

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

**8 May 2007****MEMORANDUM**

TO: Commissioners and Interested Parties
FROM: Sherilyn Sarb, South Coast Deputy Director (Orange County Area)
SUBJ: Addendum to Commission Meeting Thursday, May 10, 2007 at 9:00 am.

<u>AGENDA</u>	<u>APPLICANT DESCRIPTION</u>	<u>PAGE#</u>
<u>LOCAL COASTAL PROGRAM:</u>		
Th14a (HNB-MAJ-01-06/Shea-Parkside) City of HB	Changes to staff rept. & Public comments	1

lm/g addendum mar. 07 hearing

CALIFORNIA COASTAL COMMISSION

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May 8, 2007

Th 14a

ADDENDUM

To: Commissioners & Interested Persons

From: South Coast District Staff

Re: Commission Meeting of Thursday, May 10, 2007, Item Th 14a, Huntington Beach LCP Amendment 1-06 (Parkside), Huntington Beach, Orange County.

A. Allegations of Unpermitted Fill and of Errors and Omissions in the Well Data

1. Unpermitted Fill Allegations

Allegations of unpermitted fill have been brought to the attention of Commission staff. These allegations are contained in various emails and are summed up in a letter received from "Neighbors for Wintersburg Wetlands Restoration", prepared by Mr. Mark Bixby, April 30, 2007. In addition, a power point was received via email on March 1, 2007 providing pictorial support for the NWWR's contentions. The 4/30/07 letter and 3/1/07 PowerPoint are attached to this addendum as exhibits OO & UU. The allegations contained in the material submitted by the NWWR contend that 1) unpermitted fill occurred throughout the site, and, 2) unpermitted fill occurred more specifically in the area of the WP. Commission staff's response to each of these allegations based on its investigation follows.

The property owner, Shea Homes, has responded to the allegations raised by the NWWR in letters dated April 27, 2007 (Response to allegations regarding "illegal fill" in the "WP" area incidental to farming operations on Shea Parkside site (LCPA 1-06)); April 27, 2007 (Response to allegations regarding historic fill on the Shea Parkside site (LCPA 1-06)); and April 30, 2007 (Response to Bixby [Neighbors for Wintersburg Wetland Restoration] letter of this date regarding Huntington Beach LCPA 1-06: Alleged "Impact of unpermitted fills on the Shea Parkside WP wetland"). These letters are attached to this addendum as exhibits XX, YY & ZZ).

The Commission's Enforcement Division has been investigating the above-identified allegations since they were raised in February 2007. Based on information discerned by the Enforcement Division staff, it appears that unpermitted fill was placed on the subject site in the area of the County Parcel wetlands (referred to as the CP) in the early 1980s. In 1981 the Commission became aware of fill that was placed in the area between the location of the currently identified CP and the former County line. The placement of the unpermitted fill is observable in an aerial photo of the location taken in 1982, just after the fill was placed. A memo from the Department of Fish & Game, dated 9/7/82, informs

Addendum
Huntington Beach LCPA 1-06
Parkside
Page 2

Commission staff that 13,600 square feet of wetland were impacted by placement of the unpermitted fill. According to that letter, pickleweed and spiny rush (wetland plant species) were present in the wetland area that was filled. In order to resolve the issue, Coastal Development Permit application 5-82-278 was submitted, requesting after the fact approval of an equestrian facility and removal of unpermitted fill and revegetation of that area with wetland plants. Along with the equestrian facility, the development proposed included removal of the unpermitted fill, restoration of the elevations to depths of approximately three inches below the grade of the existing adjacent pickleweed stand (current CP), and revegetation of the filled area with wetland plants. The Commission approved Coastal Development Permit No. 5-82-278, allowing after the fact approval of an equestrian facility as well as restoration of the filled wetland area.

Review of the Vegetation Communities map, exhibit 26 of the Bolsa Chica Land Use Plan submittal dated January 1982 identifies mixed pickleweed in both the area of the unpermitted fill as well as the area currently recognized as the CP wetland. A note on the Vegetation Communities map states: "Map unit designations were based, in part, on Shapiro and Associates, 1981 and Dillingham Environmental Company, 1971; map unit boundaries modified from Shapiro and Associates, 1981 and topographic survey, September 1980". In addition, text which accompanies the map in the LUP submittal states: "It is also important to note that the biological resources described in this section have been developed from several sources. The Dillingham studies of 1971 (December 1971) form the basis of much of this discussion. Additionally, Draft EIR 81-250 and subsequent review comments and responses provide an important update of that earlier work. While it is beyond the scope of this document to identify all of the fauna and flora present at Bolsa Chica, the DEIR and the DEIR Addendum provide species lists that have updated the Dillingham (1971) report and are based on further input from state and federal agency biologists." Thus, it appears that the map used in the Bolsa Chica LUP submittal of 1982, relied upon Dillingham, Shapiro, and input from resource agency biologists and so would most likely reflect the greatest detail with regard to the presence of biologic resources at the location of the unpermitted fill.

The presence of pickleweed, prior to the fill, as identified on the map, is further supported by the memo from the Department of Fish & Game dated 9/7/82, which states: "The Department has found that wetlands are present in the subject area."

Furthermore, a distinction between the area of fill and the currently recognized CP wetland can be made. Both the Bolsa Chica LUP submittal Vegetation Communities map and the DFG memo identify additional pickleweed area to the west of the pickleweed area that was filled. This is reflected in the DFG memo when it states: "The Department recommends the Commission require Mr. Burkett to remove the existing fill on 13,600 sq. ft. and restore them as wetlands. This can be accomplished by removing the imported fill to 3" below the grade of the **existing adjacent pickleweed stand.**" [emphasis added]. The Bolsa Chica LUP submittal Vegetation Communities map identifies pickleweed in both the area of fill **and** in the current CP wetland area. Finally, comparison of the 1980 topographic map with

Addendum
Huntington Beach LCPA 1-06
Parkside
Page 3

the 1986 topographic map reveals the elevation in the filled area to be approximately two feet higher than in 1980.

The most current topographic map of the site (1996) shows that the fill area is still present. The fact that the fill area elevation remains higher than the adjacent pickleweed stand (the CP wetland) provides strong evidence that the fill was never removed.

Based on the information described above, staff is recommending that the area documented as wetland prior to the unpermitted fill be included in the Open Space – Conservation designation for the subject site. In addition, the 100-foot wetland buffer surrounding the additional wetland area should also be included in the Open Space – Conservation designated area. In order to reflect the total CP wetland and buffer area, Exhibit L of the staff report should be replaced with the revised Exhibit L which is attached to this addendum. The area of the additional wetlands is also depicted on Exhibit NN, which shows the areas that staff recommends be designated Open Space - Conservation.

In response to allegations of unpermitted fill in the area of the CP wetland, Shea Homes (the property owner) submitted a letter dated 4/27/07, "Response to allegations regarding historic illegal fill on the Shea Parkside site, LCPA 1-06" (see Exhibit XX). In that letter, the property owners argue that the area in the former County Parcel (CP) that was illegally filled is the area that is now recognized as the CP wetland. The 4/24/07 letter does not argue that the fill did not occur, but rather that the area of unpermitted fill was placed in the area of the recognized CP wetland and was, in fact, restored as required by Coastal Development Permit No. 5-82-278. They argue that the presence of this CP wetland area demonstrates that the restoration did occur. Their argument is based on the May 1981 "Bolsa Chica Vegetation Study" by Shapiro & Associates, which includes the Shapiro map. The 4/24/07 letter claims that the Shapiro study including the map, identifies only a small patch of pickleweed in the area of the CP and that that area is the area already recognized as wetland in the LCPA as submitted.

However, in addition to the Shapiro study, Commission staff has reviewed other documentation, most significantly the Vegetation Communities map, exhibit 26 of the Bolsa Chica Land Use Plan submittal dated January 1982, and, an aerial photo of the subject location taken in 1982, just after the fill was placed. As described above, these documents provide a greater level of detail for determining where the unpermitted fill was placed. Review of these documents demonstrates that the unpermitted fill was not placed in the area of the CP recognized as wetland in the current LCPA submittal, but in an area just to the east of it (see Exhibit NN).

The 4/24/07 letter further asserts that confirmation that the required wetland restoration occurred is reflected in an Exemption Letter issued by Commission staff June 15, 1994 (see Exhibit DDD). However that Exemption Letter only allowed continued use of the existing equestrian facilities permitted pursuant to Coastal Development Permit No. 5-82-278. The project described in the Exemption Letter is: "Use of existing stable facilities, including 22 horse stalls on a 16,000 square foot site, for the boarding of horses belonging

Addendum
Huntington Beach LCPA 1-06
Parkside
Page 4

to a non-profit riding club. No physical development is proposed.” The Exemption Letter makes no reference to whether or not the previously required wetland restoration was carried out.

A City of Huntington Beach Memo from the City employee who investigated the 1989 fill allegations is attached to this addendum as Exhibit AAA. The memo concludes: “I visited the site with Planning Commissioner Flossie Horgan in April of 2007 and verified the stockpile no longer exists.” Although the memo indicates that stockpile was placed in the area of Smokey’s stables (the equestrian facility that was the subject of Coastal Development Permit 5-82-278), it is not clear from the memo where the referenced stockpile was placed (i.e. in the CP area, near the WP area, or elsewhere). Furthermore, no indication of how it was verified that the “stockpile no longer exists.” Therefore, this memo does not change staff’s conclusion that fill remains in the CP wetland based on comparison of the topographic maps.

Allegations of unpermitted fill in other wetland areas of the subject site have been presented. However, after review, Commission staff has found that evidence which is currently available does not support these additional allegations. In order for unpermitted fill to affect the recommended land use designations and zoning of the proposed LCP amendment, it would have to be demonstrated that the fill was placed in wetland and/or ESHA. No conclusive evidence has been presented demonstrating that the areas of alleged additional unpermitted fill supported wetland or ESHA area. If unpermitted fill was placed on area that, absent the fill, could have been designated for uses such as residential or parks, then placement of fill, if indeed it had occurred, would not have changed the suitability of that land to support those uses. Therefore, staff is not recommending that any additional areas of alleged fill (beyond that described above in the area adjacent to the CP wetland) be designated/zoned conservation. If additional evidence emerges which sustains the additional allegations of wetland fill, new policy C 7.2.7 (Suggested Modification No. 12, page 12 of the April 19, 2007 staff report), along with other existing policies in the City’s Land Use Plan would require that the fill be addressed.

The property owner asserts, in the letter dated 4/30/07, that “All post-Coastal Act historic fill, including the Smokey’s Stables fill near the WP, were permitted and/or mitigated (Coastal Commission Letter of Exemptions).” However, only the development described in Coastal Development Permit 5-82-278 was approved by the Coastal Commission. The Exemption Letter (6/15/94) specifically states “No physical development is proposed.” No other permit actions have been taken by the Coastal Commission at the subject site. As noted above, Commission staff does not believe sufficient evidence is currently available to support claims of wetland fill beyond that described herein and in the staff report prepared for this LCPA. However, if additional information becomes available that indicates wetlands were illegally filled, Commission staff will review the evidence and act accordingly.

2. Well Data Allegations

In a letter dated April 24, 2007 by Mark Bixby (Huntington Beach LCPA HNB-MAJ-1-06 and Shea Parkside Hydrology), the Neighbors for Wintersburg Wetland Restoration have raised concerns regarding omission of well data that would affect conclusions regarding the extent of wetlands at the Parkside site. The property owner, Shea Homes, responded in a letter dated April 25, 2007 (Response to Mark Bixby Correspondence Regarding Data from Groundwater Monitoring Wells on the Parkside Estates Property). The 4/24/07 letter from the NWWR is attached as exhibit PP. The 4/25/07 letter from Shea Homes is attached as exhibit WW.

The 4/24/07 NWWR letter raises concerns about well data that wasn't included in the property owner's consultant's analysis which NWWR contends would reveal groundwater at shallower depths than is revealed in the well data which has been released. The NWWR suggests that the high ground water taken together with removal of alleged fill, would demonstrate that greater areas of wetlands exist at the site than is currently recognized by the Commission staff's recommendation. However, the Commission staff ecologist, after extensive review of numerous and various data, has determined that, with the possible exception of the area immediately adjacent to the flood control channel, there is no evidence to suggest that the presence of wetlands at the site is currently driven by groundwater levels. Furthermore, there is no evidence available which suggests that the area in question (the area of the "missing" well data) is wet enough long enough to support either hydric soils or hydrophitic vegetation despite extensive review of numerous historic photos for signs of ponding. Evidence does suggest the area ponds, but only infrequently in years of higher than normal rainfall.

3. Conclusion

Therefore, Commission staff is recommending that the area of historic fill adjacent to the currently recognized CP wetland also be deemed wetland, and that a 100-foot wetland buffer be applied to this area as well. To reflect this determination, staff recommends the changes to the staff report identified below.

Other than the additional wetland area adjacent to the CP wetland, staff does not believe that currently available evidence supports the allegations of additional wetland areas at the subject site.

B. Changes to the Staff Report Due to Recognition of Additional Wetland Area On-Site

In order to reflect the information described above, the staff report should be modified as follows:

Language to be added is shown in ***bold, italic underlined***
Language to be deleted is shown in ~~strike-out~~

The area of the additional wetlands is depicted on revised exhibit L and a new exhibit NN. Exhibit L (Staff Proposed Wetland and ESHA Delineations and Buffers) in the staff report should be replaced with the revised Exhibit L dated 5/3/07 which is attached to this addendum. New Exhibit NN to the staff report depicts the Staff Proposed Land Uses and is also attached to this addendum.

1. **Summary of Staff Recommendation**

On page 2, beginning with the last paragraph, in the area below the line that reads “The major areas of disagreement are:” the following changes should be made:

Wetland

The property owner disagrees with staff’s assertion that there are additional wetlands on site, beyond that within the area already proposed to be designated Conservation (the “County” Parcel or CP wetland area). **The Acreage figure recognized by the City and property owner** of the CP wetland is 0.45 acres. **However, staff believes that there are two additional areas of wetland. First, staff believes that the area of the CP wetland should be increased by 0.31 acres (13,600 square feet). Furthermore, the staff asserts that there are** two additional wetland areas **which have come to be** are known as the Wintersburg Pond or WP (0.9515 acres), which is located approximately midway along the site’s southern boundary, adjacent to the East Garden Grove Wintersburg Flood Control Channel; and the Agricultural Pond or AP, which is located near the base of the bluff in the northwest area of the subject site (0.614 acres). Most problematic of the ~~two~~ disputed areas for the property owner is the WP area. The WP is located in an area the property owner proposes to develop with single family residences. In the area of the AP, the property owner proposes to develop an active park and residential support such as roads.

Because the site has historically been farmed (for more than 50 years), determining the quantity and location of wetlands present on site is difficult. After extremely extensive review, staff has determined that the AP and WP are “wet enough, long enough to support wetland vegetation.” Usually when an area meets this criterion, the site also supports either wetland vegetation or wetland soils. However, because the site is routinely disced and otherwise disturbed by farming activities, neither of these features have been able to conclusively establish. Nevertheless, the Commission’s standard has been met, and the Coastal Act clearly prohibits development, other than the eight enumerated uses, in wetland areas. Once agricultural activity ceases within the wetlands and they are preserved and appropriately managed, the habitat value of the WP and AP will be significantly improved. **Staff is recommending that the wetland in the area of the CP be increased by 0.31 acres based on site conditions prior to unpermitted fill that occurred there in the early 1980s.**

2. Suggested Modification No. 1

On page 8 of the staff report, in the second to the last paragraph in Suggested Modification No. 1, the following change should be made:

Approximately two **and three tenths** (2.3) acres of wetland area exist at this site. In addition, Eucalyptus Grove Environmentally Sensitive Habitat Area (ESHA) exists at this site. The wetland and ESHA areas are designated Open Space –Conservation. In addition, all the area within 100 feet of the wetlands and all area within 100 meters of the ESHA are designated Open Space –Conservation.

3. Suggested Modification No. 8

The third paragraph on page 17 of the staff report, in Suggested Modification No. 8, the following changes should be made:

Parkside Eucalyptus ESHA and Wetlands (See Figure C 6a)

Historically, this site was part of the extensive Bolsa Chica Wetlands system and was part of the Santa Ana River/Bolsa Chica complex. In the late 1890s the Bolsa Chica Gun Club completed a dam with tide gates, which eliminated tidal influence, separating fresh water from salt water. In the 1930s, agricultural ditches began to limit fresh water on the site, and in 1959, the East Garden Grove-Wintersburg Flood Control Channel isolated the site hydrologically. As of 2006, three wetland areas were recognized at the Parkside site, a ~~0.45~~ **0.76** acre wetland on the “former County parcel” in the southwest corner of the site, a 0.614 acre wetland near the base of the bluff near the western property line, and a 0.9515 acre wetland near the mid point of the southern property line near the East Garden Grove Wintersburg Flood Control channel. These wetland areas as well as their buffer areas are designated Open Space Conservation, and uses allowed within this area are limited.

4. Site Description and History

In the last paragraph on page 23 of the staff report, the following changes should be made:

Historically, the site was part of the extensive Bolsa Chica Wetlands system. In the southwest corner of the site, on the former County parcel, the City, property owner and Commission are in agreement that an approximately 0.45 acre wetland is present. **However, the Commission finds that in addition to the agreed upon wetland area there is 0.31 acre of additional wetland area that was filled without authorization and must be restored, increasing the total wetland figure in the former County Parcel area to 0.76 acres.** In the 1980s, as part of the review of the County’s proposed LUP for the Bolsa Chica, the Department of

Fish and Game (CDFG) in the document titled “Determination of the Status of Bolsa Chica wetlands” (as amended April 16, 1982), identified this area as “severely degraded historic wetland – not presently functioning as wetland”, and considered it within the context of the entire Bolsa Chica wetland system.

5. Denial of the Land Use Plan Amendment as Submitted, (Wetland)

In the paragraph at the bottom of page 28 which carries over to the top of page 29, the following changes should be made:

The Coastal Commission staff ecologist has reviewed considerable amounts of information regarding the extent of wetlands at the site, all of which are listed in his memorandum which is attached as Exhibit K to these findings and is hereby incorporated into these findings in its entirety. The property owner has submitted numerous documents intended to demonstrate that there are no wetlands on site, beyond the wetlands recognized on the former County parcel (i.e. the CP wetlands). Local citizens have submitted documents intended to demonstrate that there are significant wetlands on site. These citizens are concerned by the prospect that development may be allowed at the site if the LUP amendment were approved as submitted (and as reflected in the related coastal development permit application 5-06-327, Shea Homes, and appeal A-5-HNB-02-376). All these submissions have been reviewed by the staff ecologist. In addition, the staff ecologist has reviewed historical information regarding the subject site and surrounding area. Based on his review of the available data, the Commission’s staff ecologist determined that additional wetland areas exist at the subject site (see exhibit K). For the reasons listed in that memorandum and below, the Commission concurs and adopts its ecologist’s conclusions. The additional wetland areas at the site are referred to as the Wintersburg Pond or WP, which is adjacent to the EGGWFCC levee along the southern edge of the site; and the Agricultural Pond or AP, located near the base of the bluff along the western edge of the property. **Additional wetland area, impacted by unpermitted fill, also exists in the area formerly known as the County Parcel, adjacent to the wetland already recognized there (see ‘Filled CP wetland’ on Exhibit NN).** The proposed LUP amendment would designate these wetland areas Low Density Residential and Open Space Parks. These land use designations allow grading, and the construction of houses, roads, and active parks, which would necessitate the dredging and filling of the wetlands. Such uses within wetlands are inconsistent with Section 30233 of the Coastal Act.

6. Denial of the Land Use Plan Amendment as Submitted, (Wetland)

On page 32 of the staff report, the following changes should be made:

Section 30233 of the Coastal Act requires that only the uses specified therein may be allowed within wetlands and even then only if the use is the least environmentally damaging alternative, and only when adequate mitigation is

provided. The subject site was deferred certification due to the presence of wetlands on site. Substantial evidence exists that demonstrates the presence of wetlands at the subject site extends beyond the 3.3 acre area proposed to be designated Open Space Conservation in the proposed LUP amendment to the areas referred to as AP and WP herein. As proposed, those two areas would be land use designated Low Density Residential and Open Space Parks.

A third additional wetland area is located within the area formerly known as the County Parcel, adjacent to the recognized wetland area (see 'Filled CP Wetland' on Exhibit NN). This wetland area was filled without authorization from the Commission. In a letter dated 9/7/82 from the Department of Fish and Game (DFG) to Coastal Commission staff, the DFG determined the area, prior to placement of the unpermitted fill, to be wetlands, and recommended removal of the fill and revegetation (see Exhibit BBB, page 9 & 10). Pursuant to Coastal Development Permit No. 5-82-278 the unpermitted fill was to have been removed and the area revegetated.

Based on comparison of topographic (1980) and vegetation maps (Vegetation Communities, Exhibit 26 of the Bolsa Chica Land Use Plan, dated January, 1982) created before the unpermitted fill was placed, with topographic (1986 and 1996) maps created subsequent to the time the fill was placed, the elevation of the subject area was increased by at least 2 feet. Because of the unpermitted fill, the pickleweed within the filled area was no longer viable. Development approved pursuant to Coastal Development Permit 5-82-278 included removal of the unpermitted fill to an elevation of approximately three inches below the grade of the existing adjacent pickleweed stand and revegetation of the area with one or more of the following species: pickleweed, spiny rush, frankenia, sea lavender and shoregrass. However, elevations in the fill area are not consistent with pre-fill elevations. Rather, topographic maps prepared subsequent to the unpermitted fill depict the fill area at an elevation at least two feet above the adjacent CP wetland. Leading to the conclusion that removal of the fill and revegetation never occurred. Were it not for this unpermitted development, the area would have remained wetland area. Unpermitted development cannot be used as a basis to justify development in areas where, were it not for the unpermitted development, such development would not be allowed. Thus, consideration of appropriate land use designations must consider site conditions as if the unpermitted development had not occurred. Therefore, this area is considered a wetland. As proposed, the amendment would allow land uses such as residential and related uses such as roads. The proposed land use designation would allow uses that are not consistent with Section 30233 of the Coastal Act.

As proposed, the land use plan amendment would designate these ~~two~~ **three** wetland areas for residential development and for use as active parks, inconsistent with Section 30233 of the Coastal Act, which allows only the seven enumerated

uses in wetlands. Residential and active park are not uses allowed under Section 30233. Therefore, the Commission finds that the proposed amendment is inconsistent with the Coastal Act and must be denied.

C. Correspondence Received

Since the time the staff report was prepared staff has received additional correspondence regarding proposed LCP Amendment 1-06 Parkside. Staff received 67 additional form letter postcards opposing the LCPA as submitted. In addition, one letter opposing the LCPA as submitted was received. A sample of the form letter postcard and a copy of the opposition letter are attached.

In addition, 17 form emails have been received supporting the LCPA as proposed, 3 separate emails have been received also supporting the LCPA as proposed, and one letter has been received that supports the LCPA as proposed. A copy of the form email and copies of each of the three separate emails, and the letter are attached.

Additionally, ex-parte communication forms received from Commissions since the staff report was prepared are attached.

D. List of Addendum Attachments

Exhibit K – Replace existing Figures 9, 10, and 11 of Exhibit K (pages 39, 40 and 41, currently blank) with the attached Figures 9, 10, and 11.

Revised Exhibit L - Staff Proposed Wetland and ESHA Delineations and Buffers

Exhibit NN - Staff Proposed Land Uses

Exhibit OO – Mark Bixby’s “Historic Unpermitted Fills at Shea Parkside”, 3/1/07

Exhibit PP – NWWR/Bixby Letter dated 4/24/07

“Huntington Beach LCPA MAJ-HNB-1-06 and Shea Parkside Hydrology”

Exhibit QQ – NWWR/Bixby letter dated 3/20/07, WP Vegetation Survey of 3/17/07

Exhibit RR – NWWR/Bixby Letter dated 4/4/07, WP Vegetation Survey re letter of 3/20/07

Exhibit SS – NWWR/Bixby Letter dated 4/4/07, re Bixby Memo of 4/4/07

Exhibit TT – Bixby Email dated 4/10/07, Shea Parkside quantitative evidence of groundwater changes

Exhibit UU - NWWR/Bixby Letter dated 4/30/07

“Huntington Beach LCPA HNB-MAJ-1-06 and the impact of unpermitted fills on the Shea Parkside WP wetland”

Exhibit VV – NWWR/Bixby Letter dated 5/7/07, Raptor Survey

Exhibit WW – Shea Homes Letter dated 4/25/07

“Response to Mark Bixby Correspondence Regarding Data from Groundwater Monitoring Wells on the Parkside Estates Property”

Exhibit XX – Shea Homes Letter dated 4/27/07

“Response to allegations regarding historic illegal fill on the Shea Parkside site (LCPA 1-06)”

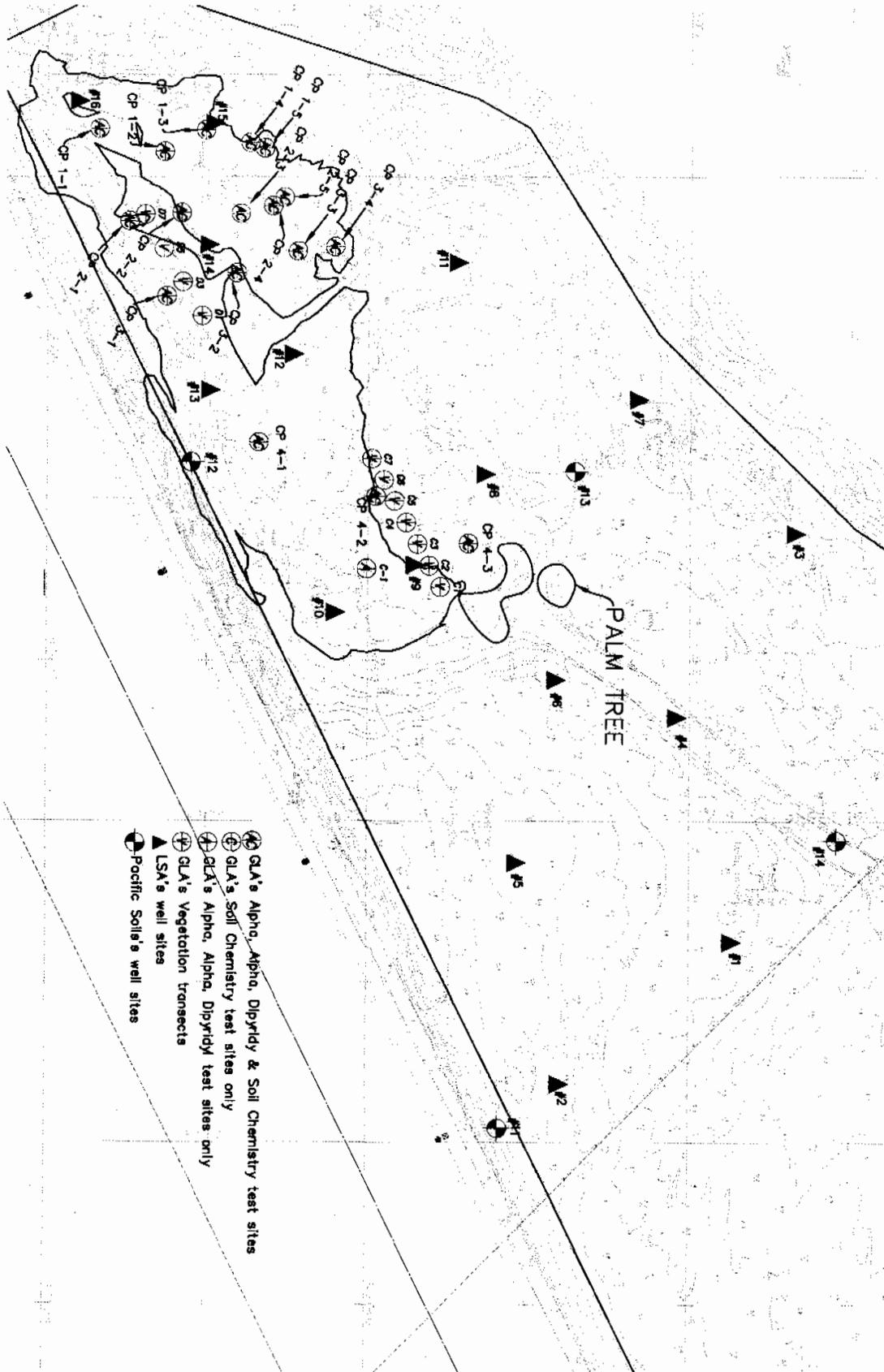
Addendum
Huntington Beach LCPA 1-06
Parkside
Page 11

- Exhibit YY – Shea Homes Letter dated 4/27/07
“Response to allegations regarding “illegal fill” in the “WP” area
incidental to farming operations on the Shea Parkside site
(LCPA 1-06)”
- Exhibit ZZ – Shea Homes Letter dated 4/30/07
“Response to Bixby letter of this date regarding Huntington Beach
LCPA 1-06: Alleged “impact of unpermitted fills on the Shea Parkside WP
wetland”
- Exhibit AAA - City of Huntington Beach Memo dated 5/2/07
Regarding 1989 “Smokey’s Stables Red Tags”
- Exhibit BBB – 5-82-278 Staff Report
- Exhibit BBB9 & 10 – CDFG Memo 9/7/82 Regarding “Smokey’s Stables – Permit
Violation”
- Exhibit CCC– California State Lands Commission Letter Regarding the Proposed LCPA
- Exhibit DDD – Exemption Letter, 6/15/94

Correspondence Received:

Letters/Emails Supporting LCPA as Proposed
Letters/Emails Opposing LCPA as Proposed
Ex-Parte Communications Forms

Figure 9. Map of the County parcel (CP) showing the location of monitoring wells and sampling plots for vegetation and soils.



EXHIBIT#K
Page 39 of 99
Application No.: HNB-MAJ-1-06
California Coastal Commission

Figure 10. Map of area AP along the western edge of the agricultural field showing the location of monitoring wells and sampling plots for vegetation and soils.

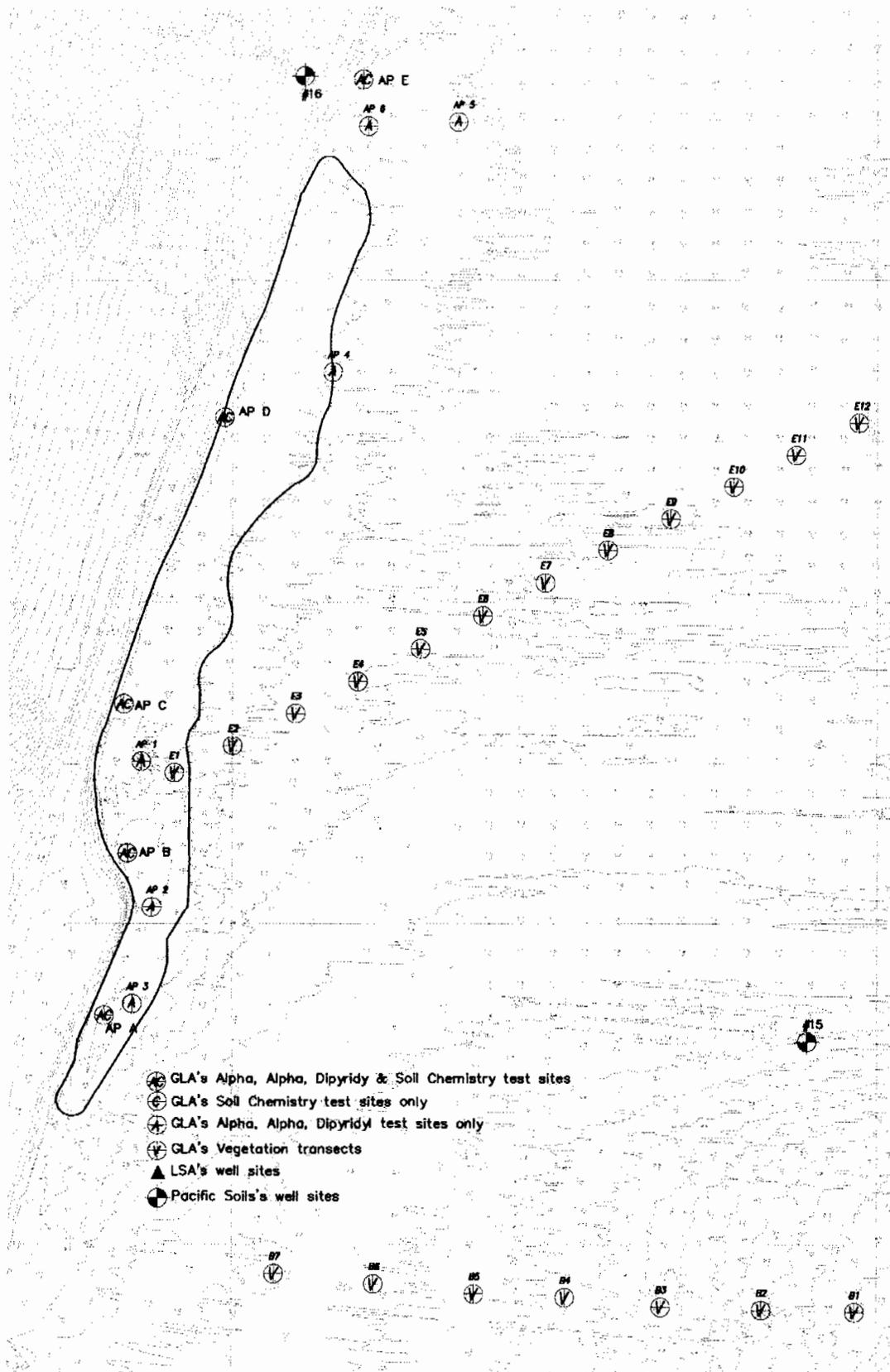
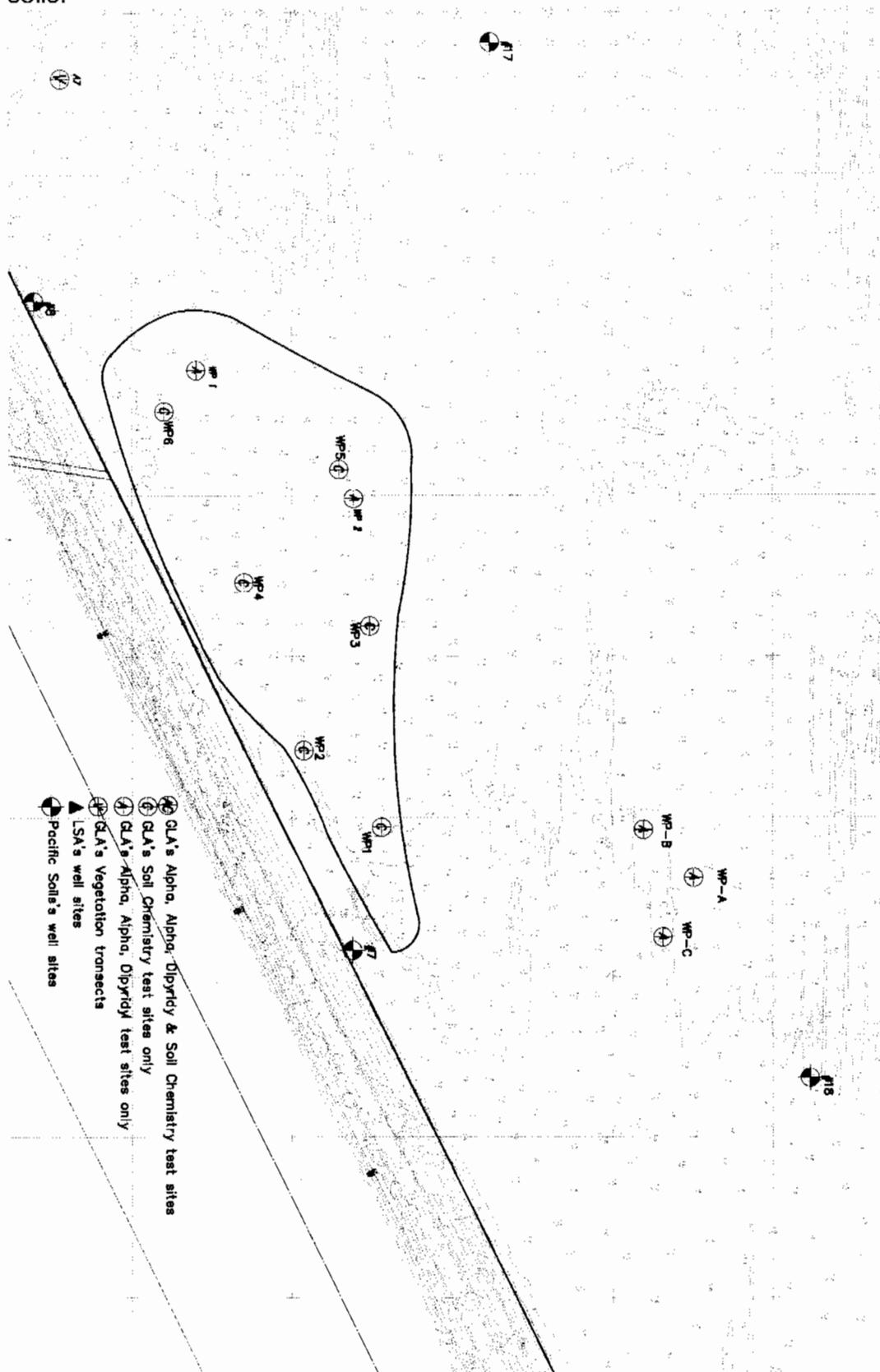
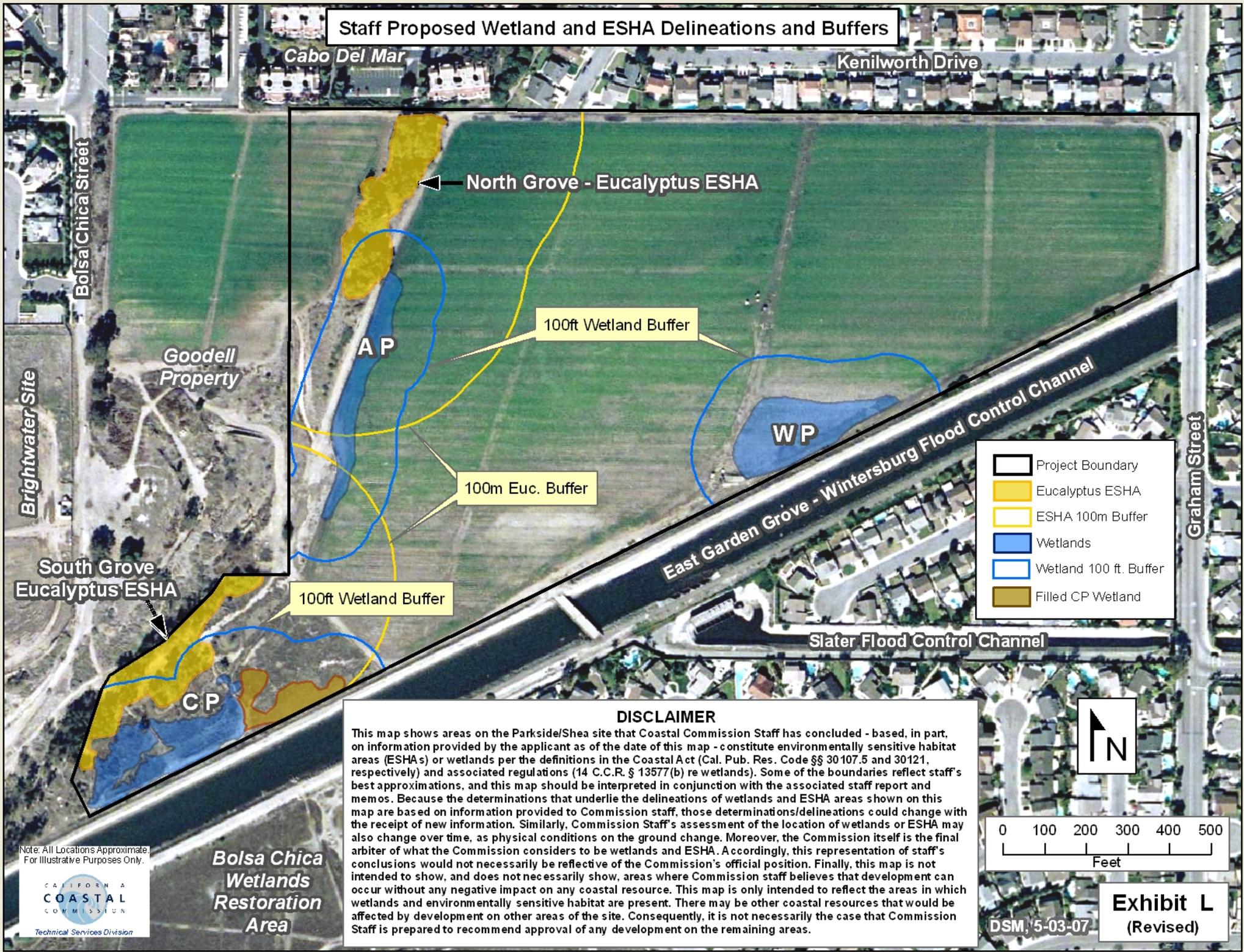


Figure 11. Map of area WP adjacent to the flood control channel within the agricultural field showing the location of monitoring wells and sampling plots for vegetation and soils.



