal Nature Preserve to be established within the Banning Ranch Park and Preserve will be the protected domain of the native plants and wildlife. These areas will be places where the existing populations are found, and where the existing populations can be expected to expand once restoration has been completed. The more sensitive areas will be accessible on docent-led tours with special attention and consideration given during nesting seasons and other special conditions. Visitors to these areas will experience the inspiring sights, sounds and scents of nature in a quiet, contemplative atmosphere. The preserves will be a paradise for birders, photographers and anyone who loves to commune with the natural world and will include exceptional views of the Pacific Ocean and Santa Catalina Island for all to enjoy.

Coastal Nature Preserve areas will specifically include:

- Tidal Wetland Preserve, also known as the Lowland Wetlands, including the historic tidal marsh/Santa Ana River estuary. In addition to providing important habitat for aquatic species, wetlands also provide vital rest areas and food supplies for migratory birds. The wetlands on Banning Ranch constitute an important resource for the Pacific Flyway, which is the main migration route for birds moving between their winter and summer homes.
- California Gnatcatcher and Coastal Cactus Wren Preserves, an area encompassing the historical nesting areas of the California Gnatcatcher and the Cactus Wren and surrounding Coastal Sage Scrub.
- Burrowing Owl Preserve, located on the grasslands along the eastern edge of the property including areas of native bunch grasses and foraging areas for Burrowing Owls and other raptors.
- Least Bell's Vireo Preserve, located at the northern border of Banning Ranch near 19th Street.
- Vernal Pool Preserves, an area encompassing most of the vernal pool complex in the middle mesa. The Vernal Pool Preserve will include all of the USFWS-declared Critical Habitat area for the endangered San Diego Fairy Shrimp.

4.4 Parklands

Banning Ranch is privately owned and has been an operational oil field since the 1940's. There is no public access. Public parks or other recreational facilities do not currently exist on Banning Ranch.

In addition to the Coastal Nature Preserve, there will also be passive and active parklands on Banning Ranch. The Newport Beach General Plan priority for Banning Ranch, approved by the voters in 2006, calls for the land to remain as permanent open space and park.

The Conservancy envisions different uses for parklands. There will be active, passive and interpretive parks. Active parks will contain recreational areas and related facilities. Passive parks will be walking parks with picnic and/or playground equipment and facilities. Interpretive parks will include an educational Interpretive Center and other interpretive/educational resources.

Parks will include the following:

- An Interpretive Center, outdoor amphitheater and related facilities. Indoor and outdoor educational programs will be conducted. Facilities will include displays, interactive media, educational exhibits, meeting rooms for educational programs, a gift shop and administrative offices.
- The types and numbers of active areas will be determined through broad community outreach and surveys. Location of the active areas will be determined following full evaluation of the biological resources and assessment of impacts on residents, businesses and schools. Appropriate access will also be determined.
- A fitness trail with workout stations (aka Par course) is envisioned.
- Picnic areas – Covered and uncovered. Individual and group picnic areas will be included.
- Playgrounds -- With swings and other age appropriate park equipment and facilities.
- Restrooms – Initially, temporary convenience facilities will be made available by the Conservancy through an outside contractor. Permanent facilities will be established as time and resources permit.
- Parking – Parking will be located near the active park areas. Parking lots will be constructed with permeable materials to enable absorption of rain into the soil without runoff.

4.5 Open Space

For the purpose of this Vision Plan, open space is defined as areas absent of structures and paved roads, which includes the Coastal Nature Preserve and passive park areas. Included in the Open Space areas will be:

- Public Trails
- Natural interface and connectivity to contiguous open space areas outside of Banning Ranch (see Orange Coast River Park, section 4.6)
- Cultural and historical resource areas

The following types of trails will be constructed in Banning Ranch Park and Preserve:

- Pedestrian trails
- Bicycle trails
- Accessibility trails (wheel chairs, emergency and maintenance vehicles)
- In addition, an assessment will be conducted to evaluate for equestrian trails, possibly connecting to the equestrian trails in adjacent Talbert Nature Preserve.

