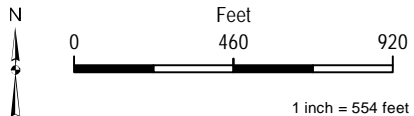


- Banning Ranch Oil Field
- Approximate On Site Fault Setback Zone
- Projected Fault Zone
- Joint Ownership Oil Facilities Areas / Consolidation Sites Existing and Continuing Oil Operations
- Proposed Project Footprint



SOURCE: Aerial and Fault data provided by Fusco Engineering

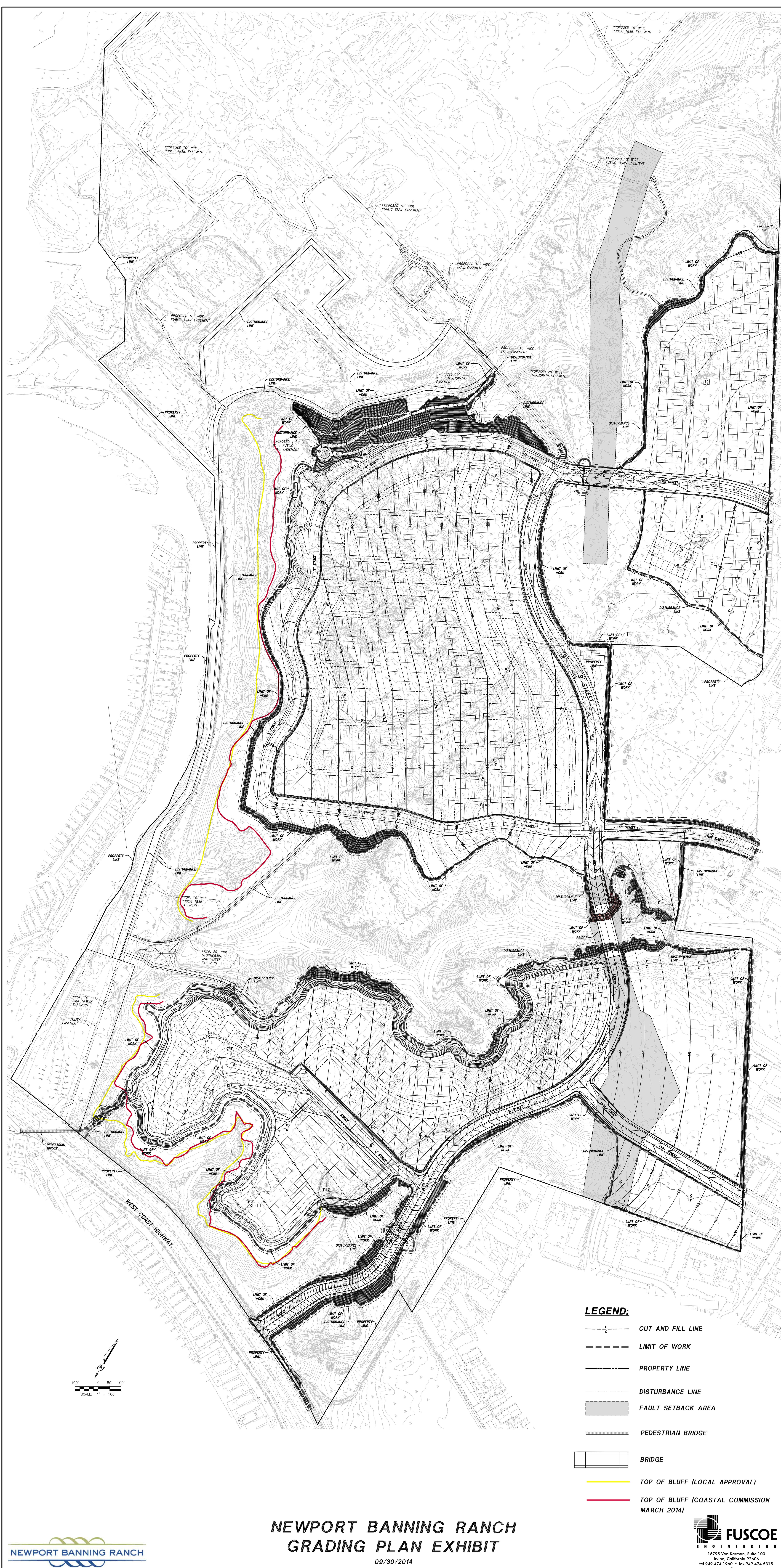
NEWPORT BANNING RANCH

## Projected Newport Mesa Fault Zone

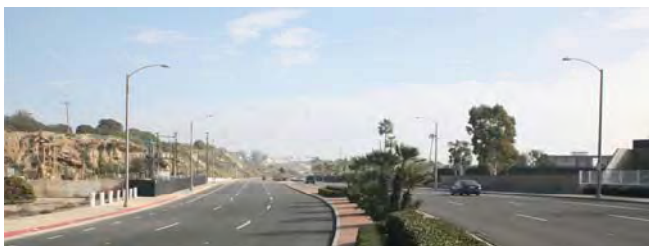
5-13-032 EXHIBIT 14

Date: 5/14/2013 - Created by: slucarelli - Last saved by: slucarelli - Path: \\HOTR-DATA\GISdata\Projects\72480\1MAPDOC\MAP5\Constraints\Fault\_Map.mxd









EXISTING VIEW FROM POINT A



PEDESTRIAN BRIDGE DESIGN  
CONCEPT VIEW FROM POINT A



**MASTER DEVELOPMENT PLAN**  
City of Newport Beach - California

## West Coast Highway Pedestrian Bridge Details

































RESORT VIEW FROM PACIFIC COAST HIGHWAY



RESORT ARRIVAL

FORMA

Fuscoe Engineering

Robert Hidey Architects

RESORT INN VIEWS

NEWPORT BANNING RANCH

Newport Banning Ranch, LLC





FAMILY VILLAGE NORTH - GRAND ALLEE

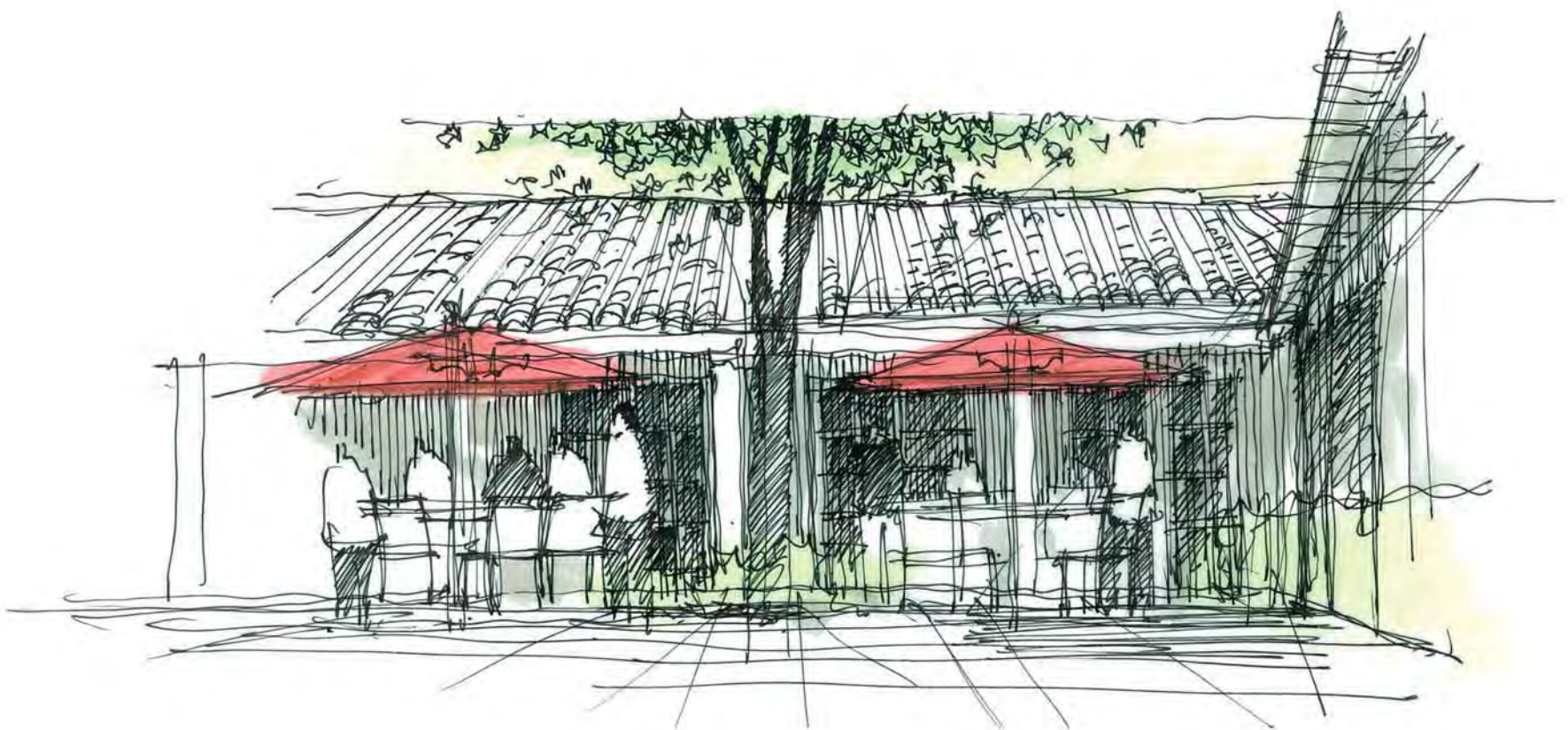
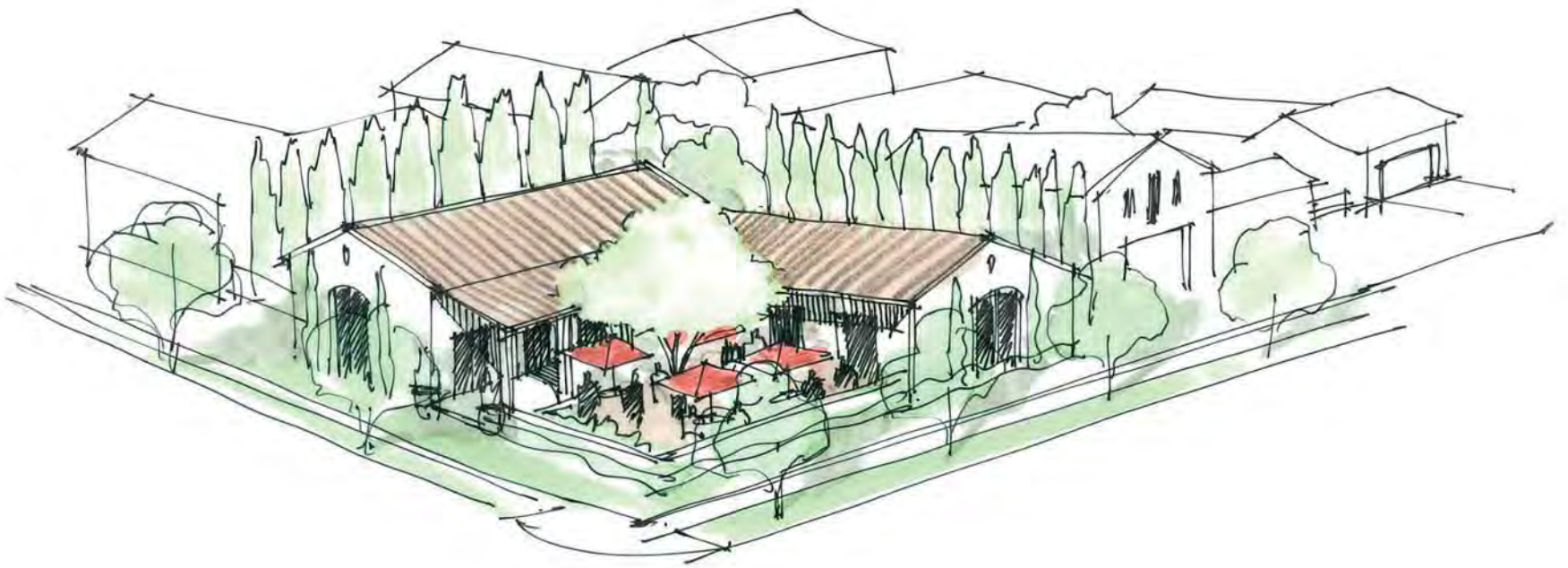