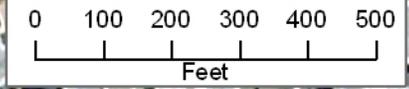
Staff Proposed Wetland and ESHA Delineations and Buffers



	Project Boundary
	Eucalyptus ESHA
	ESHA 100m Buffer
	Wetlands
	Wetland 100 ft. Buffer
	Filled CP Wetland

DISCLAIMER

This map shows areas on the Parkside/Shea site that Coastal Commission Staff has concluded - based, in part, on information provided by the applicant as of the date of this map - constitute environmentally sensitive habitat areas (ESHAs) or wetlands per the definitions in the Coastal Act (Cal. Pub. Res. Code §§ 30 107.5 and 30121, respectively) and associated regulations (14 C.C.R. § 13577(b) re wetlands). Some of the boundaries reflect staff's best approximations, and this map should be interpreted in conjunction with the associated staff report and memos. Because the determinations that underlie the delineations of wetlands and ESHA areas shown on this map are based on information provided to Commission staff, those determinations/delineations could change with the receipt of new information. Similarly, Commission Staff's assessment of the location of wetlands or ESHA may also change over time, as physical conditions on the ground change. Moreover, the Commission itself is the final arbiter of what the Commission considers to be wetlands and ESHA. Accordingly, this representation of staff's conclusions would not necessarily be reflective of the Commission's official position. Finally, this map is not intended to show, and does not necessarily show, areas where Commission staff believes that development can occur without any negative impact on any coastal resource. This map is only intended to reflect the areas in which wetlands and environmentally sensitive habitat are present. There may be other coastal resources that would be affected by development on other areas of the site. Consequently, it is not necessarily the case that Commission Staff is prepared to recommend approval of any development on the remaining areas.

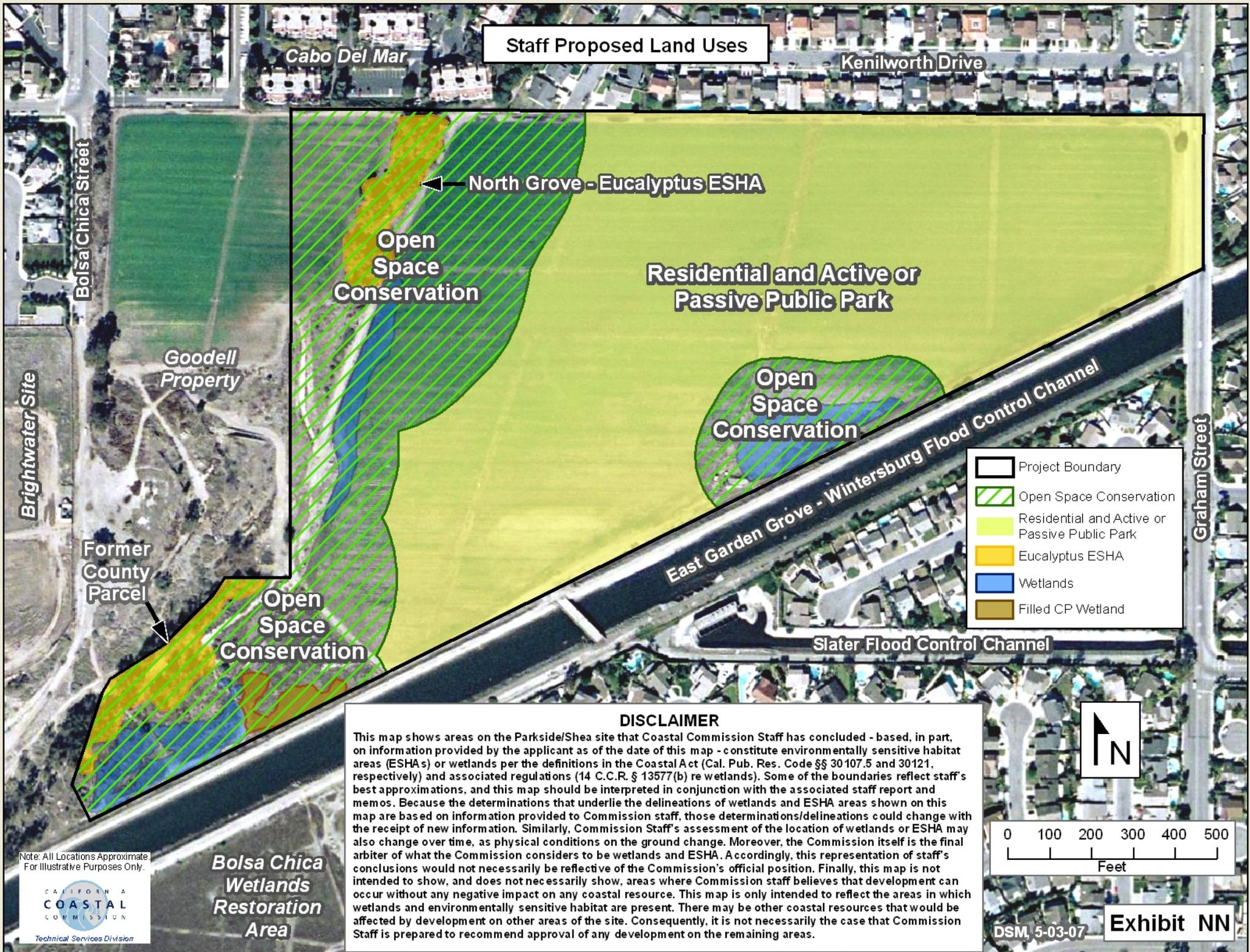


Note: All Locations Approximate. For Illustrative Purposes Only.



Bolsa Chica Wetlands Restoration Area

DSM, 5-03-07 **Exhibit L**
(Revised)



Staff Proposed Land Uses

Cabo Del Mar

Kenilworth Drive

North Grove - Eucalyptus ESHA

Open Space Conservation

Residential and Active or Passive Public Park

Goodell Property

Open Space Conservation

Brightwater Site

Former County Parcel

Open Space Conservation

East Garden Grove - Wintersburg Flood Control Channel

Slater Flood Control Channel

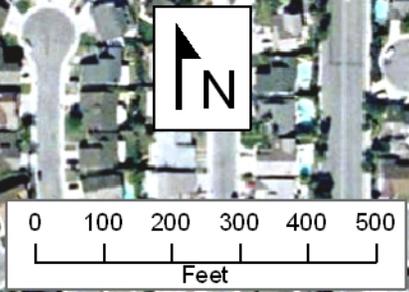
Bolsa Chica Wetlands Restoration Area

- Project Boundary
- Open Space Conservation
- Residential and Active or Passive Public Park
- Eucalyptus ESHA
- Wetlands
- Filled CP Wetland

DISCLAIMER

This map shows areas on the Parkside/Shea site that Coastal Commission Staff has concluded - based, in part, on information provided by the applicant as of the date of this map - constitute environmentally sensitive habitat areas (ESHAs) or wetlands per the definitions in the Coastal Act (Cal. Pub. Res. Code §§ 30107.5 and 30121, respectively) and associated regulations (14 C.C.R. § 13577(b) re wetlands). Some of the boundaries reflect staff's best approximations, and this map should be interpreted in conjunction with the associated staff report and memos. Because the determinations that underlie the delineations of wetlands and ESHA areas shown on this map are based on information provided to Commission staff, those determinations/delineations could change with the receipt of new information. Similarly, Commission Staff's assessment of the location of wetlands or ESHA may also change over time, as physical conditions on the ground change. Moreover, the Commission itself is the final arbiter of what the Commission considers to be wetlands and ESHA. Accordingly, this representation of staff's conclusions would not necessarily be reflective of the Commission's official position. Finally, this map is not intended to show, and does not necessarily show, areas where Commission staff believes that development can occur without any negative impact on any coastal resource. This map is only intended to reflect the areas in which wetlands and environmentally sensitive habitat are present. There may be other coastal resources that would be affected by development on other areas of the site. Consequently, it is not necessarily the case that Commission Staff is prepared to recommend approval of any development on the remaining areas.

Note: All Locations Approximate For Illustrative Purposes Only.



Historic Unpermitted Fills at Shea Parkside

01/31/70 - before the fills



12/28/76 - first fills



00-3

19

02/25/80 -- more fills & start of arena



03/15/81 - still more fills



02/19/83 – fill piles & arena expansion



01/09/87 - more fills



01/24/88 – more arena fills



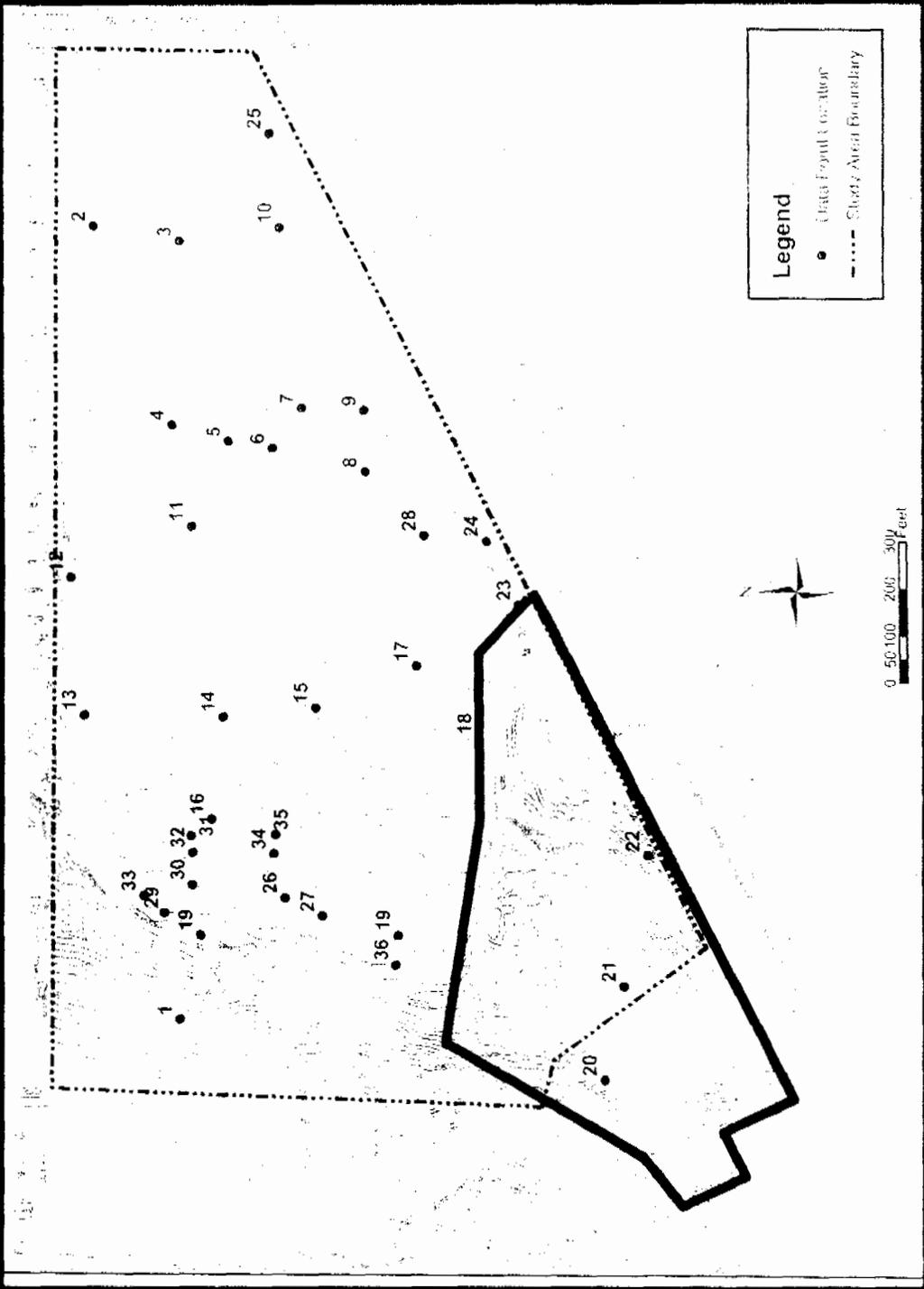
01/30/89 – more arena fills



03/15/90 – maximum extent of stables



Fills Evident on Topo Map



11-00

27

Conclusions

- County parcel contains hydric soils
- Fill activities increased grade by eight feet
- Hydric soils may exist under fill
- Remove fill via enforcement action
- New wetland delineation must be done !

From: Mark Bixby [mark@bixby.org]
Sent: Tuesday, April 24, 2007 10:29 PM
To: Art Homrighausen; Robert van de Hoek; Julie Bixby; Shirley Dettloff; Meg Vaughn; John Dixon; Ron Metzler; Jim Harrison; Marcia Hanscom; Tony Bomkamp; Jan Vandersloot; Dick Harlow; Linda Moon; Karl Schwing; Dena Hawes; Marc Stirdivant; Bolsa Chica Land Trust; Jonna Engel; Marinka Horack; Rudy Vietmeier; Flossie Horgan; Paul Horgan; Paul Arms; Sandra Genis; Mary Beth Broeren; Scott Hess; karen merickel; kmerick; Lyndon Lee; Peggy Fiedler
Subject: more on Shea Parkside hydrology

Hi CCC staff, city staff, Shea Homes & consultants, and friends of Bolsa Chica,

I am submitting a very extensive new hydrology letter for the Parkside LCPA agenda item. Please download this letter from:

<http://www.bixby.org/parkside/documents/CCC/nwwr-ccc-070424-hydrology.pdf>

Be sure to also check out my Google Earth geospatial data as mentioned at the beginning of the letter. I have dramatically raised the bar on what laypeople are able to accomplish for complex land use projects.

Enjoy. Happy reading, Ron! ;-)

--
mark@bixby.org

Remainder of .sig suppressed to conserve expensive California electrons...

PP-1

Neighbors for Wintersburg Wetlands Restoration

17451 Hillgate, Huntington Beach, CA 92649-4707 - 714-625-0876 - www.bixby.org/parkside

April 24, 2007

Th14a

California Coastal Commission
South Coast Area Office
ATTN: Meg Vaughn
200 Oceangate, Suite 1000
Long Beach, CA 90802-4416

RE: Huntington Beach LCPA HNB-MAJ-1-06 and Shea Parkside hydrology

Dear Ms. Vaughn and Coastal Commissioners,

The purpose of this letter is to provide a hydrological analysis of recently obtained Shea Parkside well data that are relevant to the determining the extent of wetlands on the property. This letter is best viewed in color and may be obtained in its original color format from:

<http://www.bixby.org/parkside/documents/CCC/nwwr-ccc-070424-hydrology.pdf>

Key portions of this analysis were done using the free Google Earth application to combine multiple geospatial data layers such as well data, historic aerial photographs, topo maps, and CCC staff Exhibit L. I encourage CCC Commissioners and staff to download and install Google Earth from <http://earth.google.com/>. Once installed, launch Google Earth, click File, Open, and then enter the web address of my Parkside geospatial data:

<http://www.bixby.org/parkside/kml/showme.kml>

Errors and Omissions in the Well Data

I received well data in the form of two Excel spreadsheet files from CCC staff ecologist Dr. John Dixon. Presumably both spreadsheets were authored by Shea consultants.

The first spreadsheet file contained groundwater salinity and depth data for every well on the property that was locatable and capable of yielding useful data from the period 11/14/06 through 02/02/07.

The second spreadsheet file contained a select subset of groundwater depth and elevation data from only those wells closest to the AP, CP, and WP wetlands during the period 12/01/99 through 06/12/06. Data from additional wells in other potential wetland areas appear to have been deliberately omitted.

Ground elevation data from these spreadsheets for the provided wells is demonstrably in error. The ground elevation values for the LSA wells are different compared to the ground elevation values for the same wells that are listed in the LSA 2002 county parcel wetland delineation included in the final EIR. Unless some substantial subsidence is occurring, these two sets of elevation values should be identical reference points.

PP-2

30

I do not have previously published ground elevation values for the PS (Pacific Soils) wells. However, computing ground elevation values for the PS wells from the groundwater elevation and depth numbers, the results I get do not match the table of PS ground elevations included in the spreadsheet. There are minor errors of a couple of inches for PS7, PS8, and PS12, but an error of a whopping *three feet* for PS16.

The spreadsheet asserts that the ground elevation at PS16 is -0.3ft MSL, which is patently absurd when you consider that this well actually sits up a few feet on the toe of the Bolsa Chica mesa!

CCC staff and commissioners should insist that Shea provide an accurate, complete set of well data.

Geographic Salinity Distribution

The Figure 1 Google Earth image depicts the maximum salinity value recorded at each well during the period 11/14/06 through 02/02/07. The redder the well icon, the greater the recorded salinity maximum. Black icons indicate that salinity data was not available for those wells. Labels have been abbreviated to begin with "P" for Pacific Soils (PS) wells and "L" for LSA wells.

We see that salinity is highest in the county parcel in the southwest portion of the property, with moderate salinities occurring in the city parcel wells immediately adjacent to the channel (PS6 through PS10). Curiously we also see elevated salinity at PS16, near the AP wetland, substantially greater than at any neighboring well (PS1, PS14, PS15, PS17, and PS19).

It would seem likely that a significant influence on the salinity of the wells immediately adjacent to the channel is the channel itself. However, why is it that the wells in the *interior* of the county parcel have the greatest salinity? One would expect wells LSA10, LSA16, and PS12 to have the highest salinities due to their proximity to the channel and high county parcel soil salinities. But as shown in Figure 1 they do not, and so alternate explanations must be considered.

One theory is that seawater intrusion from the Bolsa Pocket restoration is driving the high salinities of county parcel interior wells LSA9, LSA12, LSA13, LSA14, and LSA15. Within weeks of the reflooding of the Pocket (which behaves more like a lake than a muted tidal area) nearby trees began dying. The die-off started closest to the Pocket and quickly spread northeastward. Indeed, the free-standing eucalyptus tree approximately 40ft northwest of the well with the highest salinity, LSA12, was one of the first trees to die on the Shea property.

The curiously high salinity at PS16 also begs for an explanation. Could it too be related to the Bolsa Pocket restoration? I haven't seen tree die-off in the north eucalyptus grove ESHA of similar magnitude to what I saw in the south eucalyptus grove ESHA. Yet it should be noted that the 2006 aquifer seepage event first began near PS16 and slowly flowed southwest along the base of the mesa, eventually resulting in wetter than normal soils in the county parcel CP wetland. Is it possible that Pocket seawater intrusion could be slowly flowing in the reverse direction along the same underground path and is starting to influence salinity at PS16? The water level at PS16 has recently risen by two feet (see Figure 4). Still, it's too early to declare a Pocket correlation for this one. PS16 warrants further monitoring.

Increasing Salinity

The salinity chart in Figure 2 shows that salinity has approximately *doubled* at PS9, PS10, and PS13, and has reached an apparently stable plateau at each well.

If the Wintersburg channel was the sole driver of salinity on the property, one would expect all wells to show more or less stable salinity, with perhaps some minor fluctuations due to tidal variations. But the chart shows no such ebb and flow variations that can be attributed to tidal causes.

It seems unlikely that the channel is getting any saltier over time. Tidal input is unchanged, and dry weather urban runoff flows have been increasing as the drought persists. If anything, channel salinity might possibly be slightly decreasing, not increasing.

So what is left to explain the stable, doubled salinities at PS9, PS10, and PS13? The simplest and most likely explanation is seawater intrusion from the Pocket restoration. The restored Pocket behaves like a lake, thus salinity is constantly being dumped into the groundwater table between the channel levee and the mesa. One would expect salinities being driven by this process to increase as the salinity plume approaches, and then plateau once the leading edge of the plume passes by.

But if this is the case, why was PS13 the only county parcel well to experience a major salinity increase during the 11/14/06 through 02/02/07 period? Seeing the increase at PS13 was a surprise to me since the salinity-driven tree die-off started in the area at least ten months ago. There seems to be no explanation why PS13 has suddenly increased just recently. However, I will assert that the reason salinity at the other county parcel wells has not increased recently is that the salinity plume passed through this area several months prior to the start of salinity monitoring on 11/14/06, and that the wells were already stable at increased levels of salinity.

Groundwater Depth Below Surface

The Figure 3 Google Earth image depicts the minimum groundwater depth below surface value recorded at each well during the period 12/14/06 through 02/02/07. The redder the well icon, the closer the groundwater was to the surface at each well. Black icons indicate that depth data was not available for those wells. Labels have been abbreviated to begin with "P" for Pacific Soils (PS) wells and "L" for LSA wells.

It comes as no surprise that groundwater is closest to the current surface in the CP wetland area in the southwestern portion of the property. This area has managed to avoid the many episodes of unpermitted fill that have occurred during the Smoky's Stables and Shea eras, and still retains its historical topography ranging from slightly above sea level to slightly below. The minimum groundwater depth below current surface in most of the wells in the area ranges from 1-2ft below ground surface.

Wells PS7 and PS8 bracketing the WP wetland exhibit the second-most shallow groundwater depth on the property, which is also not surprising given WP's propensity for surface ponding during normal rain years. The minimum groundwater depth below current surface for these wells is 2.95ft and 2.00ft respectively.

Well PS3 along the northern border of the property exhibits the third-most shallow groundwater depth on the property, with a minimum value of 3.40ft below current ground surface. Contrast this value with neighboring wells PS1 (5.90ft), PS2 (5.05ft), PS4 (6.10ft), and PS5 (8.40ft). The fact that PS3 is substantially higher than the other northern wells was a surprise to me. I had no idea prior to doing this Google Earth analysis.

Groundwater Depth Changes

Groundwater levels during the period 12/14/06 through 02/02/07 were trending upward in a sustained manner at five wells (PS3, PS15, PS16, LSA11, LSA13; see Figure 4), trending slightly downward at two wells (PS10, PS14), sharply downward at one well (PS17), and staying relatively stable at the remaining wells.

Figure 5 compares LSA well groundwater depths from the current 2006-2007 drought with measurements from the similar 2001-2002 drought (only three PS wells were sampled on only a single day during 2001-2002, which is insufficient to include those wells in this comparison). Where the existence of prior measurements makes comparisons possible, *the groundwater at every LSA well except for LSA6 is substantially higher in 2006-2007 than it was in 2001-2002.*

Thus it is clear that groundwater is currently higher than it has been in past droughts, and continues to climb higher in the majority of the wells that are exhibiting recent changes. Now what could be driving these changes?

One potential explanation is that the current changes could be the result of the county aquifer still being high due to the record-smashing 2004-2005 rainfall season. The Figure 6 chart offers insights into last year's high aquifer. Shea resumed regular comprehensive well monitoring after a gap of nearly two years when aquifer surface seepage started in January 2006. The water level in well PS16 near the northern end of the AP wetland was already in decline and dropped precipitously over the course of last year, but in recent months has slowly risen to a new plateau. In contrast, the more complete measurement record for well PS12 in the heart of the CP wetland shows that the water level only rose by little more than a foot, but eventually started falling months after PS16 did, and has essentially been stable (at a level from before the aquifer event) during the recent monitoring period.

The aquifer may or may not be reasserting itself at PS16; it is difficult to be certain. If it is, the effect is clearly much, much less than that of last year. PS12 in the southern part of the property did respond slightly to the aquifer last year, but has not responded similarly this year. Thus one can conclude it is highly unlikely the aquifer is currently affecting the southern portion of the property.

And yet *something* has caused the water in southern wells PS15, LSA11, and LSA13 to rise by approximately two feet in recent months. I assert that the most likely cause of this is groundwater intrusion from the Pocket restoration.

Groundwater Elevation

Groundwater depth measurements are most useful in understanding hydrology in the context of the current topology. But considering that so much of the southern topology of this property has been raised by unpermitted and/or red-tagged fills which should have been removed years ago, a

better metric to use is groundwater elevation above Mean Sea Level (MSL). By measuring relative to sea level instead of relative to ground surface, we can gain a superior understanding of the current configuration of the water table without all of the "noise" from the unpermitted fills getting in the way.

The Figure 7 Google Earth image depicts the maximum groundwater MSL elevation value recorded at each well during the period 12/14/06 through 02/02/07. The redder the well icon, the higher the groundwater was at each well relative to MSL. Black icons indicate that water elevation data was not available for those wells. Labels have been abbreviated to begin with "P" for Pacific Soils (PS) wells and "L" for LSA wells.

PS well elevation data is only provided in the well data spreadsheets received from Dixon for PS7, PS8, PS12, and PS16. I am not aware of any elevation data anywhere in the administrative record for the other PS wells (the administrative record has grown truly vast for this project, so forgive me if I may have forgotten the more obscure documents). And unfortunately as I have explained near the beginning of this letter, the elevation data is demonstrably in error for the four PS wells. Therefore, I have omitted PS16 from Figure 7, but I have included PS7, PS8, and PS12 since those errors are only a couple of inches and do not change any conclusions. All other PS wells have been omitted from Figure 7.

It is clear from Figure 7 that there is an extremely strong correlation between groundwater elevation and distance from the Wintersburg channel. It seems likely that wells PS9, PS10, PS11, and perhaps PS15 would also show this same correlation if Shea were to publish the corresponding elevation data.

The Nexus Between Groundwater Elevation, Unpermitted Fill, and Wetlands

The Coastal Commission must treat unpermitted fills *as if they did not exist*. If the pre-fill elevation of the land can be determined, and the current groundwater elevation in the area is known, it can be established what the current groundwater depth would be relative to the pre-fill topology if the unpermitted fills were removed (did not exist). And if the current groundwater elevation is within one foot of the pre-fill topology, then the hydrological wetland parameter has been satisfied and wetlands would be present if the unpermitted fills were removed (did not exist).

This kind of analysis can be applied to at least two portions of the property.

The CDP 5-82-278 Restoration Area (Expanded CP Wetland)

The October 12, 1982 CCC staff report for Smoky's Stables expansion CDP 5-82-278 notes that both CCC and DFG determined that fill had been dumped into a 13,600 sq ft wetland area in violation of the Coastal Act sometime during September 1981. CCC staff recommended denial of the original permit request because it did not provide for restoration of the filled wetland. But the permit request was subsequently amended to include a restoration provision to restore the grade of the filled area to 3in. *below* an adjacent pickleweed area and then plant suitable saltmarsh wetland plant species. The Commission went on to approve this permit, but it's doubtful that any restoration ever occurred. The current grade of the area remains elevated, and the vegetation type is largely ruderal/grassland.

Figure 8 is a Google Earth image that combines a 1983 aerial photo with the current Exhibit L and groundwater elevation data. The two red-shaded areas indicate the locations where recently dumped fill piles are plainly evident. Based on the Bolsa Chica Land Trust's recent examination of CDP 5-82-278 documents in the CCC Long Beach office and subsequent e-mail communications with Mr. Kit Novick, the biologist who was supposed to supervise the planned restoration, it is estimated that the 13,600 sq ft restoration area lies somewhere within the large red-shaded area immediately adjacent to the current CP wetland.

Well LSA5 sits within the so-called "restoration" zone at a current ground elevation of 4.80ft MSL with a maximum groundwater elevation of -0.20 ft MSL, or 5.00ft below current ground surface. Now compare this to well LSA9 which sits outside of the restoration zone at a current ground elevation of 0.75ft MSL.

The restoration plan for CDP 5-82-278 called for excavating the filled area to 3 inches below the adjacent pickleweed terrain, presumably meaning the vicinity of well LSA9. The difference in ground surface elevation between LSA5 and LSA9 is 4.05ft. So if you were going to restore the area around LSA5 to CDP 5-82-278 specifications, you would need to remove 4.05ft plus another 3 inches for a total of 4.30ft. After excavating 4.30ft from LSA5, the new groundwater depth would be only 0.70ft, which satisfies the hydrological parameter for definition of a wetland.

We know from the CDP 5-82-278 staff report that this area was a wetland in 1981 and was supposed to be restored as a wetland. We know from the 1983 aerial photo (Figure 8) that even more fill was dumped in this same location. Subsequent aerial photos do not show any signs of restoration. A current site visit shows no signs of restoration. And my hydrological analysis in this letter shows that it would once again qualify as a wetland if it were restored as required by CDP 5-82-278, *resulting in a significantly expanded CP wetland.*

It should be noted that Shea would like to locate their NTS system within this so-called restoration area. This cannot be allowed. ***Before this LCPA can proceed any farther, Shea must be made to implement a restoration plan and relocate their NTS outside of the buffer of this restored wetland.***

A Potentially Expanded WP Wetland

The preceding type of hydrological analysis could also be performed southwest of WP if complete data were available.

The Figure 9 Google Earth image shows Exhibit L overlaid with a 1997-era topo map, well locations, and the location of all currently known unpermitted fills that have occurred since passage of the Coastal Act. The rectangle encompassing WP dates from 2005 when Shea dumped four inches of soil into WP just one week after publication of Dr. Dixon's draft memo declaring that WP was a wetland. The roughly triangular area extending from PS8 to the edge of the stables footprint occurred in 1998 when Shea used bulldozers to fill in an expanded version of WP (see Figure 10). The elongated hexagonal area north of the channel bridge dates from 1987-1989 when the operator of Smoky's Stables imported unpermitted fill which was subsequently red-tagged by the City of Huntington Beach but never removed.

Well PS8 sits within the 1998 fill zone and on the edge of the 2005 WP fill zone, with a current minimum groundwater depth of 2.95ft below ground surface. The PS8 well cover sits in a hole that I have crudely estimated to be about 1ft deep. Since all of the monitoring wells were installed sometime during 1999, we know that at least one foot of fill has occurred at PS8 since 1999. The amount of fill that occurred during 1998 is presently unknown. To answer that question would require detailed pre-fill topographic data not yet available to project opponents. If there is at least two feet of unpermitted fill at PS8 and that fill were to be removed (did not exist), PS8 would meet the hydrological parameter definition of a wetland.

Similar questions can be raised for PS9, PS10, and PS15. But in addition to currently lacking pre-fill topographic data, I also lack current well ground surface elevation data. It should be noted that the PS15 well cover sits in a hole approximately 2ft deep, so we know that Shea has pushed 2ft of fill onto that location since 1999. How much fill had been pushed there prior to 1999?

What is Shea Trying to Hide?

Even Shea's well layout hints at not wanting to probe too deeply into the hydrology of the property.

The Figure 11 Google Earth image combines Exhibit L, a map of the 1989 EPA-delineated wetland, and all well locations. Note how wells are conspicuously absent from the 8.3 acre EPA wetland. Note also how there are 20 wells on the county parcel (4 wells per acre) where the presence of wetlands largely doesn't affect project plans, versus only 15 wells on the much larger city parcel (one-third of a well per acre) where the impact of wetlands is highly detrimental to their project.

I have asked numerous times for Shea to publish all of the available well data onto the administrative record, and yet Shea continues to refuse my request. Normally Shea is not shy about publishing data to refute my assertions. Why the reluctance this time around? Is it perhaps because the data will tell a story of wetlands that Shea doesn't want to be heard?

Just publish every piece of data (that has been collected up to the date of publication) for every well and remove this issue from needless further contention.

Conclusions

It is an indisputable fact that salinity and groundwater levels are increasing on the southern portion of the property.

It is likely that the cause of these changes is the Bolsa Pocket restoration. Seawater from the now-permanent Pocket lake has intruded into the groundwater table and has been pushing northeastward for the past ten months, restoring saltmarsh hydrology to former historic wetlands that were cut-off by construction of the Wintersburg channel.

The operator of Smoky's Stables imported massive amounts of unpermitted fill into these historic wetlands in violation of the Coastal Act, a violation that Shea continues by pushing this fill from the high areas of the property into the low areas in an attempt to dry up and cover up the remaining wetlands.

And yet, after all of this time and abuse, the historic wetlands are trying to reestablish themselves with help from the Pocket restoration.

The Commission *must* address the issue of the unpermitted fills before continuing with the LCPA process. Detailed pre-fill topographic data for the entire property must be analyzed in combination with the full, unexpurgated set of well data in order to determine the full extent of hydrology one-parameter wetlands that quite possibly exist under the fills.

To approve an LCPA for the property without first knowing the true extent of wetlands on the property is wrong. Please uphold the Coastal Act. Thank you.

