



October 4, 2018

NCL-18-052

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

Subject: Notice of Intent to Adopt a Negative Declaration—Big Canyon Coastal Habitat Restoration and Adaptation

Dear Ms. Makana Nova:

The County of Orange has reviewed the Notice of Intent to Adopt a Negative Declaration for the Big Canyon Coastal Habitat Restoration and Adaptation Project and has no comments at this time. We would like to be advised of further developments on the project. Please continue to keep us on the distribution list for future notifications related to the project.

If you have any questions, please contact Cindy Salazar in Development Services at (714) 667-8870.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Vuong', is written over a circular stamp.

Richard Vuong, Manager, Planning Division
OC Public Works Service Area/OC Development Services
300 North Flower Street
Santa Ana, California 92702-4048
Richard.Vuong@ocpw.ocgov.com



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



Zoning Administrator - October 11, 2018
ITEM NO. 4a - ADDITIONAL MATERIALS RECEIVED
Big Canyon Habitat Restoration and Adaptation-Phase 2A (PA2018-078)

October 4, 2018

Ms. Makana Nova
City of Newport Beach Planning Division
100 Civic Center Drive, Bay 1-B
Newport Beach, CA 92658-8915
Mnova@newportbeachca.gov

Subject: Comments on the Notice of Intent to Adopt a Mitigated Negative Declaration for the Big Canyon Coastal Habitat Restoration and Adaptation Project - Phase 2A, Newport Beach, CA (SCH# 2018081098)

Dear Ms. Nova:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Big Canyon Coastal Habitat Restoration and Adaptation Project - Phase 2A Mitigated Negative Declaration (MND), dated August 4, 2018. Thank you for granting the Department request to submit late comments. The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act [CEQA], Guidelines §15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (CESA; Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning program (NCCP). The City of Newport Beach (City) and the County of Orange (County) are participating landowners under the Central/Coastal Orange County NCCP/Habitat Conservation Plan (HCP). Additionally, the Department owns and manages the Upper Newport Bay Ecological Reserve.

Collectively, Big Canyon Coastal Habitat Restoration and Adaptation Project endeavors to restore the undeveloped parcels of the watershed, remove dominant invasive species, improve water quality, and increase habitat value; the Department commented on the draft MND for Phases 1A and 1B in a letter dated April 4, 2016.

Phase 2A of the project, analyzed in the draft MND, involves the restoration of at least 9.2 acres of Big Canyon Creek, including alkali wet meadow, dry meadow, and arroyo willow scrub habitats. The project is located on an 11.32-acre parcel within the eastern portion of the 60-acre Big Canyon Nature Park, east of Upper Newport Bay, west of Jamboree Road, in the City. Big Canyon is the only natural, undeveloped portion of the Big Canyon Watershed and the only significant remaining natural canyon on the east side of Newport Bay. Directly downstream of the project area, the lower 15-acre portion of Big Canyon Nature Park is owned by the Department and is a part of the Upper Newport Bay Ecological Reserve. Big Canyon Nature Park is located in the Upper Newport Bay State Marine Conservation Area and is part of southern California's coastal estuarine environment. In addition, Newport Bay discharges adjacent to the Newport Coast Area of Special Biological Significance.

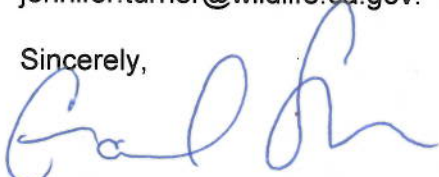
Ms. Makana Nova
City of Newport Beach Planning Division
October 4, 2018
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Our primary concern regarding the proposed project is appropriate disposal of cleared vegetation and management of the spread of invasive Polyphagous and Kuroshio shot hole borers (collectively, ISHBs). We offer the following comments and recommendations to assist the City in avoiding or minimizing potential project impacts on biological resources.

The Biological Technical Report (Appendix C) states that, "the proposed project will use pest management techniques in consultation with experts from the University of California Riverside" (page 8); however, the draft MND states that, "project implementation would result in the need for disposal of vegetative debris from construction and maintenance activities" at Prima Deshecha Landfill in San Juan Capistrano" (pages 140-141). Currently, this facility does not have the US Composting Council's Seal of Testing Assurance (STA) as recommended by Dr. Eskalen's lab at the University of Riverside(<http://eskalenlab.ucr.edu/pshb.html>). The Department, therefore, recommends consideration of a disposal facility that meets this criteria. More information can be found at <https://compostingcouncil.org/seal-of-testing-assurance/>.