URBAN COLONY - VILLAGE GREEN



URBAN COLONY - RETAIL





FORMA

Fuscoe Engineering

Robert Hidey Architects

NEIGHBORHOOD STORE

NEWPORT BANNING RANCH

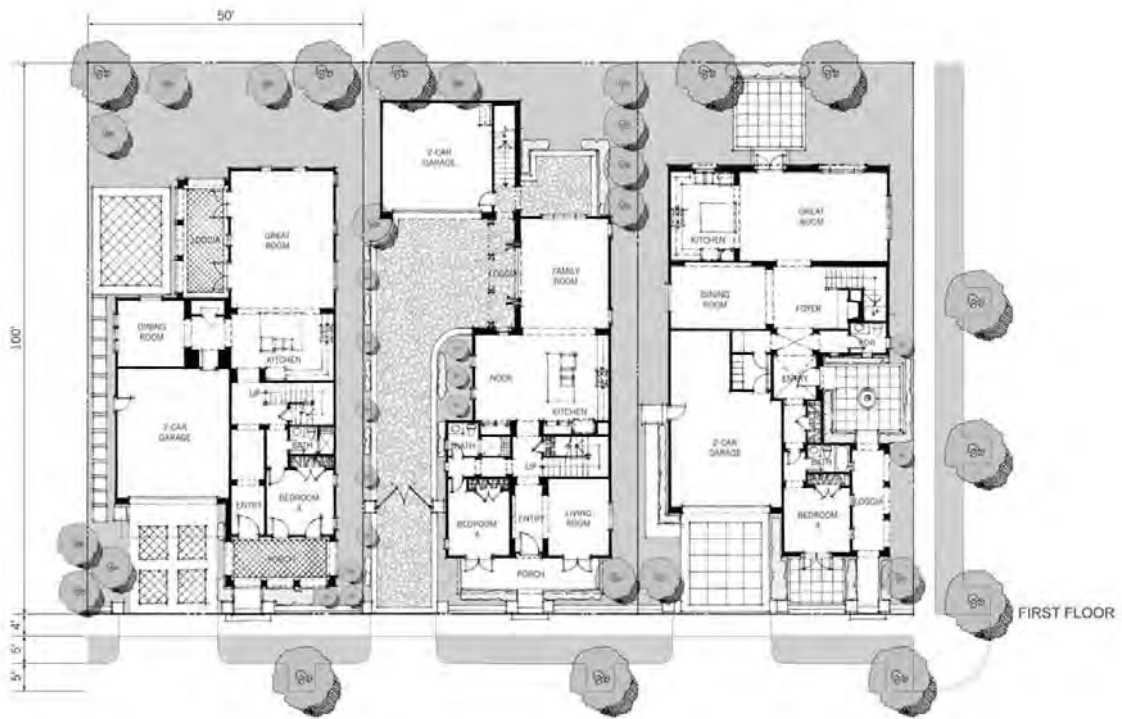
Newport Banning Ranch, LLC

NEWPORT BEACH, CA





SECOND FLOOR



FIRST FLOOR



FORMA  
Fusco Engineering  
Robert Hidey Architects

TRADITIONAL HOMES  
NEWPORT BANNING RANCH

NEWPORT BEACH, GA

Scale: 1/8"=1'-0"