Sincerely,

Mark D. Bixby

Mark D. Bixby
Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876
mark@bixby.org
<http://www.bixby.org/parkside/>

Attachment:

11 pages of various figures

Figure 1: Salinity maximum per well, 11/14/06 – 02/02/07



PP-10

Figure 2: A Doubling of Salinity

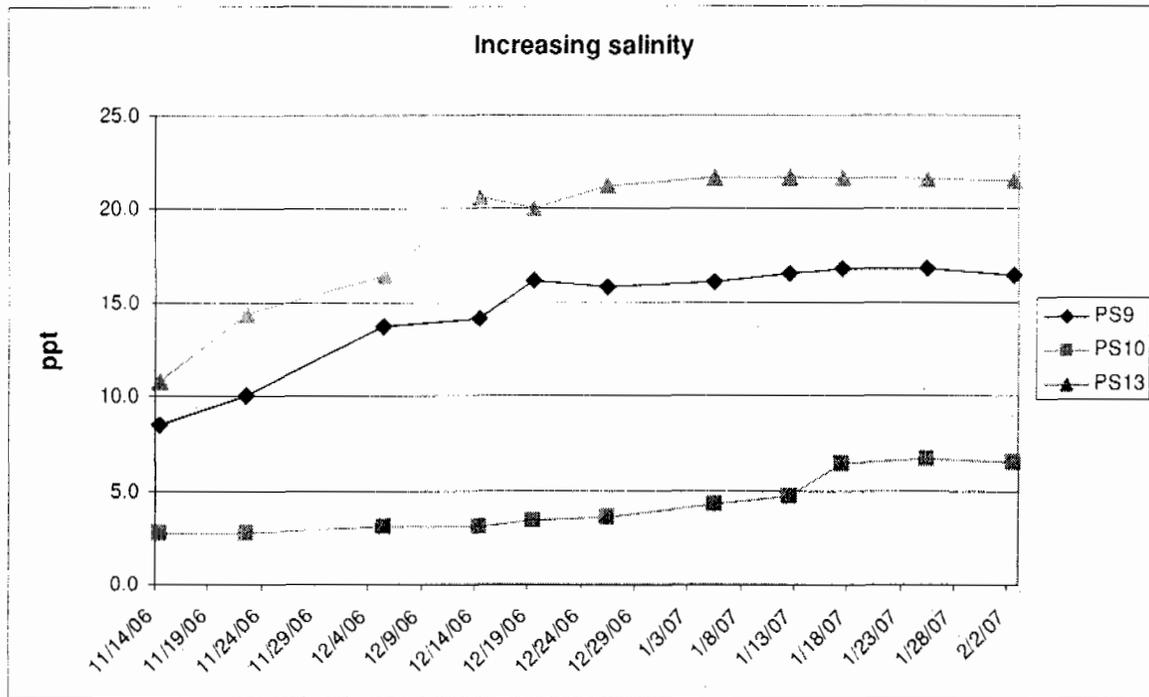
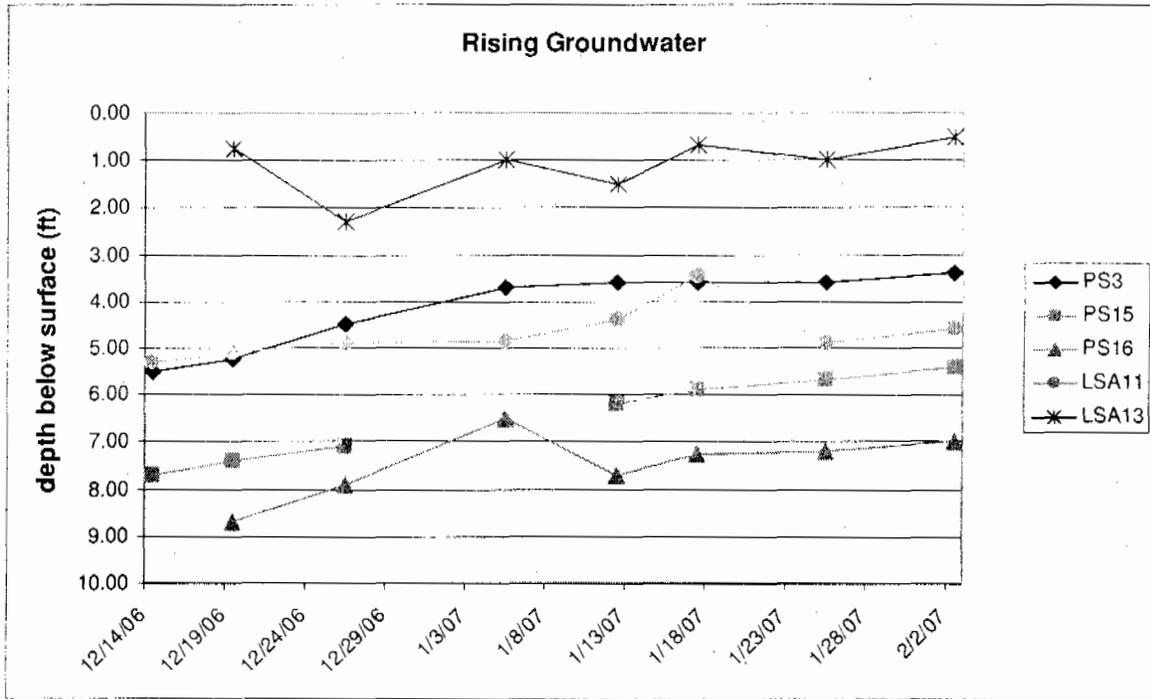


Figure 3: Groundwater minimum depth below surface per well, 12/14/06 – 02/02/07



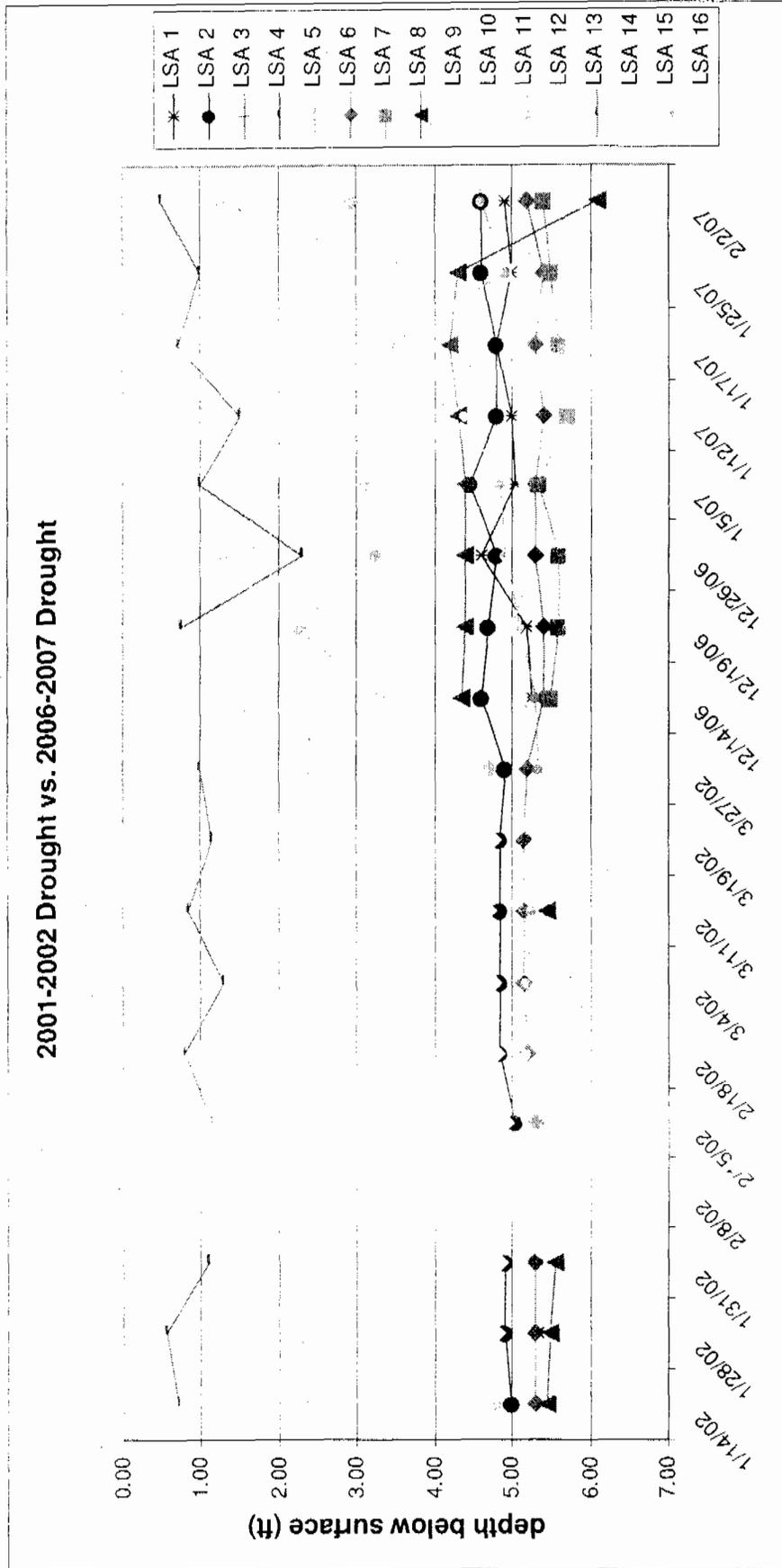
PP-12

Figure 4: Rising Groundwater



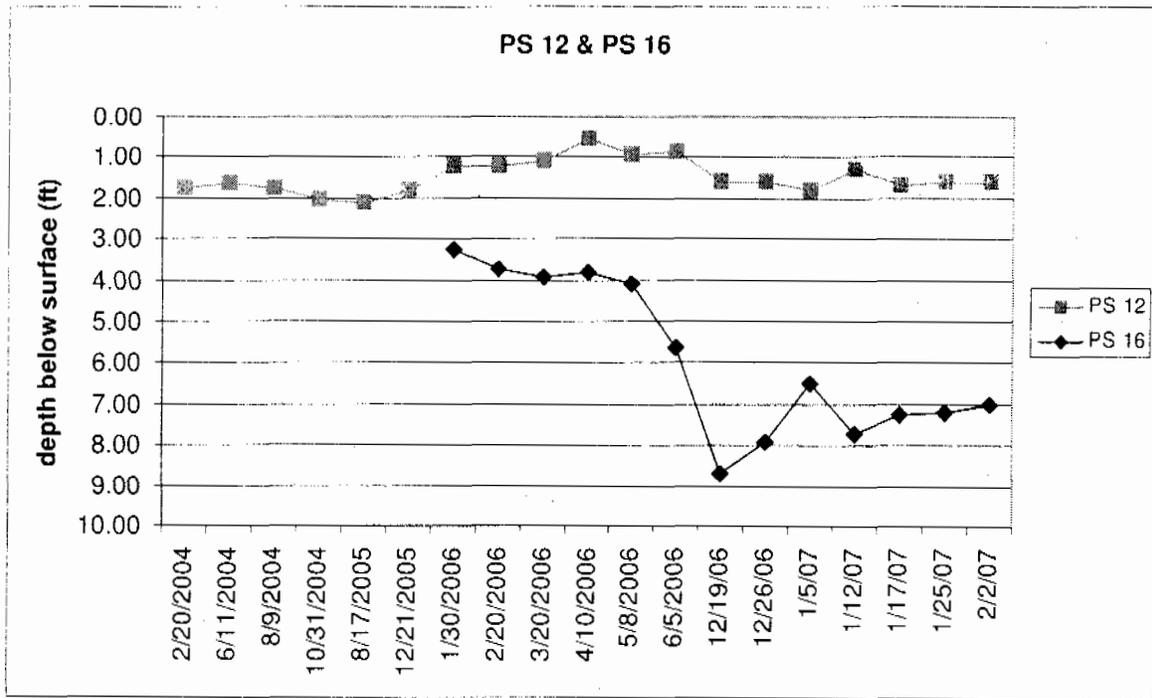
PA 14

Figure 5: A Tale of Two Droughts



42

Figure 6: Aquifer Influence Greatly Reduced



PP-15

Figure 7: Groundwater maximum elevation per well, 12/14/06 – 02/02/07



pp-16

44

L1-d

Figure 8: 02/19/83 aerial and fill zones, current groundwater elevation, and Exhibit L



Figure 9: 1997-era topography, fills, wells, and Exhibit L



PR18

46

Figure 10: Fill of Wetlands on April 22, 1998



PR 19

47

PP-20

Figure 11: 1989 EPA-delineated Wetland and Well Locations



48

From: Mark Bixby [mark@bixby.org]
Sent: Tuesday, March 20, 2007 5:17 AM
To: Art Homrighausen; Robert van de Hoek; Julie Bixby; Shirley Dettloff; Meg Vaughn; John Dixon; Ron Metzler; Jim Harrison; Marcia Hanscom; Tony Bomkamp; Jan Vandersloot; Dick Harlow; Linda Moon; Karl Schwing; Dena Hawes; Marc Stirdivant; Bolsa Chica Land Trust; Jonna Engel; Marinka Horack; Rudy Vietmeier; Flossie Horgan; Paul Horgan; Paul Arms; Sandra Genis; Mary Beth Broeren; Scott Hess
Subject: Re: Shea Parkside WP wetland vegetation survey 03/17/07



nwwr-ccc-070320-
wp-veg-survey....

Hi all,

I was so focused on making sure the GPS data and plant math were accurate that I overlooked some wetland indicator status typos. Please see attached for a corrected copy where the "OBJ" typos have been corrected to "OBL".

- Mark B.

Mark Bixby wrote:

> Hi CCC staff, city staff, Shea staff & consultants, and friends of
> Bolsa
> Chica,
>
> On Saturday March 17, 2007, I conducted a quantitative vegetation
> survey
> in and around the Shea Parkside WP wetland; see attached.
>
> The evidence is clear -- even during the worst drought in recorded
> history, wetland vegetation continues to dominate at WP.

--
mark@bixby.org
Remainder of .sig suppressed to conserve expensive California electrons...

QQ-1

Neighbors for Wintersburg Wetlands Restoration

17451 Hillgate, Huntington Beach, CA 92649-4707 - 714-625-0876 - www.bixby.org/parkside

March 20, 2007

California Coastal Commission
South Coast Area Office
ATTN: Meg Vaughn
200 Oceangate, Suite 1000
Long Beach, CA 90802-4416

RE: Huntington Beach LCPA HNB-MAJ-1-06 and WP vegetation survey on 03/17/07

Dear Ms. Vaughn and Coastal Commissioners,

To date the 2006-2007 rainy season has been the driest in recorded history, with only 2.34 inches of rain having fallen at County of Orange RDMD rainfall station #219 in Costa Mesa. And yet despite this severe drought, hydrophytic vegetation currently dominates pervasively at the Shea Parkside WP wetland.

On March 17, 2007, I spent approximately two hours performing a quantitative vegetation survey in and around the staked boundary of the WP wetland. At 18 widely distributed locations throughout WP, I placed a 1-meter PVC square on the ground, took a GPS reading and photographs, and then I proceeded to count every living individual plant within the square.

The percentage of plants with wetland status indicators of FAC or greater ranged from 87% to 100%, with most sampling locations at 100%. See the following four pages for details.

The Coastal Commission only requires one parameter (hydrology, soils, or vegetation) to determine that wetlands are present. It is clear from the quantitative vegetation data I have collected that WP qualifies as a wetland based on vegetation alone.

Sincerely,

Mark D. Bixby

Mark D. Bixby
Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876
mark@bixby.org
<http://www.bixby.org/parkside/>

Attachments:

Sampling Location Distribution
Sample Square Meter
Sampling Location Details

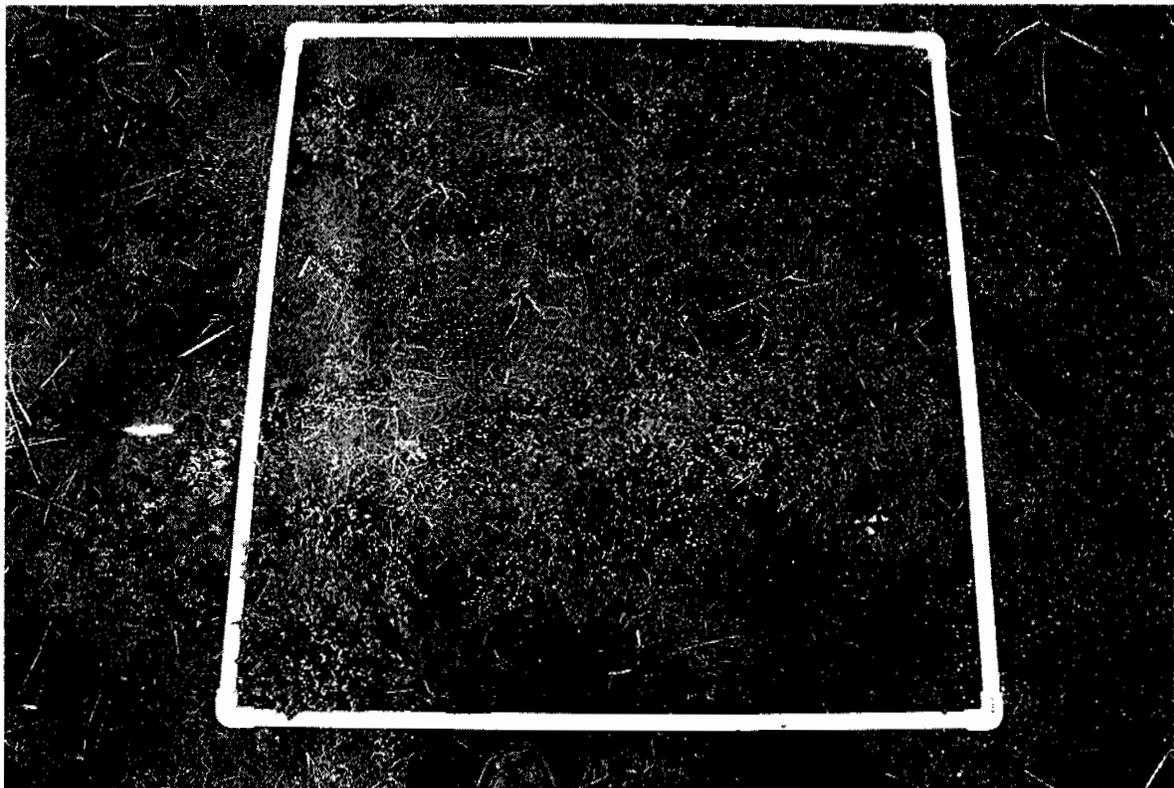
QQ-2

50

Sampling Location Distribution



Sample Square Meter



QQ-3

51

Sampling Location Details

Location: 1		Long/Lat: -118.034867,33.709917	
Common Name	Scientific Name	Wetland Status	Plant Count
Salt Sandspurry	<i>Spergularia salina</i>	OBL	19
Percentage of plants with wetland status FAC or greater: 100%			

Location: 2		Long/Lat: -118.035167,33.709950	
Common Name	Scientific Name	Wetland Status	Plant Count
Salt Sandspurry	<i>Spergularia salina</i>	OBL	23
Percentage of plants with wetland status FAC or greater: 100%			

Location: 3		Long/Lat: -118.035133,33.709850	
Common Name	Scientific Name	Wetland Status	Plant Count
Salt Sandspurry	<i>Spergularia salina</i>	OBL	10
Common Brassbuttons	<i>Cotula Coronopifolia</i>	FACW+	3
Percentage of plants with wetland status FAC or greater: 100%			

Location: 4		Long/Lat: -118.035367,33.709850	
Common Name	Scientific Name	Wetland Status	Plant Count
Salt Sandspurry	<i>Spergularia salina</i>	OBL	14
Percentage of plants with wetland status FAC or greater: 100%			

Location: 5		Long/Lat: -118.035517,33.709783	
Common Name	Scientific Name	Wetland Status	Plant Count
Salt Sandspurry	<i>Spergularia salina</i>	OBL	17
Unknown	N/A	N/A	1
Percentage of plants with wetland status FAC or greater: 94%			

Location: 6		Long/Lat: -118.035550,33.709800	
Common Name	Scientific Name	Wetland Status	Plant Count
Salt Sandspurry	<i>Spergularia salina</i>	OBL	7
Spreading Alkaliweed	<i>Cressa truxillensis</i>	FACW	1
Common Beet	<i>Beta vulgaris</i>	UPL	1
Percentage of plants with wetland status FAC or greater: 89%			

Location: 7		Long/Lat: -118.035650,33.709767	
Common Name	Scientific Name	Wetland Status	Plant Count
Salt Sandspurry	<i>Spergularia salina</i>	OBL	7
Cheeseweed Mallow	<i>Malva parviflora</i>	UPL	1
Percentage of plants with wetland status FAC or greater: 88%			

QQ-4

52

Location: 8		Long/Lat: -118.035850,33.709833	
Common Name	Scientific Name	Wetland Status	Plant Count
Salt Sandspurry	<i>Spergularia salina</i>	OBL	11
Cheeseweed Mallow	<i>Malva parviflora</i>	UPL	1
Percentage of plants with wetland status FAC or greater: 92%			

Location: 9		Long/Lat: -118.035950,33.709717	
Common Name	Scientific Name	Wetland Status	Plant Count
Salt Sandspurry	<i>Spergularia salina</i>	OBL	9
Alkali Mallow	<i>Malvella leprosa</i>	FAC	4
Common Beet	<i>Beta vulgaris</i>	UPL	1
Percentage of plants with wetland status FAC or greater: 93%			

Location: 10		Long/Lat: -118.036150,33.709683	
Common Name	Scientific Name	Wetland Status	Plant Count
Salt Sandspurry	<i>Spergularia salina</i>	OBL	11
Percentage of plants with wetland status FAC or greater: 100%			

Location: 11		Long/Lat: -118.036000,33.709700	
Common Name	Scientific Name	Wetland Status	Plant Count
Salt Sandspurry	<i>Spergularia salina</i>	OBL	10
Alkali Mallow	<i>Malvella leprosa</i>	FAC	4
Percentage of plants with wetland status FAC or greater: 100%			

Location: 12		Long/Lat: -118.035600,33.709500	
Common Name	Scientific Name	Wetland Status	Plant Count
Salt Sandspurry	<i>Spergularia salina</i>	OBL	20
Common Brassbuttons	<i>Cotula Coronopifolia</i>	FACW+	4
Alkali Mallow	<i>Malvella leprosa</i>	FAC	3
Percentage of plants with wetland status FAC or greater: 100%			

Location: 13		Long/Lat: -118.035467,33.709733	
Common Name	Scientific Name	Wetland Status	Plant Count
Salt Sandspurry	<i>Spergularia salina</i>	OBL	13
Spreading Alkaliweed	<i>Cressa truxillensis</i>	FACW	2
Percentage of plants with wetland status FAC or greater: 100%			

Location: 14		Long/Lat: -118.035500,33.709633	
Common Name	Scientific Name	Wetland Status	Plant Count
Fivehorn Smotherweed	<i>Bassia hyssopifolia</i>	FAC	79
Percentage of plants with wetland status FAC or greater: 100%			

QA-5

53

Location: 15		Long/Lat: -118.035750,33.709617	
Common Name	Scientific Name	Wetland Status	Plant Count
Salt Sandspurry	<i>Spergularia salina</i>	OBL	16
Percentage of plants with wetland status FAC or greater: 100%			

Location: 16		Long/Lat: -118.035950,33.709583	
Common Name	Scientific Name	Wetland Status	Plant Count
Fivehorn Smotherweed	<i>Bassia hyssopifolia</i>	FAC	>50
Cheeseweed Mallow	<i>Malva parviflora</i>	UPL	8
Salt Sandspurry	<i>Spergularia salina</i>	OBL	3
Bristly Oxtongue	<i>Picris echioides</i>	FAC	1
Percentage of plants with wetland status FAC or greater: >87%			

Location: 17		Long/Lat: -118.036183,33.709483	
Common Name	Scientific Name	Wetland Status	Plant Count
Salt Sandspurry	<i>Spergularia salina</i>	OBL	14
Percentage of plants with wetland status FAC or greater: 100%			

Location: 18		Long/Lat: -118.035950,33.709483	
Common Name	Scientific Name	Wetland Status	Plant Count
Salt Sandspurry	<i>Spergularia salina</i>	OBL	4
Percentage of plants with wetland status FAC or greater: 100%			

QQ-6

54

From: Mark Bixby [mark@bixby.org]
Sent: Wednesday, April 04, 2007 5:56 PM
To: Art Homrighausen; Robert van de Hoek; Julie Bixby; Shirley Dettloff; Meg Vaughn; John Dixon; Ron Metzler; Jim Harrison; Marcia Hanscom; Tony Bomkamp; Jan Vandersloot; Dick Harlow; Linda Moon; Karl Schwing; Dena Hawes; Marc Stirdivant; Bolsa Chica Land Trust; Jonna Engel; Marinka Horack; Rudy Vietmeier; Flossie Horgan; Paul Horgan; Paul Arms; Sandra Genis; Mary Beth Broeren; Scott Hess; karen merickel; kmerick
Subject: Shea Parkside WP vegetation survey revised



nwwr-ccc-070404-
wp-veg-survey-...

Hi CCC staff, City of HB staff, Shea Homes staff & consultants, and friends of Bolsa Chica,

It has come to my attention that the Shea Parkside WP vegetation survey that I performed on March 17, 2007, did not use proper vegetation sampling methodology.

Therefore I have educated myself on proper techniques for coverage estimation and I have applied the standard "50/20 rule" to re-analyze all of the quadrat photos that I shot on March 17th.

See attached for my revised survey. My conclusion remains the same -- that hydrophytic vegetation indicative of a wetland predominates at WP.

--
mark@bixby.org

Remainder of .sig suppressed to conserve expensive California electrons...

RR-1

Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate, Huntington Beach, CA 92649-4707 - 714-625-0876 - www.bixby.org/parkside

April 4, 2007

California Coastal Commission
South Coast Area Office
ATTN: Meg Vaughn
200 Oceangate, Suite 1000
Long Beach, CA 90802-4416

RE: Huntington Beach LCPA HNB-MAJ-1-06 and Bixby WP vegetation survey letter dated March 20, 2007

Dear Ms. Vaughn and Coastal Commissioners,

It has come to my attention that the WP vegetation survey I performed on March 17, 2007 did not use proper vegetation sampling methodology. This letter presents a re-analysis of my raw data using the proper methodology.

When I did my field work on March 17, 2007, I photographed the square meter quadrat at every sampling location. For purposes of this re-analysis, I first used Photoshop to correct the optical distortion in each photo to yield as square of a quadrat as possible, and then I overlaid a 10x10 grid of 100 equally spaced points on top of the quadrat.

I then proceeded to perform "point-contact estimation of cover" to tally each living vegetation species under the center of each of the 100 points to arrive at an estimated absolute coverage percentage for each species.

Next, I computed the relative coverage percentage for each species, and ranked the species by decreasing coverage amount. I then used the "50/20 rule" to determine which species were dominant. I use **bold print** to denote the dominant species in the attached sampling details.

Finally, I computed the percentage of the dominant species that had hydrophytic status indicators (i.e. FAC, FACW, OBL). If more than 50% of the dominant species are hydrophytic, then hydrophytic vegetation is preponderant in that quadrat.

The end result is that 16 out of my 18 quadrats exhibit predominantly hydrophytic vegetation.

The Coastal Commission only requires one parameter (hydrology, soils, or vegetation) to determine that wetlands are present. It is clear from the quantitative vegetation data I have collected that WP qualifies as a wetland based on vegetation alone.

RR-2

56

Sincerely,

Mark D. Bixby

Mark D. Bixby
Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876
mark@bixby.org
<http://www.bixby.org/parkside/>

Attachments:

Sampling Location Distribution
Sample Quadrat Photos
Sampling Location Details

RR-3

57

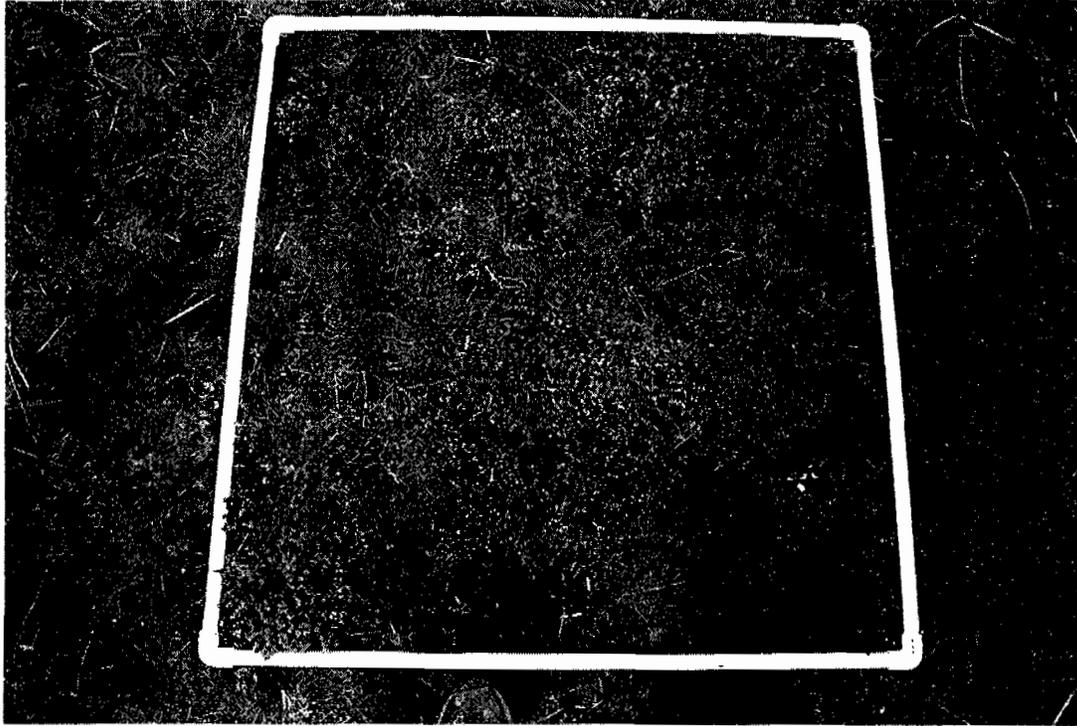
Sampling Location Distribution



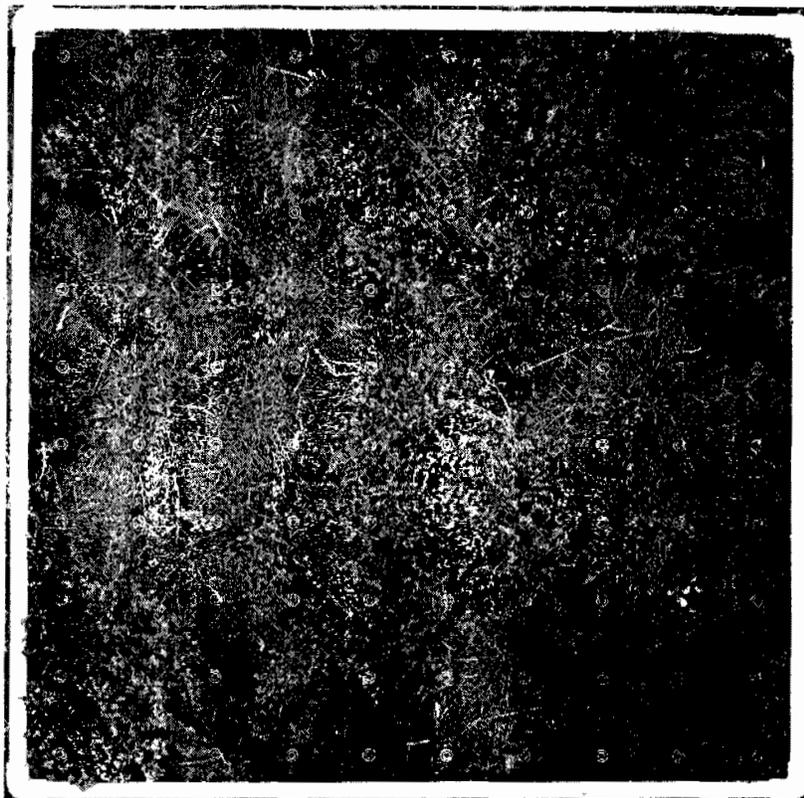
RR-4

58

Sample Quadrat – Original Photo



Sample Quadrat – Distortion Corrected, 10x10 Point Grid Added



RR-5

59

Sampling Location Details

Location: 1	Longitude/Latitude: -118.034867,33.709917		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry <i>Spergularia salina</i>	OBL	45%	100%
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 2	Longitude/Latitude: -118.035167,33.709950		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry <i>Spergularia salina</i>	OBL	50%	100%
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 3	Longitude/Latitude: -118.035133,33.709850		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry <i>Spergularia salina</i>	OBL	67%	97%
Common Brassbuttons <i>Cotula Coronopifolia</i>	FACW+	2%	3%
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 4	Longitude/Latitude: -118.035367,33.709850		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry <i>Spergularia salina</i>	OBL	74%	100%
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 5	Longitude/Latitude: -118.035517,33.709783		
Species	Status Indicator	Absolute Cover	Relative Cover
Unknown chenpod	Presumed UPL	38%	51%
Salt Sandspurry <i>Spergularia salina</i>	OBL	36%	49%
Hydrophytic dominants:	50%	Preponderant?:	No
Location: 6	Longitude/Latitude: -118.035550,33.709800		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry <i>Spergularia salina</i>	OBL	25%	86%
Common Beet <i>Beta vulgaris</i>	UPL	4%	14%
Spreading Alkaliweed <i>Cressa truxillensis</i>	FACW	<1%	0%
Hydrophytic dominants:	100%	Preponderant?:	Yes

RR-6

60

Location: 7	Longitude/Latitude: -118.035650,33.709767		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry <i>Spergularia salina</i>	OBL	38%	93%
Cheeseweed Mallow <i>Malva parviflora</i>	UPL	3%	7%
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 8	Longitude/Latitude: -118.035850,33.709833		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry <i>Spergularia salina</i>	OBL	52%	98%
Cheeseweed Mallow <i>Malva parviflora</i>	UPL	1%	2%
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 9	Longitude/Latitude: -118.035950,33.709717		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry <i>Spergularia salina</i>	OBL	35%	81%
Common Beet <i>Beta vulgaris</i>	UPL	8%	19%
Alkali Mallow <i>Malvella leprosa</i>	FAC	<1%	0%
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 10	Longitude/Latitude: -118.036150,33.709683		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry <i>Spergularia salina</i>	OBL	26%	100%
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 11	Longitude/Latitude: -118.036000,33.709700		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry <i>Spergularia salina</i>	OBL	50%	98%
Alkali Mallow <i>Malvella leprosa</i>	FAC	1%	2%
Hydrophytic dominants:	100%	Preponderant?:	Yes

RR-7

61

Location 12:	Longitude/Latitude: -118.035600,33.709500		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry <i>Spergularia salina</i>	OBL	35%	94%
Alkali Mallow <i>Malvella leprosa</i>	FAC	1%	3%
Common Brassbuttons <i>Cotula Coronopifolia</i>	FACW+	1%	3%
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 13	Longitude/Latitude: -118.035467,33.709733		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry <i>Spergularia salina</i>	OBL	41%	100%
Spreading Alkaliweed <i>Cressa truxillensis</i>	FACW	<1%	0%
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 14	Longitude/Latitude: -118.035500,33.709633		
Species	Status Indicator	Absolute Cover	Relative Cover
Fivehorn Smotherweed <i>Bassia hyssopifolia</i>	FAC	2%	100%
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 15	Longitude/Latitude: -118.035750,33.709617		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry <i>Spergularia salina</i>	OBL	40%	100%
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 16	Longitude/Latitude: -118.035950,33.709583		
Species	Status Indicator	Absolute Cover	Relative Cover
Cheeseweed Mallow <i>Malva parviflora</i>	UPL	25%	52%
Fivehorn Smotherweed <i>Bassia hyssopifolia</i>	FAC	16%	33%
Salt Sandspurry <i>Spergularia salina</i>	OBL	6%	12%
Bristly Oxtongue <i>Picris echioides</i>	FAC	1%	3%
Hydrophytic dominants:	50%	Preponderant?:	No

RR-8

62

Location: 17	Longitude/Latitude: -118.036183,33.709483		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry <i>Spergularia salina</i>	OBL	24%	100%
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 18	Longitude/Latitude: -118.035950,33.709483		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry <i>Spergularia salina</i>	OBL	20%	100%
Hydrophytic dominants:	100%	Preponderant?:	Yes

RR-9

63

From: Mark Bixby [mark@bixby.org]
Sent: Wednesday, April 04, 2007 5:59 PM
To: Art Homrighausen; Robert van de Hoek; Julie Bixby; Shirley Dettloff; Meg Vaughn; John Dixon; Ron Metzler; Jim Harrison; Marcia Hanscom; Tony Bomkamp; Jan Vandersloot; Dick Harlow; Linda Moon; Karl Schwing; Dena Hawes; Marc Stirdivant; Bolsa Chica Land Trust; Jonna Engel; Marinka Horack; Rudy Vietmeier; Flossie Horgan; Paul Horgan; Paul Arms; Sandra Genis; Mary Beth Broeren; Scott Hess; karen merickel; kmerick
Subject: Shea Parkside quantitative evidence of groundwater changes



nwwr-ccc-070404-g
roundwater.pd...

Hi CCC staff, City of HB staff, Shea Homes & consultants, and friends of Bolsa Chica,

See attached for a letter from me that makes a quantitative case that groundwater levels at Shea Parkside have increased as a result of the federal restoration of muted tidal flow to the Bolsa Pocket last summer.

--
mark@bixby.org

Remainder of .sig suppressed to conserve expensive California electrons...