All trails will utilize some of the currently existing paved and unpaved oil service roads. Paved roads will be used for either bicycles or accessibility, while unpaved roads will be used for pedestrian trails. Unused oil service roads will be returned to a natural state.



Figure 12 Proposed map for Banning Ranch Park and Preserve

4.6 Interfacing with the Orange Coast River Park

Orange Coast River Park (OCRP) – The Orange Coast River Park is envisioned as a unification of the many parklands and publically-owned open spaces along the mouth of the Santa Ana River. Banning Ranch Park and Preserve would be the major unifying parcel, in fact, the “crown jewel” of the future Orange Coast River Park.

OCR is planned to include:

- Sunset Ridge Park – A 13-acre parcel of land owned by the City of Newport Beach and located adjacent to the southeast corner of Banning Ranch Park and Preserve. Sunset Ridge Park is planned as an active sports park with a baseball field, soccer fields, playgrounds and viewing areas. Sunset Ridge Park is accessible from West Coast Highway and Superior Avenue, with parking on the east side of Superior Avenue. It is anticipated that there would be both pedestrian and bicycle trails leading into Banning Ranch Park and Preserve from Sunset Ridge Park.
- Talbert Regional Park/Nature Preserve – A nearly 200-acre area of scenic open space owned by Orange County and located adjacent to the north edge of Banning Ranch Park and Preserve. It is envisioned that there would be connecting trails between Talbert Regional Park and Banning Ranch Park and Preserve.
- Fairview Park – Located north of the Talbert Nature Preserve, Fairview Park is owned and operated by the City of Costa Mesa. The park is largely natural but with some improvements. A new feature (2012) of Fairview Park is a Riparian and Wetland habitat created to treat urban runoff water.
- Huntington Beach Wetlands Conservancy – These wetlands, owned and maintained by the Huntington Beach Wetlands Conservancy, extend from the west bank of the Santa Ana River for nearly three miles along Pacific Coast Highway to just west of Beach Boulevard.
- Army Corps of Engineers Wetlands/Semeniuk Slough – These wetlands are immediately southwest of Banning Ranch, are currently owned and maintained by the Army Corps of Engineers and include an island created for the California Least Tern, a federally listed endangered species.

Additionally, the Santa Ana River Bike Trail is designed and scheduled, upon completion, to connect Huntington Beach and Newport Beach to the San Bernardino Mountains, 110 miles upriver. The Santa Ana River Bike Trail currently runs along both the eastern and western banks of the Santa Ana River and continues to follow the Santa Ana River upstream for many miles. With the establishment of Banning Ranch Park and Preserve, it is envisioned that hikers and cyclists traveling along the Santa Ana River Bike Trail will have opportunities to enter the Banning Ranch Park and Preserve trail system and continue through to Sunset Ridge Park.