5-13-032 EXHIBIT 16  
NEWPORT BANNING RANCH, LLC

PROJECT 08018.02 : 03/26/2009

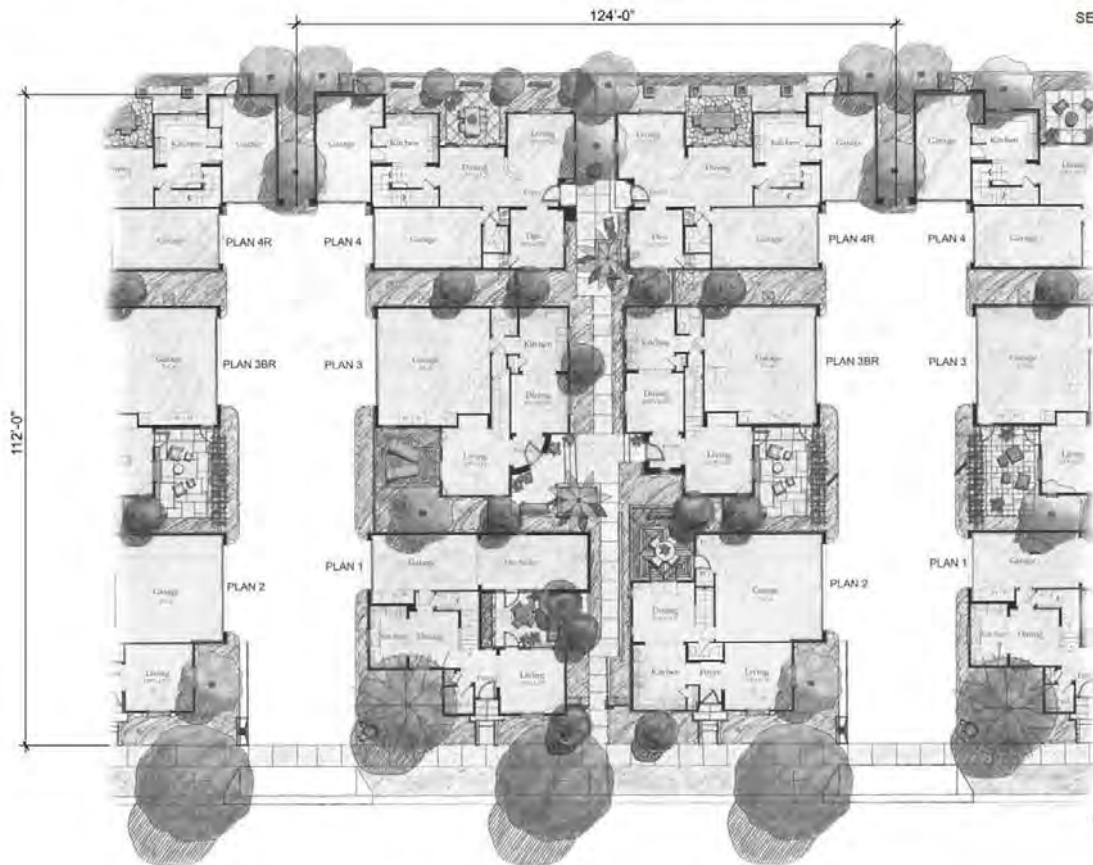






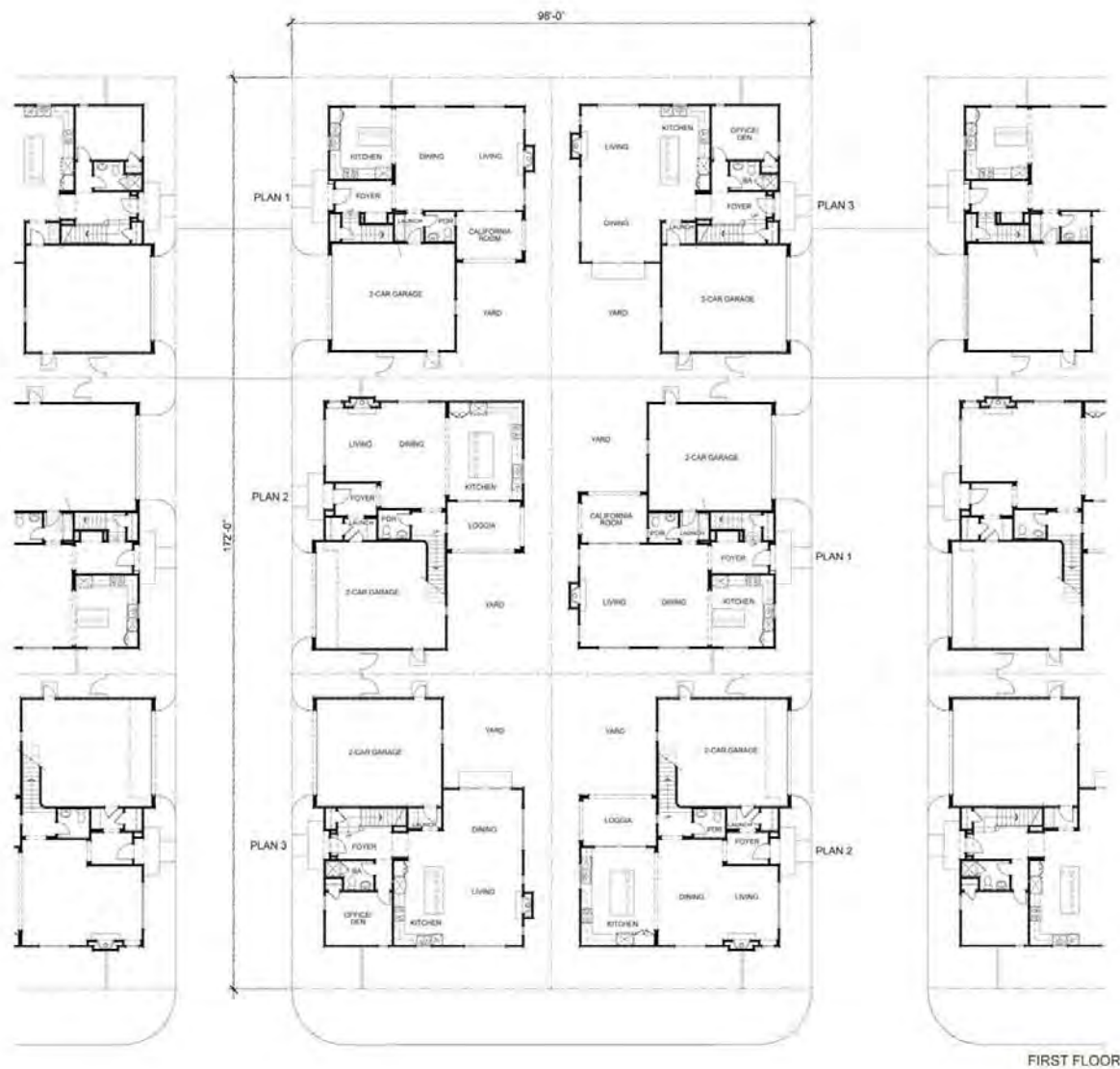


SECOND FLOOR



FIRST FLOOR





FIRST FLOOR

FORMA

Fusco Engineering

Robert Hidey Architects

## MOTOR COURT HOMES

NEWPORT BANNING RANCH 5-13-032 EXHIBIT 16 Newport Banning Ranch, LLC

NEWPORT BEACH, CA

Scale: 1/8"=1'-0"