SS-1

64

Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate, Huntington Beach, CA 92649-4707 - 714-625-0876 - www.bixby.org/parkside

April 4, 2007

California Coastal Commission
South Coast Area Office
ATTN: Meg Vaughn
200 Oceangate, Suite 1000
Long Beach, CA 90802-4416

RE: Huntington Beach LCPA HNB-MAJ-1-06 and follow-up to Bixby missing test well data memo of February 4, 2007

Dear Ms. Vaughn and Coastal Commissioners,

In my memo dated February 4, 2007, I enumerated various surface observations (chronically soggy soils, atypically long ponding durations, tree die-off, etc.) that strongly suggest that the water table on the Shea Parkside property has risen substantially since the federal restoration of muted tidal flow to the Bolsa Pocket last summer. I also noted that Shea's consultants (LSA) have regularly been seen collecting test well data since the restoration-- which could confirm or disprove any water table changes-- yet so far none of this data has been entered into the administrative record. I have made numerous requests to CCC staff and Shea that this data be published. Such information is essential towards determining if there might be more areas that would meet the CCC one-parameter definition of wetlands than have been previously acknowledged.

Sometime between March 18, 2007, and March 22, 2007, neighborhood teenagers began excavating some deep pits (see attached photo) in the Parkside CP wetland in order to build a series of bike jump moguls. These pits quickly filled with water from the underlying water table. The attached map shows the initial bike pit location (indicated by the paddle marker) in relation to LSA's test wells (indicated by flagged markers).

On March 30, 2007, during a joint site visit by Ron Metzler of Shea Homes, various Shea consultants, Coastal Commissioner Larry Clark, and various Bolsa Chica Land Trust representatives, I measured the water depth in the initial bike pit as being at an elevation of -1.33ft below ground surface.

The closest test wells to the initial bike pit are LSA12, LSA13 and LSA14. The 2002 LSA wetland delineation for the county parcel shows the following water table measurements for these test wells expressed in elevation below ground surface:

SS-2

65

	12/17/1999	12/30/1999	01/05/2000	01/20/2000
LSA12	-4.90ft	-2.90ft	-4.00ft	-3.95ft
LSA13	-1.80ft	-1.90ft	-1.90ft	-2.00ft
LSA14	-3.05ft	-3.20ft	-3.05ft	-3.10ft

No rain fell during the above 1999-2000 sampling period. The most recent rainfall prior to the sampling period was 0.04in on November 17, 1999. Data from the LSA measurement table indicates that LSA13 and LSA14 are quite stable under drought conditions.

According to County of Orange Station 219 rainfall data for Costa Mesa (http://www.ocgov.com/pfrd/envres/Rainfall/data/current_year/station_219.asp), only a meager 0.07in of rain has fallen (the actual rainfall was on March 21, 2007; the county data mistakenly lists the date as being March 31, 2007, a sunny dry day) in the month prior to my taking this bike pit measurement. Such a minor rainfall event is unlikely to have affected the water table. Therefore it is illuminating to compare this recent bike pit measurement with the 1999-2000 LSA test well measurements since both occurred during dry conditions.

The water table elevation recorded at the bike pit substantially exceeds anything recorded at LSA12, LSA13, and LSA14 (or any other LSA well for that matter) during drought conditions. It is clear that a fundamental change has increased the elevation of the local water table.

One potential explanation for a local water table increase would be continuing after-effects from the record-breaking 2004-2005 rainfall season. Indeed, this resulted in very high Orange County aquifer levels which finally reached Huntington Beach in January 2006 resulting in surface seepage. After the seepage appeared in yards in the residential Kenilworth neighborhood immediately north of the Shea property, it gradually spread southward to occur in the northern end of the Shea Parkside AP wetland. It eventually filled nearly the entire expanse of AP.

Now consider these facts:

- 1) City of Huntington Beach Utilities Manager Howard Johnson reports that as of March 26, 2007, although the aquifer is still considered to be higher than normal, it has lowered since the peak last year, and the city has been operating its drinking water well pumps at normal rates for the past 6 months.
- 2) The last recorded ponding at the AP wetland occurred on May 22, 2006, bringing to a close a ponding event that lasted for 85 consecutive days. Since then AP has been bone-dry. No moisture is visible at the surface, and the soil is extremely hard. There has not been even a single day of ponding at AP during the meager 2006-2007 rainfall season. Clearly the aquifer is no longer affecting AP.
- 3) Whereas the 2006 aquifer seepage spread in a north to south direction, the current Eucalyptus tree die-off and soil surface moisture effects spread in a southwest to northeast direction away from the Bolsa Pocket (and towards Shea/Parkside) shortly after the Pocket was restored to muted tidal flow.

The only logical conclusion from all of this is that the most likely cause of the current demonstrable increase in the water table is a result of the Pocket restoration and not lingering aquifer effects from 2004-2005.

Shea consultants still regularly collect well data. During the March 30, 2007 joint site visit, one of the Shea consultants asserted to me that their test wells have shown no changes since the Pocket was restored. Because the bike pit measurement and other surface changes strongly contradict this assertion, it is ESSENTIAL that CCC staff require Shea to enter into the administrative record all measurements from all wells on the property collected since the Pocket was restored.

Failure to consider contemporary test well data prevents an accurate assessment of the full extent of wetlands on the property.

Sincerely,

Mark D. Bixby

Mark D. Bixby
Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876
mark@bixby.org
<http://www.bixby.org/parkside/>

Attachment:

Map of bike pit and test well locations
Bike pit photo from March 30, 2007

SS-4

67

Map of Bike Pit and Test Well Locations



SS-5

LOB

Bike Pit Photo From March 30, 2007



SS-6

69

From: Mark Bixby [mark@bixby.org]
Sent: Tuesday, April 10, 2007 7:04 AM
To: John Dixon
Cc: Art Homrighausen; Robert van de Hoek; Julie Bixby; Shirley Dettloff; Meg Vaughn; Ron Metzler; Jim Harrison; Marcia Hanscom; Tony Bomkamp; Jan Vandersloot; Dick Harlow; Linda Moon; Karl Schwing; Dena Hawes; Marc Stirdivant; Bolsa Chica Land Trust; Jonna Engel; Marinka Horack; Rudy Vietmeier; Flossie Horgan; Paul Horgan; Paul Arms; Sandra Genis; Mary Beth Broeren; Scott Hess; karen merickel; kmerick
Subject: Re: Shea Parkside quantitative evidence of groundwater changes

Hi all,

I have combed through my site observation archives, and as I suspected, there was additional 2006 well data collecting that predates the recent spreadsheet data from this e-mail thread:

On 01/30/06 it was noted that wells had been dug out and re-staked.

On 02/20/06 a truck was noted driving around to the wells and doing data collection.

On 09/25/06 a truck was noted driving around to the wells and doing data collection.

On 10/21/06 it was noted that wells had been re-staked.

On 10/30/06 well data collection was noted.

Shea needs to publish this additional data onto the administrative record.

There may have been additional data collection activity that was reported to me by phone. If the phone reports did not result in subsequent e-mail discussion, those dates are NOT included above.

- Mark B.

Mark Bixby wrote:

> My associates and I have witnessed (and photographed) Shea consultants
> collecting 2006 well data that predates the most recent PS & LSA
> snapshot. Seeing the FULL record of 2006 well data that spans the
> federal restoration milestones of inlet opening & Pocket reflooding
> would shed light on depth & salinity trends and help to answer the
> question of whether the changes are a result of the restoration and
> reflect new normal baseline conditions.

--
mark@bixby.org
Remainder of .sig suppressed to conserve expensive California electrons...

TT-1

70

Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate, Huntington Beach, CA 92649-4707 - 714-625-0876 - www.bixby.org/parkside

April 30, 2007

Th14a

California Coastal Commission
South Coast Area Office
ATTN: Meg Vaughn
200 Oceangate, Suite 1000
Long Beach, CA 90802-4416

RE: Huntington Beach LCPA HNB-MAJ-1-06 and the impact of unpermitted fills on the Shea Parkside WP wetland

Dear Ms. Vaughn and Coastal Commissioners,

The purpose of this letter is to discuss how the Shea Parkside WP wetland once had a much bigger footprint prior to unpermitted fills begun by Shea Homes in 1998, in violation of Coastal Act Section 30233. This letter is best viewed in color and may be obtained in its original color format from:

<http://www.bixby.org/parkside/documents/CCC/nwwr-ccc-070430-wp.pdf>

Using aerial photos and topography maps, it is very easy to see a correlation between surface elevation, ponding hydrology, and unpermitted fills.

Topography as of Shea Purchase

Shea purchased the property in September 1996. During prior ownership by MWD, a great quantity of unpermitted fill was imported by the operator of Smoky's Stables. The last of these stables fills occurred during 1987-1989 and were red-tagged by the city of Huntington Beach as explained in the HB Planning Commission staff report for CUP 89-10. For some reason, these fills were never removed, and the topography appears to have changed little until 1998.

The attached photo from March 14, 1994, clearly shows the red-tagged fill area in the northeastern portion of the stables footprint. The steep vertical face at the edge of that fill area is about 8ft high.

1995 WP Ponding

The first image sequence is an aerial photo from March 1995 showing a large area of saturation immediately northeast of the stables footprint and extending to the eastern boundary of the modern-day WP wetland.

UU-1

71

The second image in this sequence overlays a 1996-era topo map on top of the aerial photo. The area of saturation corresponds directly to an area of low topography.

The third image in this sequence overlays CCC staff Exhibit L (as of the initial May 2007 staff report) on top of the previous two images. The area of saturation is about twice the size of modern-day WP which fits almost perfectly into the eastern half of the low topography.

1997 WP Ponding

The attached photo from January 29, 1997, shows extensive ponding in the WP area northeast of the stables footprint, as well as in the arena area to the west.

The image sequence from two weeks later on February 14, 1997, is remarkably similar to the March 2005 sequence. An area of saturation is plainly visible in the low topography to the northeast of the stables footprint, about twice the size of modern-day WP.

1998 WP Ponding

As shown in the attached photo, by January 30, 1998, ponding had started to accumulate up against the 8ft face of the stables fills area.

By the time of the attached photo from February 19, 1998, the ponding had become quite extensive.

The March 10, 1998, image sequence is virtually identical to the February 14, 1997 and March 1995 image sequences. A large area of ponding and/or saturation completely fills the area of low topography, about twice the size of modern-day WP.

The fourth image in the March 10, 1998 sequence shows a conservative estimation in red of the area filled in by Shea bulldozers beginning on April 22, 1998 as shown in the attached five photos shot on that date. This incident predates my involvement in the project, and thus I derived the red area solely from the bulldozer photos and the hazy memory of the photographer. The area of fill was very likely larger than what I have shaded in red.

The bulldozers are working at the edge of the 8ft of red-tagged stables fills, shaving the raised area down, and pushing the cut soil into the adjacent ponding area in blatant violation of Section 30233.

The attached photo from May 18, 1998, shows that there is no longer a well-defined vertical 8ft face on the stables fill area due to the substantial amount of soil that was cut from here and dumped into the adjacent low topography area, which is still showing signs of saturation and/or ponding.

Stealth Fills

In the wake of the blatant 1998 bulldozer incident, Shea began a concerted effort of “stealth filling” under the guise of agriculture. With every tilling cycle, Shea scraped a little bit more off of the stables fill area and pushed it farther out into the adjacent low topography.

By the time of the attached July 6, 2000, photo, no well-defined vertical edges are left from the stables fill area.

2005 WP Ponding

The attached image sequence from January 1, 2005, depicts ponding in the modern-day WP location. In fact, the ponding visible in this sequence almost exactly matches the Exhibit L footprint of WP. The attached photo from January 2, 2005, shows what this ponding looked like from ground level.

Still More WP Filling

Despite reducing the size of WP by half in the wake of the 1998 bulldozer incident, this still wasn't enough for Shea. The attached photo from December 27, 2005, less than one week after Dr. John Dixon published his draft memo declaring WP to be a wetland, shows a tractor filling in WP with 4 inches of soil scraped from the adjacent high area. The fourth image in the January 1, 2005, image sequence shows the rectangular area filled in by this incident, next to the fill from the 1998 incident.

This most recent incident was promptly reported to CCC enforcement staff. An investigation was opened, but inexplicably no final resolution has occurred in the almost year and a half since the filling incident.

Conclusions

The record is clear. In 1995, 1997, and 1998, ponding and/or saturation regularly occurred in the *entire* area of low topography to the northeast of the stables footprint, an area about *twice the size* of modern-day WP.

This area of wetlands ponding was problematic for Shea, and thus beginning in 1998 Shea filled the area repeatedly in violation of Section 30233. Were it not for these illegal fills, WP would be twice as big as it is today. The photographic and topographic evidence is irrefutable.

Enough is enough. It is essential that CCC staff and commissioners deal with the issue of these unpermitted WP fills (and many other fills elsewhere on the property) *prior* to consideration of this LCPA, and that the delineated size of WP be increased to match the pre-fill topography.

Sincerely,

Mark D. Bixby

Mark D. Bixby
Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876
mark@bixby.org
<http://www.bixby.org/parkside/>

Attachments:

17 pages of photographs

UV-4

74

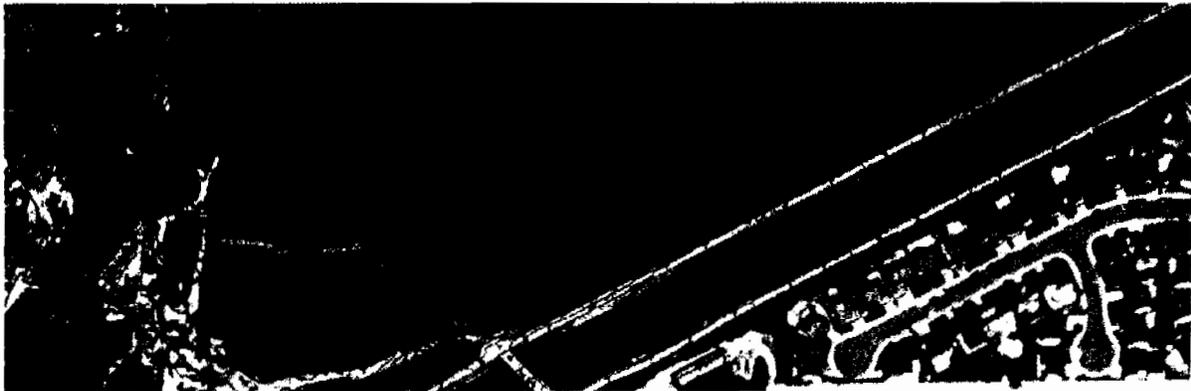
March 14, 1994



UU-5

75

March 1995



VU-6

76

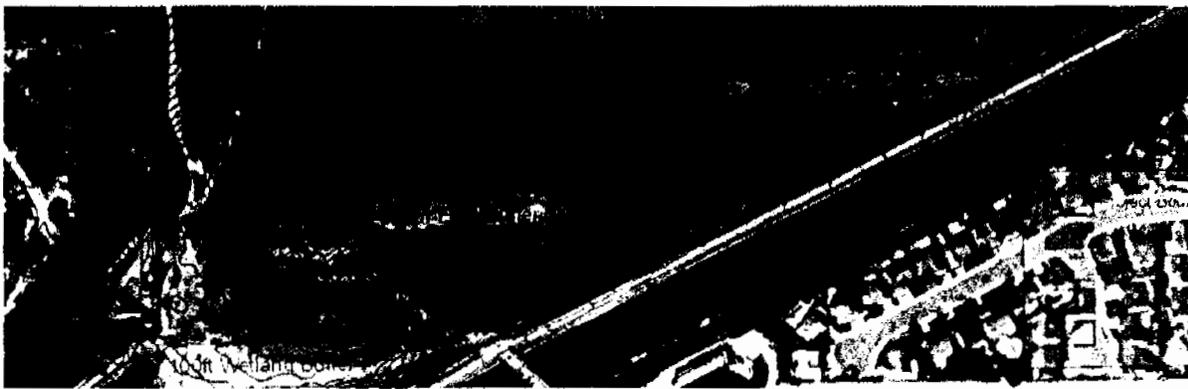
January 29, 1997



UU-7

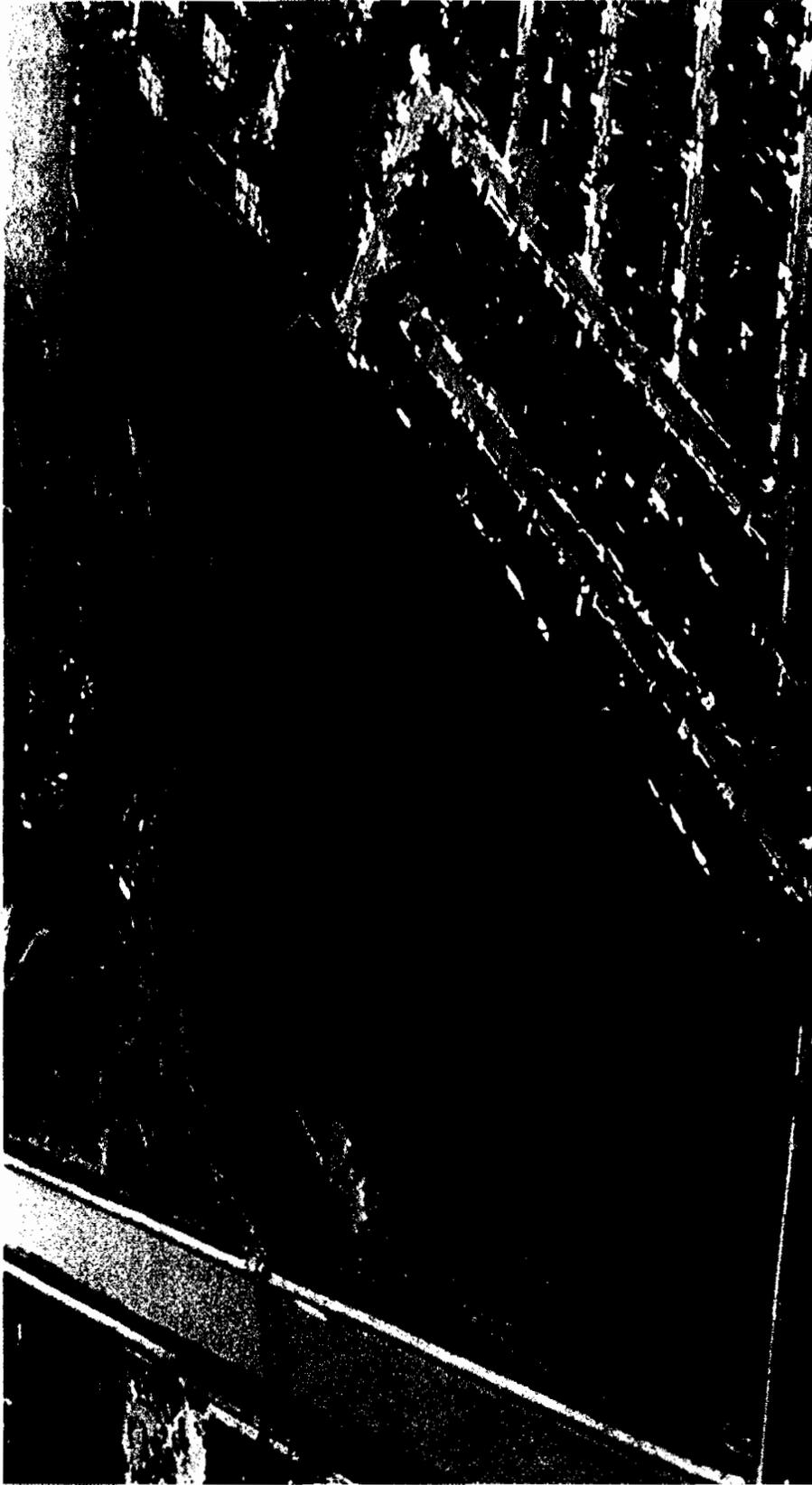
77

February 14, 1997



UU-8

78



January 30, 1998

UU-9

79

February 19, 1998



UU-10

80

March 10, 1998

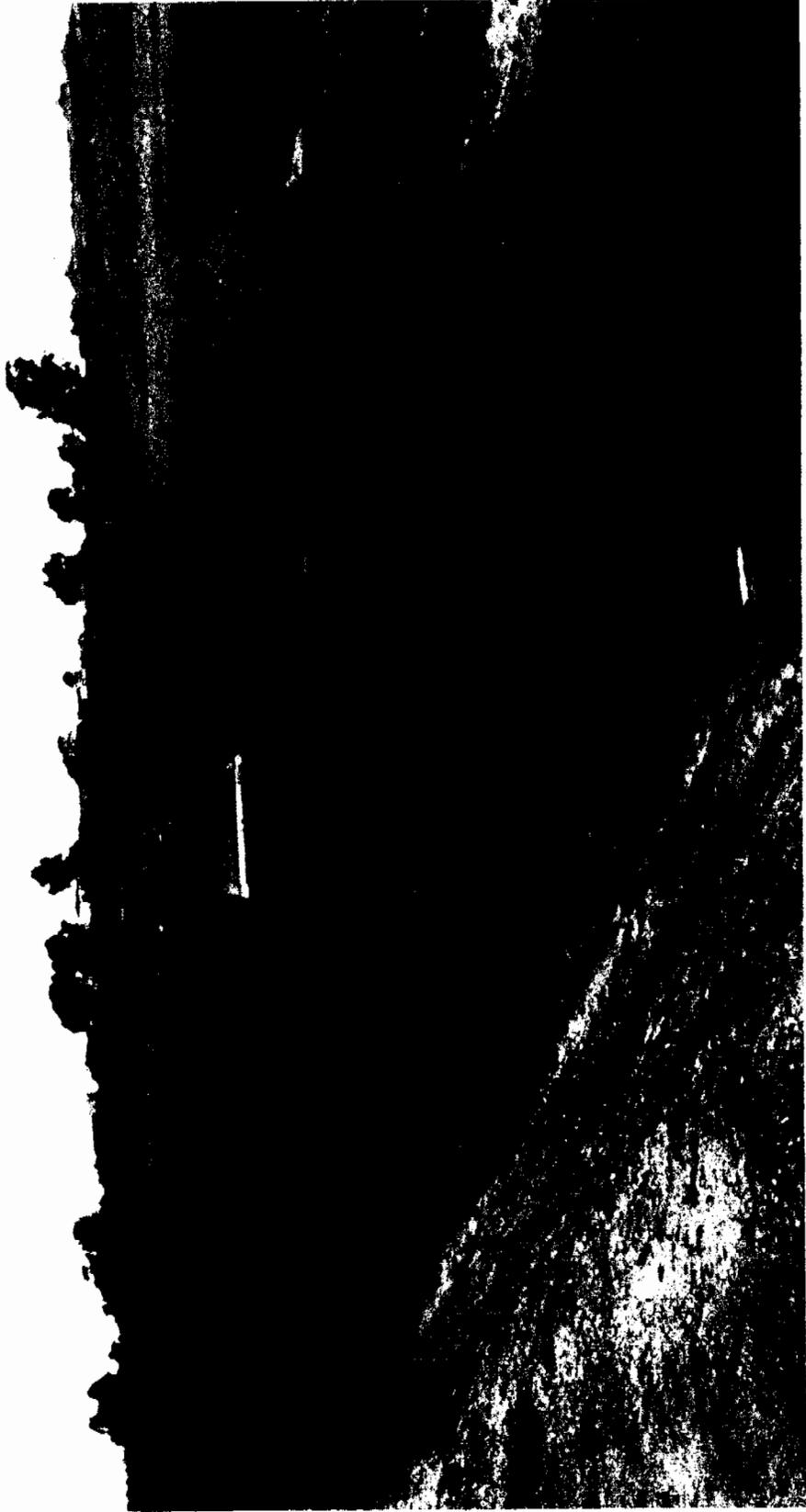


UU-11

81

UU-12

April 22, 1998



82

VU-13

April 22, 1998



83

UU-14

April 22, 1998



84

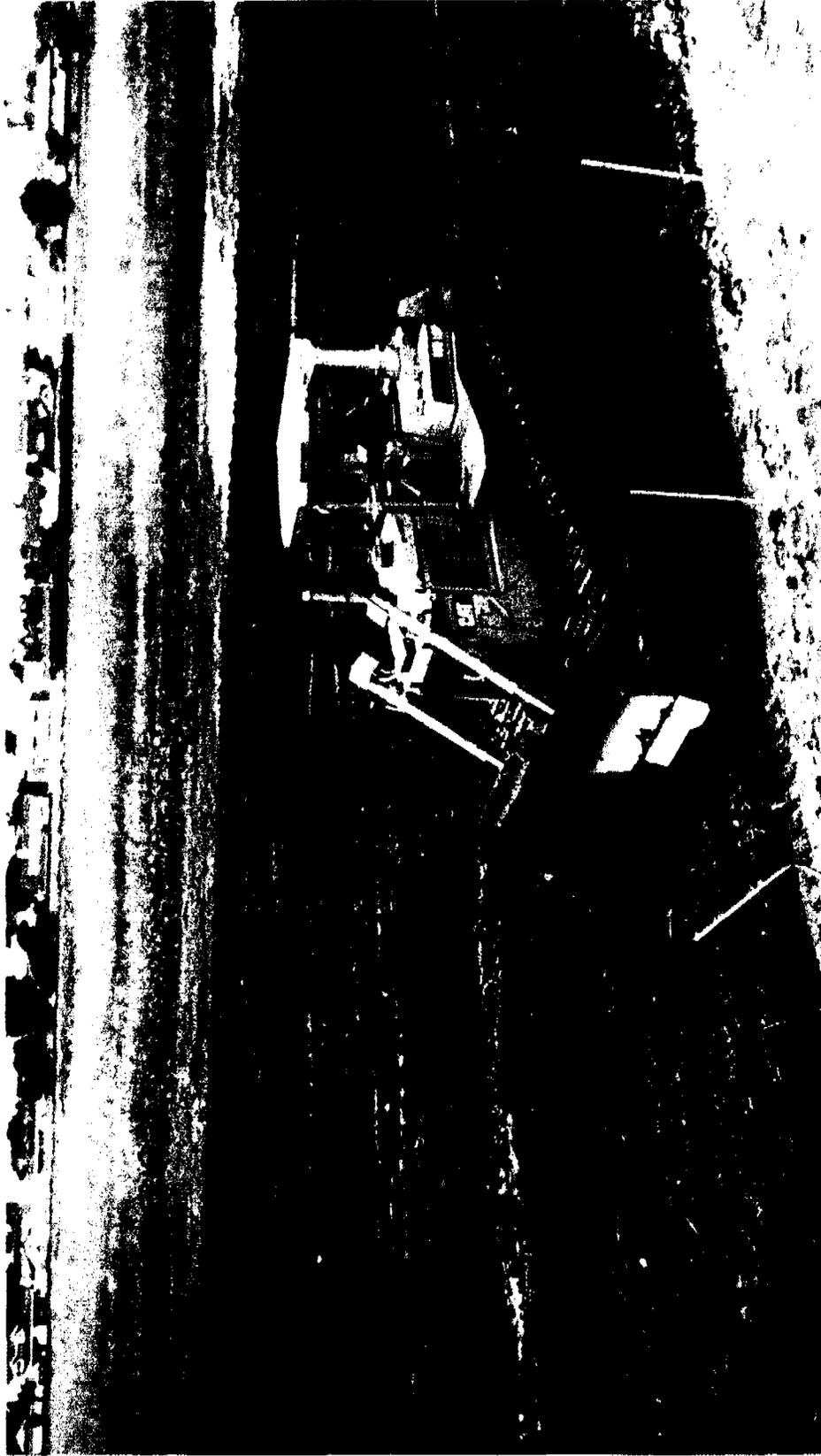
UV-15

April 22, 1998



85

April 22, 1998



UU-16

86

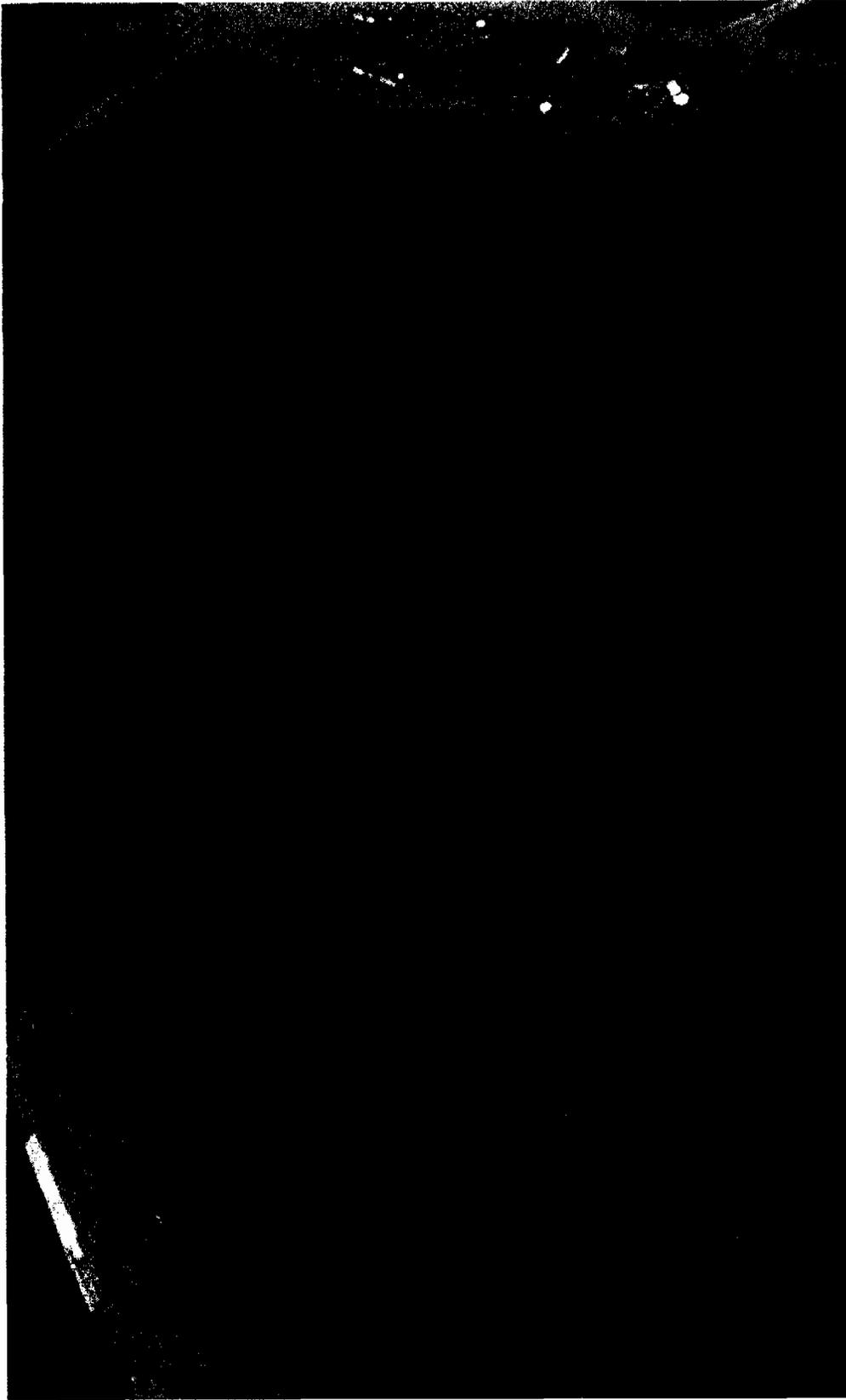
May 18, 1998



UU-17

87

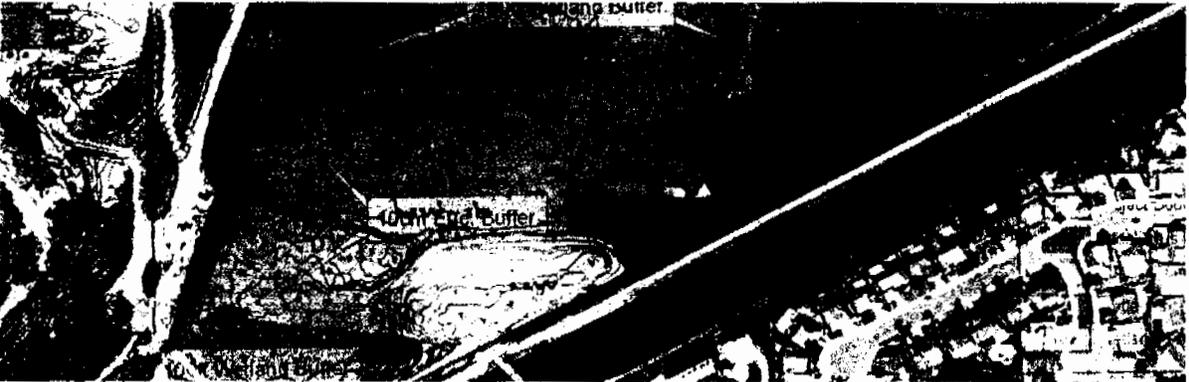
July 6, 2000



UU-18

BB

January 1, 2005



VU-19

89

January 2, 2005



VU-20

90

December 27, 2005



VU-21

91

Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate, Huntington Beach, CA 92649-4707 - 714-625-0876 - www.bixby.org/parkside

May 7, 2007

Th14a

California Coastal Commission
South Coast Area Office
ATTN: Meg Vaughn
200 Oceangate, Suite 1000
Long Beach, CA 90802-4416

RE: Extended raptor survey pertaining to Huntington Beach LCPA HNB-MAJ-1-06 and Shea Homes Parkside Estates

Dear Ms. Vaughn and Coastal Commissioners,

Please see below for my updated list of cumulative raptor sightings for the Shea and Goodell properties at Bolsa Chica. These data demonstrate that both the southern and northern eucalyptus groves on the Shea property function as a unified ecosystem worthy of being designated as ESHA and protected with robust 100m buffers. This document may be viewed in its original color format at:

<http://www.bixby.org/parkside/documents/CCC/nwwr-ccc-070507-raptors.pdf>

Shea / Goodell Raptor Sightings as of May 5, 2007

This report documents all raptor sightings made to-date by my friends and I on the Shea and Goodell Bolsa Chica properties in Huntington Beach, California. We visit the site several times per week, and we have meticulously logged all of our raptor sightings since early 2004. Sightings without a suffixed symbol were made by mc; nearly all of my personal sightings have corresponding digital photographs that can be produced upon request. The other sightings were made by the people indicated below:

- * = Dena Hawes
- + = Jeff Wear and friends
- # = Marc Stirdivant
- % = Julie Bixby
- \$ = Sara Mathis

We have also mapped our sightings. The following maps depict locations where raptors were seen either perching/nesting on a tree or standing on the ground. While raptor overflights are included in the sightings dates, they are not included in the maps. Note that the maps and dates do not correspond 1-to-1 because the same raptor species can be seen in multiple locations on any given date.

Underlined letters on the maps indicate a specific tree or ground location; adjacent non-underlined letters denote additional sightings for each underlined location. It is clear from these

VV-1

92

maps that certain trees are raptor hot-spots; some raptors prefer specific locations, while a few raptors are wide-ranging.

For each date listed under a given species, that species was sighted one or more times on that particular date. Quantifiers such as "pair", "trio", etc, mean that multiple birds of the same species were observed at the same time. For dates without quantifiers, multiple sightings may have been made on that date (and are accounted for in the maps), but no more than one bird was sighted at any one time.