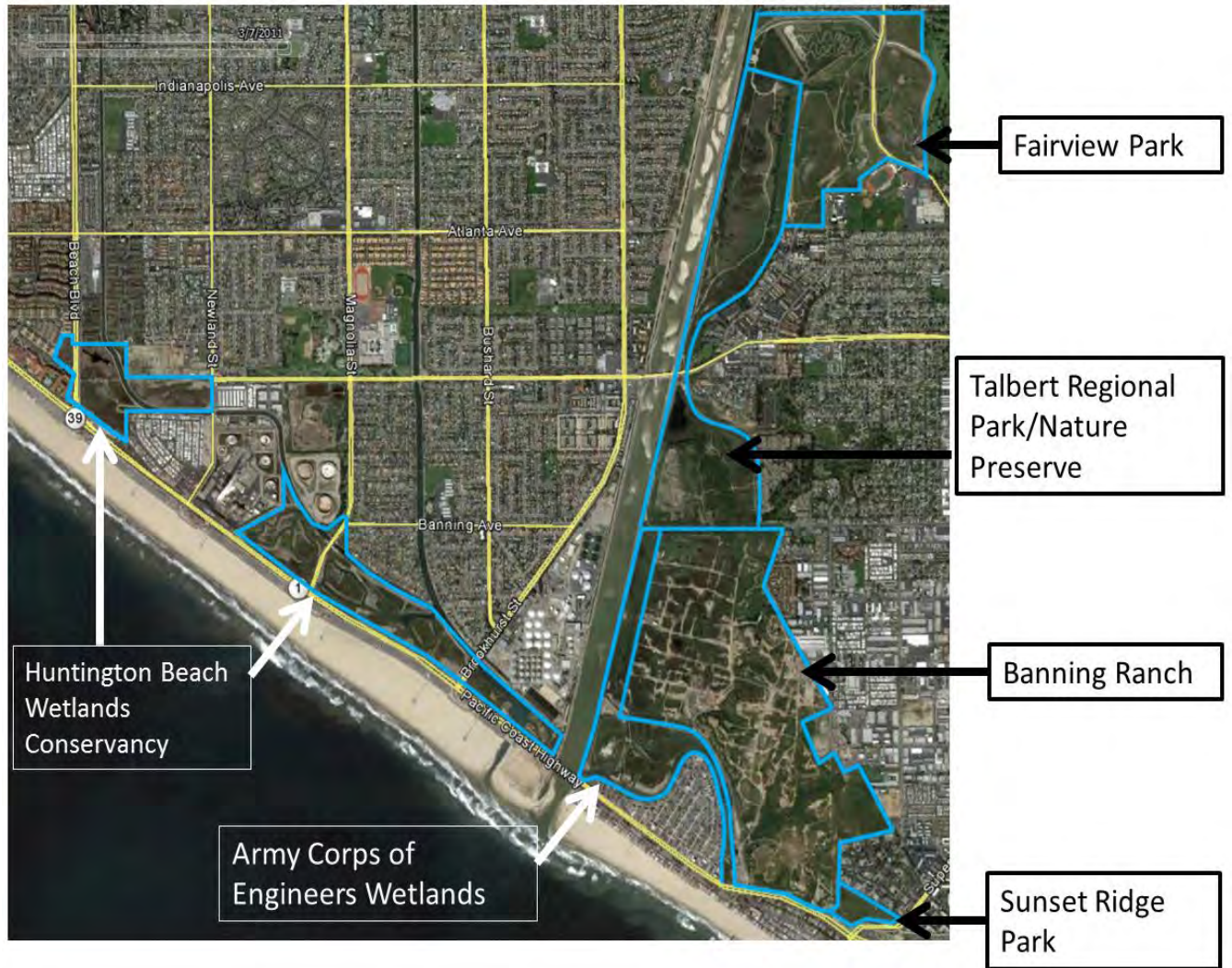


Figure 13 Orange Coast River Park

5. The Ongoing Threat of Development

Banning Ranch has been under the threat of development for many years. The current proposed development, pursued by Newport Banning Ranch LLC, includes 1,375 homes, a commercial area with 70,000 square feet and a 75-room hotel—and is nearly as large as the combined last five large Orange County coastal developments. If this development were to be constructed, the movement of soil caused by grading, remediation and construction (2.5 million cubic yards) would permanently alter the landscape of Banning Ranch, destroy valuable plant and wildlife habitat, and forever change the rich biodiversity of the land.



Figure 14 1,375-home development proposed for Banning Ranch

In an earlier development effort in the 1990s, the owners of Banning Ranch partnered with homebuilder Taylor Woodrow Homes Inc. and proposed to build a residential development. It was during this time that the current grassroots community-based effort to preserve Banning Ranch as open space was organized. In 1999, the Angeles Chapter of the Sierra Club established the Banning Ranch Park and Preserve Task Force with the purpose of preserving Banning Ranch as open space. The Taylor Woodrow development proposal was withdrawn in 2000.

