

CALIFORNIA COASTAL COMMISSION

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April 3, 2015

Mike Mohler
Andrew Holstein
Newport Banning Ranch, LLC
1300 Quail Street, Suite 100
Newport Beach, CA 92660

Re: Notice of Incomplete Coastal Development Permit Application 5-13-032 – Newport Banning Ranch

Dear Mr. Mohler and Mr. Holstein:

Thank you for your letter of March 5, 2015, and attached materials in support of Coastal Development Permit Application 5-13-032. Thank you for working in collaboration with CCC staff. We will continue to work with NBR representatives in a productive way to answer questions, clarify materials needed, and offer guidance throughout the application process.

Although you submitted much of the information CCC staff identified in our letter of November 26, 2014, there remains a few outstanding items listed below. Note that much more information will be needed as review proceeds, but the specific items needed to fulfill the filing requirements are listed below and indicated as such.

Oil Field Abandonment, Infrastructure Removal and Remediation Activities

1. As we have previously discussed, amending the project description section of your coastal development permit application to include the proposed oil field abandonment and remediation activities described in the *Newport Banning Ranch Oil Field Abandonment Plan* would facilitate a more timely and efficient review of the proposed project by removing the need for the Commission to carry out a separate federal consistency review. Please memorialize your support for this approach by deleting the second paragraph of the February 20, 2015, "Revised Project Description" and modifying the first paragraph to the following:

The proposed Project involves the oil field abandonment, removal, and remediation activities described in greater detail in the Newport Banning Ranch Oil Field Abandonment Plan as well as development of a Conservation, Recreation and Mixed-Use Village Reuse Plan on a 401-acre site currently and historically used for oil field development and production.

2. In response to Commission staff request number 15 regarding proposed excavation, your letter notes on page 34 that sites selected for excavation were among those that would require "cleanout and re-compaction" to facilitate the proposed development project. (a) Please provide the "development geotechnical study" that identifies these "cleanout and re-compaction" sites and describes the methodology and information used in their identification. (b) Please also describe the activities and methodologies involved in this "cleanout and re-compaction" process and indicate which other areas on the project site have been identified as needing "cleanout and re-compaction."
3. Please clarify the response to Commission staff request number 15 to describe the feasibility of alternative onsite concrete and asphalt-like-material reuse options such as placement as recycled road base and/or construction fill.

4. In response to Commission staff request number 20 for any studies, reports, or documentation supporting the proposed bioremediation program, you provided a pamphlet titled *Citizen's Guide to Bioremediation*. This pamphlet notes that bioremediation is often accomplished in situ without the need for soil excavation or removal. Please provide the information used by Newport Banning Ranch to evaluate the feasibility of this less invasive in situ soil treatment alternative and describe the reason this alternative was rejected in favor of the proposed ex situ treatment option involving soil excavation.

Planning Issues Related to the Development Plan

5. Water Quality

At this time, the conceptual water quality BMPs proposed and the information provided are sufficient for staff to analyze the proposal. As discussed with the Fuscoe water quality engineer consultant on March 26 and April 2, detailed diagrams and photographs of the larger BMPs and the treatment basins, as well as flows, will be submitted in the coming months as analysis for the CDP moves forward.

6. Archeology

The March 12, 2015 executed settlement agreement between NBR and the CCC was for impacts to archeological resources caused by unpermitted development related to the past and on-going oil well operations and preventing the disturbance of known cultural sites as a result of the restoration and removal activities required by the settlement agreement. However, there are certain aspects of the archeological work that are relevant to the current CDP process and aside of the enforcement process. The statement in your most recent cover letter that the executed settlement agreement resolves the outstanding issues related to archeology for the completeness of the CDP application is incorrect.

Focusing on the filing requirement for now, please clarify the following: in the March 5, 2015 letter you state that Section 4, Site Assessment and Investigation, 4.2 Ground-Truthing of the RAP includes measures to ensure avoidance of any cultural resources to the maximum extent feasible. We have reviewed the attached February 18, 2015 Remedial Action Plan, by Geosyntec Consultants, specifically pages 15-16, and found no discussion of measures to ensure avoidance of any cultural resources. There is some discussion of biological monitoring of vegetation but no mention of cultural resources or measures for their identification and/or avoidance. Please clarify the location of this information, and provide the information if not elsewhere provided.

7. Biology

We have requested re-mapping done by Dudek of the "disturbed" vegetation and mapping of prickly pear cactus patches onsite, both in-person on site visits and in meetings with NBR, and NBR has agreed to provide it. While it is not a filing requirement, please provide the revised mapping of the disturbed areas and mapping of the prickly pear cactus categories as soon as possible. As analysis continues there will be additional information needed in order for staff to have a complete data set to work with, for both the seasonal features onsite as well as the vegetation. Please note that additional requests for biological information will be made in the future, as needed and staff expects that NBR will provide it.

Please clarify if features 24b, 49a and 49b are still present on the site. If so, please assign them seasonal feature IDs and provide data regarding the presence of cysts and the type of vegetation found in the features.

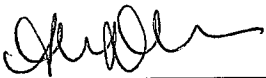
While we understand USFW has not required protocol level surveys for San Diego Fairy Shrimp in every identified feature onsite, Wetlands and Environmentally Sensitive Habitat Areas are defined under the Coastal Act as areas that may contain endemic invertebrates. In order to make these determinations through the CDP process, staff requires information for the presence of fairy shrimp (listed or not) in all features on the site. Most of this information has already been provided, with the

exception of: features RR, SS, TT. We understand that this may be unlikely Fairy Shrimp Habitat, but should be subject to a survey, particularly since these features may be subject to degradation due to proposed remediation activities. As an alternative to additional wet season surveys, please provide soil sample data for the presence of cysts in these features: RR, SS, TT, and include data for QQ.

As noted before there are just a few items remaining that are needed to file the application complete. It's important to note, however, that additional information may be needed as we continue our analysis and/or negotiate changes to the proposal. Also, many of the documents submitted are preliminary, conceptual or drafts, such as those related to water quality, which will need to be developed into final form before a permit could be issued and/or at some other appropriate point in the development phase. Similarly, there are components that will require further advance work, such as more detailed investigation and monitoring for archeological resources. These issues will ultimately need to be addressed before any development could be undertaken.

The information requests regarding NBR's proposed oil field abandonment, infrastructure removal, and remediation activities were developed by the Commission's Energy, Ocean Resources, and Federal Consistency Division. If you have questions regarding these requests, please direct them to Cassidy Teufel at (415) 904-5502. For other questions, please call Amber Dobson at (562) 590-5071. Upon receipt of the requested materials we will proceed with determining the completeness of your application. As always, we have enclosed public comment letters recently received by Commission staff regarding the proposed project.

Sincerely,



Amber Dobson
Coastal Program Analyst



Karl Schwing
Coastal Program Manager