American Kestrel (*Falco sparverius*)



October 2003*
 April 2, 2004
 July 24, 2004
 August 21, 2004
 August 25, 2004
 October 10, 2004
 October 19, 2004
 October 21, 2004
 October 27, 2004
 November 6, 2004
 November 26, 2004
 February 3, 2005
 February 5, 2005
 February 10, 2005
 February 12, 2005
 February 26, 2005
 March 5, 2005
 September 7, 2005*
 September 8, 2005*
 September 12, 2005*
 September 18, 2005+

September 22, 2005* (pair)
 September 23, 2005*
 September 27, 2005*
 October 1, 2005*
 October 4, 2005*
 October 5, 2005*
 October 7, 2005* (pair)
 October 10, 2005*
 October 11, 2005*
 October 12, 2005*
 October 13, 2005* (pair)
 October 15, 2005 (pair)
 October 19, 2005 (pair)
 October 20, 2005*
 October 21, 2005*
 October 22, 2005
 October 25, 2005*
 October 26, 2005*
 October 27, 2005*
 October 28, 2005* (pair)
 October 29, 2005

October 31, 2005* (pair)
 November 2, 2005*
 November 4, 2005*
 November 5, 2005 (pair)
 November 6, 2005*
 November 7, 2005*
 November 11, 2005*
 November 12, 2005
 November 14, 2005*
 November 16, 2005*
 November 18, 2005*
 November 19, 2005 (pair)
 November 23, 2005*
 November 24, 2005*
 November 25, 2005*
 November 29, 2005*
 December 1, 2005*
 December 5, 2005*
 December 7, 2005*
 December 26, 2005*
 January 3, 2006* (pair)

January 6, 2006*
January 7, 2006
January 10, 2006*
January 12, 2006*
January 14, 2006*
January 15, 2006 (pair)
January 16, 2006*
January 17, 2006*
January 18, 2006*
January 19, 2006*
January 20, 2006*
January 22, 2006
January 25, 2006*
January 26, 2006*
January 27, 2006*
January 28, 2006
January 30, 2006* (pair)
February 1, 2006*
February 2, 2006*
February 3, 2006*
February 4, 2006
February 7, 2006*
February 10, 2006*
February 11, 2006
February 13, 2006*
February 14, 2006*
February 16, 2006*
February 17, 2006

February 20, 2006
February 21, 2006*
February 23, 2006*
February 24, 2006*
February 26, 2006
February 27, 2006*
February 28, 2006*
March 2, 2006
March 5, 2006
March 8, 2006*
March 9, 2006
March 10, 2006*
March 14, 2006*
March 19, 2006*
March 23, 2006*
March 24, 2006*
March 26, 2006
April 10, 2006#
July 19, 2006* (pair)
August 20, 2006*
August 24, 2006
August 26, 2006 (trio)
September 4, 2006*
September 6, 2006*
September 16, 2006
September 17, 2006
September 23, 2006 (pair)
September 30, 2006

October 7, 2006
October 15, 2006
October 28, 2006
November 4, 2006
November 12, 2006
November 19, 2006
November 25, 2006
December 2, 2006
December 9, 2006
December 17, 2006
December 22, 2006
December 25, 2006
December 28, 2006
December 30, 2006
January 1, 2007
January 6, 2007
January 13, 2007
January 21, 2007
January 27, 2007
February 3, 2007
February 8, 2007
February 9, 2007
February 12, 2007 (pair)
February 17, 2007
February 18, 2007
February 24, 2007
March 4, 2007
March 11, 2007

Barn Owl (*Tyto alba*)



October 2004*
January 22, 2005
July 21, 2005
September 15, 2005

September 18, 2005+
October 1, 2005*
October 12, 2005
October 19, 2005*

November 14, 2005 (pair)
January 12, 2006
August 7, 2006*
January 6, 2007 (dead)

VV-5

96

Cooper's Hawk (*Accipiter cooperii*) – California species of special concern



December 2003*
 February 7, 2004
 February 28, 2004 -
 (pair/nesting)
 March 1, 2004
 March 13, 2004
 May 29, 2004
 June 5, 2004
 June 12, 2004
 July 3, 2004
 July 17, 2004
 July 24, 2004
 August 2004* (pair)
 August 7, 2004
 August 14, 2004
 August 21, 2004
 August 28, 2004
 September 4, 2004
 September 11, 2004
 September 25, 2004
 October 16, 2004

October 19, 2004
 November 20, 2004
 January 25, 2005
 February 3, 2005
 February 17, 2005
 February 22, 2005
 March 5, 2005
 March 20, 2005 (pair)
 March 22, 2005
 March 24, 2005* (nesting)
 March 26, 2005
 March 28, 2005*
 March 29, 2005*
 March 30, 2005*
 April 3, 2005 (nesting)
 April 4, 2005*
 April 9, 2005 (nesting)
 April 10, 2005* (nesting)
 April 11, 2005* (nesting)
 April 12, 2005*
 April 15, 2005* (nesting)

April 22, 2005*
 April 25, 2005*
 April 26, 2005*
 April 27, 2005*
 April 28, 2005* (pair)
 May 1, 2005*
 May 2, 2005*
 May 6, 2005*
 May 7, 2005
 May 11, 2005*
 May 13, 2005*
 May 14, 2005 (nesting)
 May 16, 2005* (nesting)
 May 17, 2005* (nesting)
 May 18, 2005* (nesting)
 May 20, 2005* (nesting)
 May 21, 2005 (pair)
 May 22, 2005* (nesting)
 May 26, 2005* (nesting)
 May 27, 2005* (nesting)
 May 28, 2005* (nesting)

May 29, 2005
May 30, 2005* (nesting)
June 1, 2005* (nesting)
June 3, 2005* (nesting)
June 4, 2005
June 6, 2005* (nesting)
June 7, 2005* (nesting)
June 8, 2005* (nesting)
June 10, 2005* (nesting)
June 11, 2005 (pair)
June 14, 2005* (nesting)
June 16, 2005*
June 19, 2005
June 20, 2005* (pair)
June 21, 2005*
June 23, 2005*
June 24, 2005*
June 26, 2005* (pair)
July 4, 2005*
July 12, 2005*
July 14, 2005*
July 16, 2005
July 18, 2005*
July 19, 2005*
July 24, 2005*
July 30, 2005
July 31, 2005*
August 1, 2005* (pair)
August 3, 2005* (pair)
August 5, 2005*
August 9, 2005* (pair)
August 10, 2005* (pair)
August 11, 2005*
August 12, 2005* (pair)
August 18, 2005*
August 19, 2005* (pair)
August 20, 2005
August 22, 2005* (trio)
August 23, 2005* (pair)
August 24, 2005*
August 28, 2005*
August 31, 2005*
September 1, 2005*
September 3, 2005
September 5, 2005
September 6, 2005*
September 8, 2005*
September 21, 2005*
September 22, 2005*
September 23, 2005* (pair)

September 27, 2005*
September 28, 2005* (pair)
September 29, 2005*
September 30, 2005*
October 1, 2005* (pair)
October 3, 2005* (pair)
October 4, 2005*
October 8, 2005
October 10, 2005*
October 11, 2005* (pair)
October 12, 2005*
October 19, 2005*
October 20, 2005*
October 21, 2005*
October 22, 2005
October 28, 2005*
October 29, 2005
November 2, 2005*
November 3, 2005*
November 6, 2005*
November 7, 2005*
November 12, 2005 (pair)
November 14, 2005*
November 16, 2005*
November 18, 2005*
November 21, 2005*
November 24, 2005*
November 25, 2005*
November 29, 2005*
December 1, 2005*
January 7, 2006
January 14, 2006* (pair)
January 17, 2006*
January 18, 2006*
January 19, 2006*
January 25, 2006*
January 28, 2006
January 30, 2006*
February 1, 2006*
February 2, 2006*
February 3, 2006*
February 4, 2006
February 10, 2006*
February 13, 2006*
February 20, 2006*
February 21, 2006*
February 23, 2006*
February 24, 2006* (pair)
February 26, 2006* (pair)
February 27, 2006* (pair)

February 28, 2006*
March 2, 2006* (mating)
March 4, 2006*
March 5, 2006
March 6, 2006* (mating)
March 8, 2006*
March 9, 2006* (pair)
March 12, 2006 (pair)
March 14, 2006* (pair)
March 16, 2006* (pair)
March 19, 2006
March 20, 2006*
March 23, 2006* (pair)
March 24, 2006*
March 26, 2006 (nesting)
March 29, 2006*
March 31, 2006 (nesting)
April 2, 2006 (nesting)
April 6, 2006*
April 9, 2006%
April 11, 2006* (nesting)
April 17, 2006*
April 19, 2006*
April 23, 2006*
April 24, 2006*
April 25, 2006*
April 27, 2006*
April 30, 2006
May 1, 2006* (nesting)
May 6, 2006 (nesting)
May 7, 2006 (nesting)
May 8, 2006* (nesting)
May 12, 2006* (nesting)
May 13, 2006 (nesting)
May 14, 2006 (nesting)
May 20, 2006 (nesting)
May 23, 2006* (nesting)
May 24, 2006*
May 28, 2006 (nesting)
May 29, 2006
June 2, 2006*
June 3, 2006
(parent/juvenile)
June 9, 2006*
June 10, 2006
June 17, 2006
June 21, 2006*
June 23, 2006* (two)
June 24, 2006 (nesting)

VV-7

98

June 26, 2006* (3 new fledglings, 1 juvenile, 1 adult)
June 28, 2006* (adult & juvenile)
June 30, 2006*
July 1, 2006 (3 fledglings)
July 5, 2006* (adult & 4 juveniles)
July 7, 2006
July 9, 2006 (three)
July 12, 2006* (three)
July 14, 2006* (pair)
July 15, 2006 (four)
July 19, 2006* (pair)
July 22, 2006
July 24, 2006* (three)
July 25, 2006*
July 28, 2006* (three)
July 31, 2006
August 2, 2006* (pair)
August 3, 2006

August 5, 2006 (pair)
August 7, 2006* (pair)
August 9, 2006*
August 12, 2006
August 14, 2006*
August 16, 2006* (pair)
August 17, 2006
August 19, 2006
August 20, 2006* (three)
August 24, 2006* (four)
August 26, 2006 (pair)
August 28, 2006*
August 31, 2006*
September 2, 2006 (pair)
September 4, 2006*
September 6, 2006*
September 8, 2006* (pair)
September 9, 2006
September 12, 2006
September 16, 2006
September 17, 2006 (pair)
September 23, 2006 (pair)

September 30, 2006 (pair)
October 7, 2006
October 15, 2006 (pair)
October 22, 2006
October 28, 2006 (pair)
November 12, 2006
December 1, 2006
December 2, 2006
December 16, 2006
December 17, 2006
December 25, 2006
January 1, 2007
January 6, 2007
January 21, 2007
January 27, 2007
February 9, 2007
February 17, 2007
March 4, 2007
April 7, 2007 (pair)
May 5, 2007

Great Horned Owl (*Bubo virginianus*)



May 2004*
August 16, 2005

November 14, 2005 (pair)
November 17, 2005

June 9, 2006*

VV-9

100

Merlin (*Falco columbarius*) – California species of special concern



November 2004*
 November 11, 2004
 December 11, 2004
 October 27, 2005*
 October 28, 2005*
 October 29, 2005 (pair)
 November 4, 2005*
 November 12, 2005*

November 23, 2005*
 December 29, 2005
 January 17, 2006*
 January 18, 2006*
 January 27, 2006*
 February 3, 2006*
 February 23, 2006*
 November 4, 2006

December 9, 2006
 December 25, 2006
 December 30, 2006
 January 1, 2007
 January 6, 2007
 January 13, 2007
 January 21, 2007
 March 4, 2007 (pair)

Northern Harrier (*Circus cyaneus*) – California species of special concern



September 11, 2004
 November 2004*
 December 26, 2004
 February 5, 2005
 March 24, 2005*
 April 29, 2005*
 June 1, 2005*
 July 19, 2005*
 August 13, 2005*
 September 7, 2005*
 September 8, 2005*
 September 21, 2005*
 September 22, 2005*
 September 23, 2005*
 October 5, 2005*
 October 28, 2005*
 November 2, 2005*
 November 5, 2005
 November 8, 2005* (trio)
 November 19, 2005

November 23, 2005*
 November 24, 2005*
 November 25, 2005*
 December 7, 2005*
 December 12, 2005*
 December 27, 2005
 January 10, 2006*
 January 17, 2006*
 January 19, 2006*
 January 20, 2006*
 February 20, 2006
 March 2, 2006*
 March 19, 2006*
 April 5, 2006*
 July 5, 2006
 July 7, 2006*
 July 8, 2006
 July 9, 2006
 August 14, 2006*
 August 17, 2006

September 23, 2006
 (juvenile)
 November 12, 2006
 November 19, 2006
 November 25, 2006
 December 1, 2006
 December 2, 2006
 December 16, 2006
 December 22, 2006
 December 25, 2006
 December 28, 2006
 December 31, 2006
 January 1, 2007
 January 6, 2007
 January 13, 2007
 January 27, 2007
 March 4, 2007 (pair)
 March 18, 2007
 March 23, 2007
 April 11, 2007

Osprey (*Pandion haliaetus*) – California species of special concern



October 2004*
 November 2, 2004
 July 10, 2005*
 July 27, 2005*
 July 29, 2005*
 August 1, 2005*
 August 8, 2005*
 August 11, 2005*
 August 20, 2005
 August 23, 2005*
 August 24, 2005*
 August 28, 2005*
 August 31, 2005*
 September 5, 2005
 September 7, 2005* (pair)
 September 8, 2005*
 September 10, 2005
 September 18, 2005 (trio)
 September 22, 2005*
 September 23, 2005*
 September 24, 2005

September 26, 2005*
 September 27, 2005*
 September 29, 2005*
 September 30, 2005*
 October 1, 2005* (pair)
 October 4, 2005*
 October 5, 2005* (pair)
 October 7, 2005* (pair)
 October 8, 2005
 October 11, 2005*
 October 12, 2005*
 October 15, 2005
 October 19, 2005
 October 27, 2005*
 October 28, 2005*
 October 29, 2005
 October 31, 2005*
 November 2, 2005*
 November 4, 2005*
 November 7, 2005*
 November 8, 2005* (pair)

November 16, 2005* (pair)
 November 18, 2005*
 November 21, 2005*
 November 23, 2005*
 November 24, 2005*
 November 25, 2005* (pair)
 November 29, 2005*
 December 1, 2005* (pair)
 December 5, 2005* (trio)
 December 7, 2005*
 December 8, 2005* (pair)
 December 9, 2005# (pair)
 December 16, 2005*
 December 18, 2005* (pair)
 December 20, 2005*
 December 29, 2005
 January 1, 2006
 January 16, 2006*
 January 17, 2006*
 January 19, 2006* (pair)
 January 20, 2006* (pair)

January 22, 2006
January 27, 2006*
January 30, 2006* (pair)
February 1, 2006*
February 2, 2006* (pair)
February 3, 2006* (pair)
February 7, 2006*
February 10, 2006*
February 24, 2006*
February 26, 2006
March 2, 2006* (pair)
March 3, 2006*
March 6, 2006*
March 8, 2006*
March 14, 2006*

March 19, 2006
March 20, 2006* (pair)
March 23, 2006*
March 24, 2006*
May 10, 2006*
May 15, 2006*
May 28, 2006
May 30, 2006*
June 11, 2006\$
June 12, 2006*
June 13, 2006*
June 28, 2006*
July 1, 2006
July 5, 2006*
July 26, 2006*

August 7, 2006*
September 4, 2006*
September 6, 2006*
September 8, 2006* (pair)
September 9, 2006 (pair)
September 10, 2006 (pair)
September 12, 2006 (pair)
September 16, 2006
September 17, 2006
October 7, 2006
November 25, 2006
December 2, 2006
December 16, 2006
January 6, 2007
January 27, 2007

VV-13

104

Peregrine Falcon (*Falco peregrinus*) – California endangered species



September 2004*
April 27, 2005*
June 26, 2005*
July 27, 2005*

July 29, 2005*
December 18, 2005*
January 30, 2006*
February 13, 2006*

December 17, 2006
December 25, 2006
January 13, 2007

VV-14

Red-shouldered Hawk (*Buteo lineatus*)



October 21, 2004
 October 27, 2004
 November 2004*
 November 13, 2004
 November 20, 2004
 November 28, 2004
 January 29, 2005
 July 16, 2005*
 July 19, 2005*
 July 21, 2005*
 July 24, 2005*
 July 27, 2005*
 July 30, 2005

September 18, 2005+
 December 1, 2005*
 December 27, 2005
 January 1, 2006
 January 3, 2006*
 January 14, 2006*
 January 15, 2006
 June 2, 2006*
 July 5, 2006
 July 7, 2006
 October 22, 2006
 October 28, 2006
 November 4, 2006

November 19, 2006
 December 9, 2006
 December 26, 2006
 December 28, 2006 (two)
 December 30, 2006
 December 31, 2006
 January 1, 2007
 January 6, 2007
 January 21, 2007
 January 27, 2007
 February 3, 2007
 February 8, 2007
 February 9, 2007

Red-tailed Hawk (*Buteo jamaicensis*)



May 8, 2004
 August 2004*
 September 2004* (pair)
 October 2004*
 October 16, 2004
 November 11, 2004
 November 13, 2004
 November 20, 2004 (pair)
 December 11, 2004
 December 18, 2004
 December 24, 2004
 December 26, 2004
 February 3, 2005
 March 29, 2005*
 March 30, 2005*
 April 2, 2005*
 April 9, 2005 (pair)
 April 15, 2005*
 April 18, 2005*
 April 24, 2005*
 April 26, 2005* (pair)

May 13, 2005*
 July 10, 2005* (trio)
 July 12, 2005*
 July 16, 2005*
 July 17, 2005
 July 19, 2005*
 July 26, 2005*
 July 28, 2005*
 July 30, 2005
 August 1, 2005*
 August 5, 2005* (pair)
 August 16, 2005*
 August 18, 2005*
 August 23, 2005*
 August 24, 2005*
 August 31, 2005* (pair)
 September 1, 2005*
 September 3, 2005 (pair)
 September 8, 2005*
 September 12, 2005*
 September 18, 2005+

September 22, 2005*
 September 23, 2005* (pair)
 September 28, 2005* (pair)
 September 29, 2005*
 September 30, 2005*
 October 1, 2005*
 October 3, 2005* (pair)
 October 4, 2005*
 October 7, 2005* (pair)
 October 8, 2005 (pair)
 October 11, 2005*
 October 20, 2005*
 October 21, 2005* (pair)
 October 26, 2005*
 October 27, 2005* (pair)
 November 4, 2005*
 November 5, 2005
 November 6, 2005*
 November 7, 2005*
 November 8, 2005*
 November 11, 2005*

November 24, 2005* (pair)
November 29, 2005*
December 1, 2005* (pair)
December 5, 2005*
December 7, 2005*
December 8, 2005* (pair)
December 9, 2005#
December 14, 2005*
December 24, 2005*
January 3, 2006*
January 5, 2006*
January 17, 2006*
January 18, 2006* (pair)
January 22, 2006
January 25, 2006* (pair)
January 28, 2006* (trio)
January 30, 2006*
February 1, 2006* (pair)
February 2, 2006*
February 3, 2006*
February 13, 2006*
February 14, 2006*
February 21, 2006*
February 23, 2006*
February 24, 2006*
March 9, 2006
March 12, 2006 (pair)
March 14, 2006*
March 16, 2006* (pair)
March 20, 2006* (pair)

March 22, 2006*
March 23, 2006*
March 24, 2006*
March 29, 2006*
March 30, 2006*
April 9, 2006* (pair)
April 13, 2006*
April 30, 2006*
May 6, 2006*
June 24, 2006
June 28, 2006*
July 1, 2006
July 5, 2006*
July 7, 2006
July 14, 2006* (pair)
July 15, 2006
July 19, 2006* (pair)
July 28, 2006* (pair)
July 29, 2006 (pair)
July 30, 2006
August 2, 2006* (pair)
August 3, 2006 (pair)
August 4, 2006* (pair)
August 5, 2006
August 7, 2006* (pair)
August 12, 2006
August 14, 2006* (pair)
August 16, 2006*
August 17, 2006
August 19, 2006

August 20, 2006* (pair)
August 26, 2006
August 28, 2006*
August 30, 2006* (pair)
September 1, 2006*
September 6, 2006* (pair)
September 8, 2006* (three)
September 9, 2006
September 12, 2006
September 16, 2006
September 17, 2006
September 23, 2006
September 30, 2006 (pair)
November 12, 2006
November 19, 2006
November 25, 2006
December 2, 2006
December 9, 2006
December 16, 2006
December 22, 2006
December 25, 2006
December 26, 2006
December 28, 2006 (pair)
December 30, 2006 (pair)
January 1, 2007
January 6, 2007
January 7, 2007 (trio)
January 27, 2007 (pair)
February 12, 2007

Sharp-Shinned Hawk (*Accipiter striatus*)



September 22, 2005*
October 8, 2005
October 22, 2005
December 9, 2006

VV-18

109

Turkey Vulture (*Cathartes aura*)



December 2003*
 April 17, 2004
 June 2004*
 July 27, 2004
 July 31, 2004
 August 22, 2004
 October 10, 2004 (five)
 February 12, 2005
 March 29, 2005*
 April 9, 2005
 April 11, 2005*
 April 12, 2005*
 April 18, 2005*
 April 20, 2005*
 April 21, 2005*
 April 24, 2005*
 April 28, 2005*
 April 29, 2005*
 May 1, 2005
 May 13, 2005*
 May 17, 2005*

May 18, 2005*
 June 2, 2005*
 June 6, 2005*
 June 7, 2005*
 June 8, 2005*
 June 23, 2005*
 June 26, 2005*
 July 7, 2005*
 July 14, 2005*
 July 16, 2005
 July 18, 2005*
 July 19, 2005*
 July 24, 2005*
 July 28, 2005*
 July 29, 2005*
 August 1, 2005*
 August 3, 2005*
 August 5, 2005*
 August 8, 2005*
 August 10, 2005*
 August 11, 2005*

August 12, 2005*
 August 13, 2005
 August 16, 2005*
 August 18, 2005*
 August 22, 2005*
 August 23, 2005*
 August 24, 2005*
 August 28, 2005*
 August 30, 2005*
 August 31, 2005*
 September 1, 2005*
 September 2, 2005*
 September 3, 2005
 September 6, 2005*
 September 7, 2005*
 September 8, 2005*
 September 10, 2005
 September 12, 2005* (five)
 September 18, 2005+
 September 22, 2005*
 September 23, 2005* (trio)

VV-19

110

September 26, 2005*
September 27, 2005*
September 28, 2005*
September 29, 2005*
September 30, 2005* (trio)
October 1, 2005*
October 3, 2005*
October 4, 2005*
October 5, 2004*
October 7, 2005* (pair)
October 8, 2005 (pair)
October 10, 2005* (pair)
October 11, 2005*
October 12, 2005* (pair)
October 15, 2005
October 19, 2005*
October 20, 2005*
October 22, 2005
October 25, 2005* (pair)
October 26, 2005*
October 27, 2005*
October 28, 2005* (trio)
November 2, 2005* (trio)
November 3, 2005* (pair)
November 4, 2005* (pair)
November 6, 2005* (pair)
November 8, 2005* (7!)
November 11, 2005* (pair)
November 12, 2005*
November 14, 2005*
November 25, 2005*
November 29, 2005*
December 5, 2005*
December 7, 2005* (trio)
December 8, 2005*
December 26, 2005*
December 29, 2005 (pair)
January 1, 2006
January 3, 2006*
January 7, 2006
January 10, 2006*
January 12, 2006*
January 14, 2006*
January 15, 2006
January 17, 2006* (pair)
January 18, 2006* (pair)

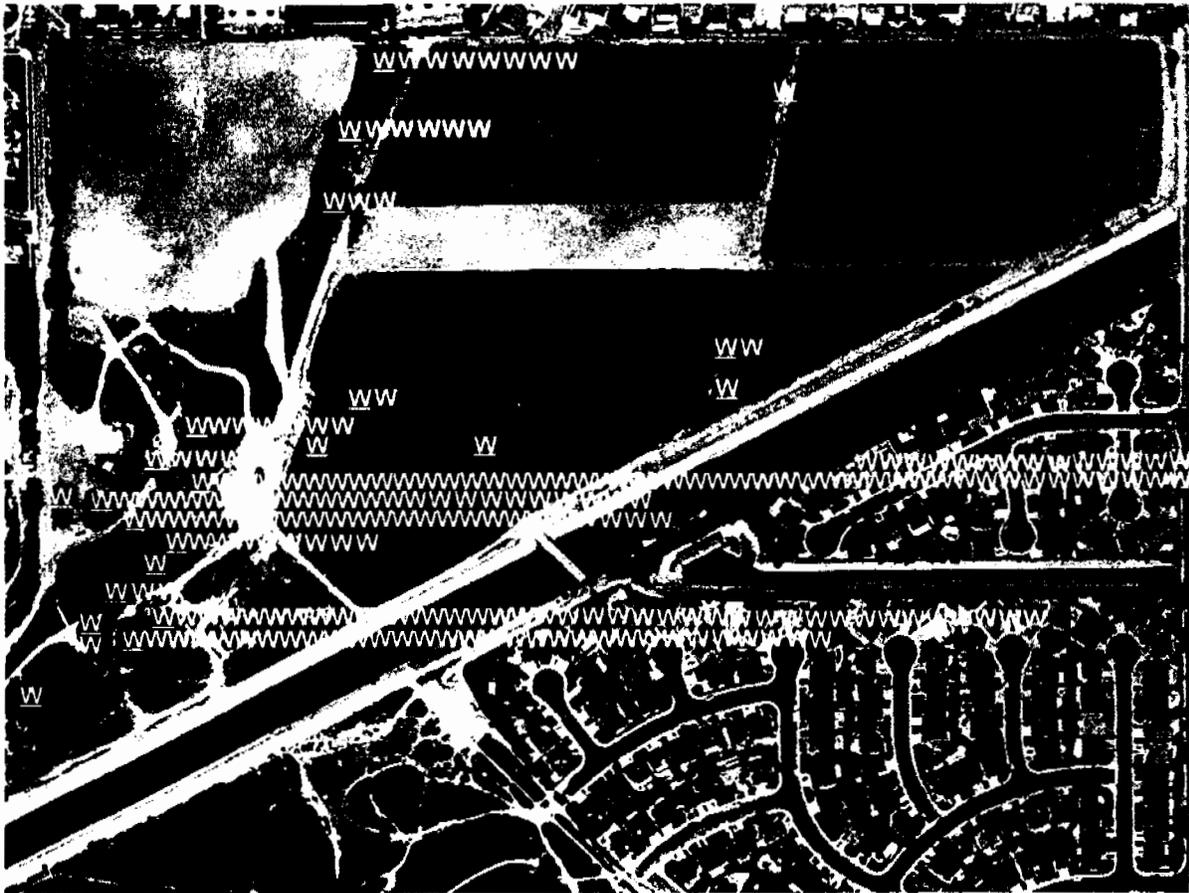
January 19, 2006*
January 25, 2006* (pair)
January 27, 2006*
February 1, 2006* (pair)
February 3, 2006*
February 7, 2006* (trio)
February 10, 2006*
February 13, 2006*
February 14, 2006* (four)
February 16, 2006*
February 17, 2006 (pair)
February 20, 2006
February 24, 2006*
February 28, 2006*
March 2, 2006* (pair)
March 8, 2006*
March 10, 2006*
March 14, 2006* (pair)
March 17, 2006
March 21, 2006* (trio)
March 23, 2006*
March 24, 2006* (pair)
March 29, 2006* (pair)
March 30, 2006*
April 5, 2006*
April 6, 2006*
April 9, 2006*
April 11, 2006*
April 21, 2006* (pair)
April 22, 2006
April 24, 2006*
April 25, 2006*
April 30, 2006*
May 1, 2006* (pair)
May 6, 2006* (pair)
May 7, 2006
May 8, 2006* (pair)
May 10, 2006* (pair)
May 15, 2006*
May 20, 2006
May 21, 2006* (pair)
May 22, 2006*
May 23, 2006*
May 24, 2006*
May 26, 2006* (pair)
May 29, 2006*

May 30, 2006*
June 5, 2006*
June 13, 2006* (seven)
June 21, 2006* (four)
June 23, 2006*
June 24, 2006
July 1, 2006 (pair)
July 5, 2006
July 7, 2006
July 12, 2006*
July 15, 2006
July 26, 2006* (pair)
July 28, 2006* (nine)
July 29, 2006* (pair)
July 31, 2006 (eight)
August 2, 2006* (eight)
August 4, 2006* (four)
August 7, 2006* (pair)
August 9, 2006* (pair)
August 12, 2006
August 16, 2006* (pair)
August 18, 2006* (three)
August 24, 2006*
August 28, 2006*
August 30, 2006* (pair)
September 1, 2006*
September 2, 2006
September 6, 2006* (five)
September 8, 2006* (pair)
September 16, 2006
October 28, 2006
November 4, 2006 (four)
November 12, 2006 (pair)
November 25, 2006 (four)
December 22, 2006
December 30, 2006 (pair)
January 1, 2007
January 13, 2007
January 21, 2007 (trio)
January 27, 2007
February 17, 2007 (pair)
February 18, 2007
March 11, 2007 (pair)
March 18, 2007

VV-20

|||

White-tailed Kite (*Elanus leucurus*) – California fully-protected species



- | | | |
|--------------------------|---------------------------|-------------------------|
| July 17, 2004 | April 12, 2005* (nesting) | May 11, 2005* (nesting) |
| August 2004* | April 16, 2005 (nesting) | May 13, 2005* (nesting) |
| August 14, 2004 | April 18, 2005* | May 14, 2005 |
| September 11, 2004 | April 20, 2005* (nesting) | May 16, 2005* |
| February 2005* | April 21, 2005* | May 18, 2005* |
| February 12, 2005 (pair) | April 22, 2005* | May 20, 2005* |
| February 22, 2005 | April 23, 2005 (nesting) | May 21, 2005 |
| February 26, 2005 (pair) | April 24, 2005* (pair) | (parent/juvenile) |
| March 5, 2005 (pair) | April 25, 2005* (nesting) | May 22, 2005* |
| March 12, 2005 (pair) | April 26, 2005* | May 26, 2005* |
| March 17, 2005 | April 27, 2005* | May 27, 2005* |
| March 20, 2005 | April 28, 2005* (pair) | (parent/juvenile) |
| March 22, 2005 | April 29, 2005* (pair) | May 28, 2005* (pair) |
| March 24, 2005 | May 1, 2005 (nesting) | June 3, 2005 |
| March 26, 2005 (nesting) | May 2, 2005* (pair) | July 24, 2005* |
| March 28, 2005* | May 3, 2005* | July 28, 2005* |
| March 29, 2005* | May 4, 2005* (nesting) | August 3, 2005* |
| March 30, 2005* | May 6, 2005* | August 16, 2005* |
| April 2, 2005* | May 7, 2005 | August 18, 2005* |
| April 3, 2005 | May 9, 2005* | August 19, 2005* |
| April 9, 2005 (pair) | May 10, 2005* | August 22, 2005* (pair) |

August 23, 2005*
August 31, 2005*
October 4, 2005*
October 28, 2005*
November 12, 2005 (pair)
November 18, 2005*
December 14, 2005*
December 16, 2005*
December 18, 2005*
December 24, 2005 (pair)
January 1, 2006
January 5, 2006*
January 6, 2006*
January 7, 2006*
January 12, 2006*
January 13, 2006
January 17, 2006*
January 18, 2006*
January 28, 2006
February 1, 2006*
February 2, 2006*
February 3, 2006* (pair)
February 11, 2006
February 13, 2006* (trio)
February 14, 2006*
(nesting)

February 16, 2006*
(nesting)
February 17, 2006
(nesting)
February 20, 2006*
February 23, 2006* (pair)
February 24, 2006*
(nesting)
February 27, 2006*
February 28, 2006* (pair)
March 2, 2006*
March 17, 2006 (nesting)
March 19, 2006 (nesting)
June 17, 2006
July 7, 2006* (juvenile)
July 12, 2006* (juvenile)
July 15, 2006 (juvenile)
July 19, 2006* (juvenile)
July 22, 2006 (juvenile)
July 29, 2006 (juvenile)
August 3, 2006 (juvenile)
August 24, 2006
September 2, 2006
September 4, 2006*
September 6, 2006*
September 8, 2006*

September 10, 2006
September 12, 2006
September 16, 2006
September 17, 2006
September 23, 2006
November 12, 2006 (pair)
November 19, 2006
November 25, 2006 (pair)
December 1, 2006
December 9, 2006
December 15, 2006 (pair)
December 16, 2006 (pair)
December 17, 2006 (pair)
December 22, 2006 (pair)
December 25, 2006 (pair)
December 28, 2006
December 30, 2006
January 6, 2007
January 13, 2007
January 27, 2007
February 3, 2007
February 24, 2007
March 23, 2007 (pair)

Sincerely,

Mark D. Bixby

Mark D. Bixby
Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876
mark@bixby.org
<http://www.bixby.org/parkside/>

VV-22

113

APR 26 2007

CALIFORNIA
COASTAL COMMISSION

April 25, 2007

Th14a

Ms. Meg Vaughn
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802

Subject: Response to Mark Bixby Correspondence Regarding Data from Groundwater
Monitoring Wells on the Parkside Estates Property

Dear Ms. Vaughn:

This letter responds to recent e-mails (April 5 and April 15, 2007) and letter correspondence (April 4 and April 24, 2007) from Mr. Mark Bixby. We have reviewed all this correspondence and find it to be flawed and replete with unfounded assertions. There is no evidence to support Mr. Bixby's erroneous allegations that saltwater intrusion exists or somehow affects our property, or that Shea intentionally submitted "false" information and "deliberately omitted" groundwater data. We hesitate to respond again to what appears to be nothing more than an effort to delay our hearing by any means possible, but given Mr. Bixby's persistence, we feel compelled to respond to his allegations.

False Allegations of Unprofessional Data Manipulation

Mr. Bixby has made numerous false accusations and statements suggesting that Parkside's consultants have withheld important data.

All of the data that were collected by LSA from 1999 to 2002 were provided in the May 2002 wetland delineation, which is a matter of public record and available to Mr. Bixby. In November 2006, LSA advised Commission staff that it would reinitiate well measurements and add salinity readings, primarily due to curiosity over the potential effects of the Pocket flooding. On February 7, 2007, Dr. John Dixon requested this information, and it was provided to him on February 8, 2007. This information is likewise public record and available to Mr. Bixby.

Groundwater data have been collected intermittently from a series of monitoring wells installed in 1999 by Pacific Soils and monitored through the present time. The purpose of these wells, which measure groundwater at various depths, was to assess groundwater conditions for purposes of construction and dewatering evaluation. Nevertheless, some of these data were helpful in evaluating groundwater conditions relative to the CP wetlands and the potential wetlands identified by Dr. Dixon in the AP and WP areas. Accordingly, relevant data were provided at Dr. Dixon's request.

Mr. Bixby also alleges that the layout of the monitoring well locations is intended to avoid wetland areas, noting that the 5-acre CP area has 20 wells and the remaining 45 acres have only 15 additional wells. In fact, Pacific Soils initially installed 19 wells scattered across the entire 50-acre site for the purpose of monitoring groundwater levels relative to various construction issues. Subsequently, LSA installed 16 shallow monitoring wells in the CP area when conducting its wetland delineation of that 5-

WW-1

114

acre parcel. No wells were installed in the 45-acre portion of the site for the purpose of wetland delineation because there was no evidence that wetland conditions existed. When our contention that there are no wetlands on the 45-acre site was challenged, we used Pacific Soils' well data to refute those allegations.

To our knowledge, Mr. Bixby has no education or training in surface and groundwater hydrology, hydraulics or surveying techniques, yet he has propounded numerous unfounded theories and ongoing requests for additional information. The Commission staff has requested a large amount of information. Shea Homes has met all of these requests, and we will continue to provide data requested by staff. While the questions and assertions of Mr. Bixby are not relevant to the LCPA before you, in the interest of "clearing the air," a complete report on the Pacific Soils data and an updated LSA spreadsheet are attached.

Accuracy of Data

Mr. Bixby's assertions that the data provided by Shea Homes are inaccurate, or to use his word, "bogus," are apparently based on his misunderstanding of the conditions pertaining to the collection of the data and of the context in which the data were provided to Commission staff. There are two main sources for Mr. Bixby's confusion, both of which have been explained to Commission scientific staff, for whom the data were intended.

The first apparent source of confusion is the fact that the reference points for the surface elevations in the July 2006 analysis were taken from the spot elevations on the most current topographic map at that time. It should be noted that several topographic maps have been used over the planning period for this project. As topographic maps have been updated, these elevations have varied, primarily due to variations in the precision of the various mapping processes. In addition, vandalism and farming operations damaged some of the wells that were repaired and/or restored in 2006, altering their surface elevations. Thus, when the data from one timeframe are put in the context of the most current topographic mapping, the resulting differences amount to 0.05 ft to 0.3 feet. In the context of the original intents of the various measurements, these differences are not significant.

The other apparent source of confusion is that the first spreadsheet attached to Mr. Bixby's e-mail of April 15, 2007 was constructed to compare the measured water surface elevations to the general ground surface elevations within the WP, CP and AP areas. For example, for well PS16, the measured water surface elevation ranges from 0.1 to -7.07, but this well is on a slope above the AP area. Therefore, this water surface elevation was extrapolated to the north end of the AP area, nearly 100 feet away from the well, and compared to the ground surface elevation there, which is -0.3 feet as listed in the spreadsheet.

In other words, the entire spreadsheet was set up to compare measured or estimated groundwater elevations to surface elevations in the WP, AP, and CP areas. Mr. Bixby misunderstood the purpose of this spreadsheet when he commented, "*The spreadsheet lists the ground elevation of PS16 as -0.3 MSL; I visit that location on a weekly basis and there's zero chance that well is below sea level.*" He attempts to disparage the quality of the data through this comment, but the data are not the problem; his understanding of the purpose of the spreadsheet is the problem.

WW-2

115

This analysis suggested to LSA that the existing vegetation in the CP area is much more influenced by groundwater than potential future vegetation in the AP and WP areas might be. However, Dr. Dixon did not find the analysis sufficiently compelling to change his conclusions that these systems are driven by surface water accumulations. Ironically, Mr. Bixby's observations of both groundwater and surface water in the CP area support the Shea consultants' contention that the hydrologic regime in the CP area is different, and significantly wetter, than either the AP and WP areas. Mr. Bixby has said that this is a recent phenomenon driven by flooding in the Pocket, but as discussed in the next section, his explanation is not supported by actual measurements.

