

October 30, 2011

Subject: Newport Banning Ranch DEIR

Dear Patrick,

We object to the Newport Banning Ranch project as proposed. Please include our comments and questions below in the records of any and all proceedings relating to this project and its successors.

In reviewing the California Environmental Quality Act (CEQA) the CEQA policies and procedures below related to environmental review procedures, documents, reports, and administration of the process state the following:

**§ 21003. PLANNING AND ENVIRONMENTAL REVIEW PROCEDURES;
DOCUMENTS; REPORTS; DATA BASE; ADMINISTRATION OF PROCESS**

The Legislature further finds and declares that it is the policy of the state that:

- (b) Documents prepared pursuant to this division be organized and written in a manner that will be meaningful and useful to decision makers and to the public.
- (c) Environmental impact reports omit unnecessary descriptions of projects and emphasize feasible mitigation measures and feasible alternatives to projects.

15006. REDUCING DELAY AND PAPERWORK

Public agencies should reduce delay and paperwork by:

- (n) Reducing the length of Environmental Impact Reports by means such as setting appropriate page limits. (15141)
- (o) Preparing analytic rather than encyclopedic Environmental Impact Reports. (15142)
- (p) Mentioning only briefly issues other than significant ones in EIRs. (15143)
- (q) Writing Environmental Impact Reports in plain language. (15140)
- (r) Following a clear format for Environmental Impact Reports: (15120)
- (s) Emphasizing the portions of the environmental Impact Report that are useful to decision makers and the public and reducing emphasis on background material. (15143)

15140. WRITING

EIRs shall be written in plain language and may use appropriate graphics so that decision makers and the public can rapidly understand the documents.

15141. PAGE LIMITS

The text of draft EIRs should normally be less than 150 pages and for proposals of Unusual scope or complexity should normally be less than 300 pages.

15143. EMPHASIS

The EIR shall focus on the significant effects on the environment. The significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence. Effects dismissed an Initial Study as clearly insignificant and unlikely to occur need not be discussed further in the EIR unless the Lead Agency subsequently receives information inconsistent with the finding in the Initial Study. A copy of the Initial Study may be attached to the EIR to provide the basis for limiting the impacts discussed.

15123. SUMMARY

- (a) An EIR shall contain a brief summary of the proposed actions and its

consequences. The language of the summary should be as clear and simple as reasonably practical.

(b) The summary shall identify:

(1) Each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect;

(2) Areas of controversy known to the Lead Agency including issues raised by agencies and the public; and

(3) Issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.

(c) The summary should normally not exceed 15 pages.

The source of this CEQA statute and guideline is:

www.califaep.org/docs/CEQA/CEQAHandbook2011.pdf

which is the source recommended by the state California Natural Resources Agency:

<http://ceres.ca.gov/ceqa/>

The Newport Banning Ranch draft Environmental Impact Report (DEIR) released for public comment by the City of Newport Beach on September 8, 2011, is a massive and difficult document to review. The DEIR is over 7,000 pages long including Appendices making it very difficult to navigate. See below for a page count by section:

Newport Banning Ranch DEIR page counts

0.0 NOA.pdf 117291 PDF File	2
TOC	15
1.0 Executive Summary.pdf 401284 PDF File	64
10.0 Acronyms and Glossary.pdf 194468 PDF File	52
2.0 Introduction.pdf 75833 PDF File	12
3.0 Project Description.pdf 19192483 PDF File	79
4.0 Environmental Setting.pdf 18766 PDF File	2
4.1 Land Use.pdf 8512223 PDF File	87
4.10 Air Quality.pdf 4825927 PDF File	42
4.11 Greenhouse Gas Emissions.pdf 213403 PDF File	40
4.12 Noise.pdf 9605193 PDF File	54
4.13 Cultural and Paleontological Resources.pdf 202931	38
4.14 Public Services and Facilities.pdf 3781567 PDF File	39
4.15 Utilities.pdf 1894894 PDF File	49
4.2 Aesthetics.pdf 4378328 PDF File	58
4.3 Geology and Soils.pdf 9773442 PDF File	34
4.4 Hydrology and Water Quality.pdf 3926062 PDF File	82
4.5 Hazards and Hazardous Materials.pdf 1775445 PDF File	41
4.6 Biological Resources.pdf 18616906 PDF File	117
4.7 Population and Housing.pdf 152989 PDF File	26
4.8 Recreation and Trails.pdf 13764637 PDF File	44
4.9 Transportation and Circulation.pdf 3433597 PDF File	159
5.0 Cumulative Impact Analysis.pdf 5433106 PDF File	89

6.0 Long Term Implications.pdf 39885 PDF File	8		
7.0 Alternatives.pdf 3488087 PDF File	183		
8.0 Preparers and Contributors.pdf 19006 PDF File	4		
9.0 References.pdf	14		
	1417		
Appendices:			
A NOP	283		
B Geo and Soils	494		
C Hydro and Water	1274		
D Haz Mat	167		
E Bio	524		
F Traffic	1929		
G AQ	391		
H Climate	30		
I Noise	225		
J Cultural	218		
K Fire	149		
L Utilities	54		
M Cumulative	79		
	5817	total:	7234

The DEIR is not written in plain language making it unreadable. Furthermore, the DEIR is not written in a way that is understandable to everyone who reviews the document. Significant impacts are not clear and concisely presented and are often buried in an Appendix where one has to wade through massive amounts of supporting detail to weed out the significant impact. Additionally, the City has not provided any guidelines to facilitate review or construction of comments.

The City has approved the release of a DEIR document that is clearly not following the CEQA policies and procedures as referenced above. Please provide justification and/or an explanation as to why the CEQA policies have not been followed with respect to the Newport Banning Ranch DEIR.

We respectfully request that the Newport Banning Ranch DEIR be rewritten to be compliant with CEQA policies. Although the lead agency has the responsibility for producing a clear and objective assessment of each project, the City requires the developer to pay the costs, so asking for a re-write should not place a burden on taxpayers.

We also request that guidelines for review and comment on the DEIR be included with the revised DEIR when it is released and that another 60 day review period be granted.

Thank you.

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