

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST AREA  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802  
(562) 590-5071



June 22, 2012

April Winecki  
Dudek  
621 Chapala Street  
Santa Barbara, CA 93101

Michael Mohler  
Newport Banning Ranch LLC  
1300 Quail Street, Suite 300  
Newport Beach, CA 92660

Dear Ms. Winecki and Mr. Mohler:

Thank you for speaking with me, Ms. Winecki, regarding vegetation removal at Newport Banning Ranch ("NBR") and our desire to coordinate and avoid any conflicts and potential violations of the Coastal Act. Commission staff is particularly concerned with removal of native vegetation and ecologically significant non-native vegetation well beyond any standard fuel management zone that has resulted from mowing undertaken on NBR.

As we have noted in past correspondence, NBR is within the coastal zone and is subject to the permit requirements of the Coastal Act. Under the Coastal Act, removal of major vegetation constitutes 'development' and requires a coastal development permit. The mowing that has occurred on NBR resulted in removal of major vegetation. The Commission has not reviewed and approved mowing on the property, nor is it likely that staff could recommend approval of such mowing at NBR that has already occurred due to the methods used, the extent of removal of native and ecologically significant non-native vegetation, and the lack of mitigation to offset impacts to native habitats. The mowing that has occurred on NBR is particularly problematic due to its impacts to native habitats, including Environmentally Sensitive Habitat Areas ("ESHA") or locations that would be ESHA were it not for prior vegetation removal undertaken without a coastal development permit if a permit was required. I look forward to meeting with you soon to discuss resolution of this matter.

In addition, the fuel management that you noted NBR LLC is contemplating potentially would result in the removal of major vegetation, thus any necessary Coastal Act authorization needs to be in place prior to fuel management on the property. Commission staff realizes that appropriate fuel modification obligations are typically associated with property ownership in this area and we appreciate NBR LLC's desire to protect habitable structures from fire hazard. If fuel modification is required on the property, it is Commission staff's desire to have a fuel management program in place that proactively addresses both public safety and habitat protection concerns. To that end, we are happy to set up a meeting to discuss Commission authorization of any necessary fuel management at NBR and I will send potential meeting dates to you separately. A well maintained fire management area adjacent to habitable structures

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would provide both the public safety protection needed and will minimize adverse impacts on habitat.

We ask that you do not undertake vegetation removal without first contacting Commission staff to discuss necessary authorization and we look forward to meeting with you to discuss a fuel management plan that balances protection of habitable structures from potential fire hazard with protection of ESHA. It is an important challenge and we want to work cooperatively with NBR LLC on this effort. Please call me at (562) 590-5071 if you have any questions regarding this letter or you would like to talk prior to our meeting.

Sincerely,



Andrew Willis  
Enforcement Analyst  
California Coastal Commission

cc: West Newport Oil Company, c/o Tim Paone  
Lisa Haage, Chief of Enforcement, CCC  
Sherilyn Sarb, Deputy Director, CCC