PROJECT 08018 02 - 03/26/2000

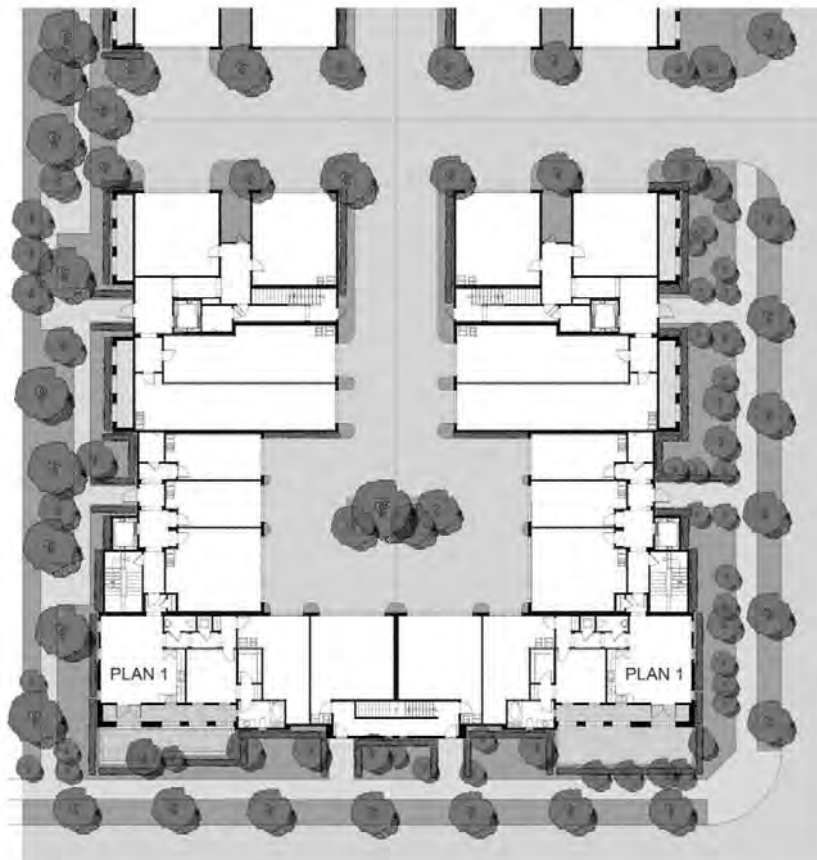








SECOND FLOOR



FIRST FLOOR

FORMA

Fusco Engineering

Robert Hidey Architects

VILLAGE FLATS

NEWPORT BANNING RANCH

NEWPORT BEACH, GA



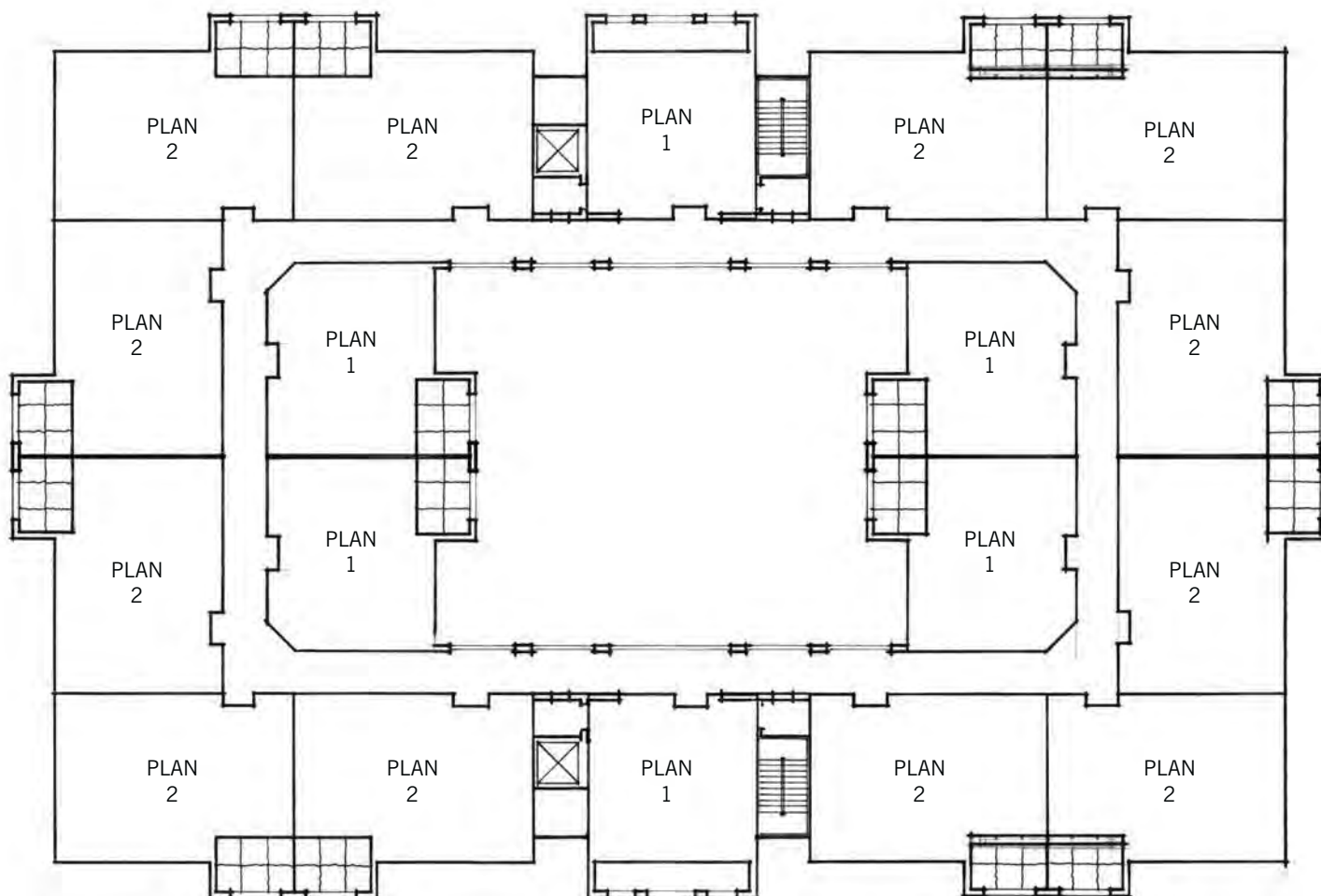
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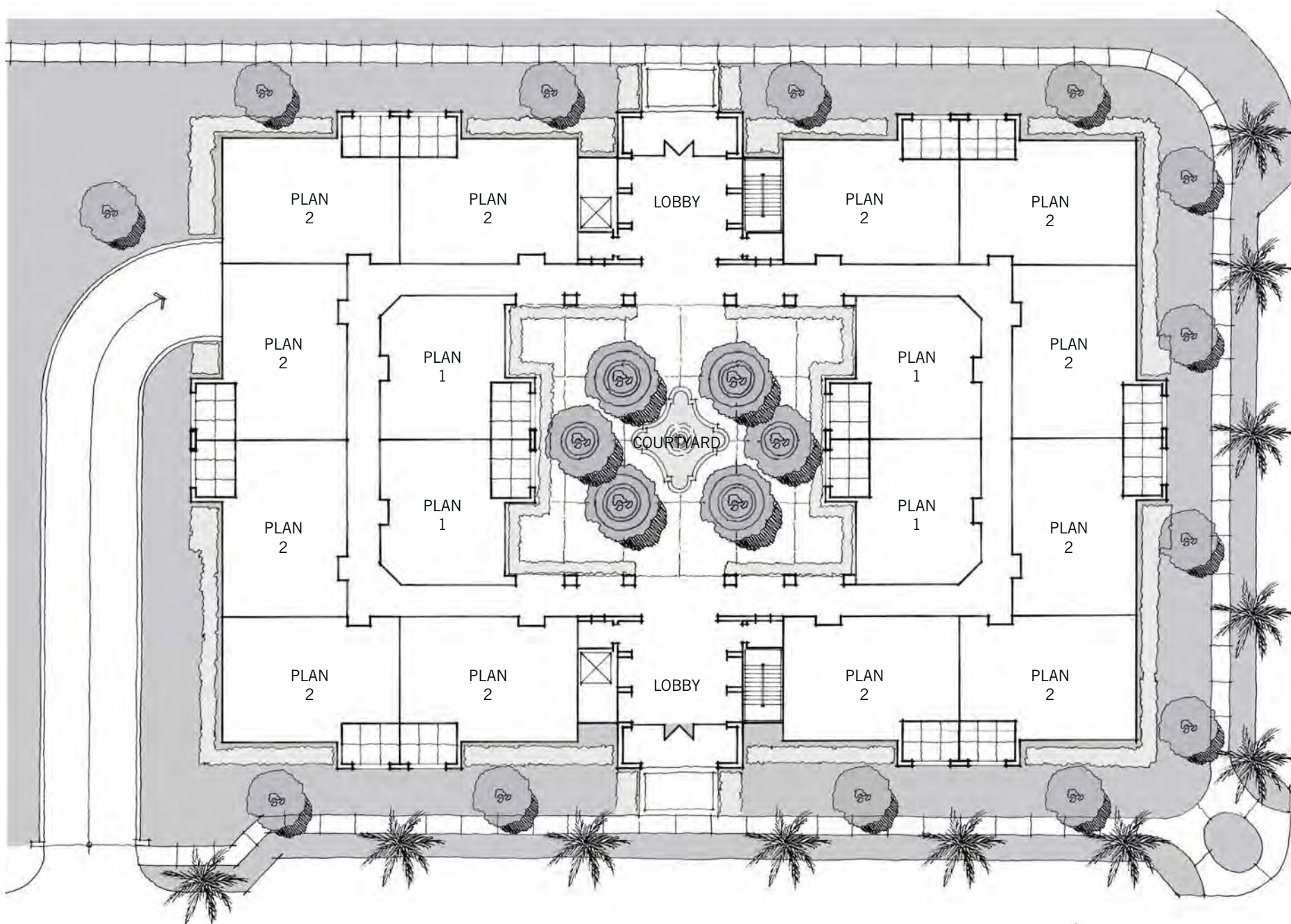
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Page 9 of 19

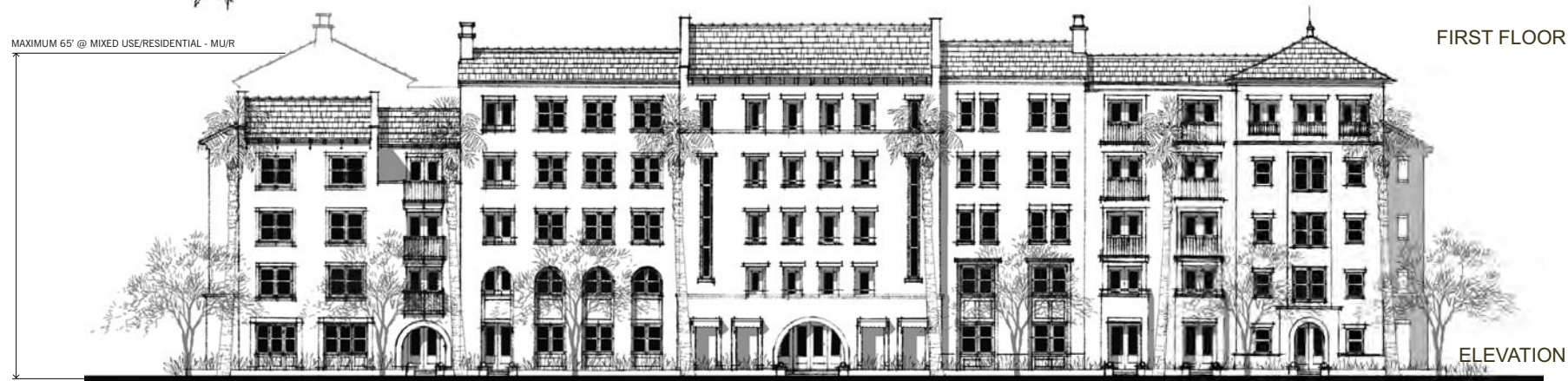




TYPICAL FLOOR ABOVE



FIRST FLOOR



FORMA

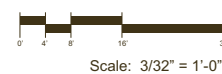
Fusco Engineering

Robert Hidey Architects

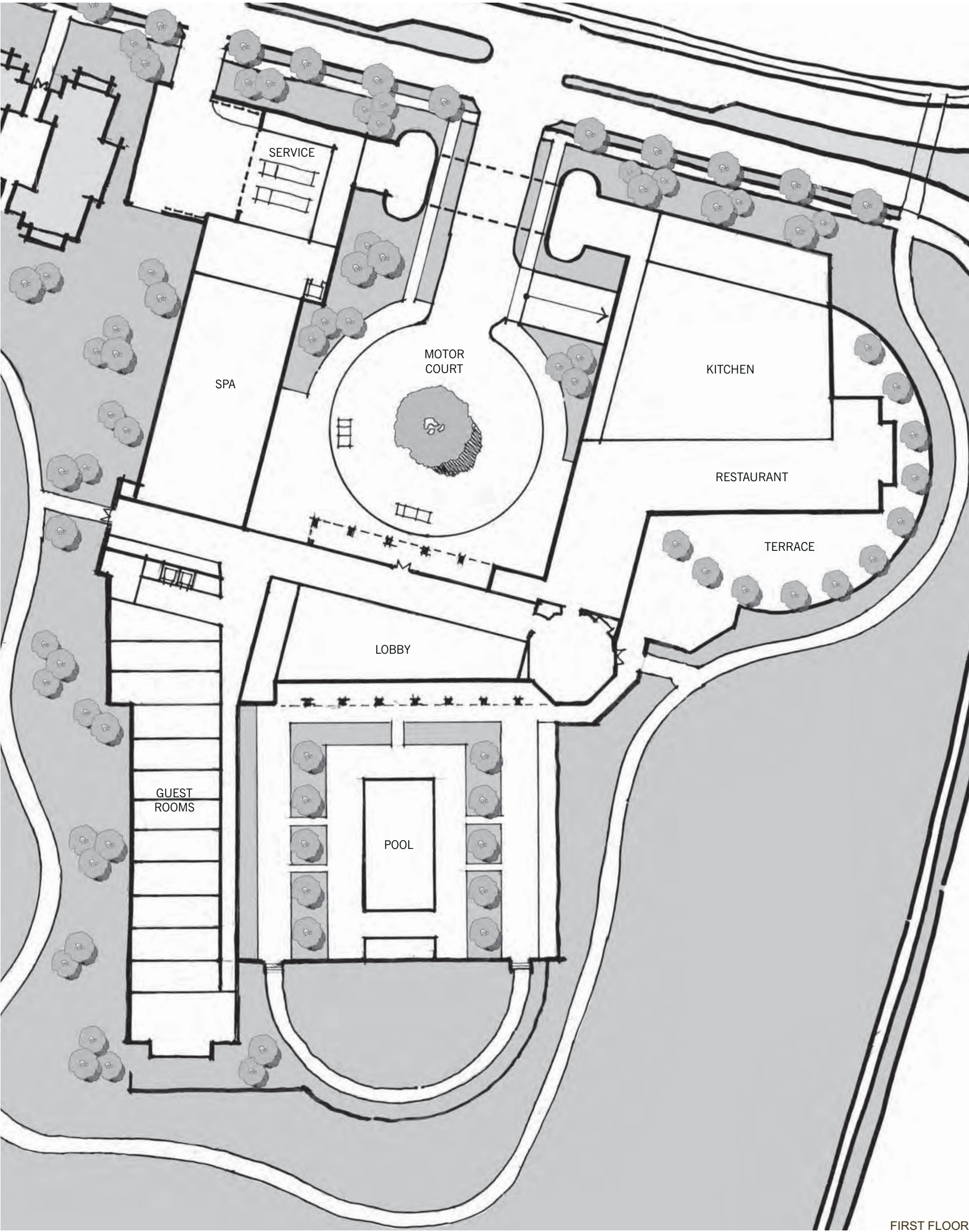
URBAN FLATS

NEWPORT BANNING RANCH

Newport Banning Ranch, LLC







FIRST FLOOR



ELEVATION

FORMA

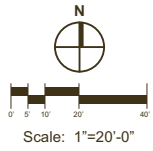
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Robert Hidey Architects