Cause of High Groundwater in the County Parcel

Apparently, Mr. Bixby hypothesized that flooding in the Pocket area would cause a rapid rise in groundwater and salinity levels in the western portion of the Parkside Estates property, and then set out to find data that would support his hypotheses. Indeed, he finds that groundwater elevations in several LSA wells are approximately one foot higher in early 2007 than they were on four selected dates in 1999/2000. However, Mr. Bixby does not discuss the numerous data from several dates prior to the Pocket flooding when groundwater levels were higher than they are now. Furthermore, Mr. Bixby does not discuss or apparently consider any actual groundwater processes or other potential influences on groundwater elevations. These considerations should include the following:

- **Hydraulic conductivity** – Mr. Bixby's correspondence does not consider if it is even possible for groundwater effects of the Pocket flooding to be observed in the CP area within six months. Darcy's law equates soil permeability to velocity of movement of water through soil. A preliminary look at this equation indicates that even if the soils were as permeable as coarse free-draining gravel, which they are not, water from the Pocket could not reach the CP area in the time that has elapsed since the Pocket was open. This point was addressed in Shea Homes' April 11, 2007 letter to you.
- **Topography** – Mr. Bixby asserts that the high water observed in one of the pits recently excavated by the local bicycle enthusiasts is connected to the Pocket wetlands. If this were the case, all areas between that pit and the Pocket that are of lower elevation than the observed pit water level would be inundated; they are not. This point was addressed in Shea Homes' April 11, 2007, letter to you. (The pits and ramps have since been removed, and the land returned to its pre-existing condition.)
- **Influence of the East Garden Grove-Wintersburg Channel** – Initially, Mr. Bixby completely ignored the influence of the East Garden Grove-Wintersburg flood control channel on groundwater elevations in the CP area, even though this channel is immediately adjacent and much closer to the CP area than the Pocket. In fact, the groundwater monitoring data and the two pits excavated by the bicyclists that are farther from the channel, confirm that the groundwater elevation in the CP decreases with distance from the channel. This demonstrates that observed groundwater near the channel is associated with the channel, not the Pocket. This point also was addressed in Shea Homes' April 11, 2007, letter to you. Mr. Bixby corrected his initial omission of the effect of the flood control channel in his letter of April 24.
- **Influence of regional groundwater** – Mr. Bixby does not adequately consider the effects of variations in regional groundwater aquifers on the well data. The unusually high groundwater in 2005-2006 reflected in the well data is correlated with the measurements taken in local City of Huntington Beach and Orange County Water District (OCWD) wells. Regional groundwater levels are controlled by OCWD replenishment efforts (water injection), extraction by local municipalities (including Huntington Beach) to meet peak water demands, and of course, seasonal rainfall and/or

WW-3

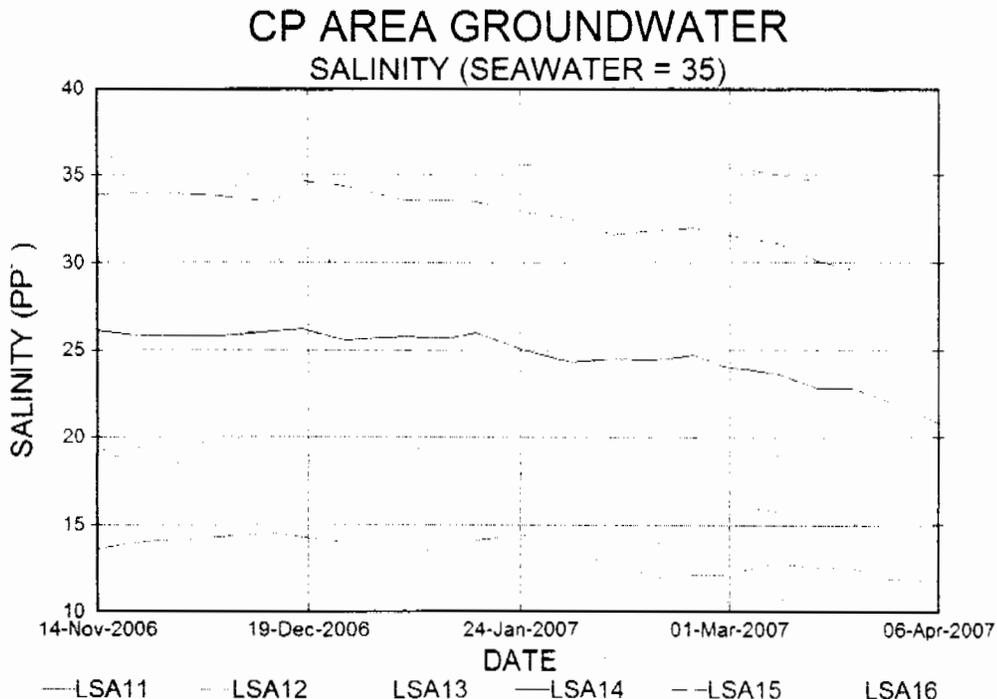
116

droughts. Data from the City and OCWD dating back to the late 1970s show cyclical fluctuation in groundwater levels, significantly predating the Pocket flooding. This point was addressed in the Exponent Technical Memorandum dated February 22, 2006, and provided to Commission staff. Mr. Bixby's letter of April 24 dismisses the effect of regional groundwater based on data from only two of the many wells on the site. One of the wells he used is immediately adjacent to the flood control channel and heavily influenced by it.

Salinity

In the conclusion of his April 24 letter, Mr. Bixby states, "It is an indisputable fact that salinity and groundwater levels are increasing on the southern portion of the property." He also states that "Seawater from the now-permanent Pocket lake has intruded into the groundwater table and has been pushing northeastward for the past ten months" In fact, his conclusions are very disputable; and as we show below, they are wholly incorrect.

- **Over-estimating speed of groundwater movement** – As noted above, Darcy's law incontestably disproves this hypothesis. The law provides a means to compute the velocity of water movement through various soil permeabilities; such a computation shows that even if the dense clay soil in the area were as permeable as coarse, free-draining gravel, water from the Pocket could not reach the CP area in the ten months since the Pocket was flooded.
- **Salinity trends inconsistent with allegations** – Mr. Bixby's allegation that flooding the Pocket with seawater has influenced groundwater salinity beneath the CP area and the entire Parkside property is completely contrary to the measured groundwater salinity data. The groundwater salinity trend in the six LSA wells in the CP area actually show a marked decrease of salinity over the most recent six months. The salinity trend is consistent with regional groundwater effects, but not with effects due to Pocket flooding, as shown below.



WW-4

117

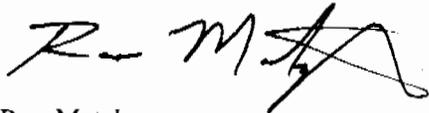
- **The effect of evaporation on soil salinity** – Another factor influencing salinity levels in the CP is that this area, unlike the AP and WP, is frequently wet or moist. As these frequent accumulations of water within the CP evaporate, salts are left behind in the soil. There is a high rate of exchange between the soils and groundwater, which in turn influences the salinity in the groundwater that is in contact with the soil.

Relevance

After thorough review, it becomes clear that Mr. Bixby's assertions and theories have no relevance to Staff's analysis of Coastal issues or the upcoming Commission actions.

Sincerely,

SHEA HOMES LP



Ron Metzler
Vice President, Planning and Entitlement

Attachment: Pacific Soils Report
LSA Spreadsheet

cc: Members and Alternates, California Coastal Commission
John Dixon, Ph.D.
Mark Johnsson, Ph.D.
Karl Schwing
Steve Kaufmann, Esq.
Nancy Lucast
Parkside Estates consulting team
Mark Bixby

WW-5

118



PACIFIC SOILS ENGINEERING, INC.
 710 E. PARKRIDGE AVENUE, SUITE 105, CORONA, CA 92879
 TELEPHONE: (951) 582-0170, FAX: (951) 582-0176

SHEA HOMES OF SOUTHERN CALIFORNIA
 603 South Valencia Avenue
 Brea, California, 92823

April 18, 2007
Work Order 102300

Attention: Mr. Ron Metzler

Subject: **UPDATED GROUNDWATER MONITORING DATA**
 Parkside Estates
 City of Huntington Beach, California

Gentlemen:

Presented herein are the results of Pacific Soils Engineering, Inc., (PSE) ongoing monitoring of groundwater observation wells at Parkside Estates. The data are updated through our readings of April 2, 2007 and are presented on various graphs (Plates 2-7 inclusive). The locations of the various observation wells are shown on Plate 1.

PSE has researched the records of the City of Huntington Beach and Orange County Water District (OCWD) for data relative to wells those agencies maintain and monitor in the general vicinity of Parkside Estates. That research has produced records of OCWD well No. BS02/1 located just southerly of Parkside, dating back to 1978 as well as records of OCWD GA-3, located northeasterly of Parkside (near Springdale St. and Heil Ave.) dating back to 1990. The locations of those wells are shown on Plate 8.

PSE has plotted the data of BS02-1 and GA-3 on Plates 9 and 10, respectively. We have also plotted the data from PSE observation well MW-3 along with the data from BS02/1 and GA-3 on Plate 11. PSE MW-3 was chosen because 1) it is a "deep" well, best representing the true groundwater level (rather than "perched" surfaces); and 2) it has produced the most continuous record of the four "deep" wells at Parkside (see Plate 2).

The combined records of the OCWD wells show a clear pattern of rising and falling groundwater levels dating back to the late 1970's. The pattern shows "high" levels occurring in the late winter and spring periods, followed by "lows" in the late summer and fall periods. The record of

119

CORPORATE HEADQUARTERS
 TEL: (714) 220-0770
 FAX: (714) 220-9589

LOS ANGELES COUNTY
 TEL: (310) 325-7272 or (323) 775-6771
 FAX: (714) 220-9589

SOUTH ORANGE COUNTY
 TEL: (714) 730-2122
 FAX: (714) 730-5191

SAN DIEGO COUNTY
 TEL: (858) 560-1713
 FAX: (858) 560-0380

ww-6

Work Order 102300
April 18, 2007

Page 2

PSE MW-3 shows remarkable correlation to these patterns and elevations as shown on Plate 12. It is interesting to note that the winter of 2005/06 and spring 2006 show abnormally high levels in all these wells.

We have discussed this information with the City of Huntington Beach Water Facilities personnel and obtained records of their monitoring well data. They have also observed abnormally high water levels in early 2006 and their data from GW-4 (located near Slater Ave. and Goldenwest St., Plate 8) have been plotted on Plate 13. They attribute the seasonal rises and falls of the water levels to more extensive extraction during peak demand periods (summer) and recharging/less extraction during the winter months. Such is clearly reflected in the GW-4 plots.

PSE, with the assistance of Exponent Inc., obtained precipitation records for the Los Alamitos Station and has plotted those data with the data for GW-4 as shown on Plate 14. While various factors including OCWD recharge efforts and extraction demands likely impact water levels in Huntington Beach, "peaks" have occurred in the years following exceptionally high rainfall amounts such as 1993 and 2005.

The data from OCWD and the City of Huntington Beach suggest that the recent high water levels reflected in the PSE monitoring wells since January, 2006 are a result of abnormally high water levels throughout the City of Huntington Beach. We will continue to monitor the groundwater levels at Parkside and provide periodic updates of that information.

Respectfully submitted,
PACIFIC SOILS ENGINEERING, INC.



JAMES B. CASTLES/RGE 192
RCE 30280/Reg. Exp.: 3-31-08
Chief Operations Officer



Distribution (4) Addressee
(2) LSA: Attn: Mr. Art Homrinrighausen
Attachments: Plates 1-14

JBC:bjb-102300, April 18, 2007 (Groundwater Monitoring)

120

WW-7

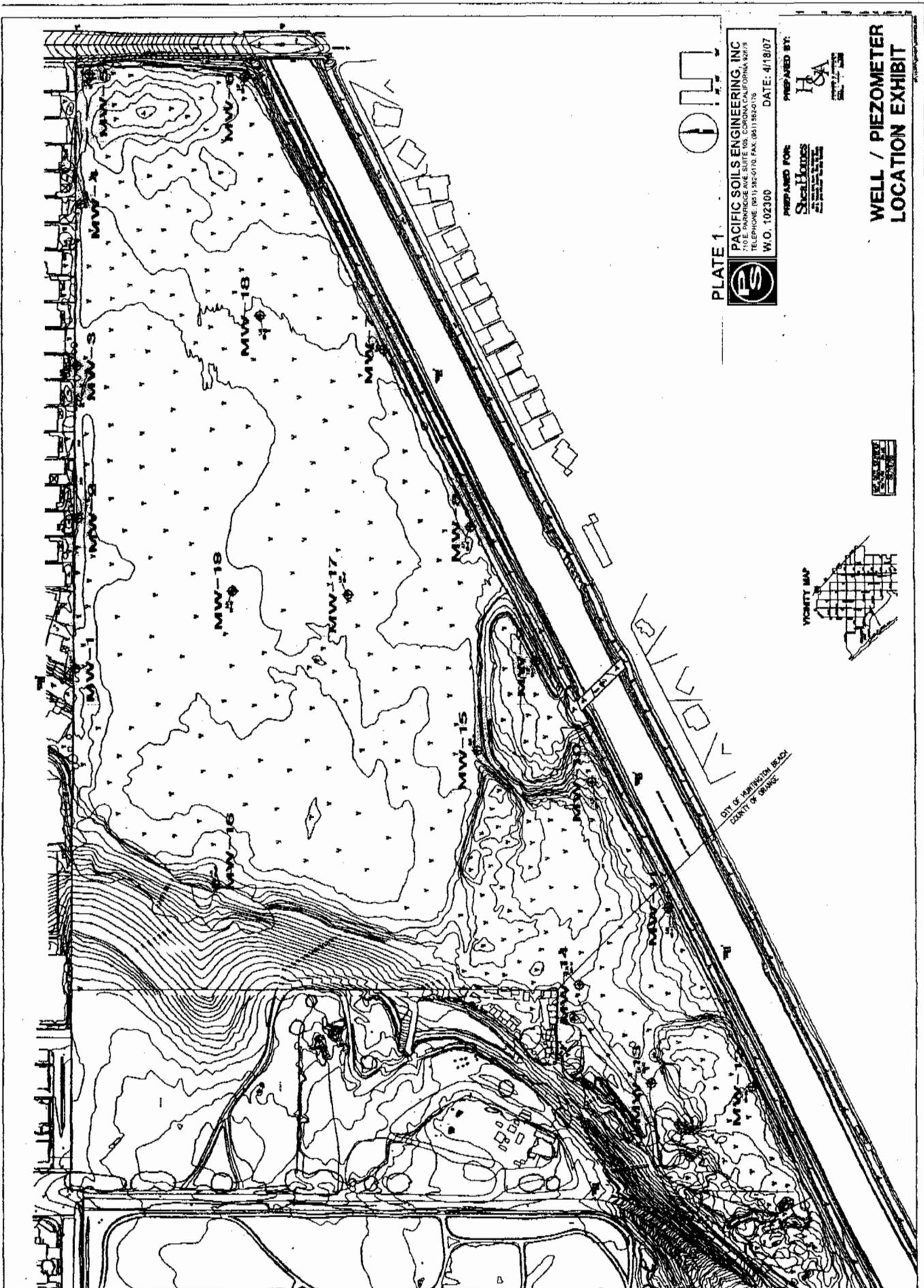


PLATE 1



PACIFIC SOILS ENGINEERING, INC.
 710 E. PARKRIDGE AVE. SUITE 105, CORONA, CALIFORNIA 92709
 TELEPHONE (951) 362-0770 FAX (951) 362-0775
 W.O. 102300

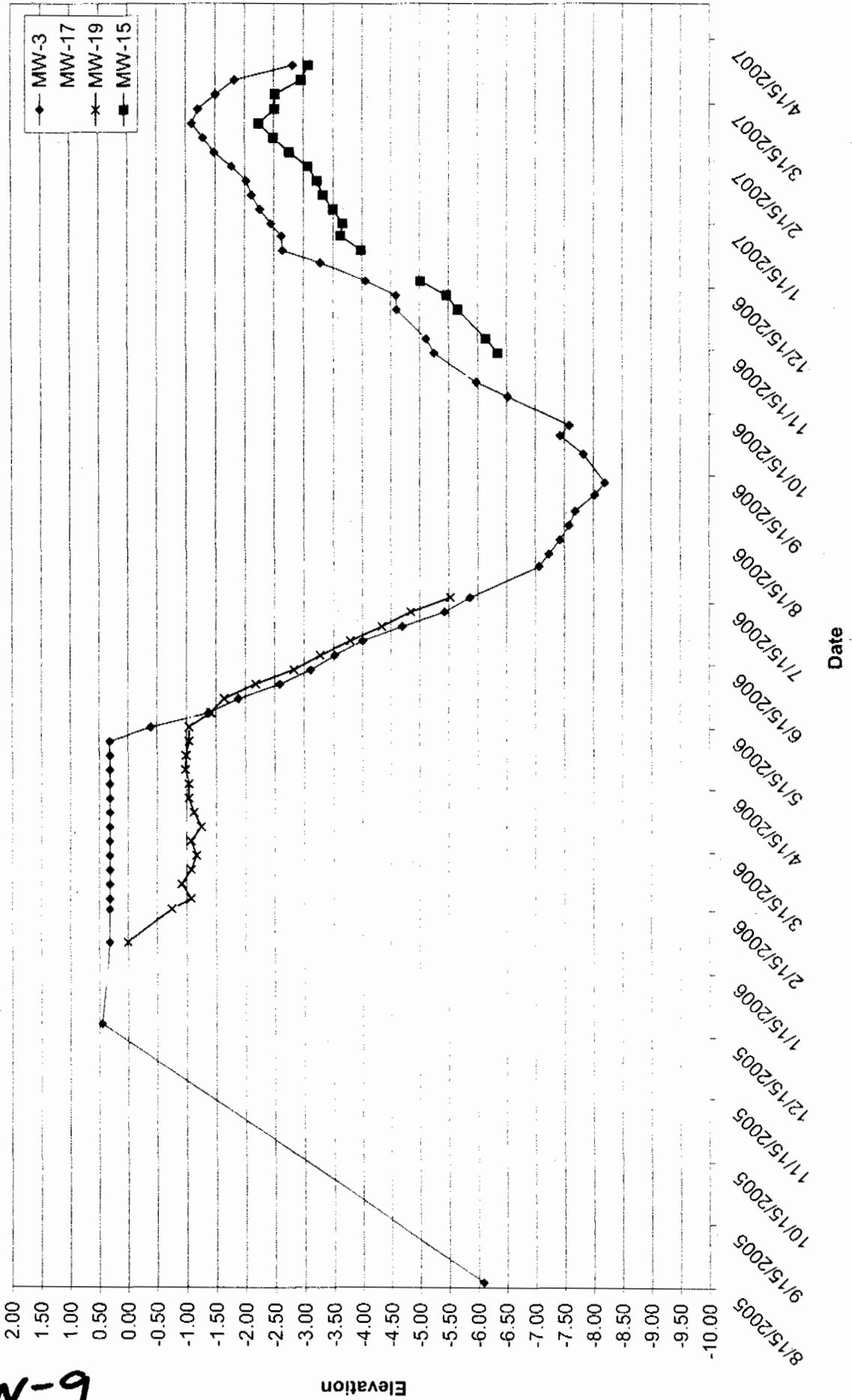
PREPARED BY:
 Sheel Homes
 H & A
 DATE: 4/18/07

WELL / PIEZOMETER
 LOCATION EXHIBIT

8-WM

121

Deep Wells



6-MW

22

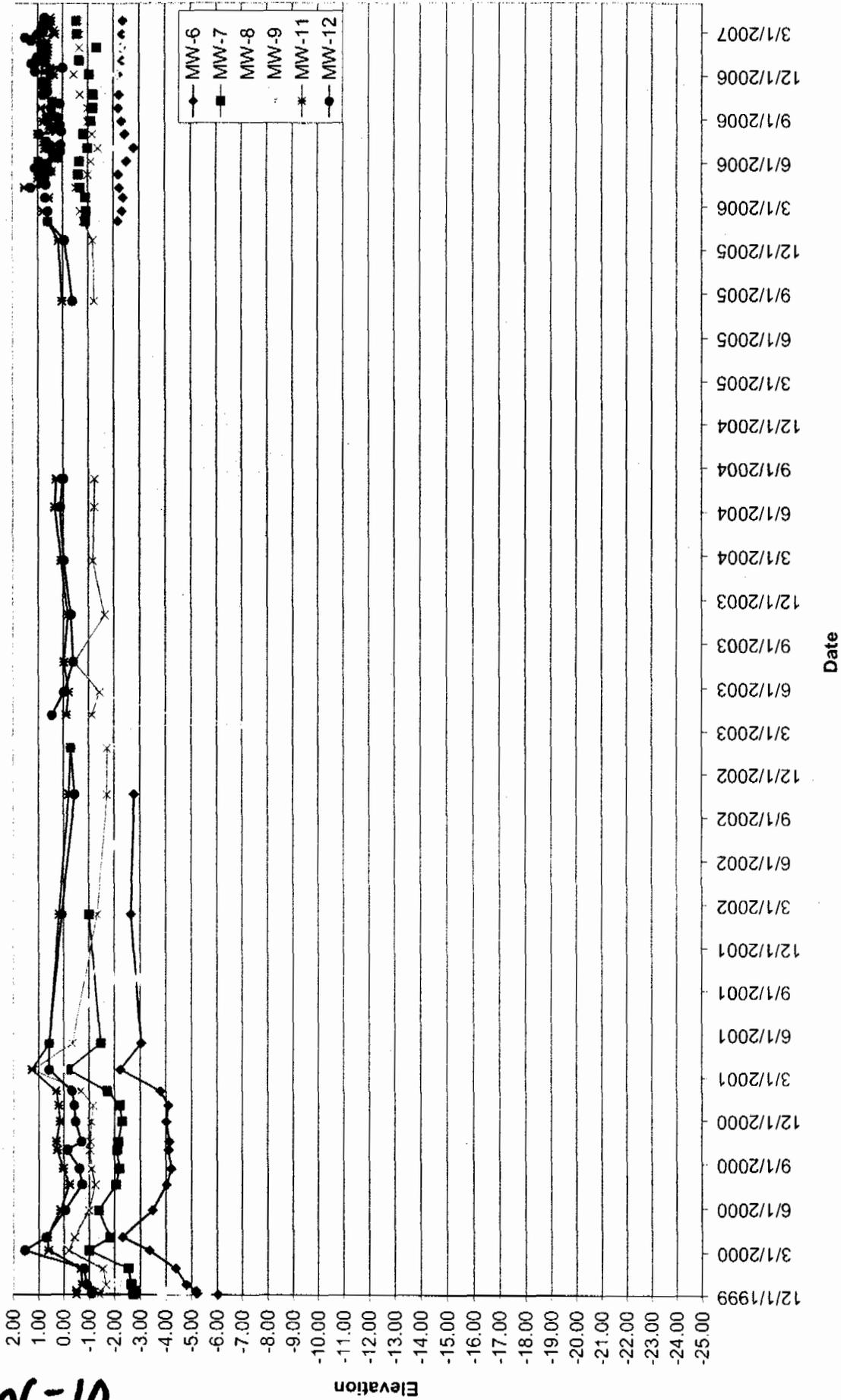
PLATE 2

PACIFIC SOILS ENGINEERING, INC
 710 E. PARKRIDGE AVE., SUITE 105, CORONA, CALIFORNIA 92679
 TELEPHONE: (951) 582-0170, FAX: (951) 582-0176
 W.O. 102300



DATE: 4/18/07

Shallow, Adjacent to Channel



01-MW

123

PLATE 3

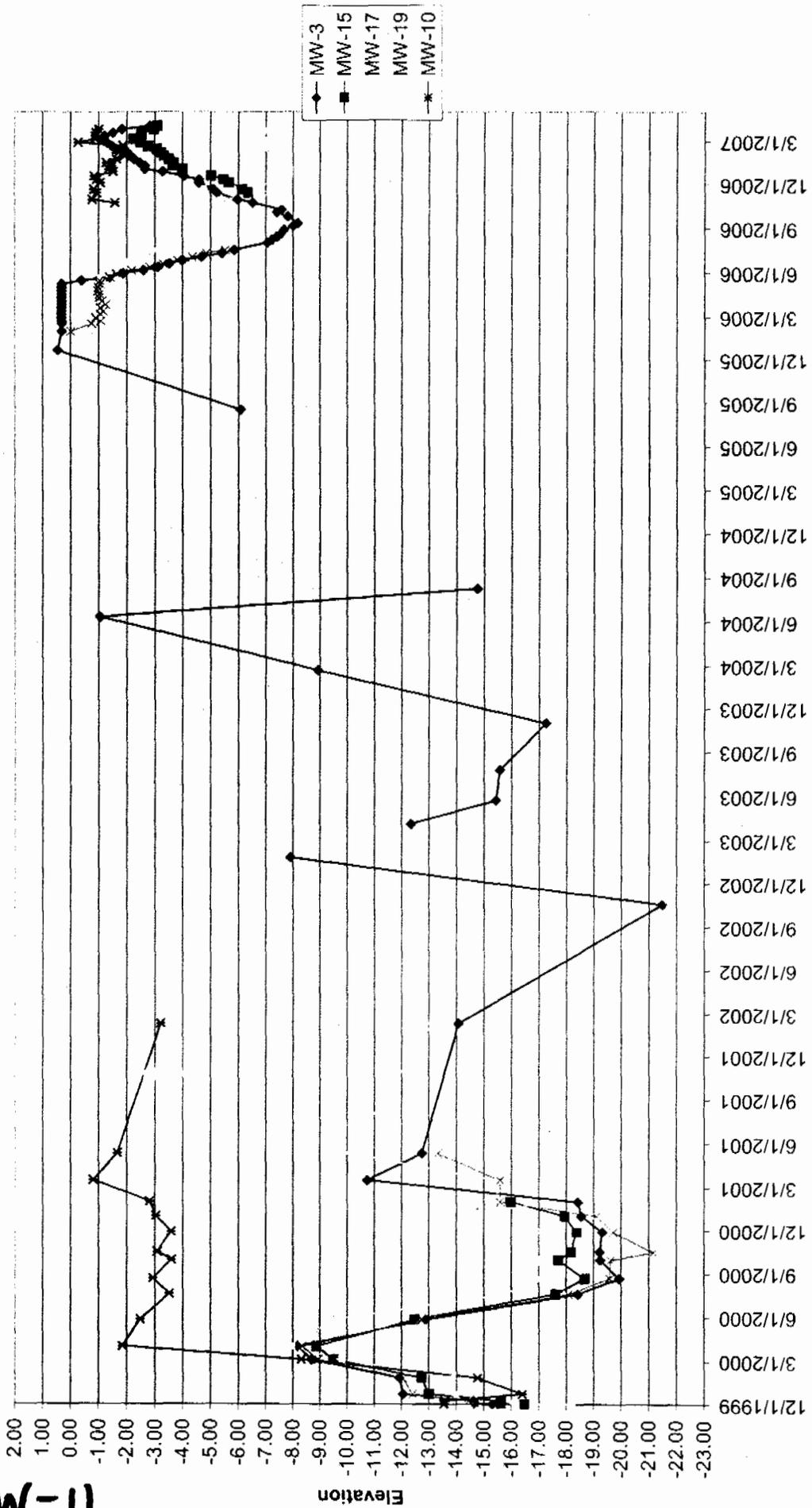
PACIFIC SOILS ENGINEERING, INC
 714 E. PARKWAY AVE. SUITE 105, CORONA, CALIFORNIA 92675
 TELEPHONE: (951) 962-0170, FAX: (951) 962-0176



W.O. 102300

DATE: 4/18/07

Deep Wells

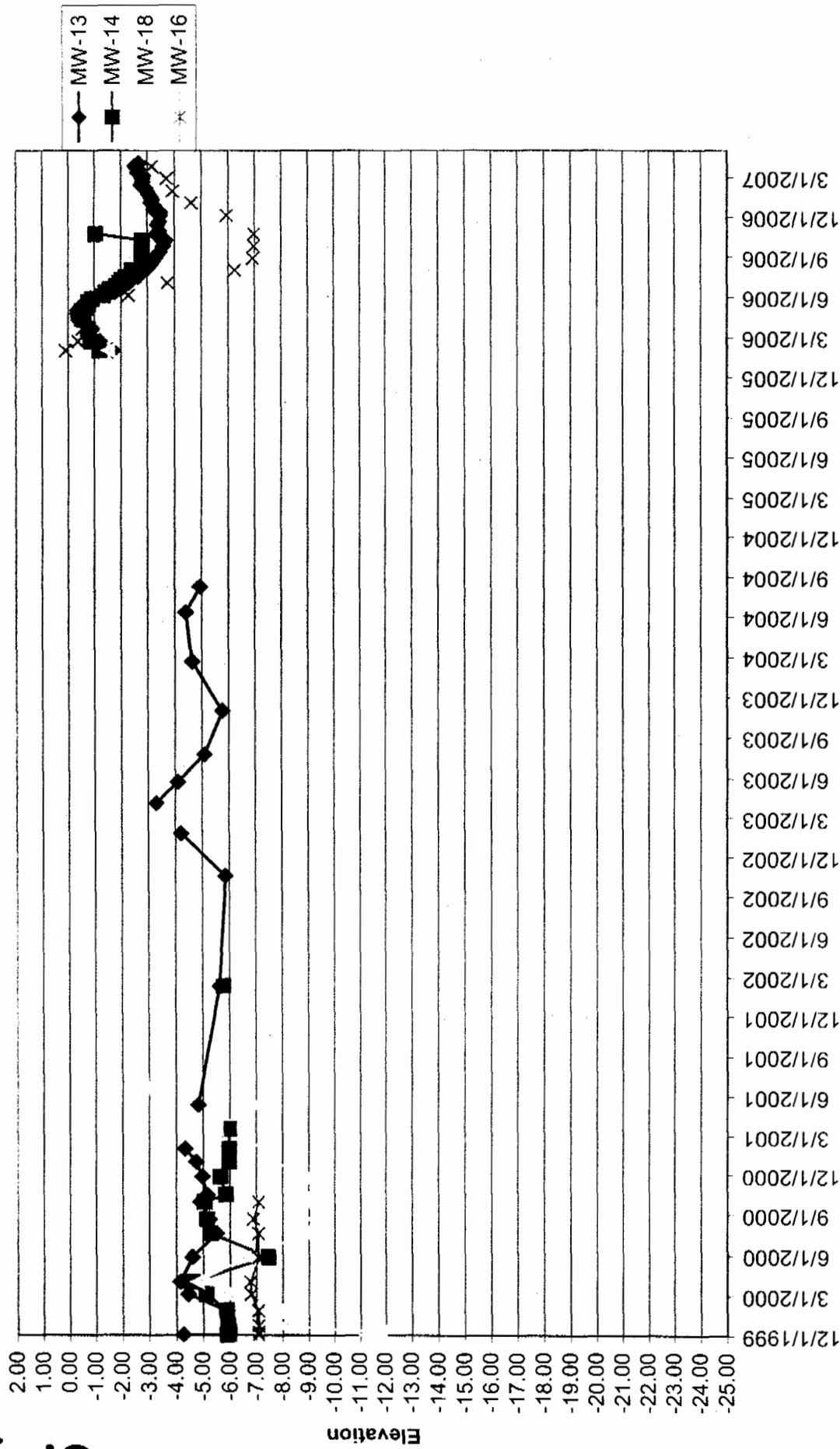


11-MW

124



Shallow, 200ft-300ft from Channel



21-MW

125

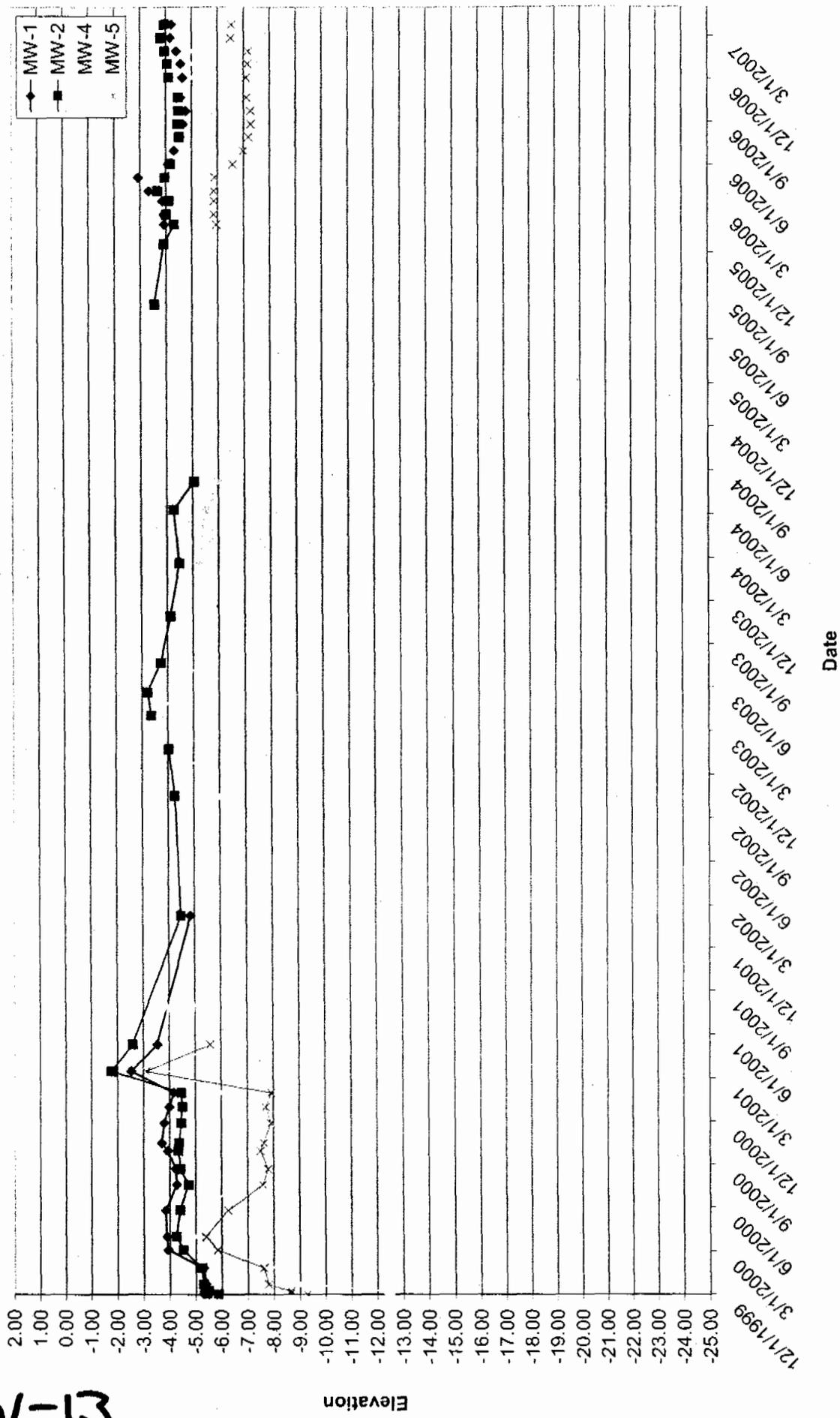
PLATE 5

PACIFIC SOILS ENGINEERING, INC
 710 E. PARKRIDGE AVE. SUITE 105, CORONA, CALIFORNIA 92879
 TELEPHONE: (951) 582-0170, FAX: (951) 582-0176
 W.O. 102300



DATE: 4/18/07

Shallow-North Boundary

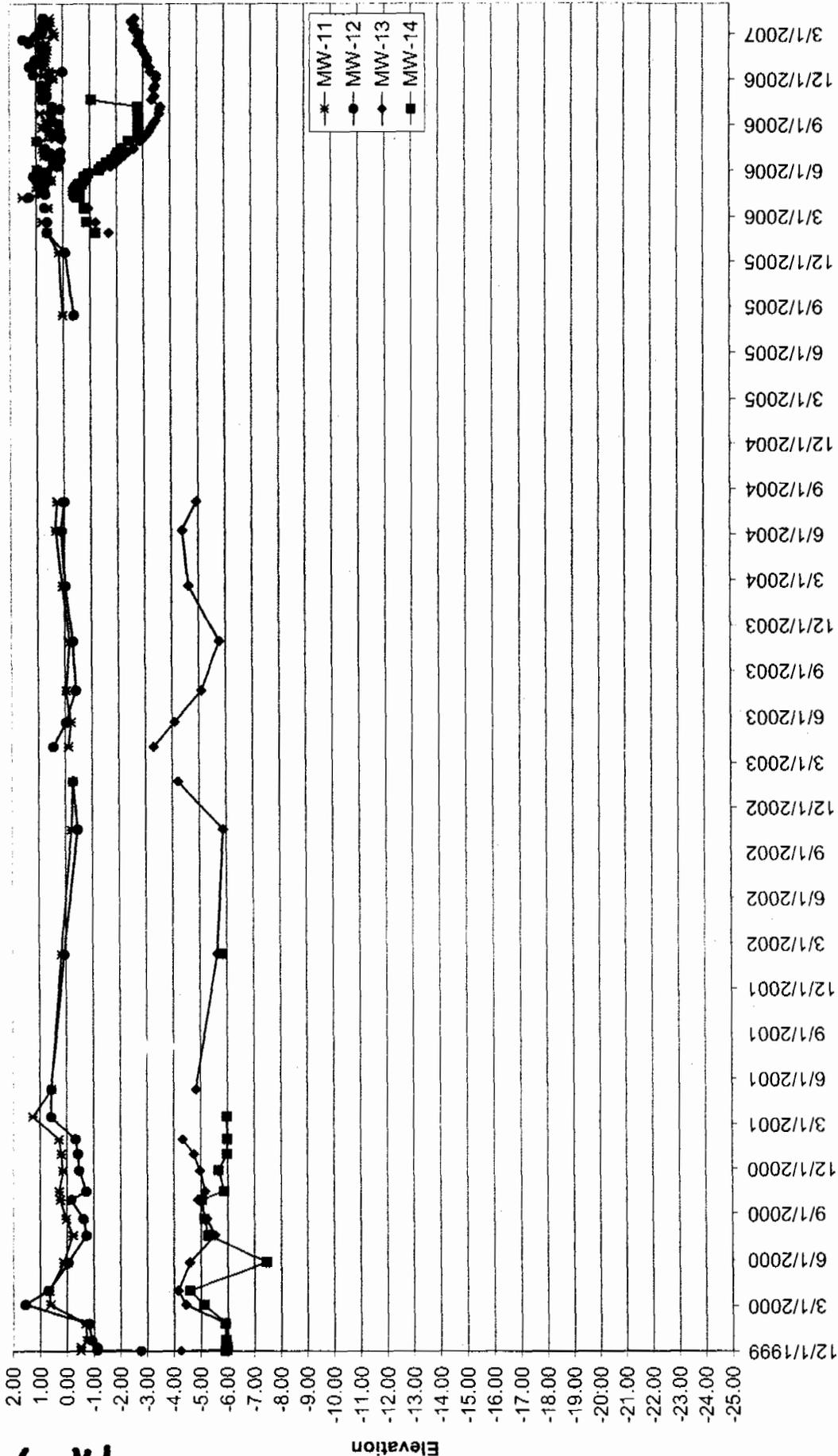


31-MW

12/1



County Property (all shallow)