We appreciate the opportunity to comment on the MND for this project and to assist the City in further minimizing and mitigating project impacts to biological resources. The Department requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of the forthcoming hearing date for the project (CEQA Guidelines; §15073(e)). If you have any questions or comments regarding this letter, please contact Jennifer Turner, Environmental Scientist at (858) 467-2717 or via email at jennifer.turner@wildlife.ca.gov.

Sincerely,



Gail K. Sevens
Environmental Program Manager
South Coast Region

ec: Christine Medak (U.S. Fish and Wildlife Service)
Scott Morgan (State Clearinghouse)



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL AND USPS:

October 5, 2018

mnova@newportbeachca.gov

Makana Nova, Associate Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Mitigated Negative Declaration (MND) for the Proposed Big Canyon Coastal Habitat Restoration and Adaption Project

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 CEQA Document.

SCAQMD Staff's Summary of Project Description

The lead agency proposes the restoration of the Big Canyon Coastal Habitat through removal of non-native plants, replanting of native plants, enhancing public access, and stabilizing the creek and floodplain with erosion control measures, on 11.3 acres (proposed project).¹ The proposed project is located at 1900 Back Bay Drive, south of the State Route 55 and State Route 73 (SR-73) interchange.

SCAQMD Staff's Summary of Air Quality Analysis

In the air quality analysis, the lead agency quantified emissions resulting from construction and operation of the proposed project and compared those emissions to SCAQMD's air quality CEQA significance thresholds. Upon review of the air quality analysis, SCAQMD staff found multiple inconsistencies between the MND and the CalEEMod output file. For example, the lead agency quantified emission reductions resulting from mitigation measures input into CalEEMod² but SCAQMD staff found that no mitigation measures or project design features were identified in the MND. Detailed comments are provided below.

General Comments

Based on the CalEEMod output file, the lead agency relied on mitigation measures to reduce the proposed project's NOx emissions during construction from 169 pounds per day to 63 pounds per day. However, in the MND, the lead agency only reports the proposed project's mitigated construction emissions value of 63 pounds per day³ of NOx and does not include the mitigation measures that are identified in the CalEEMod output file that reduce the proposed project's construction emissions to this less than significant level. Therefore, SCAQMD staff recommends the lead agency revise the air quality analysis to include both unmitigated and mitigated emissions resulting from the proposed project.

Additionally, the lead agency states in the MND that the construction phase of the proposed project will occur over a five month period, however, based on the CalEEMod output file⁴ the construction period is nine months. Therefore, SCAQMD staff recommends the lead agency clarify which construction schedule is more accurate and incorporate this clarification in the final CEQA document.

¹ MND. Page 1.

² MND. Appendix B, *Air Quality Modeling*, CalEEMod Output, Winter Run, 1.3 User Entered Comments & Non-Default Data, Page 1 of 49.

³ MND. Table 7, Page 60

⁴ MND. Appendix B, *Air Quality Modeling*, CalEEMod Output, Winter Run, 3.0 Construction Detail, Page 13 of 49.

Recommended Mitigation Measures

The lead agency included Tier 4 off road-construction equipment in the CalEEMod file but did not include it in the MND. Therefore, SCAQMD staff recommends the lead agency incorporate AQ-1(a) to ensure tier 4 standards are met, and AQ-2(b) to further reduce emissions resulting from on-road trucks during all construction phases of the proposed project in the MND. Details regarding these recommended mitigation measures are provided below.

AQ-1 Construction equipment maintenance records (including the emission control tier and/or the engine emission standard of each equipment) shall be kept on site during construction and shall be available for inspection by the lead agency.

- a) Off-road diesel-powered construction equipment greater than 50 horsepower shall meet United States Environmental Protection Agency Tier 4 off-road emissions standards. A copy of each unit's certified tier specification shall be available for inspection by the lead agency at the time of mobilization of each applicable unit of equipment.
- b) All on-road diesel haul trucks used during the construction phase shall meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025 or be powered by natural gas, electricity, or other diesel alternative. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards.

Permits and Compliance with SCAQMD Rules

In the event that the proposed project requires a permit from the SCAQMD, the SCAQMD should be identified as a responsible agency for the proposed project. For more information on permits, please visit SCAQMD webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to SCAQMD's Engineering and Permitting staff at (909) 396-3385.

Conclusion

Please provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the final CEQA Document. The SCAQMD staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact Robert Dalbeck, Assistant Air Quality Specialist - CEQA IGR Section, at (909) 396-2139, if you have any questions regarding these comments.

Sincerely,

Daniel Garcia

Daniel Garcia
Program Supervisor
Planning, Rule Development & Area Sources

DG/RD
ORC180904-05
Control Number