In 1999, the Local Area Formation Commission of Orange County (LAFCO) ruled that henceforth the Banning Ranch property would be in the sphere of influence of Newport Beach. In 2006, Newport Beach voters approved an amendment to the City's General Plan stating that the priority for Banning Ranch be that it remain permanent open space and park, that it should be acquired for such purposes and that oil operations should be consolidated. The amendment also provided that the owners could simultaneously

pursue development rights if acquisition of the land was unsuccessful. Immediately following approval of the General Plan amendment, the owners presented a proposal to develop the property. As of 2014, NBR LLC has not withdrawn the proposed development and has continued to pursue development entitlements for Banning Ranch. The Environmental Impact Report (EIR) for the proposed 1,375-home project was approved by the City of Newport Beach in July, 2012, and NBR LLC has applied to the California Coastal Commission for a Coastal Development Permit (CDP).

In 2008, local activists working on the preservation of Banning Ranch formed the Banning Ranch Conservancy as a non-profit, public benefit land trust corporation. The Conservancy is recognized by the Internal Revenue Service as a non-profit 501(c)(3) corporation. This designation allows the Conservancy to solicit and expend funds in the effort to preserve Banning Ranch as open space and to acquire the property. As a land trust corporation, the Conservancy is also able to hold title to the land when acquired. For a more detailed description of the Conservancy, including its activities, its current board members, their profiles and other information, please visit the Conservancy's website at www.banningranchconservancy.org.

The Sierra Club Banning Ranch Park and Preserve Task Force continues as an integral partner to the Conservancy.

The Conservancy is opposed to development of the Banning Ranch site and has made careful review of the developer's current proposed project a priority in the following manner:

- By reviewing all development applications to ensure their completeness and accuracy.
- By ensuring that the development application meets all legal requirements.
- By retaining expert consultants such as biologists, traffic engineers and other professionals.
- By raising public awareness of the issues and concerns, relative to the proposed project, that impact the public's health, safety, quality of life and property values.
- By engaging and mobilizing citizens and public officials in local communities.
- By informing and coordinating with responsible public agencies to address concerns and responses to the project.
- By garnering the support of community groups in the effort to preserve Banning Ranch.

- By working to acquire the property.
- By raising funds to support all of the above activities including the acquisition of the property.
- By litigating and/or seeking appropriate legal redress, when necessary, to protect the rights of the public.

The Conservancy has acquired endorsements and support from various environmental organizations including:

- Friends of Harbors, Beaches and Parks (FHBP), an Orange County environmental non-profit organization, founded in 1997 and formed to protect and enhance harbors, beaches, parks and open space in Orange County. FHBP is also very active in the creation of the 1,000 acre Orange Coast River Park.
- Stop Polluting Our Newport (SPON), a local community group focused on water pollution and other environmental issues in Newport Beach.
- Canyonland Conservation Fund, a community group dedicated to preserving open space in the canyons of the Santa Ana Mountains.
- Laguna Hills Chapter of the Audubon Society, a local chapter of the national Audubon Society dedicated to protecting birds and their habitat.
- Huntington Beach Wetlands Conservancy, a local conservancy dedicated to protecting and restoring the wetlands located in Huntington Beach along Pacific Coast Highway.

The Banning Ranch Conservancy continues to work diligently to establish a coastal nature preserve and park for all to enjoy by halting the development of Banning Ranch in order to preserve and restore the natural resources, native plant and wildlife habitat.

6. Acquisition Strategy

6.1 Surface development rights

Surface development rights for Banning Ranch are owned by NBR LLC. The Conservancy's first priority is to purchase the surface development rights at fair market value from NBR LLC, thus removing any future threat of development. Any acquisition plan will consider liability issues.

6.2 Subsurface mineral rights

Any conservation plan for Banning Ranch will have to resolve issues concerning the future of the oil operation and mineral rights on Banning Ranch. As in the case of the surface development rights, any plan relating to the future of the oil operation and mineral rights will consider liability issues.