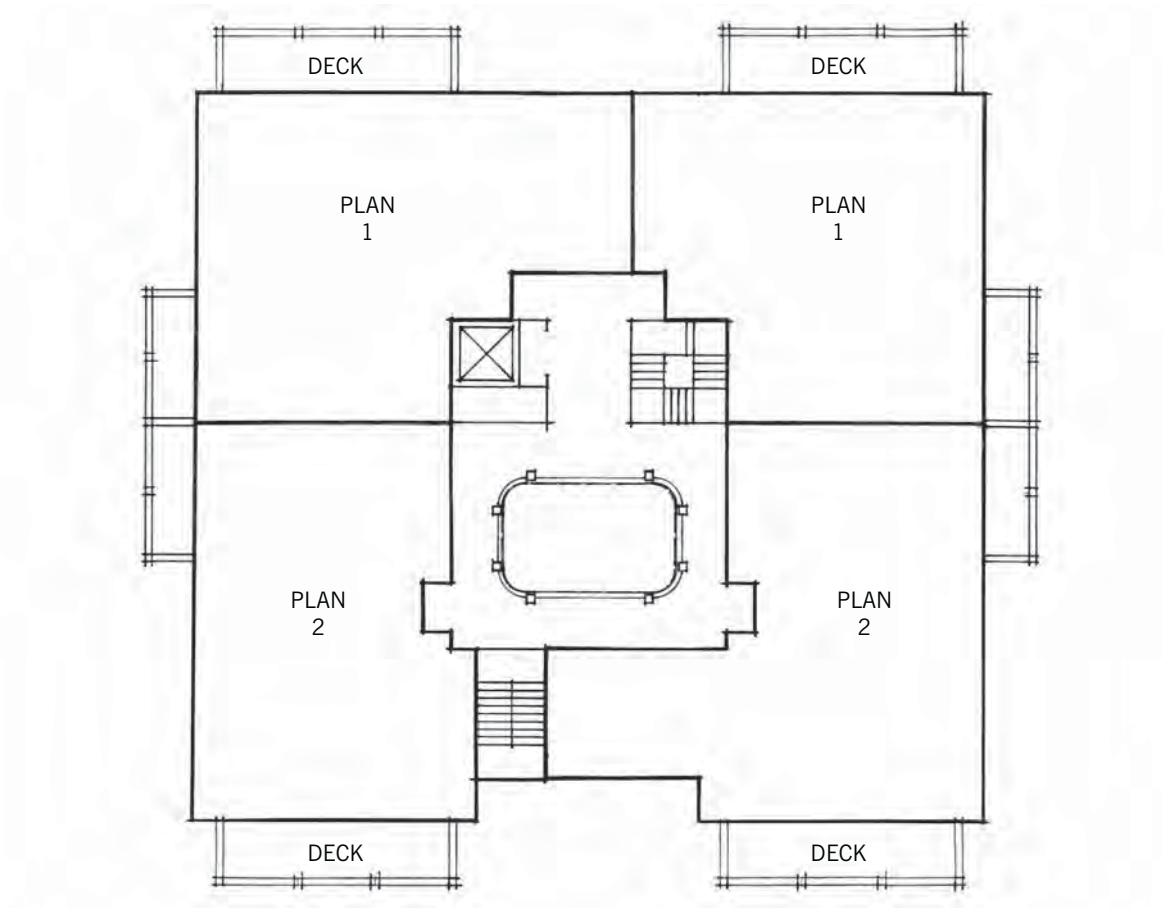
RESORT INN

NEWPORT BANNING RANCH

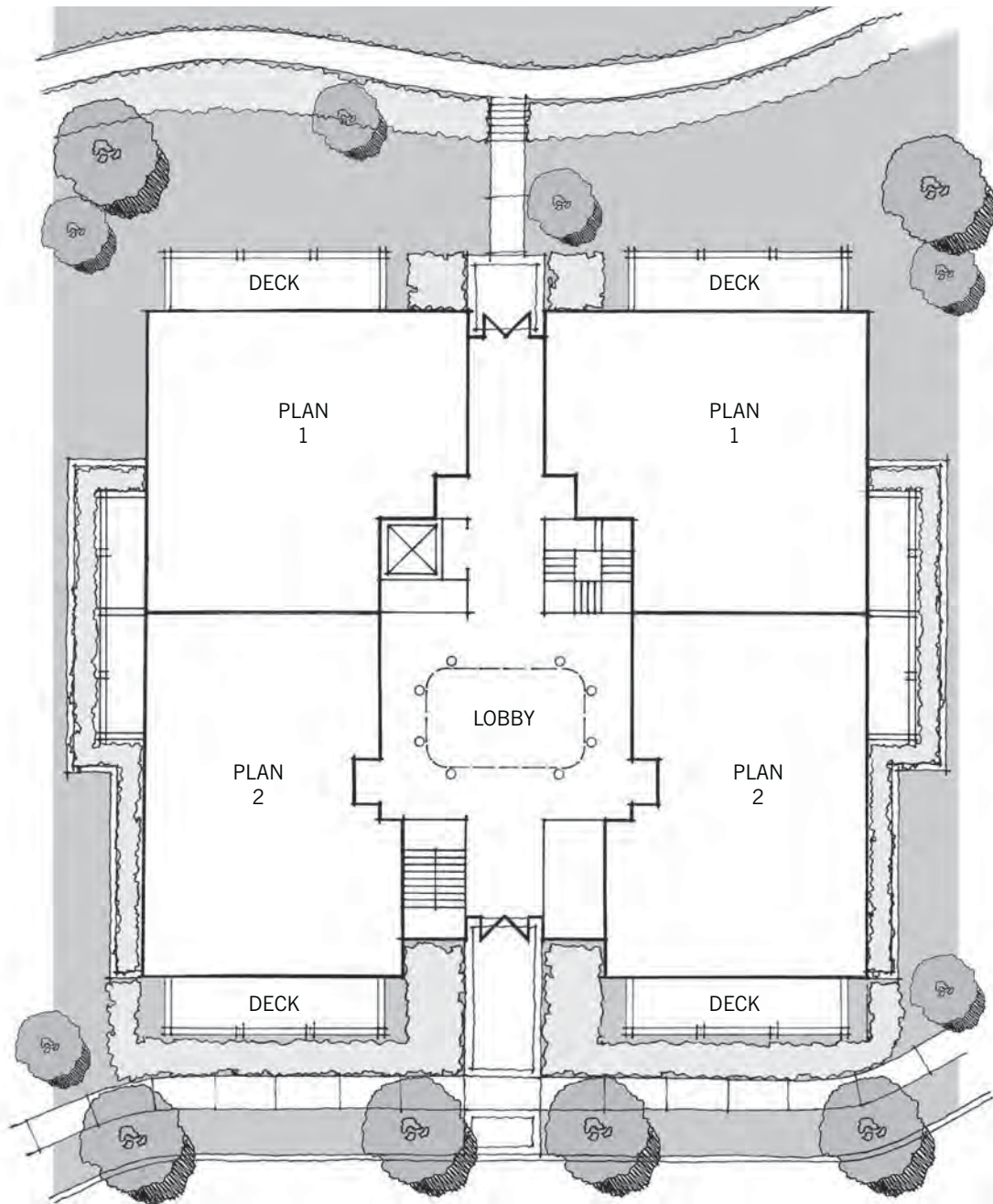
Newport Banning Ranch, LLC







TYPICAL SECOND FLOOR



FIRST FLOOR



ELEVATION

FORMA

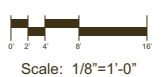
Fusco Engineering

Robert Hidey Architects

RESORT FLATS

NEWPORT BANNING RANCH

Newport Banning Ranch, LLC





# Newport Banning Ranch

Product Type Building Heights

## Low Density Residential



Product Type Name:  
Maximum Allowed Height:

Traditional Homes  
36'



Product Type Name:  
Maximum Allowed Height:

Coastal Homes  
36'



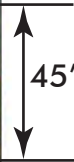
# Newport Banning Ranch

Product Type Building Heights

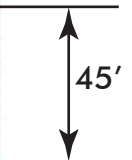
## Low Medium Density Residential



Product Type Name: Beach Cottages  
Maximum Allowed Height: 45'



Product Type Name: Motor Court Homes  
Maximum Allowed Height: 45'



Product Type Name: Garden Court Homes  
Maximum Allowed Height: 45'