MW-11

127

PLATE 7

PACIFIC SOILS ENGINEERING, INC
 716 E. PARKRIDGE AVE. SUITE 105, CORONA CALIFORNIA 92873
 TELEPHONE (951) 582-0170, FAX: (951) 582-0176
 W.O. 102300



DATE: 4/18/07

Water Facilities - Wells and Reservoirs

City of Huntington Beach

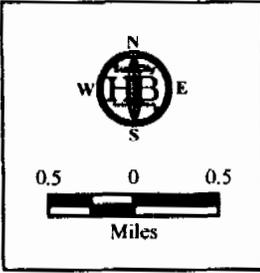
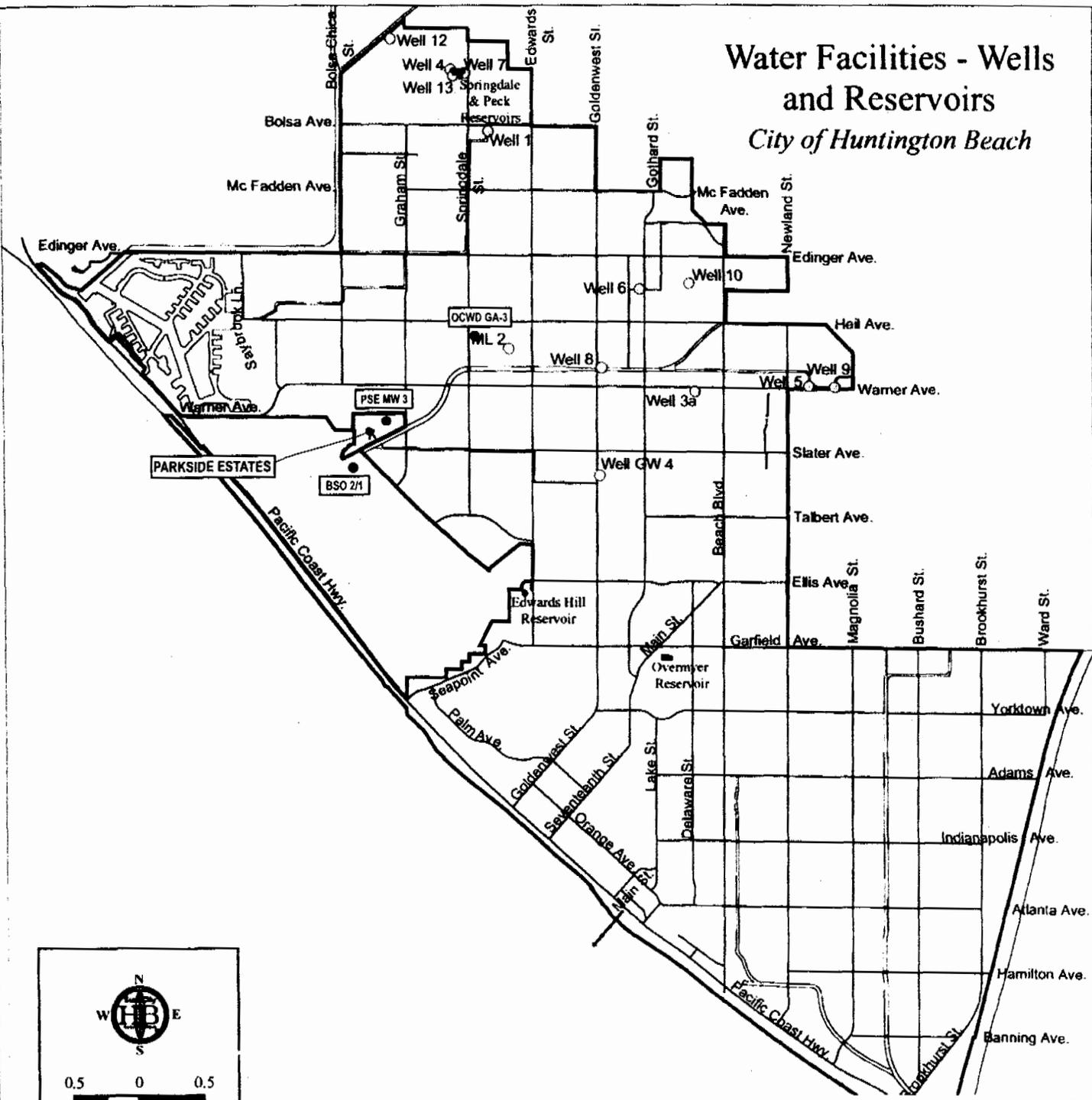


PLATE 8

PACIFIC SOILS ENGINEERING, INC
 710 E. PARKRIDGE AVE. SUITE 105, CORONA CALIFORNIA 92729
 TELEPHONE: (951) 582-0170, FAX: (951) 582-0178
W.O. 102300 **DATE: 4/18/07**

- Water Facilities**
- Active Well
 - Inactive Well
 - Irrigation Only

- Reservoirs
- City Boundary
- Harbor and Channels
- Major Street Centerlines
- Isobaths

CAUTION WHEN USING THIS MAP
 While every effort has been made to ensure the accuracy of this map, the City of Huntington Beach does not warrant its completeness or accuracy. It is the user's responsibility to verify all data on their own application.

Information Services Department

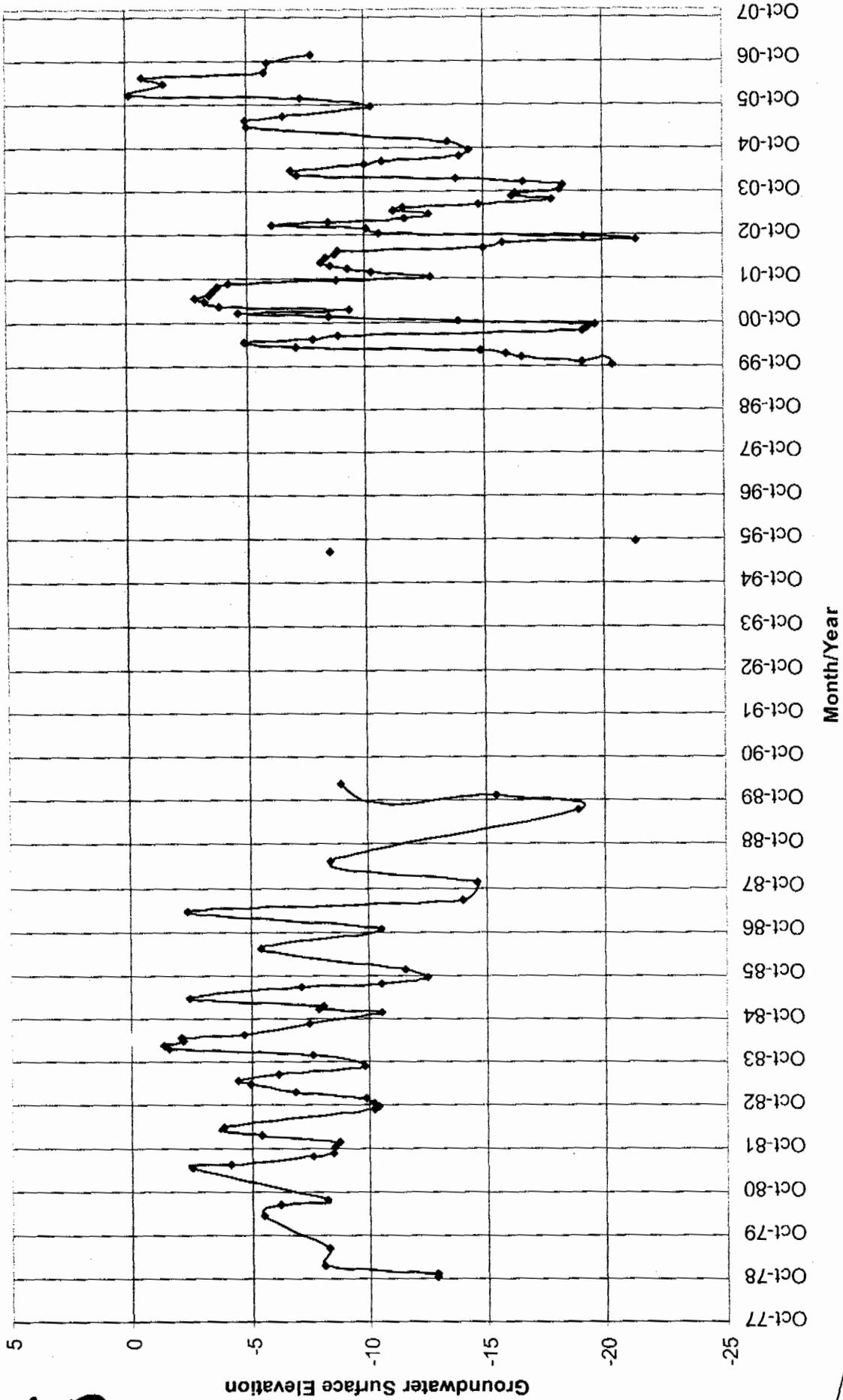
HB GIS
November 2006

WW-16

GIServer/Projects/Public/Well/Inlines/Wells_8.5X11.mxd

128

OCWD-BS02/1



LI-MW

129

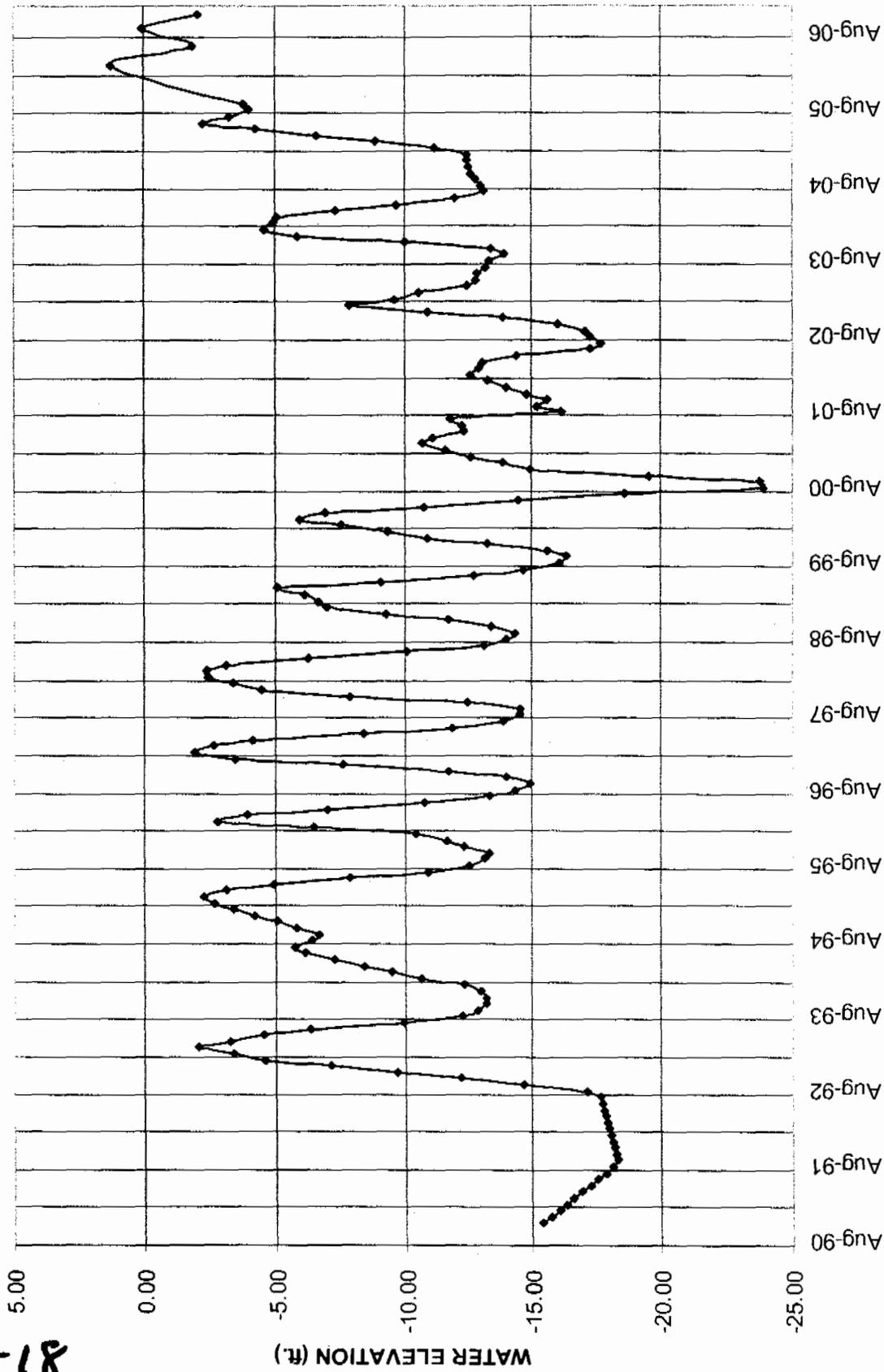
PLATE 9

PACIFIC SOILS ENGINEERING, INC
710 E. PARKBRIDGE AVE., SUITE 105, CORONA, CALIFORNIA 92879
TELEPHONE: (951) 982-0170, FAX: (951) 982-0176
W.O. 102300

DATE: 4/18/07



OCWD GROUNDWATER WELL GA3



TIME (yrs.)

PLATE 10

PACIFIC SOILS ENGINEERING, INC
710 E. PARTRIDGE AVE., SUITE 100, CORONA, CALIFORNIA 92679
TELEPHONE (951) 562-0170, FAX: (951) 562-0178



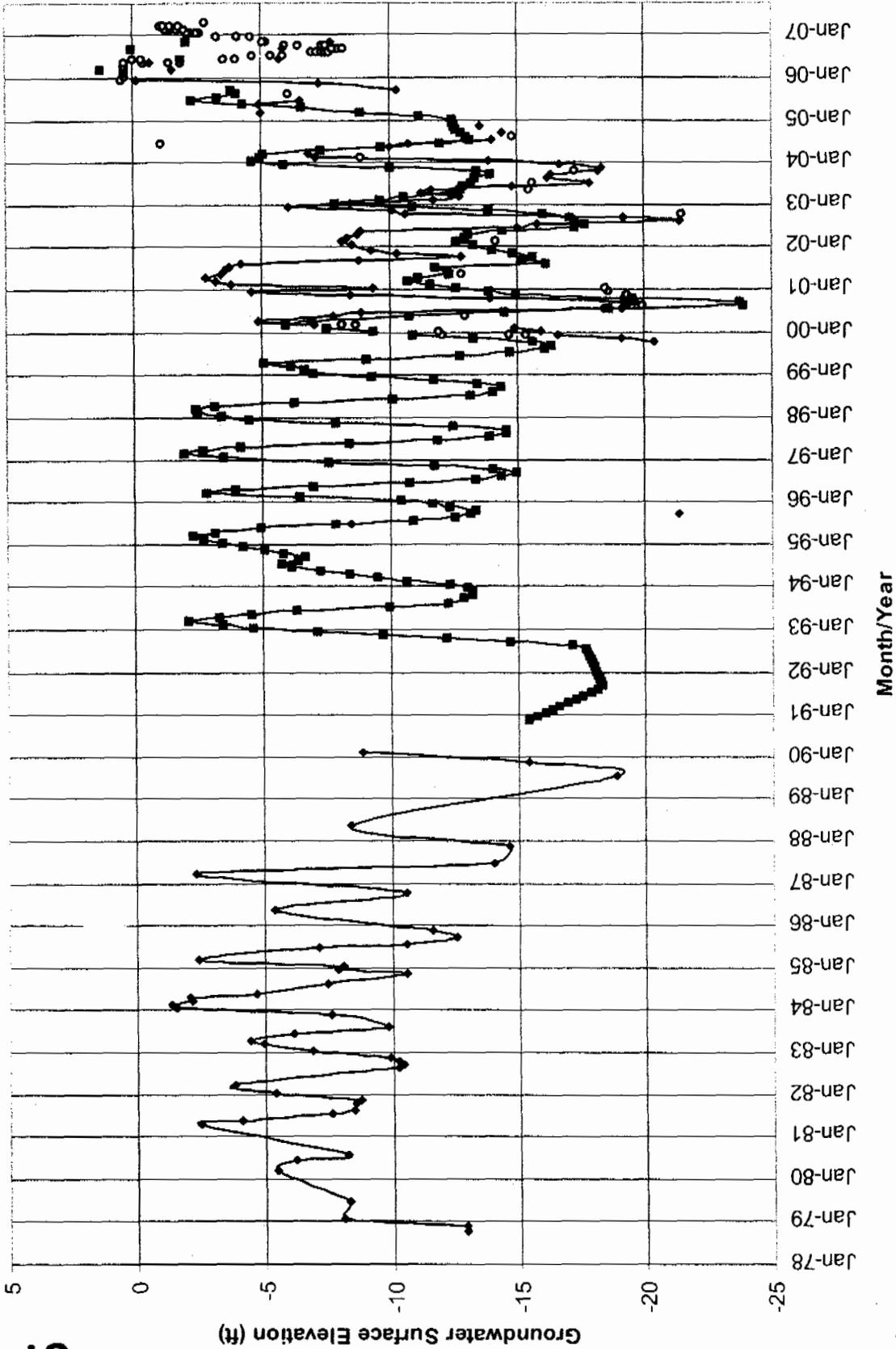
DATE: 4/18/07

W.O. 102300

81-MW

130

BS02/1, GA3, & MW-3 Comparisons



61-MW

131

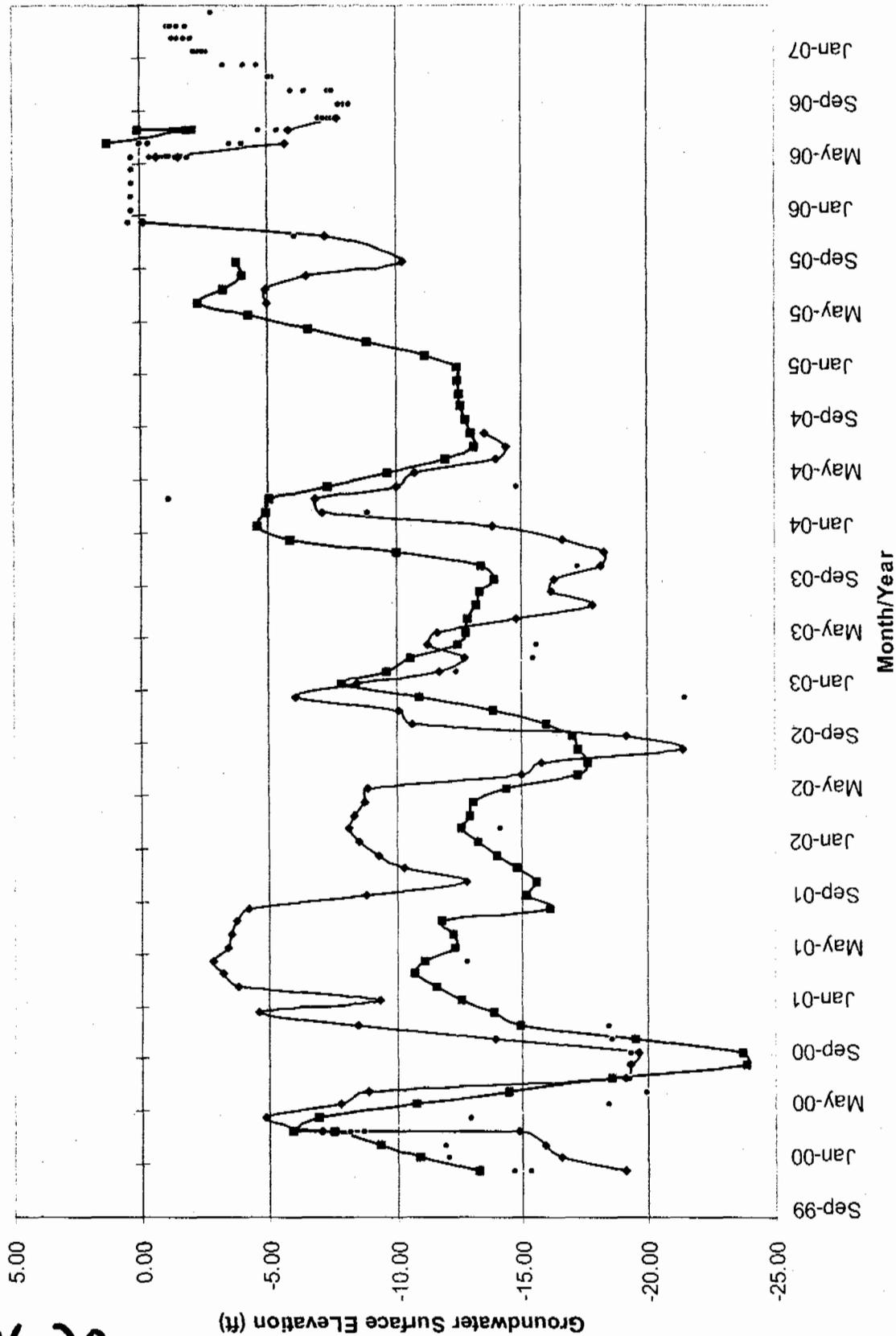
PLATE 11

PACIFIC SOILS ENGINEERING, INC
 710 E. PARKRIDGE AVE. SUITE 105, CORONA CALIFORNIA 92679
 TELEPHONE (951) 552-0170 FAX: (951) 582-0176
 W.O. 102300



DATE: 4/18/07

BS02/1, GA-3, MW-3 COMPARISONS



02-MW

132

PLATE 12

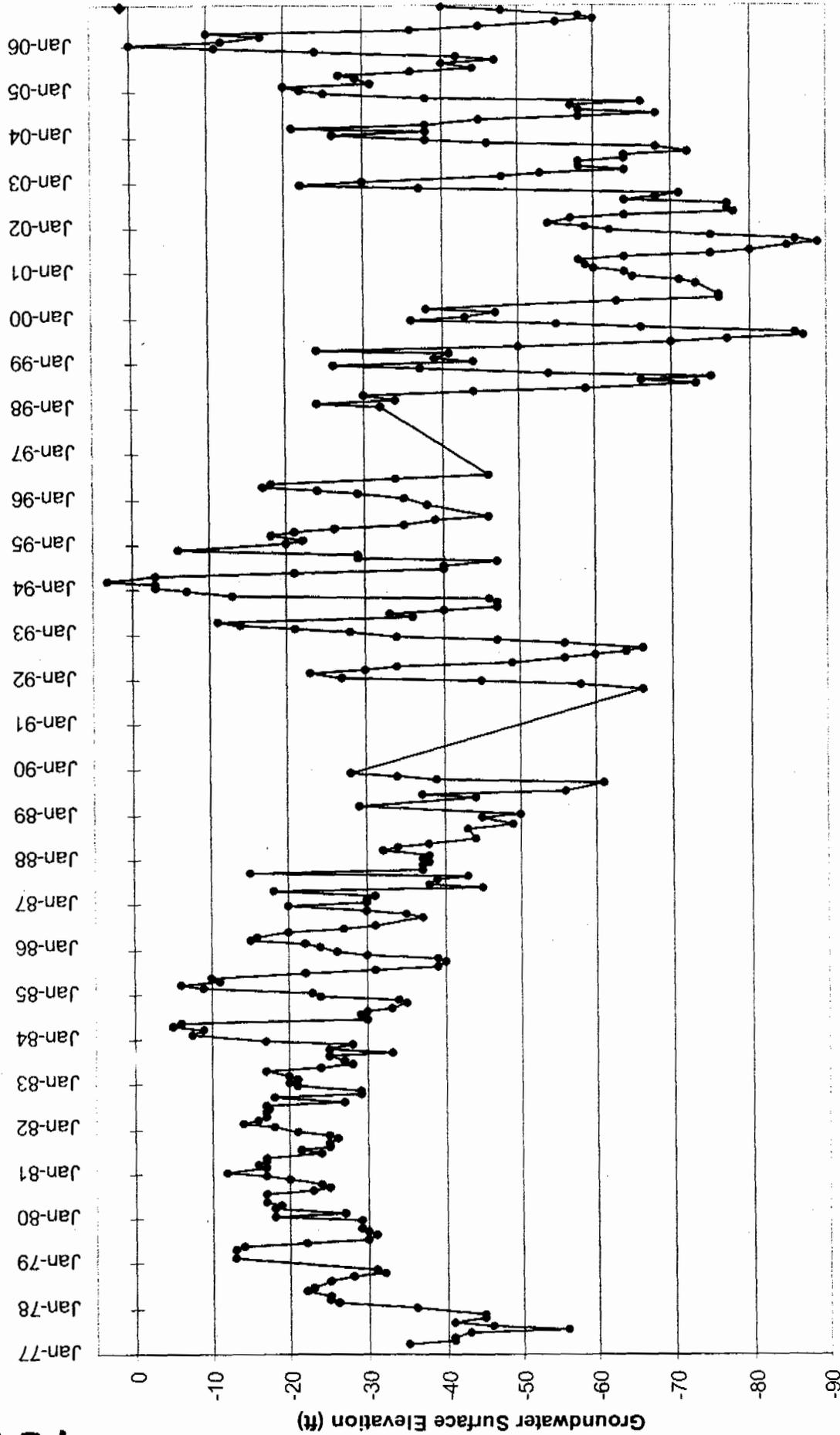
PACIFIC SOILS ENGINEERING, INC
 710 E. PARRIDGE AVE., SUITE 105, CORONA, CALIFORNIA 92879
 TELEPHONE: (951) 562-0170, FAX: (951) 562-0176



W.O. 102300

DATE: 4/18/07

GW No. 4



12-M-21

133

PLATE 13

PACIFIC SOILS ENGINEERING, INC.
710 E. PARRIDGE AVE., SUITE 105, CORONA, CALIFORNIA 92619
TELEPHONE: (951) 582-0170 FAX: (951) 582-0176
W.O. 102300

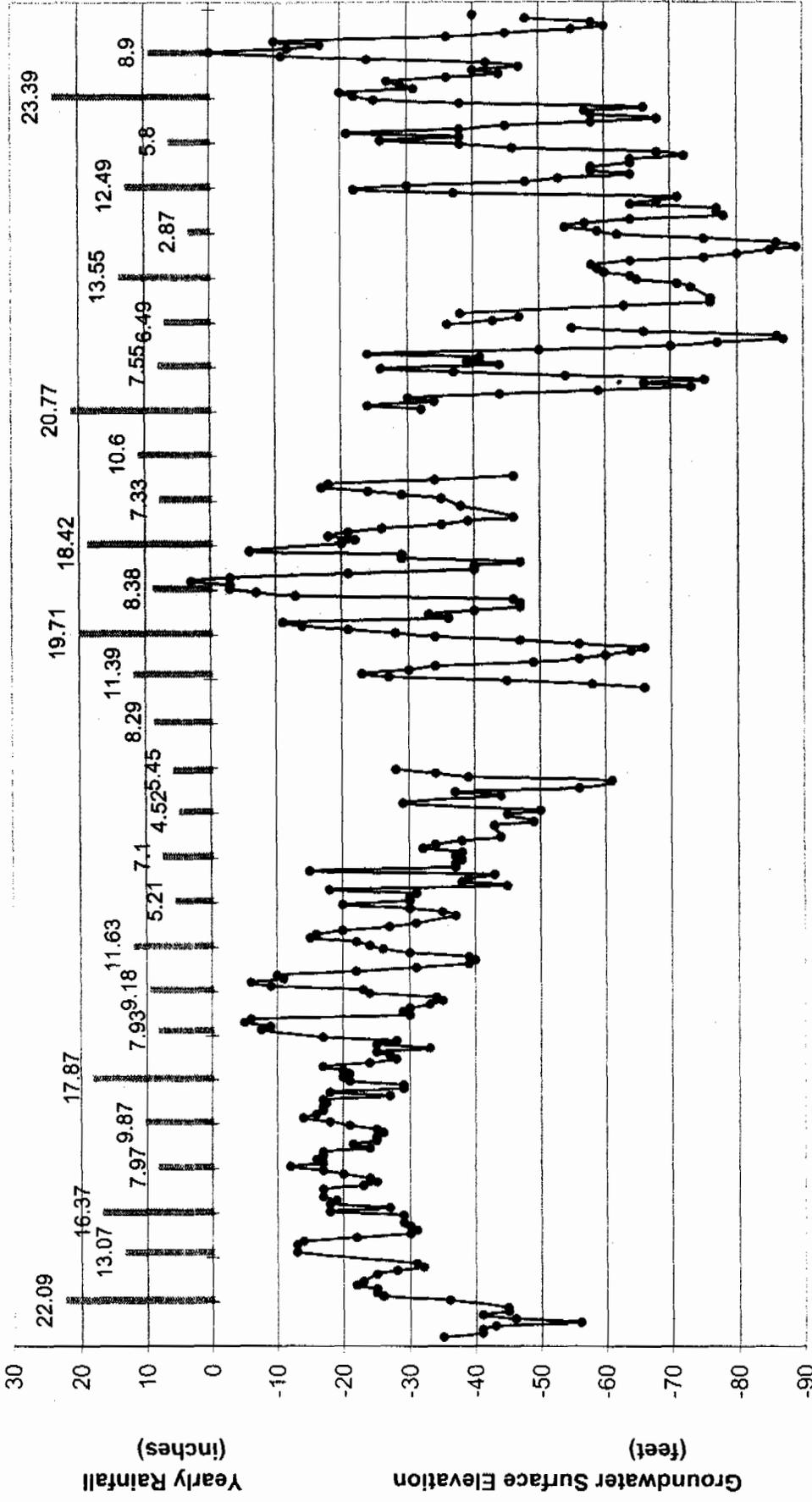


DATE: 4/18/07

Month/Year

Comparison of Los Alamitos and GW No.4

Jan-77 Jan-78 Jan-79 Jan-80 Jan-81 Jan-82 Jan-83 Jan-84 Jan-85 Jan-86 Jan-87 Jan-88 Jan-89 Jan-90 Jan-91 Jan-92 Jan-93 Jan-94 Jan-95 Jan-96 Jan-97 Jan-98 Jan-99 Jan-00 Jan-01 Jan-02 Jan-03 Jan-04 Jan-05 Jan-06 Jan-07



Month/Year

22-WM

134



WW-23

Well #	12/14/06	12/19/06	12/26/06	1/5/07	1/12/07	1/17/07	1/25/07	2/2/07	2/16/07	2/23/07	3/2/07	3/16/07	3/22/07	3/28/07	4/6/07
PS1	6.10	6.40	6.10	6.00	6.10	5.95	5.90	6.00	6.00	5.90	5.90	5.80	5.80	5.70	4.90
PS2	5.30	5.50	5.20	5.05	5.30	5.35	5.30	5.40	5.10	5.30	5.40	5.30	5.10	5.20	5.40
PS3	5.50	5.25	4.50	3.70	3.60	3.60	3.60	3.40	3.00	3.00	2.40	2.70	2.90	3.70	4.40
PS4	6.40	6.40	6.40	6.10	6.10	6.20	6.60	6.30	6.30	6.00	5.00	5.00	6.10	6.10	6.00
PS5	9.40	8.80	8.40	8.70	8.90	8.75	9.00	8.50	8.10	8.20	8.20	8.90	8.10	8.40	8.40
PS6	5.25	5.30	5.40	5.00	5.60	5.40	5.40	5.50	5.90	5.20	5.10	5.40	5.50	5.70	5.70
PS7	2.30	2.50	2.50	2.10	2.20	2.50	2.20	2.00	2.30	2.25	2.20	2.20	2.40	2.10	2.30
PS8	3.60	3.70	4.00	3.60	3.80	2.95	3.30	3.50	3.40	2.60	2.90	4.00	3.70	3.50	3.50
PS9	8.75	9.30	8.70	8.80	9.00	8.90	9.10	8.20	9.10	8.80	8.60	9.20	9.10	8.80	9.00
PS10	4.50	5.90	5.60	6.10	5.70	5.80	6.40	6.50	6.10	5.80	5.30	4.20	5.40	5.40	unable to locate
PS11	4.80	5.10	5.30	5.05	5.00	5.20	4.90	4.90	5.20	4.70	4.70	5.10	5.10	4.80	5.10
PS12	1.40	1.60	1.60	1.80	1.30	1.70	1.60	1.60	1.80	1.70	1.80	1.50	1.90	1.40	1.90
PS13	6.40	6.10	6.20	6.00	6.30	6.30	6.20	5.90	5.70	5.70	5.40	5.70	5.70	5.60	5.50
PS14	3.90	4.20	3.80	3.80	4.10	4.60	4.60	4.60	4.50	4.50	4.50	4.50	4.40	4.40	4.60
PS15	7.70	7.40	7.10	unable to locate	6.20	5.90	5.70	5.40	5.20	4.70	4.80	4.70	4.50	5.30	6.10
PS16	unable to locate	8.70	7.90	6.50	7.70	7.25	7.20	7.00	6.70	6.60	6.40	6.10	6.10	6.20	6.90
PS17	8.60	9.10	4.80	6.30	8.70	8.85	9.00	10.90	8.20	6.80	8.40	8.50	8.50	8.60	8.40
PS18	n/a														
PS19	n/a	n/a	4.90	4.60	4.60	4.45	4.50	4.60	4.50	4.20	4.00	4.20	3.90	4.10	unable to locate
LSA1	5.25	5.20	4.60	5.05	5.00	4.80	5.00	4.90	4.90	4.30	4.00	4.40	4.50	4.70	4.80
LSA2	4.60	4.70	4.80	4.45	4.80	4.80	4.80	4.80	4.80	4.80	4.90	4.70	4.70	4.50	4.60
LSA3	unable to locate														
LSA4	unable to locate														
LSA5	5.20	5.00	5.30	5.10	5.40	5.00	5.00	5.00	4.90	5.00	5.00	5.00	4.80	4.70	4.80
LSA6	5.40	5.40	5.30	5.30	5.40	5.30	5.40	5.20	5.20	5.30	5.30	5.10	4.90	5.10	4.60
LSA7	5.50	5.60	5.60	5.35	5.70	5.60	5.50	5.40	5.30	5.30	5.50	5.50	5.40	5.60	5.50
LSA8	4.35	4.40	4.40	4.40	4.30	4.20	4.30	5.10	3.90	3.60	3.80	4.00	3.80	4.00	3.80
LSA9	unable to locate	unable to locate	2.30	4.40	2.30	2.25	2.40	2.20	2.40	2.10	2.10	2.30	2.10	2.00	2.10
LSA10	unable to locate	1.20	1.25	unable to locate	0.90	1.40	1.10	1.20	1.80	1.90	1.10	1.30	1.20	1.50	1.20
LSA11	5.30	5.10	4.90	4.85	4.40	3.45	4.90	4.60	4.30	4.30	4.30	4.00	4.00	4.00	4.00
LSA12	2.60	2.30	3.30	2.40	2.40	2.30	2.30	2.30	2.00	2.20	2.00	2.10	2.20	2.50	2.10
LSA13	unable to locate	0.75	2.30	1.00	1.50	0.70	1.00	0.50	0.50	0.60	0.70	0.50	1.00	0.90	0.60
LSA14	unable to locate	1.60	1.70	1.60	1.40	1.60	1.70	1.50	1.30	1.40	1.30	1.40	1.40	1.70	1.40
LSA15	3.25	2.25	3.20	3.10	2.90	3.10	2.10	2.90	2.60	2.80	2.60	2.60	2.60	2.50	2.40
LSA16	1.90	1.90	1.90	1.90	2.10	2.00	1.90	1.80	1.60	1.70	1.70	1.70	1.80	1.80	1.60

SheaHomes

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April 27, 2007

Th14a

Ms. Meg Vaughn
California Coastal Commission
200 OceanGate, 10th Floor
Long Beach, CA 92802

Subject: Response to allegations regarding historic illegal fill on the Shea Parkside site (LCPA 1-06)

Dear Ms. Vaughn:

Issues and assertions regarding historic illegal fill were raised by opponents of the proposed Shea Parkside plan in the months leading up to the February 2007 Coastal Commission hearing on the City of Huntington Beach LCPA 1-06, and continue to this day. This letter provides clarification, documentation and a factual timeline regarding these assertions.