Figure 15 Banning Ranch currently includes an active oil field

Three options currently under consideration are:

- Purchasing the mineral rights from Horizontal Development LLC. This would be the most expensive option (Banning Ranch produces an estimated 200 barrels of oil/day), but would guarantee that the oil operation on Banning Ranch would be abandoned in a timely manner. Any plan to purchase the mineral rights on Banning Ranch would involve discussing the cleanup of the property.
- Arranging for consolidation of the oil operation to a smaller platform. This will require arriving at an arrangement with the mineral rights owner and operator of the oil field to abandon operations on most of Banning Ranch and relocate to a smaller platform in the lowlands. Any plan to consolidate the oil operation on Banning Ranch would involve discussion of the cleanup of the property.
- Plan for the continued operation of the oil field while concurrent restoration efforts are in effect on portions of Banning Ranch where there is no active oil operation. Initial public use would be permitted in a controlled manner in order to avoid interference with the oil operation. As cleanup responsibilities would remain with the mineral rights owner and oil field operator, this option would be the least expensive. As the remaining oil reserves are depleted, the oil operation would eventually cease. Abandonment of oil wells and cleanup of operational areas would be the responsibility of the mineral rights owner and oil field operator.

7. Fundraising

The Conservancy has been diligently seeking acquisition funds necessary to purchase the development rights from NBR LLC and the mineral rights from HD LLC. The Conservancy has identified potential sources of funds to acquire Banning Ranch, such as Orange County Transportation Authority (OCTA) Measure M funds. Banning Ranch Conservancy is also in discussions with potential private donors. In July 2012, a commitment of \$5 million from a generous longtime Newport Beach resident was received for acquisition of the property. Other potential sources of funding include private land trusts, as well as public money from federal, state and local governments.

7.1 What will it cost to purchase the surface development rights?

As a truly unique piece of property, the value of Banning Ranch is difficult to determine. In 2008, the City of Newport Beach conducted a consultative price study and determined a value \$138-\$158 million. However, this figure is considered to be a high ceiling by many for the following reasons:

- The comparative properties used in the consultative pricing study did not contain oil field contamination. It will cost an estimated \$30-\$60 million to clean up Banning Ranch to the rigorous standards required for residential housing.
- The value of \$138-\$158 million was calculated during the height of the “housing bubble” in 2008. Since then, prices have dropped by about 25% (as of 2013).
- The value derived from the consultative pricing study did not take into consideration the extensive wildlife habitat on Banning Ranch, much of which is likely to be considered Environmentally Sensitive Habitat Area (ESHA) by the California Coastal Commission. Development, by law, is not permitted on ESHA, thereby reducing any developable footprint.
- The comparative properties used in the consultative pricing study did not include the single most relevant comparable large purchase of coastal open space—100 acres of the nearby Bolsa Chica mesa at roughly \$650,000/acre.

As determined by the Orange County Tax Assessor, the value of Banning Ranch, not including mineral rights, is \$43 million (as of 2013).

Another model on which to determine the open space value of Banning Ranch is to consider the prices that OCTA paid, through the Measure M program, for other parcels of land in Orange County. The best example is Ferber Ranch, which at 399 acres is roughly comparable in size to Banning Ranch. In 2010, OCTA paid \$12.7 million for this important piece of privately-owned open space property.

Of course, it should be noted that should NBR LLC succeed in obtaining permission from all relevant agencies to develop Banning Ranch, the price will undoubtedly increase.

8. Remediation

The Banning Ranch oil operation currently includes:

- Nearly 490 oil wells (87 of which are active or idle; the rest are abandoned).
- Approximately 40 miles of pipeline.
- Oil separation, processing and storage facilities.
- Oil pumps and sumps.
- Ongoing maintenance of old wells.

Remediation of Banning Ranch will require:

- Capping and abandonment of active and idle oil wells.
- Removal of oil field infrastructure (pipelines, pumps, other structures).
- Identification of hazards, including dump sites of hazardous waste and cleanup of those hazards.
- Removal of existing concrete stockpiles.