# Newport Banning Ranch

Product Type Building Heights

## Medium Density Residential



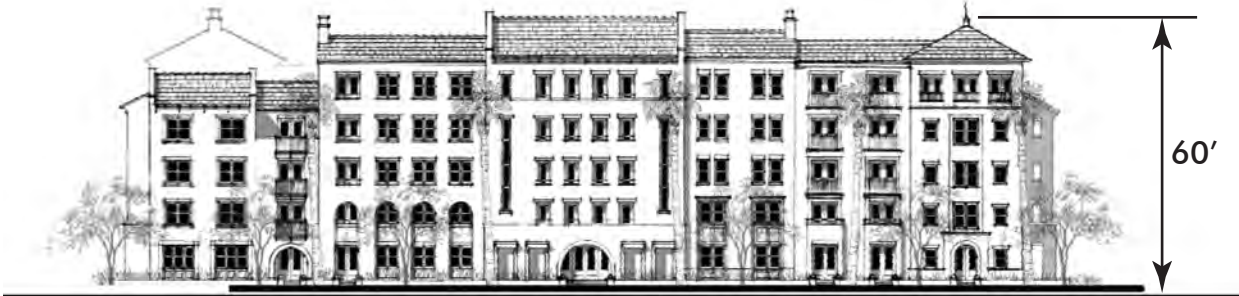
Product Type Name: Village Flats  
Maximum Allowed Height: 45'



# Newport Banning Ranch

Product Type Building Heights

## Mixed Use



Product Type Name:	Urban Lofts
Maximum Allowed Height:	60'



# Newport Banning Ranch

Product Type Building Heights

## Resort Residential



Product Type Name:  
Maximum Allowed Height:

Resort Flats  
50'



# Newport Banning Ranch

Product Type Building Heights

## Resort



Product Type Name:  
Maximum Allowed Height:

Resort Inn  
50'







Santa Ana Regional Water Quality Control Board

September 15, 2015

Mr. Michael A. Mohler  
Newport Banning Ranch, LLC  
1300 Quail Street, Suite 100  
Newport Beach, CA 92660

mohler@brooks-street.com

**DENIAL WITHOUT PREJUDICE OF CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR NEWPORT BANNING RANCH DEVELOPMENT PROJECT, CITY OF NEWPORT BEACH AND UNINCORPORATED PORTIONS OF ORANGE COUNTY (USACE APPLICATION NO. NOT AVAILABLE) (REGIONAL BOARD PROJECT NO. 302014-15)**

Dear Mr. Mohler:

On August 20, 2014, we received from DUDEK, on behalf of Newport Banning Ranch, LLC (Applicant), an application for Clean Water Act Section 401 Water Quality Standards Certification (401 Certification) for a 401 acre project located in the City of Newport Beach and unincorporated Orange County. The proposed project (Project) would include construction of mixed use and 1,375 residential units on 86.1 acres, a resort inn on 11.3 acres, a public park on 26.8 acres of 51.4 acres designated for recreational purposes, and 252.3 acres of open space preserved as natural habitat.

As described in more detail below, we are unable to take action on your application at this time. On February 18, 2015, the Applicant submitted a check for the balance of the 401 filing fee, however, Santa Ana Regional Board staff requested supplemental information necessary to establish that beneficial uses, in particular the RARE<sup>1</sup> use designation, would be adequately protected in the Project area, and that the Project provides the appropriate mitigation to offset any adverse impact to these uses. We have received and reviewed several interpretive analysis studies dated from 2008 to 2015, delineating impacts to jurisdictional waters, namely, to 49 seasonal basins (identified as VP1-TT) located within the proposed Project area. The reports are inconsistent in interpretation and analysis of the number and extent of seasonal basins, indicating that

<sup>1</sup> Rare, Threatened or Endangered Species (**RARE**) waters support the habitats necessary for the survival and successful maintenance of plant or animal species designated under State or federal law as rare, threatened or endangered.



the level of impacts resulting from the currently proposed Project has not been conclusively established. In light of the 365 day statutory deadline for action on a 401 certification application that the US Army Corps of Engineers may deem valid, I am hereby denying the request for certification without prejudice. The denial without prejudice does not preclude future certification of this Project. You may submit a revised application package within one year of this denial. Another application processing fee will not be required with the resubmission.

To reopen the application for 401 Certification, information that responds to the following matters must be provided:

1. Both the California Coastal Commission (CCC) and the U.S. Fish and Wildlife Service (USFWS) continue to indicate to us ongoing concerns regarding the potential impacts of the Project on federal and State listed species, including the San Diego fairy shrimp (*Branchinecta sandiegonensis*) and the versatile fairy shrimp (*Branchinecta lindahli*), and the mitigation proposed to address those impacts. Such impacts have the potential to adversely affect the existing or potential RARE beneficial use of the affected waters.
2. The CCC has also expressed concern to us that the California Coastal Act set high standards on the protection of Environmentally Sensitive Habitat Areas (ESHAs), and the Applicant has not submitted complete information on ESHAs at the Project site, how they would be protected, and not adversely impacted as a result of Project construction. Those ESHAs include the California Department of Fish and Wildlife (CDFW) rare plant communities and/or federal and State listed species and associated habitats. We understand that CDFW staff has stated the same concern about the lack of information. As such, definitive floral studies must be completed during the spring flowering period for annual plants to provide a conclusive characterization and extent of vernal pool habitat, which is an ESHA. Multiple survey sessions should be conducted during the blooming period between March and early June, during years with at least normal rainfall when the vernal pool indicator plants, such as Woolly Marbles (*Psilocarphus brevissimus*) and Brass Button (*Cotula coronopifolia*) are most visible and recognizable.
3. As you know, the Newport Banning Ranch area has been an active oil exploration and development site for several decades, which has modified the natural topography and hydrology. Use of historic Hydrophytic Soil Assessments may not provide accurate descriptions or locations of jurisdictional waters under present conditions. Therefore, they should not be relied upon to describe how the proposed Project will impact jurisdictional waters within the Project area. Regional Board staff must have a recently completed and accurate hydrophytic soil study in order to determine with confidence that the impacts to consider, prior to issuing a 401 Certification for the subject Project.

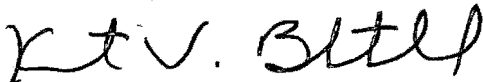


4. Similarly, historic Hydraulic Studies may not accurately describe how the Project will impact jurisdictional waters within the Project area. Regional Board staff requires a recently completed and accurate Project hydraulic study to assess impacts to consider the issuance of a 401 Certification for the Newport Banning Ranch Project.

CCC staff advised us that they have made recommendations for possible modifications to the Project that would alleviate, at least in part, their concerns with respect to the Project impacts on ESHAs and other environmentally sensitive biological resources. Further, USACE staff has advised us that the Clean Water Act Section 404(b) (1) analysis for the Project has not yet been completed since the area impacted by the Project may be reduced substantially from the area specified in the 404 permit and 401 certification applications. Your revised certification application must be informed by final determinations regarding the Project configuration, including the full extent and level of impacts to water quality and beneficial uses.

Once again, this denial without prejudice does not preclude future certification of this Project. We encourage you to work with CDFW and USFWS in particular to resolve concerns related to Project impacts on biological resources and suitable mitigation. If you have any questions please contact Marc Brown at (951) 321-4584 or [marc.brown@waterboards.ca.gov](mailto:marc.brown@waterboards.ca.gov) or Wanda Cross at (951) 782-4468 or [Wanda.Cross@waterboards.ca.gov](mailto:Wanda.Cross@waterboards.ca.gov).

Sincerely,



Kurt V. Berchtold  
Executive Officer  
Santa Ana Regional Water Quality Control Board

cc: U.S. Army Corps of Engineers – Crystal Huerta  
U.S. Environmental Protection Agency, Supervisor of the Wetlands Regulatory Office – Tim Vendlinski (WTR-8)  
State Water Resources Control Board, DWQ - Water Quality Certification Unit  
State Water Resources Control Board, OCC – David Rice  
California Department of Fish and Wildlife – Joanna Gibson  
U.S. Fish and Wildlife Service – Karin Cleary-Rose  
Aera Energy - Mr. George Basye ([GLBasye@aeraenergy.com](mailto:GLBasye@aeraenergy.com))





# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182  
(909) 396-2000 • [www.aqmd.gov](http://www.aqmd.gov)

SENT VIA USPS AND E-MAIL:  
[MJKlancher@aeraenergy.com](mailto:MJKlancher@aeraenergy.com)

September 4, 2015

Mr. Michael J. Klancher  
Aera Energy LLC  
3030 Saturn Street, Suite 101  
Brea, CA 92821

## **Draft Remedial Action Plan (RAP)** **for the Newport Banning Ranch Oilfield Abandonment**

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final Remedial Action Plan.

### **Project Description**

The Draft RAP includes activities that involve decommissioning and abandonment of oilfield operations including 66 out of the 85 existing active and idle wells, field facilities and supporting infrastructure on the Newport Banning Ranch (NBR) property (the Site). These 66 oil wells are located outside of two future oil consolidation areas where ongoing oil production operations will continue with current production estimated at over 180 barrels a day. The two consolidated oil sites occupy about 17-acres of the total 401-acre NBR Site. The remainder of the Site is planned to be developed with residential dwelling units, a resort inn, commercial uses, parklands, open space and other uses based on the project description in the certified<sup>1</sup> Newport Banning Ranch Final Environmental Impact Report (NBR FEIR).

The Draft RAP presents the steps involved in the remediation process of the oilfield impacts at the Site and the continued cleanup of one site within one of the two future oil consolidation areas. The proposed remediation of the non-oil consolidation areas will take approximately three years to complete but will overlap with the proposed development of the Newport Banning Ranch Project. The remediation will involve up to 362,000 cubic yards of materials including approximately 182,000 cubic yards of hydrocarbon-impacted soil and approximately 180,000 cubic yards of surface road materials, asphalt like materials, and concrete. Although most of the remediated soil is planned to be used as backfill on the site, the amount of soil that cannot be cleaned,

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<sup>1</sup> The Final EIR was certified by the City of Newport Beach City Council on July 23, 2012.



reused on-site, and therefore will be exported from the designated Haul-Off Stockpile was not estimated in the NBR FEIR or described in the Draft RAP.

