

Alford, Patrick

From: Terry Welsh [terrymwelsh@hotmail.com]
Sent: Saturday, October 22, 2011 1:58 AM
To: Alford, Patrick
Subject: FW: Banning Ranch vernal pools

Patrick, can you make this email part of the dEIR comments for Banning Ranch?

Thank you.

Terry Welsh

From: terrymwelsh@hotmail.com
To: terrymwelsh@hotmail.com
Subject: FW: Banning Ranch vernal pools
Date: Fri, 21 Oct 2011 06:36:39 -0700

From: terrymwelsh@hotmail.com
To: palford@city.newport-beach.ca.us; tbomkamp@wetlandpermitting.com
CC: christine_medak@fws.gov; jonathan_snapp-cook@fws.gov; erin_mccarthy@fws.gov; jengel@coastal.ca.gov; jdelarroz@coastal.ca.gov; kschwing@coastal.ca.gov; jdixon@coastal.ca.gov; thenry@coastal.ca.gov; ssarb@coastal.ca.gov; awillis@coastal.ca.gov
Subject: Banning Ranch vernal pools
Date: Tue, 30 Aug 2011 21:27:13 -0700

Patrick, can you forward this to the appropriate people working on the Banning Ranch EIR?

To Tony Bomkamp and City of Newport Beach:

On the recommendation of the US Fish and Wildlife Service, I am sending a review of the recent 2010/2011 Banning Ranch wet-season branchiopod study by David Moscovitz. The referenced DVD *Complete Banning Ranch Mesa Vernal Pools/Wetlands* has been previously provided to the regulatory agencies as well as the lead agency for the proposed Banning Ranch development project (Newport Beach).

While the recent study by David Moscovitz does provide important data on many of the vernal pools/wetlands of the Banning Ranch mesa, it is clear that a complete study of all of the vernal pools/wetlands has not been completed. In order for the Newport Beach City Council to adequately evaluate the environmental impacts of this proposed development project, a thorough study of **ALL** vernal pools/wetlands of the Banning Ranch mesa must be part of the anticipated EIR. Lacking such a thorough study, the EIR must be considered incomplete.

To complete an adequate study of all vernal pools/wetlands of the Banning Ranch mesa, and to provide the necessary information to the Newport Beach City Council to evaluate the environmental impacts of the proposed development project, additional dry season and/or wet season studies to evaluate for the listed San Diego fairy shrimp, as required by US Fish and Wildlife Service guidelines, must be performed per protocols.

The following is from a USFWS memo titled:

"Interim Survey Guidelines to Permittees for Recovery Permits under Section 10(a)(1)(A) of the Endangered Species Act for the Listed Vernal Pool Branchiopods"

c. A complete survey consists of sampling for either:

- 1. two full wet season surveys done within a 5-year period; or**
- 2. two consecutive seasons of one full wet season survey and one dry season survey (or one dry season survey and one full wet season survey).**

Thank you,
Terry Welsh

Review of 2010/2011 Banning Ranch wet-season branchiopod study by David Moscovitz.

1. It is good to see protocol studies being done on many of the vernal pools/wetlands of the Banning Ranch mesa.
2. San Diego fairy shrimp have been identified in vernal pools/wetlands VP1, VP2, AD3, E, G, I and J (VP1, VP2, E, I and J are referred to as 1, 2, 17, 8, and 9 in the DVD *Complete Banning Ranch Mesa Vernal Pools/Wetlands*). Some of the vernal pools/wetlands in the GLA 2010/2011 wet-season study, such as A, B, D, and V (referred to as 30a, 5, 3, and 28a in the DVD *Complete Banning Ranch Mesa Vernal Pools/Wetlands*) now have two wet-season protocol studies without detection of the San Diego fairy shrimp.
3. Other vernal pools/wetlands in the GLA 2010/2011 wet-season study, such as C, F, H, K, L, M, N, O, P, R, T, W (referred to as 4, 7, 14, 10, 15, 11, 16, 18, 12, 13, 20 and 29 in the DVD *Complete Banning Ranch Mesa Vernal Pools/Wetlands*) have had **only one wet-season study**. Furthermore, vernal pools/wetlands described in the GLA 1999/2000 wet-season report, but not mentioned in the current study, such as Depression 1, Depression 2, and Depression 3 (referred to as 27, 24a, and 24b in the DVD *Complete Banning Ranch Mesa Vernal Pools/Wetlands*) also only have had one wet-season study. **By USFWS guidelines, these vernal pools/wetlands will have to have one more wet-season study taken during a year of at least average rain fall, or one dry-season study performed by a qualified biologist, before the presence of the San Diego fairy shrimp can be excluded.**
4. Other vernal pools/wetlands on the Banning Ranch mesa were not studied, nor even described, in the 2010/2011 wet-season report. It is not clear why vernal pools/wetlands 23, 25, 26, 27, 28b, 30b, 31, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 47, 48, 49a, or 49b were not included in this current study. Photo documentation in the DVD *Complete Banning Ranch Mesa Vernal Pools/Wetlands* shows most, if not all, of these vernal pools/wetlands were present during the 2010/2011 wet-season. **Two wet-season studies taken during years of at least average rain fall, or one wet-season study and one dry-season study, will have to be performed on all of these vernal pools/wetlands before the presence of the San Diego fairy shrimp can be excluded.**
5. **In conclusion, of the 54 documented/potential vernal pools/wetlands on the Banning Ranch mesa, seven have evidence of the San Diego fairy shrimp, four have been satisfactorily excluded by protocol studies for the presence of the San Diego fairy shrimp, and 43 require additional wet-season or dry-season studies to exclude the presence of the San Diego fairy shrimp.**