Although oil operations on Banning Ranch have existed for decades, most of the wells are now capped, sealed and abandoned. Plants and wildlife are in the process of recovering and the transformation of an industrial landscape into a thriving ecosystem continues -- thus providing an excellent example of nature's biodiversity and its resilience.

Upon acquisition of the surface development rights of the property, the Conservancy's first imperative will be to consult with the oil field operator on cleaning up the remaining oil field toxins. As indicated in the Banning Ranch draft Remedial Action Plan (dRAP, Geosyntec 2009), the site is impacted primarily by nonhazardous crude oil contamination (petroleum hydrocarbons) with 23 sites being identified as Potential Environmental Concerns (PECs).

According to the dRAP, only 7 of the 23 PECS suggest any significant hydrocarbon impacts beyond surface areas. These more heavily impacted areas may require some excavation and treatment, but overall the contamination on the site is light, nonhazardous and perfectly suited to open space remediation methods that involve aerating and oxygenating the soil to encourage the growth of indigenous hydrocarbon reducing bacteria.

The Banning Ranch Conservancy believes that state-of-the-art environmental science, pragmatic planning and nature itself are our best allies in the remediation of the land and its ultimate use for public education and recreation in a beautiful, natural setting.

Methods that have proven successful are bioventing, used by the Air Force Center for Engineering and the Environment (AFCEE) on many of their military cleanup projects, and phytoremediation, which has been tested at more than 200 sites nationwide (according to the EPA). J-Field at the Aberdeen Proving Grounds in Harford County, Maryland, originally a disposal site for chemical warfare agents and industrial chemicals, and The Oregon Poplar Site, once a toxic dump site, are just two of many remarkable examples of successful phytoremediation programs.

Phytoremediation refers to the natural ability of plants called hyper accumulators to bio accumulate, degrade or render harmless, contaminants in soils, water or air. Contaminants such as metals, pesticides, solvents, explosives and crude oil and its derivatives have been mitigated in phytoremediation projects worldwide.

Native plants will be used for phytoremediation on Banning Ranch. As described by the EPA: “Use of native plants in phytoremediation provides advantages over other species and helps bring back the heritage of flora lost through human activity. In addition to restoring biodiversity to areas that have been disturbed, remediating Superfund sites using native species provides for wildlife habitat enhancement and conservation and saves money over alternative cleanup methods.”

A great advantage of open space remediation is that nature is an integral part of the process—and the cost is only a fraction of what it would be for residential remediation. The vast majority of the oil wells on Banning Ranch have been certified as abandoned in accordance with State of California Department of Oil, Gas, and Geothermal Resources (DOGGR) standards (which requires the areas around the wells to be returned to as “near a natural state as practicable.”) With open space remediation, there is no requirement to re-abandon several hundred oil wells at a cost of approximately \$100,000 per well. Nor is it necessary to excavate and land farm nearly 3 million cubic yards of contaminated soil, making cuts as deep as 25 feet and altering natural land forms. And perhaps most significantly, no critical habitat will be destroyed and no wildlife displaced or killed.

The petroleum hydrocarbon cleanup criteria for open space remediation, based on the Orange County Health Care Agency’s requirements, is 1,000 to 20,000 ppm (parts per million). The residential requirement is 100 ppm. Open space remediation is not held to the stringent standards of residential remediation.

Open space remediation is the ideal solution for Banning Ranch. It utilizes native plants and natural forms of bioremediation to restore, preserve and protect virtually all of the land as it now exists. As a coastal nature preserve and park, Banning Ranch would be the final link in the grandly imagined Orange Coast River Park, an ecological masterpiece for Orange County and a dream come true for generations of Californians.

9. Restoration of Habitat Areas

Banning Ranch has extensive and valuable plant habitats and wildlife, some of which are “Special Status” species. In addition to the remediation of oil field contaminants, disturbed habitat will be restored in order to sustain and grow the unique staircase ecosystem that exists naturally. Old and unused equipment will be demolished and removed. Habitat disturbance and non-native invasive plant species will require removal and replacement with native plants. Grants will be used for restoration and there will be philanthropic opportunities.