#### Adverse Health Effects and Other Air Quality Impacts from Remediation Activities

Based on the discretionary action of the proposed NBR project, the SCAQMD staff is concerned that the potential air quality and health effect impacts from the soil remediation should be evaluated with a CEQA document to disclose potential impacts to regional and localized air quality emissions, health risk impacts and greenhouse gas emissions from on- and off-site equipment emissions, potential toxic air contaminant emissions and greenhouse gas emissions like methane that might result from the bioremediation process. Since future residents on-site and other sensitive receptors near the site could be exposed to these potential impacts during the remediation process, the SCAQMD staff recommends that an air quality analysis that follows our guidance<sup>2</sup> be conducted for the proposed RAP to disclose these potential impacts in a CEQA document that is publicly reviewable. The estimated impacts should then be compared to recognized thresholds of significance, and if significant impacts are determined, feasible mitigation should be applied.

#### Emission from Haul-Off Stockpile Activities

The Draft RAP describes impacted soil that could not be remediated (e.g., soil containing more mobile oil fractions and/or tar-like materials) that would be designated to be removed for off-site disposal. Based on our review of the NBR FEIR and the Draft RAP, the amount of this potential type of soil export was not estimated. The SCAQMD staff recommends that the estimated amount of soil and any associated impacts from the export from the Haul-Off Stockpile be included in the Lead Agency's air quality and health affect analyses. Emission sources related to the remediation, e.g., soil disturbance (fugitive dust and toxic air contaminants), daily truck trips, vehicle miles traveled to the disposal site(s), etc., should be included in the applicable analyses: regional, localized, greenhouse gas and health risk affect impacts. Otherwise, the project air quality impacts from this part of the remediation process are not accounted for in either the NBR FEIR or the Final RAP.

#### SCAQMD As a Responsible Agency

Based on the project description, the proposed remediation will require permit review by SCAQMD Engineering and Enforcement Staff. Although the Draft RAP cited compliance with rules including SCAQMD Rule 403 – Fugitive Dust for Large Operations<sup>3</sup> and Rule 1166 – Volatile Organic Compound (VOC) Emissions From

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<sup>2</sup> Available here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>

<sup>3</sup> SCAQMD Engineering and Compliance Staff Contact Information for Rule 403 Large Operations: (909) 396-2372.



Decontamination of Soil for a VOC Contaminated Soil Mitigation Plan,<sup>4</sup> permit applications may also be required for the rock crushing equipment (the excavator-mounted hydraulic hammers and breakers, etc.) described under crushing activities. Permit questions for the rock crushing equipment can be directed to SCAQMD Engineering and Compliance staff at (909) 396-2352. As a responsible agency, SCAQMD would need to rely on previously prepared CEQA document(s) that meet our standard of review for any permitted activity before it could issue any permits.

Please provide written responses to all comments contained herein prior to the adoption of the Final RAP document. The SCAQMD staff is available to work with the Lead Agency to address these issues and any other air quality questions that may arise. Please contact Gordon Mize, Air Quality Specialist – CEQA Section, at (909) 396-3302, if you have any questions regarding these comments.

Sincerely,



Ian MacMillan  
Planning and Rules Manager

cc:

Mr. Kamron Saremi, P.E., WRC Engineer  
Santa Ana Regional Water Quality Control Board  
[Kamron.saremi@waterboards.ca.gov](mailto:Kamron.saremi@waterboards.ca.gov)

Ms. Tamara Escobedo, PG, Hazard Waste Specialist  
Orange County Health Care Agency  
[TEscobedo@ochca.com](mailto:TEscobedo@ochca.com)

Ms. Amber Dobson, Coastal Permit Analyst  
California Coastal Commission  
[Amber.Dobson@coastal.ca.gov](mailto:Amber.Dobson@coastal.ca.gov)

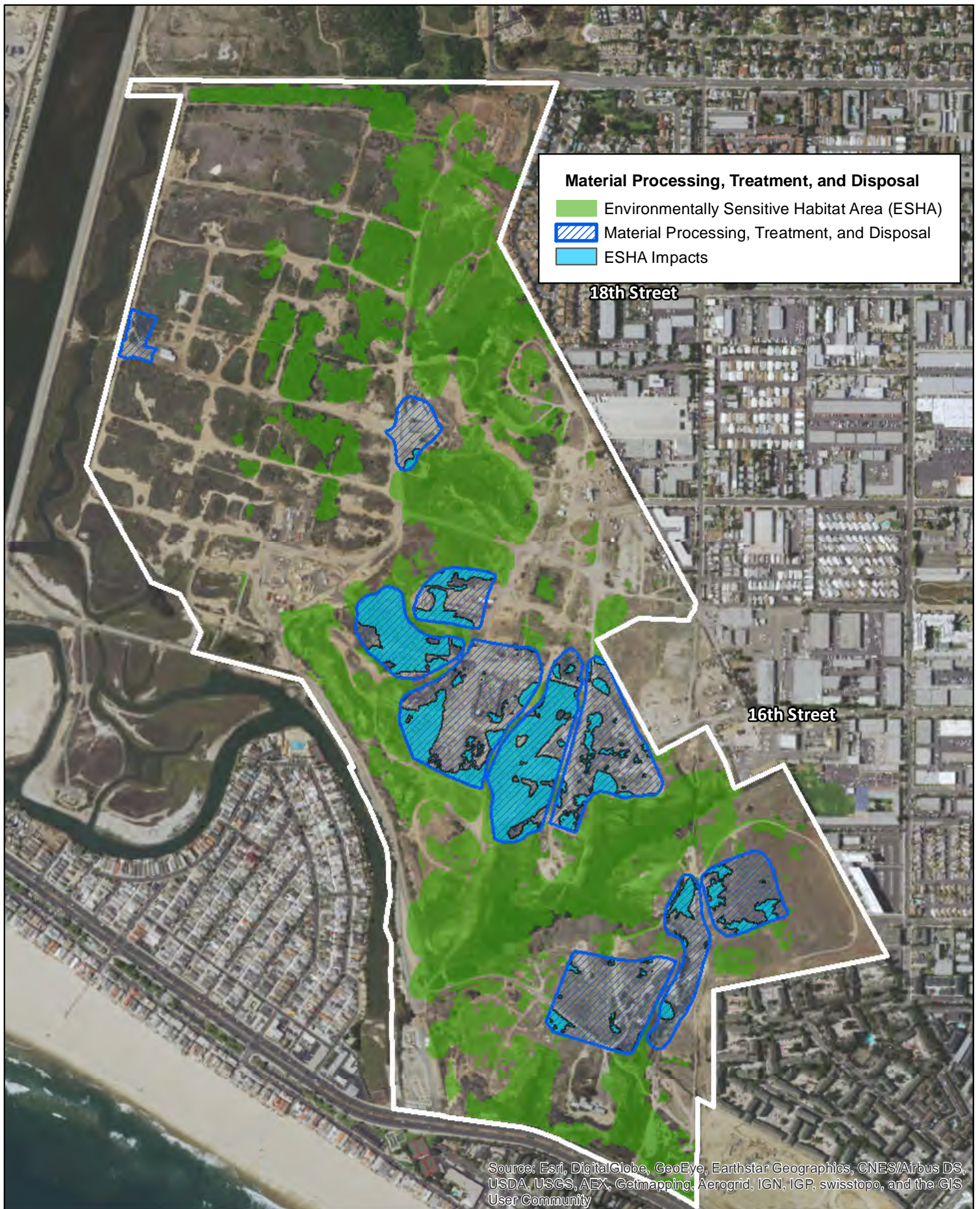
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ORC150812-01  
Control Number

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<sup>4</sup> SCAQMD Engineering and Compliance Staff Contact Information for Rule 1166 – Volatile Organic Compound (VOC) Emissions From Decontamination of Soil VOC Contaminated Soil Mitigation Plan: (909) 396-2684.



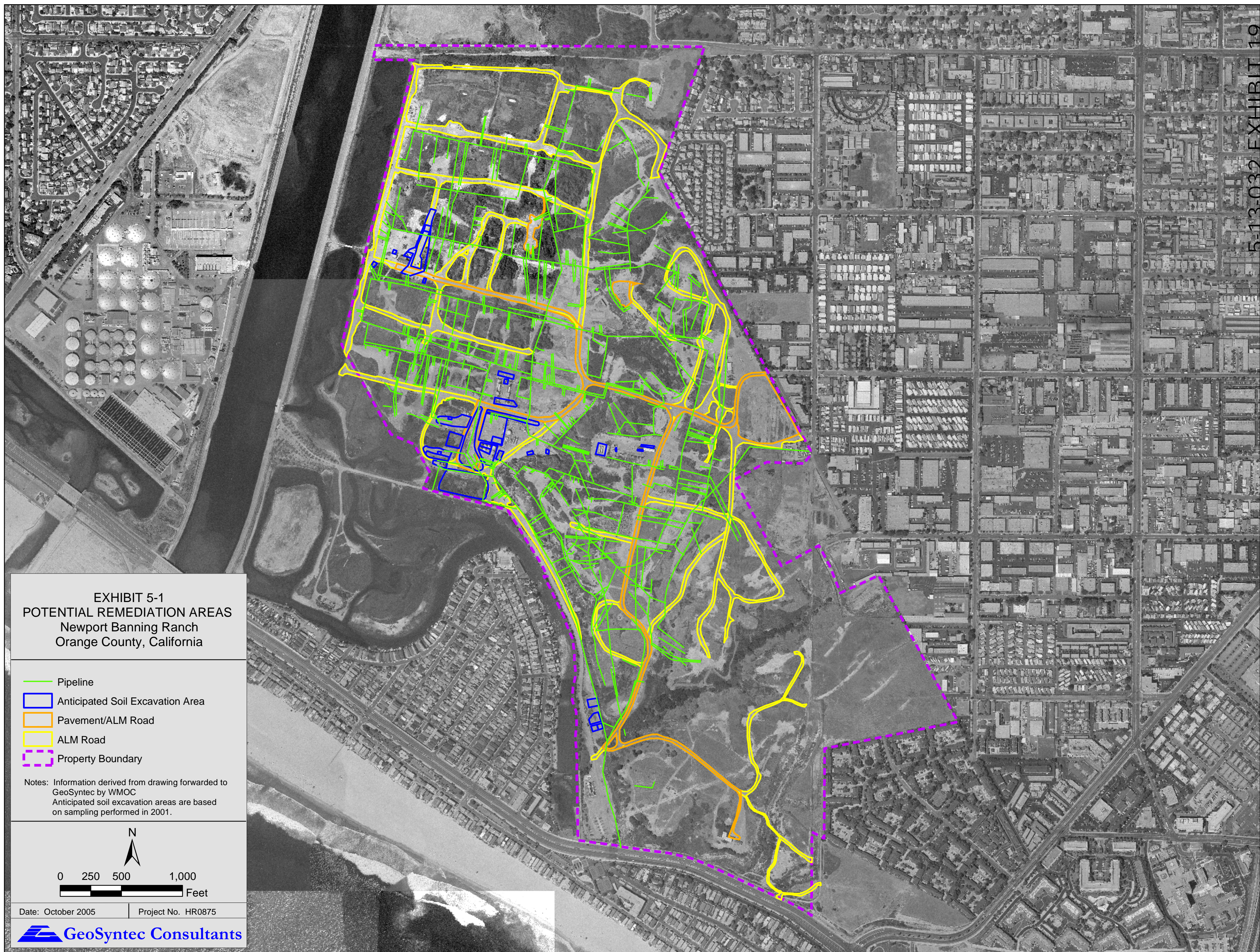


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Page 1 of 1

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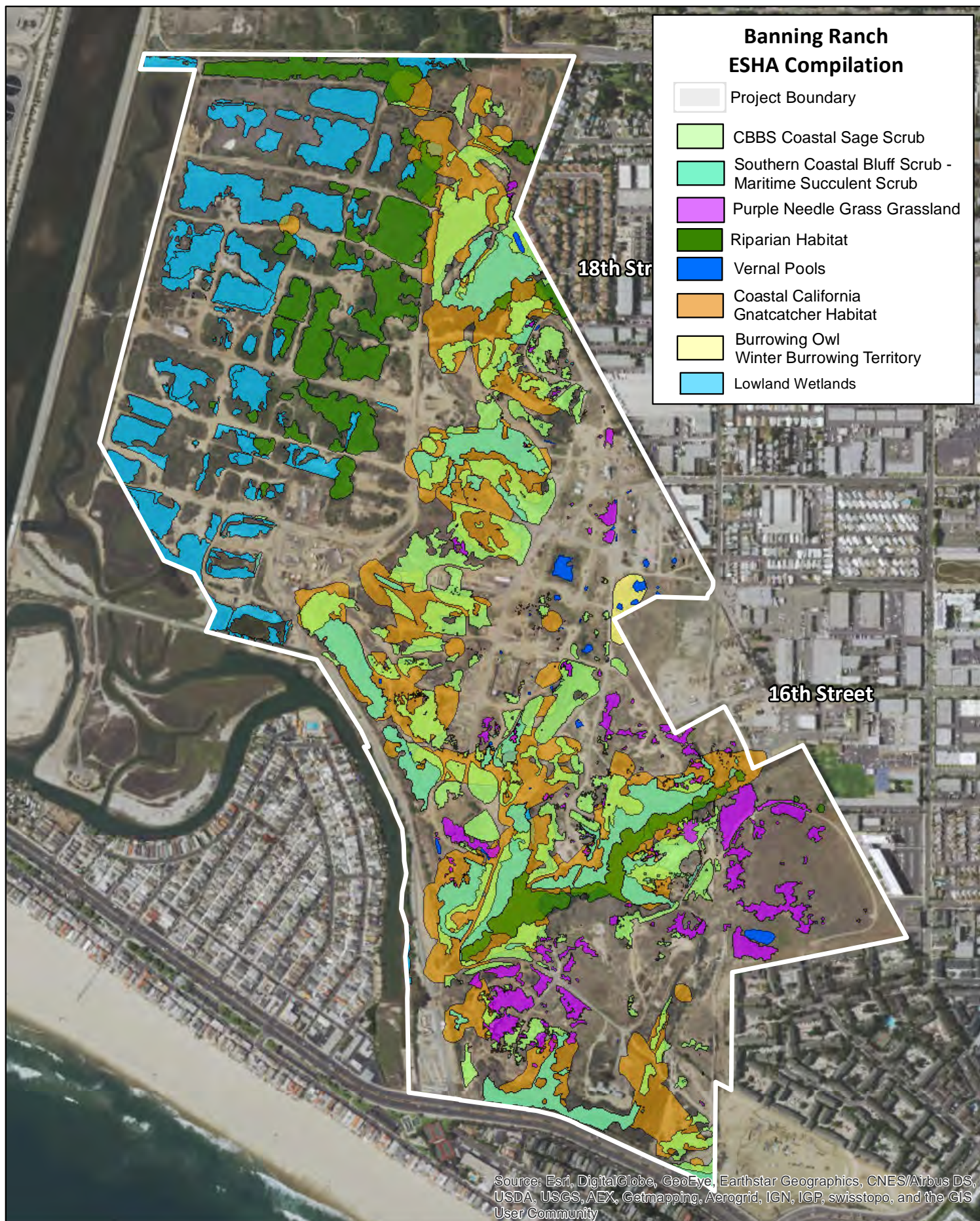


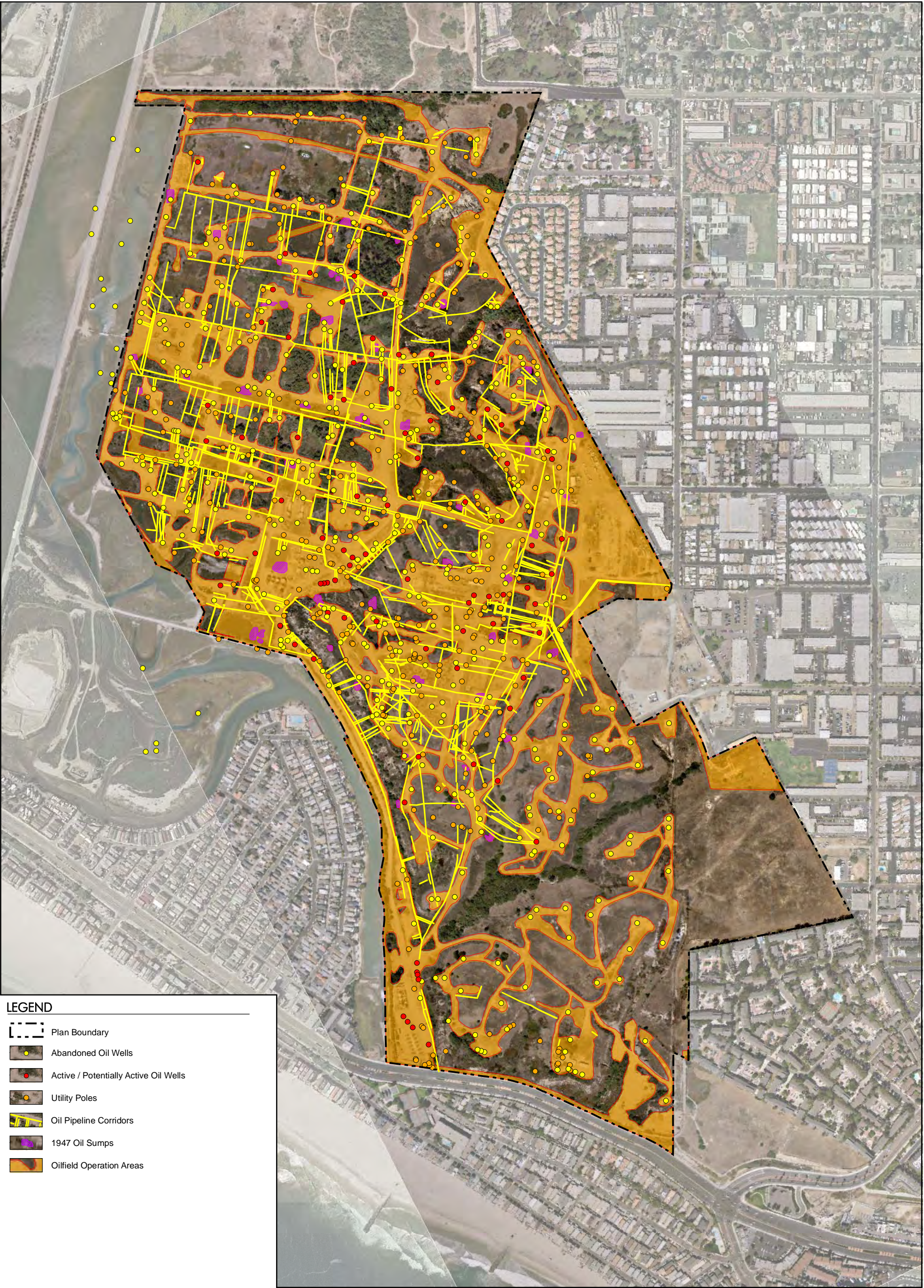
Figure 50. Banning Ranch ESHA and Wetland Boundaries.

5-13-032 Exhibit 20

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DSM 9/24/15





**LEGEND**

- Plan Boundary
- Abandoned Oil Wells
- Active / Potentially Active Oil Wells
- Utility Poles
- Oil Pipeline Corridors
- 1947 Oil Sumps
- Oilfield Operation Areas