Areas of restoration and possible funding/support include:

- Wetlands – Grants are available for wetlands from state, federal and private sources.
- Public use areas (parks, including active areas) – Solicit input from local citizens and elected officials, such as city councilpersons and county supervisors.
- Interpretive areas and trails – Continue the effort to gather input from the community, as well as consult with local academics.
- Areas disturbed by past oil operation activities will be re-vegetated with native plants.

Related activities:

- Evaluate whether to remove or modify the levee, as well as the possible placement of a tidal gate to allow lowlands to experience tidal flushing.

The final restoration plan will be presented to California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, California Coastal Commission and other responsible agencies to obtain permits. Environmentally-friendly techniques will be used throughout.

Mowing on Banning Ranch:

For the last several years, extensive mowing on the Banning Ranch mesa has been conducted, often in areas far away from active wells and adjacent buildings. Mowing has occurred in the immediate area of abandoned wells. This mowing of abandoned well sites is counter to State of California Department of Oil, Gas, and Geothermal Resources (DOGGR) standards (which require the areas around abandoned wells to be returned to as “near a natural state as practicable.”) As of 2012, the mowing on Banning Ranch has been limited to an area immediately around active wells and limited

to a 100-foot buffer next to adjacent buildings. This reasonable reduced mowing compromise will allow for adequate fire safety, while simultaneously allowing for restoration and recovery of important habitat.

10. Interpretive and Educational Opportunities

A primary goal for the Banning Ranch Park and Preserve is to provide educational and interpretative opportunities for the public, including school groups. Initial interpretative opportunities will include informational signage identifying biological resources (plants, wildlife areas, historical archaeological sites, etc.). Tours with trained naturalists will be conducted. An Interpretative Center/Museum will be designed and constructed.

Opportunities will exist for Banning Ranch Park and Preserve to educate the public on the rich and varied wildlife, as well as the history of the site, including:

- Geology
- Native American culture
- Early ranch days
- History of the oil operation

11. Long Term Management

The Conservancy will raise endowment funds to provide for the long-term management of the property. The Conservancy will continue to recruit and maintain, through a naturalist training program, a staff of docents, naturalists and volunteers that will:

- Provide education to the public, including school children.
- Maintain and enhance the wildlife and habitat.
- Staff the Interpretive Center and the offices, which will be tasked with administrative and accounting duties.

The Conservancy Board will have operating committees, such as Funding and Grants that will be dedicated to maintaining the operation of the Banning Ranch Park and Preserve.

Maintenance – Maintenance of buildings, public use areas and preserves will be required. Wherever possible, this can be provided by volunteers using donated materials. When necessary, professional services and supplies will be purchased.

12. Timeline

The envisioned Banning Ranch Park and Preserve is a large property with a coastal nature preserve, open space and park features. Restoration of the nature preserves will include removing non-native species. The Banning Ranch Park and Preserve Vision Plan envisions acquisition and facilities development on the Banning Ranch Park as a multiple-phase project. The timeline associated with each phase depends heavily on available funding and agency permitting. Phases are envisioned as follows:

Phase 1 – 1 to 5 years

Phase 2 – 5 to 10 years

Phase 3 – greater than 10 years

Within each phase, some or all of the following activities will occur:

- Planning – current phase
- Acquisition
- Remediation
- Restoration and construction
- Management

Open space land use will be pursued in accordance with Coastal Act requirements and will be largely based on the plentiful sources of natural biodiversity that already exist. Visitor-serving amenities and recreational uses will be explored and developed in areas that do not disturb the existing ecological order.



Figure 16 The proposed Banning Ranch Park and Preserve

13. Contact Information

For more information, contact the Banning Ranch Conservancy at (714) 719-2148. You can also visit our website at www.banningranchconservancy.org or email us at info@banningranchconservancy.org.

For philanthropic opportunities, call Steve Ray (310 961-7610) or Terry Welsh (714 719-2148).