The baseline for discussion of the two early fill violations is established by a May 1981 "Bolsa Chica Vegetation Study" by Shapiro & Associates Inc., published several months before the first fill violation. The study was prepared for the Corps of Engineers and it delineated vegetation communities in Bolsa Chica through a vegetation study, a soils study, mapping using color infrared aerial photography, and field surveys for ground truthing. The Parkside property was described in the report as follows:

In the northeast corner of the study area is a cultivated field planted with beans. Adjacent to the field to the west is a riding stable, which has been identified as an urban/agriculture (U/A) transition. Also included in this community is a grassland located in the northwest corner of the site which appears to have been harvested or disked in the early summer. The northwest grassland is on the Bolsa Chica Mesa, well above any inundation. The bean field appears to be effectively drained and protected from flooding.

The Shapiro report included comprehensive vegetation mapping, which included the following mapping for the Parkside property:

XY-1

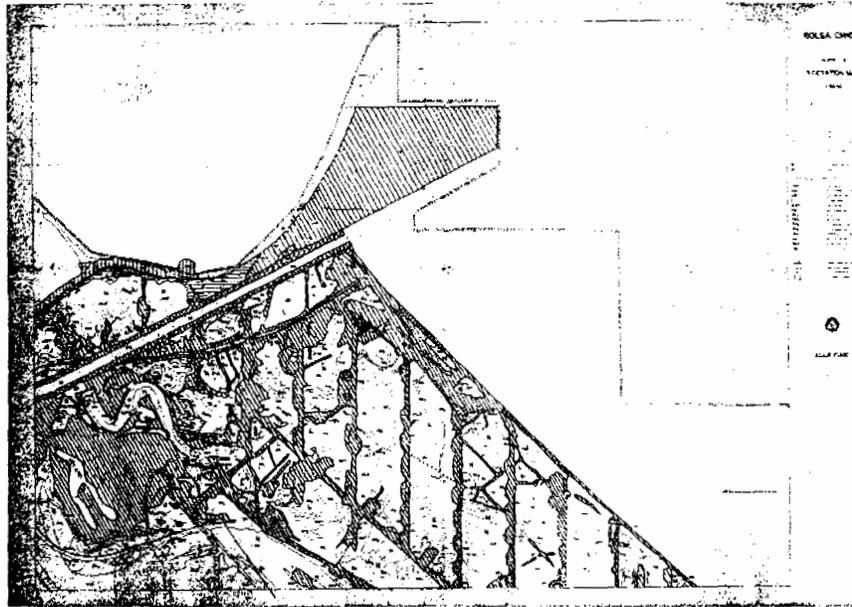
137

Shea Homes Limited Partnership, Southern California Division

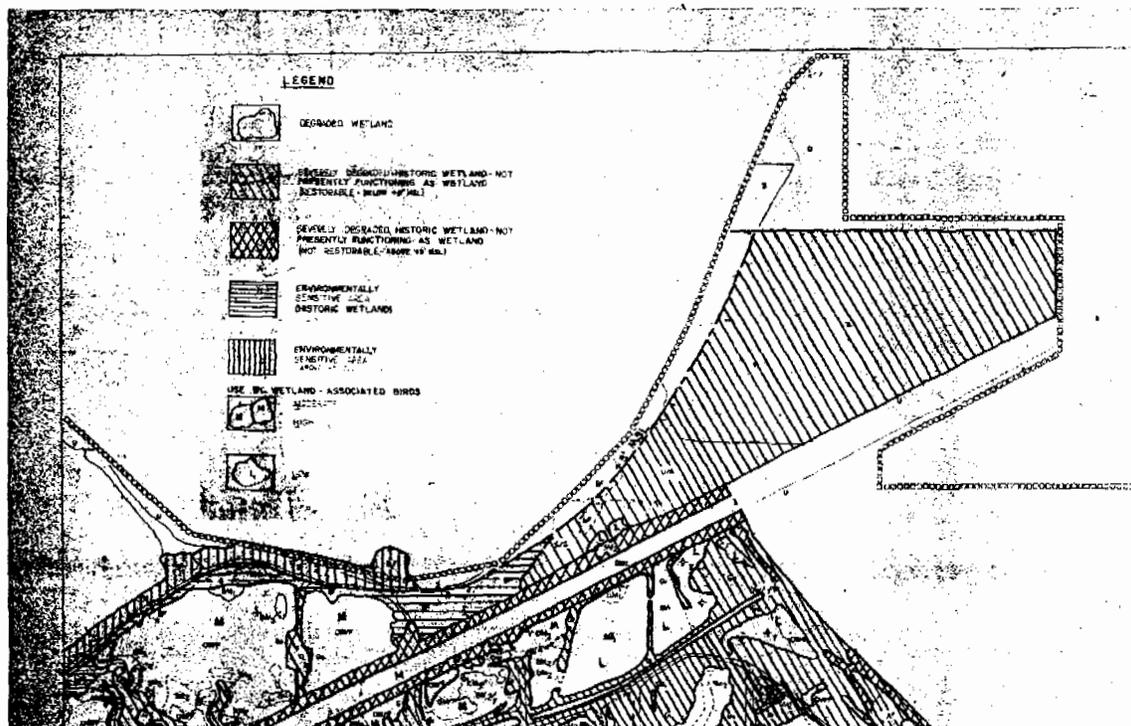
an unincorporated partnership under California law

6325 Valencia Avenue, Brea, CA 92823 Phone: 714-985-1300 Fax: 714-792-2500 www.sheahomes.com

PLATE 2 VEGETATION MAP



DETAIL OF PLATE 2



138

XX-2

The first incidence of fill (red ellipse) occurred in the central part of the CP in September 1981, fifteen years before Shea Homes' acquisition of the property, and covered an area of pickleweed with gravel fill. The area in the red ellipse conforms with the data in the Shapiro report and maps, which CDFG utilized and accepted; in fact, the Coastal Commission staff used these materials to prepare a report that identified the area of pickleweed disturbance. To provide 2:1 mitigation of the damage, CDFG recommended that the fill be removed from the wetland and be deposited on or adjacent to existing filled areas, and only in non-wetland areas.

Current topography shows there is a broad general depression in the CP area that roughly corresponds to the mitigation area. However, none of the other mitigation features (ponds, water supply and fence in lieu of buffer) remain. Because the Coastal Commission ultimately provided closure of this and the other nearby fill (blue ellipse) in the form of an Exemption Letter (see below), it appears that the Coastal Commission was satisfied with the required mitigation. The absence of these features supports the observation that with the demise of the stable operation, the features were not maintained or were removed.

In his letter of April 24, 2007 to the Coastal Commission, Mr. Mark Bixby implies that the illegal fill over the identified wetland in the CP area still remains. In its Exemption Letter, the Coastal Commission itself found that the corrective action of removal of the gravel fill was adequate. The undeniable existence of remnant wetland areas in the CP area attest that the ground surface had been returned to pre-fill conditions, evidence that Mr. Bixby's position is incorrect.

The second fill area (blue ellipse, a non-wetland area per the Shapiro and CDFG reports) was in the eastern part of the Smoky's Stable lease area and outside of the CP area. It is where Slater Avenue extension crosses over the flood control channel, which resulted in an unspecified amount of fill in the area in the late 1950s or early 1960s, before the Coastal Act.

In January 1989, approximately two feet of fill was stockpiled upon the pre-existing Slater Avenue extension fill. (This incidentally created a visual and noise intrusion to homes on the other side of the flood control channel. The objections to the second area of fill were entirely based on aesthetic issues raised by neighbors against the presence of the stables and vermin, not wetlands issues.) Complaints from residents resulted in a City inspector visiting the site and issuing a citation to remedy the unpermitted stockpiling. The remedy was addressed in an August 15, 1989 City of Huntington Beach Staff Report regarding a subsequently issued Conditional Use Permit for the Smoky's Stables expansion.

Mr. Bixby's April 24th letter speculates that "...Smoky's Stables imported massive amounts of unpermitted fill into these historic wetlands..." The actual amount of fill in

Ms. Meg Vaughn
California Coastal Commission
April 27, 2007
Page 5

question was only about two feet, and was ultimately permitted. Further, none of the underlying ground had been identified as wetland by either Shapiro or CDFG.

Questions about the first two areas were ultimately resolved with the Coastal Commission's June 15, 1994 Exemption Letter. This exemption letter provides closure to the allegations about unpermitted fill over wetlands. The only unpermitted fill over wetlands occurred in what is now the central CP area, and was mitigated. In any event, the area will be preserved and buffered under the Parkside Estates plan.

Therefore, all questions regarding historic unpermitted fill prior to Shea's ownership of the site have been resolved and should have no influence on the Commission's decision regarding LCPA 1-06.

Sincerely,
SHEA HOMES LP



Ron Metzler
Vice President, Planning & Entitlement

cc: Members, California Coastal Commission
Alternates, California Coastal Commission
Mr. Scott Hess, City of Huntington Beach
Ms. Mary Beth Broeren, City of Huntington Beach
Ms. Terri Elliott, P.E., City of Huntington Beach
John Dixon, Ph.D.
Mark Johnsson, Ph.D.
Mr. Karl Schwing

XX-5

141

SheaHomes

Caring since 1887

April 27, 2007

Th14a

Ms. Meg Vaughn
California Coastal Commission
200 OceanGate, 10th Floor
Long Beach, CA 92802

Subject: Response to allegations regarding "illegal fill" in the "WP" area incidental to farming operations on the Shea Parkside site (LCPA 1-06)

Dear Ms. Vaughn:

This letter responds to allegations from opponents of the Shea Parkside project that illegal fill of wetlands in the "WP" area of the project site occurred when our contract farmer prepared the farm field in December 2005.

The WP is part of a farm field that has been farmed on an ongoing basis for approximately 50 years. Nonetheless, this particular operation was harshly criticized by our opponents, as exemplified by this letter of February 7, 2006 to Commissioner Patrick Kruer from Bolsa Chica Land Trust president Gerald Chapman:

*It should be noted that the illegal fill of WP occurred **just one week after** CCC staff ecologist Dr. John Dixon released his draft memo of December 15, 2005, stating that wetlands were present at this location--**further evidence of the landowner's wish to see WP nullified.** (emphasis added)*

This and similar charges are completely groundless as the following chronology of events makes clear:

1. On December 26 and 27 2005, the farmer plowed the field, including the WP area.
2. In letters dated January 9 and 10, 2006, the Bolsa Chica Land Trust reported alleged "filling of wetland" in the WP area.
3. Dr. John Dixon released a draft report on January 12, 2006 (not December 15, 2005, as Mr. Chapman stated) asserted that the WP area might be wet enough, long enough, to evolve into a future wetland.
4. A Notice of Violation dated February 21, 2006 was issued, stating that the January 12, 2006 draft report delineating wetlands was the basis for issuing a Notice of Violation for an event that occurred about two weeks *before* the draft report.

YY

1/3

Shea Homes (Public Partnership), Southern California Division

142

In discussions with Coastal Staff, it was agreed that the wetland status of the WP needs to be resolved by Coastal Commission action via its consideration of LCPA 1-06 before enforcement action, if any, can be taken.

Detailed topography dated 1997 (first topography), 2005 (before the event), 2006 (after the event) and 2007 (latest) provides the best estimate for depth and extent of fill. The mean WP area elevation in 1997 was 0.87 ft (MSL NAVD 88). The mean WP area elevation in 2005 was 0.86 ft before the fill. The mean WP area elevation in 2006 after the fill was 1.24 ft. The present mean WP area elevation is 1.14 ft. Two conclusions can be drawn:

- The mean depth of "fill" was 0.38 ft (about 4-1/2 inch)
- There has been about 0.1 ft (a little over 1 inch) of natural consolidation in a year.

It should be noted that the typical plow furrow depth is 6 to 12 inches, so the ongoing farm operations have routinely moved much more soil than the amount addressed in the Notice of Violation. The equipment used by our farmer, including the box plow, is typical farming equipment that is routinely used to level and prepare a field for planting.¹

It is also essential that the Commission understand that the watershed draining into the WP area has not been altered, nor has the WP's ability to retain water, should water flow into the area. The Coastal Commission Staff Report states that groundwater does not affect the duration or frequency of ponding in the WP area; therefore, if the WP had functioned as a wetland prior to the alleged minor "fill," it would continue to function as a wetland regardless of the farming activity because the same amount of water continues to flow to it and no change of its depressional nature has occurred.

In closing, it is our opinion, supported by over 20 scientific studies, that the WP was not a wetland before the alleged minor "fill," and is not a wetland now.

Sincerely,
SHEA HOMES, LP



Ron Metzler
Vice President, Planning & Entitlement

¹ The Clean Water Act defines normal farming activities as including "plowing, seeding, cultivating, minor drainage [and] harvesting for the production of food, fiber, and forest products" Further, the Corps of Engineers has defined "plowing" to mean "all forms of primary tillage, including moldboard, chisel, or wide-blade plowing, disking, harrowing and similar physical means utilized on farm, forest or ranch lands for the breaking up, cutting, turning over, or stirring of soil to prepare it for the planting of crops." In addition, the Corps and EPA have jointly stated that "plowing" includes "land leveling, to prepare it for the planting of crops."

Y4₂

143

Ms. Meg Vaughn
California Coastal Commission
April 27, 2007
Page 3

cc: Members, California Coastal Commission
Alternates, California Coastal Commission
Mr. Scott Hess, City of Huntington Beach
Ms. Mary Beth Broeren, City of Huntington Beach
Ms. Terri Elliott, P.E., City of Huntington Beach
John Dixon, Ph.D.
Mark Johnsson, Ph.D.
Mr. Karl Schwing

743

144

SheaHomes

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April 30, 2007

California Coastal Commission
ATTN: Meg Vaughn
200 Oceangate, Suite 1000
Long Beach, CA 90802-4416

Th14a

RE: Response to Bixby letter of this date regarding Huntington Beach LCPA 1-06:
Alleged "Impact of unpermitted fills on the Shea Parkside WP wetland"

Dear Ms. Vaughn:

We have reviewed the above-referenced letter and find that Mr. Bixby has merely continued his pattern of disseminating misleading and irrelevant information for the purpose of delaying our May 10 hearing. In our two letters of April 27 and in previous filed correspondence, we have fully addressed Mr. Bixby's "fill" allegations, as follows:

1. Before the Coastal Act, about six feet of fill was placed west of the WP area for the extension of Slater Avenue over the then-new flood channel; the Smoky's Stables "stockpiling" added another two feet and was of no additional consequence.
2. There was no evidence of wetlands in the WP area prior to the location of Smoky's Stables on the site (Shapiro and CDFG, 1981).
3. All post-Coastal Act historic fill, including the Smoky's Stables fill near the WP, were permitted and/or mitigated (Coastal Commission Letter of Exemption).
4. Our farming operations in 1998 and 2002 were reviewed and no violation was issued.
5. Mr. Bixby's chronology is erroneous; our farming operations in December 2005 preceded the publication of Dr. Dixon's findings regarding the WP in January 2006.
6. Typical of Mr. Bixby, he has selected photos from only the heaviest rainfall years (1995, 1998, 2005) and presents them as the "norm;" they are not.
7. And most importantly: **The WP watershed area has not changed significantly; there was not, and is not, sufficient water in the entire WP watershed to sustain a wetland area of the size Dr. Dixon indicated, let alone one twice that size, as Mr. Bixby's contends.**

There is no evidence that any depression in the general vicinity of the WP even existing before approximately 1970. Clearly, the depression in that general area developed as a result of farming, and the low point of that depression has frequently moved as the farmer prepared the field for planting as part of the continuing legal and normal farming activities on the site.

Shea Homes Limited Partnership, Southern California Division

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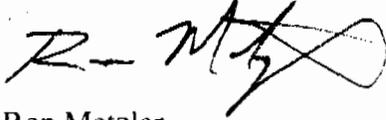
10115 Valencia Avenue, Brea, CA 92823 Phone: 714-985-1300 Fax: 714-792-2500 www.sheahomes.com

ZZ 1/2

145

Ms. Meg Vaughn
California Coastal Commission
April 30, 2007
Page 2

Sincerely,
SHEA HOMES, LP



Ron Metzler
Vice President, Planning & Entitlement

cc: Members, California Coastal Commission
Alternates, California Coastal Commission
Ms. Mary Beth Broeren, City of Huntington Beach
Mr. Scott Hess, City of Huntington Beach
Ms. Terri Elliott, City of Huntington Beach
Dr. John Dixon, Ph.D.
Dr. Mark Johnsson, Ph.D.
Mr. Karl Schwing
Mr. Mark Bixby

ZZ₂

146



CITY OF HUNTINGTON BEACH

INTERDEPARTMENTAL COMMUNICATION

TO: Terri Elliott, Principal Civil Engineer

FROM: ^W Duane Wentworth, Contract Administrator

SUBJECT: Smokey's Stables Red Tags

DATE: May 2, 2007

TH14a

At your request, I have reviewed my personal diary from 1989 for references concerning Stop Work Notices or "Red Tags" that I wrote to Smokey's Stables. My position with the City at that time was as a Senior Construction Inspector.

Smokey's Stables was located on the west side of a property owned by the Metropolitan Water District that was located west of Graham Street and south of Warner Avenue. This property is now owned by Shea Homes and is commonly referred to as the Parkside site.

On Friday January 20, 1989 I was sent to this site to investigate illegal dumping or grading most likely due to a citizen complaint. I found a small stockpile of freshly placed soil that had been leveled into a pad approximately 20' by 50' and around 2' high. This would be approximately 75 cubic yards of soil and would exceed the 50 cubic yard maximum allowed by the UBC without a permit. I posted two red tags on wooden stakes at the site and handed a third to the owner of Smokey's. He informed me that he was building up the site to place more stables at that location. I verbally explained to him that the dirt was an illegal stockpile and that he would have to obtain a grading permit before he could continue. He agreed to comply.

On Wednesday January 25, 1989 at the request of City Engineer Les Evens, I returned to investigate another complaint of illegal dumping. I found no change in conditions or any evidence of additional dumping since my last visit. I hand delivered to someone in the office trailer, a letter from Principal Engineer Bill Patapoff that explained the requirements necessary to obtain a grading permit.

On Tuesday February 28, 1989 I received another complaint of illegal dumping at Smokey's. I returned to the site but did not observe any dumping or any change in conditions from my previous visits. I did speak with the owner again and reminded him not to move any more dirt without a permit. I also left him another red tag as a reminder.

I found no other diary entries related to Smokey's Stables and it is my recollection that they ceased operations at that site a short time later. I visited the site with Planning Commissioner Flossie Horgan in April of 2007 and verified the stockpile no longer exists.

AAA

147

California Coastal Commission
SOUTH COAST DISTRICT
666 E. Ocean Blvd., Suite 3107
P.O. Box 1450
Long Beach, CA 90801
(213) 590-5071

*Approved
Per Staff
10/28/82*

FILED: 4-12-82
49th DAY: Waived
180th DAY: 10-5-82
STAFF: Peter Xander *PX*
EDITED BY: George Kalisik
STAFF REPORT: 10-12-82 (bp)
HEARING DATE: October 26-29, 1982

REGULAR CALENDAR
STAFF REPORT AND RECOMMENDATION

Application No. 5-82-278 (Burkett/Smoky's Stables)

Applicant: Fred Burkett/Smoky's Stables U.S.A., Inc.
17172 Bolsa Chica Road #71
Huntington Beach, CA 92649

Description: Installation of a mobile home as a caretaker's facility, expansion of stable facilities, parking area improvements, and removal of gravel fill.

Lot area 10.77 acres

Site: The property is located between the southerly terminus of Bolsa Chica Road and the Wintersburg flood control channel.

Substantive File Documents:

1. Bolsa Chica subarea Land Use Plan for the County of Orange Local Coastal Program.
2. City of Huntington Beach Land Use Plan.
3. Department of Fish and Game Determination of the Status of the Bolsa Chica Wetlands, 1981 (as amended 4/16/82).

SUMMARY

The staff is recommending approval of the amended project as submitted.



*Ex. BBB
/10*

148

STAFF RECOMMENDATION

The staff recommends the Commission adopt the following resolution:

I. Approval

The Commission hereby grants a permit for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. Notice of Receipt and Acknowledgement. The permit is not valid and construction shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Construction shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All construction must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

BBB₂

149

III. Findings and Declarations

The Commission finds and declares as follows:

1. Project Description and History. The proposed development is for the installation of a mobile home as a caretaker's facility, expansion of the existing horse stables area from thirty horse stalls to fifty, grading and filling of a parking area to accommodate fifty vehicles, and for the removal of previously placed fill. The property is owned by the Metropolitan Water District of Southern California and is leased to the applicant. The applicant also has a lease agreement with the Signal Bolsa Corporation for the use of the properties owned by Signal Bolsa for horseback riding use.

On or about the week of Spetember 6, 1981, the applicant had road fill material delivered to the subject property. A member of the South Coast District staff observed dump trucks unloading the fill material on the property on September 10, 1981. The dumping was halted when the applicant and the property owner were notified. The subject application includes a request that the aforementioned fill material be used for improving the parking area for the existing and proposed uses.

The original staff recommendation was for denial of the development since no measures were proposed to rectify the placement of the road fill material, some of which was placed on an area identified by the California Department of Fish and Game as a wetland. Subsequent to the preparation of that original staff report, the applicant has amended the permit application to include the following mitigation measures to rectify the placement of fill: (1) The existing fill, located on about 13,600 square feet of the property identified by Fish and Game as previously containing Salicornia virginica (pickleweed), will be removed to a depth of approximately three inches below the grade of an existing adjacent stand of pickleweed; (2) The 13,600 square foot area will be revegetated with one or more of the following species of plants: pickleweed, spiny rush, frankenia, sea lavender, and shoregrass; (3) A fence will be placed around the revegetated area, sufficient to preclude domestic animal intrusion into the area.

2. Lower Cost Visitor and Recreational Facilities. Section 30213 of the Coastal Act states, in part, that "Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred." The existing facility currently serves the neighboring communities as one of the very few stable and riding facilities remaining in the coastal areas of Orange County. Some horses are boarded by local residents, while other horses are available for riding use on a rental basis for a nominal fee. The proposed expansion of the facility would increase opportunities for public use of the riding rings and trails in the leased properties adjacent to the project site. Since the stables operation currently offers a lower cost recreational use to the public and since the expansion of the stables will increase those opportunities, the Commission finds that the project is consistent with the requirements of Section 30213 of the Coastal Act to encourage and provide such public recreational opportunities.

BBB₃

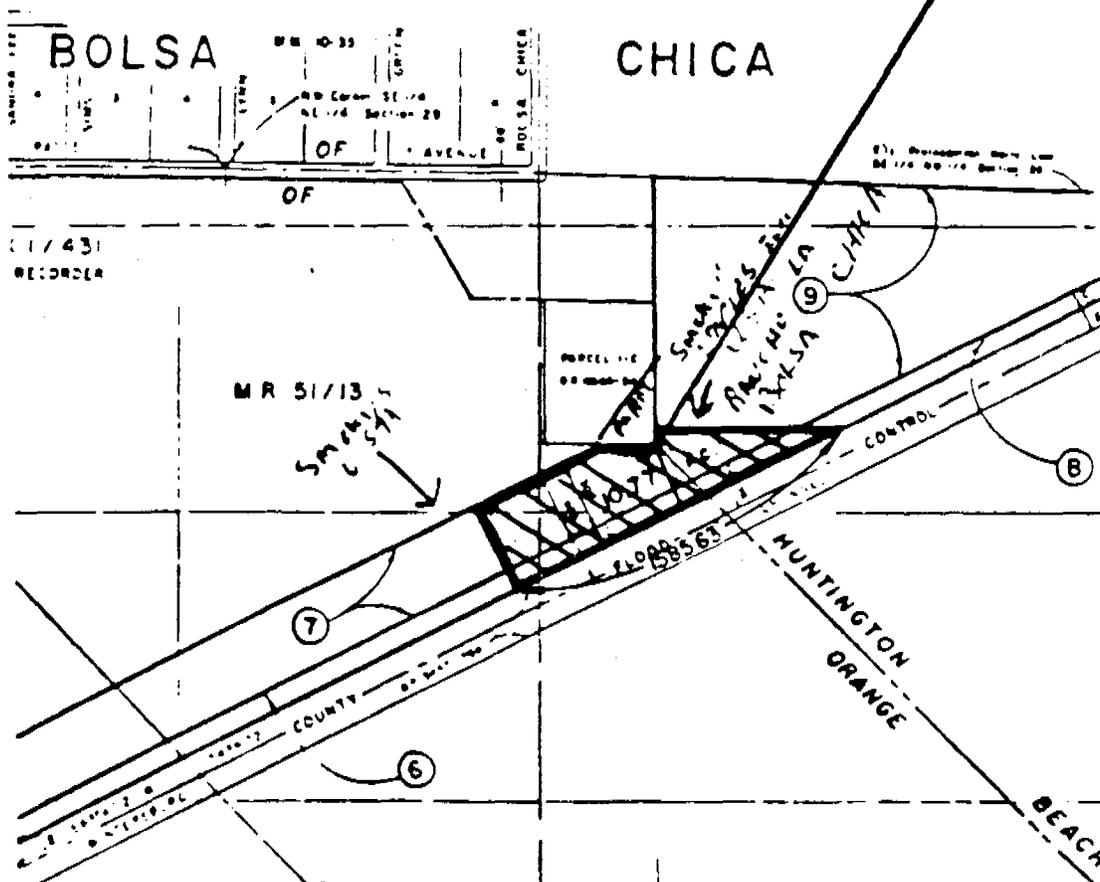
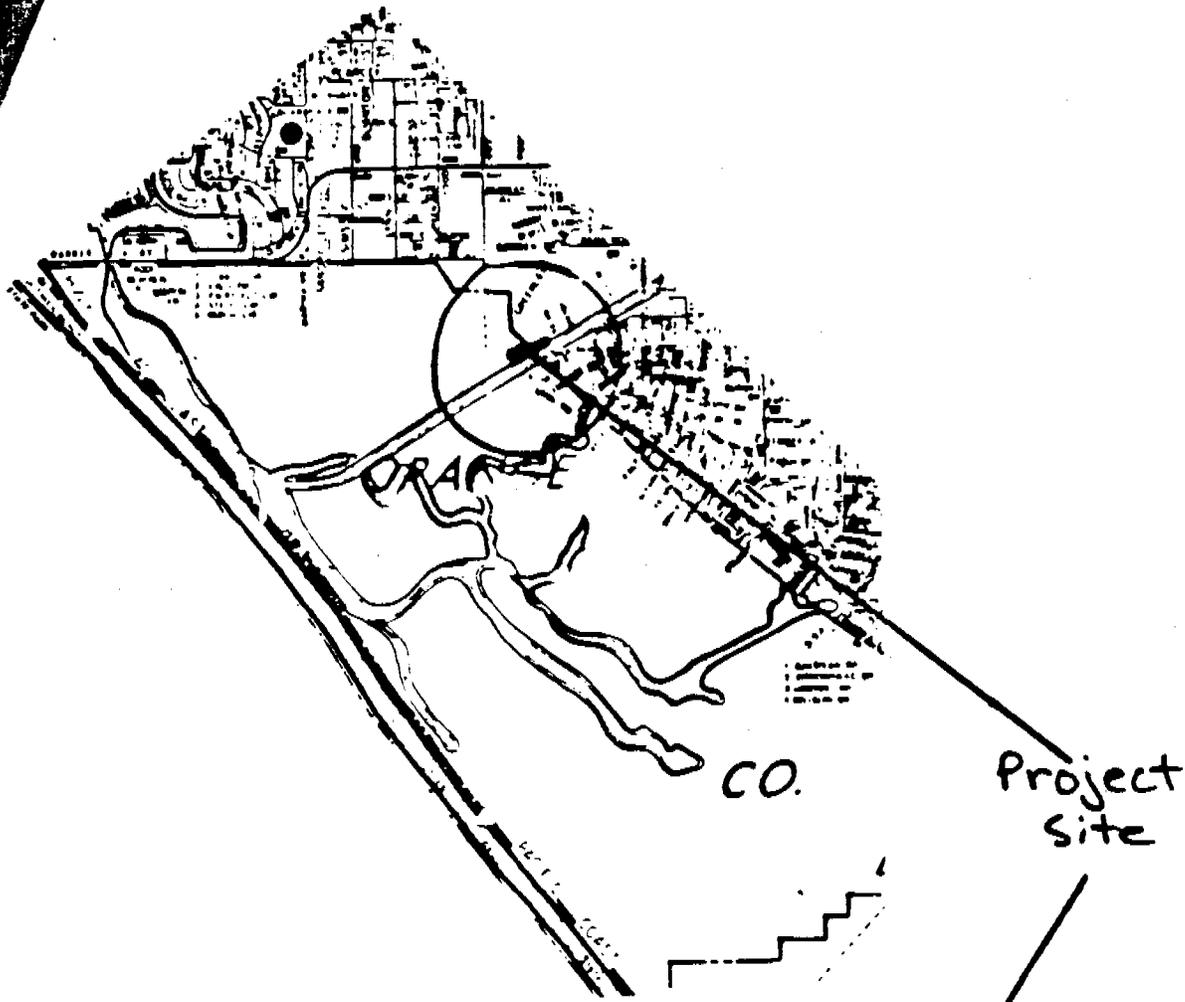
150

3. Violation. As discussed in the project description and history, a portion of the property not involved with the proposed expansion of the stables was covered by fill placed by the applicant without a coastal development permit. The fill consisted of roadbed fill of gravel, pebbles, and small stones and was placed on a portion of the property identified by the California Department of Fish and Game as previously containing Salicornia virginica (pickleweed), a wetland/salt marsh plant species. As a means of mitigating the adverse impacts of the fill placement on the pickleweed area, the applicant amended his permit application to include the following: (1) The existing fill, located on an area of approximately 13,600 square feet of the subject site which previously contained pickleweed, will be removed to a depth of three inches below the grade of an existing adjacent stand of pickleweed; (2) The 13,600 square foot area will be revegetated with one or more of the following species of plants typically found in a southern California salt marsh/wetland: pickleweed, spiny rush, frankenia, sea lavender, and shoregrass; (3) A fence will be placed around the revegetated area to preclude domestic animal intrusion into the revegetated area. Among the farm animals found at the stables besides the horses are dogs, sheep, rabbits, a goat, and a variety of fowl.

Although development has taken place prior to submission of this permit application, consideration of the applicant by the Commission has been based solely upon Chapter 3 policies of the Coastal Act. Approval or denial of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred; nor does it constitute an admission as to the legality of any development undertaken on the subject site without a Coastal permit.

BBB₄

151



BBB₅

Exhibit 1
5-82-278

152

September 23, 1982

Naomi Schwartz, Chairperson
California Coastal Commission
South Coast District
666 East Ocean Boulevard, Suite 3107
Long Beach, California 90801-1450

Attention: Peter Xander

Re: Amendment To Permit Application No. 5-82-278

Dear Chairperson Schwartz:

Enclosed are two copies of an amendment to Permit Application No. 5-82-278. The amended application has been prepared in accordance with discussions with Peter Xander of your staff and Kit Novick of the Department of Fish and Game.

Very truly yours,

Fred W. Burkett 9-24-82

Fred Burkett
Smoky's Stables, U.S.A., Inc.

Enclosure

cc: Russell Twomey, Esq.
Kit Novick
Robert McNatt
Steven Kaufmann, Esq.

BBB
7

Exhibit 3
5-82-278

154

EXHIBIT "A"
APPLICATION NO. 5-82-278

The following activities are the subject of this Permit Application:

1. Installation of a mobile home as a caretaker facility.
2. Establishment of additional stable facilities including stalls, dressage arena, pony ring, bull pen, wash racks and tack shed.
3. Grading and fill of a parking facility for approximately 50 cars.
4. Removal of existing fill from approximately 13,600 square feet identified by the Department of Fish and Game as previously containing Salicornia virginica (pickleweed). The fill will be removed to a depth of approximately three inches below the grade of the existing adjacent pickleweed stand.
5. Revegetation of an area of approximately 13,600 square feet continuous with the existing adjacent pickleweed stand with one or more of the following species: pickleweed, spiny rush, frankenia, sea lavender and shoregrass.
6. Establishment of a fence around the vegetated area described in item 5 above sufficient to preclude domestic animal intrusion.

The facilities described above are illustrated on the plans attached hereto as Exhibit "B".

BBB 8

Exhibit 4
5-82-278

155

Karl
Memorandum

To : Carl Hinderer
 California Coastal Commission
 P.O. Box 1450
 Long Beach, California 90801

Date: September 7, 1982



From : Department of Fish and Game

Subject: Smoky's Stables - Permit Violation

In September 1981, Mr. Fred Burkett of Smoky's Stables began filling lands including wetlands within the Coastal Zone at Bolsa Chica. This fill operation did not have a Commission permit and was therefore illegal. Mr. Burkett has subsequently applied for said permit.

The Department has found that wetlands are present in the subject area. Wetland species include pickleweed (Salicornia virginica) and spiny rush (Juncus acutus). The size and extent of wetlands were determined from the Department's Bolsa Chica wetlands report (1981), Shapiro wetlands map (1981), Corps of Engineers infrared photographs (6-12-80) Signal Landmark's aerial photographs (3-19-82) and various Department photographs. The amount of wetlands filled by the Smoky's Stables operation was approximately 13,600 sq.ft. (0.31 ac.). This figure was the average value of the wetland acreages measured and ranged from 12,813 sq.ft. (0.29 ac.) to 14,375 sq.ft. (0.33 ac.) depending upon the map or photograph used.

The Department recommends the Commission require Mr. Burkett to remove the existing fill on 13,600 sq.ft. and restore them as wetlands. This can be accomplished by removing the imported fill to 3" below the grade of the existing adjacent pickleweed stand. The restored wetland should be conterminous with the remaining wetlands. Some of the following wetland species such as pickleweed, spiny rush, frankenia, sea lavender and shoregrass should be planted in the restored area. These plantings should occur from October to January. Mr. Kit Novick, wildlife biologist, will be available to advise Mr. Burkett on the wetland configuration and species to be planted.

A buffer area should protect the existing and restored wetlands from human and domestic animal intrusion. While a 100 meter buffer would normally be recommended, the Department believes that in this instance a physical barrier such as a fence could effectively buffer this wetland. This fence should be maintained and sufficient to preclude domestic animal intrusion.

Exhibit 5
 5-82-278
 Pg. 1 of 2
 156

BBB 9

The Department recommends the fill removed from the restored wetland area be deposited on or adjacent to existing filled areas and only in non-wetland areas. If you have further questions, please contact Mr. Kit Novick (847-4962) or Mr. Ron Hein (675-7491).

Sincerely,



Fred A. Worthley Jr.
Regional Manager

Attachment

cc: Hein
Novick
Gray
Steve Kaufmann, Deputy Attorney General

BBB₁₀

Exhibit S
S-82-278
pg. 2 of 2

157

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, Executive Officer
(916) 574-1800 FAX (916) 574-1810
Relay Service From TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1868
Contact FAX: (916) 574-1835

RECEIVED
South Coast Region

MAY 7 2007

May 4, 2007

CALIFORNIA
COASTAL COMMISSION

File Ref: PRC 8704.9
PRC 4733.9
BLA 137
AD 308

Ms. Meg Vaughn
Coastal Program Analyst
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

Dear Ms. Vaughn:

SUBJECT: MAJOR AMENDMENT REQUEST NO. 1-06 TO THE CITY OF
HUNTINGTON BEACH CERTIFIED LOCAL COASTAL PROGRAM
(LCP). AMENDMENT RELATES TO THE SHEA HOMES-
PARKSIDE ESTATES DEVELOPMENT PROPOSAL

Staff of the California State Lands Commission (CSLC) has reviewed the subject document and offers the following comments with respect to the proposed uses of the East Garden Grove-Wintersburg Channel (EGGWC) easement for public purposes.

Information contained in the proposed LCP Amendment request should reflect that the EGGWC easement area involves lands conveyed to the State by the Signal Bolsa Corporation and Signal Landmark, Inc., pursuant to Boundary Line Agreement No. 137, recorded on August 17, 1973, and AD 308, recorded February 14, 1997, subject to existing easements to the Orange County Flood Control District for flood control purposes. These lands have been leased by the CSLC to the California Department of Fish and Game for management as a portion of the Bolsa Chica Ecological Reserve and the Bolsa Chica Lowlands Restoration Project.

Ex. CCC 1/2

158

Ms. Meg Vaughn
Page Two

Any other proposed uses of the EGGWC easement area, other than for flood control purposes, must be coordinated with the California Department of Fish and Game Land Manager, Kelly O'Reilly, to determine compatibility of the proposed use with the Bolsa Chica Ecological Reserve and Bolsa Chica Lowlands Restoration Project. Ms. O'Reilly can be reached at (714) 374-5658.

We look forward to working with you and the City concerning proposed public uses that are compatible with biologically-sensitive land-uses within the Commission's jurisdiction. I may be reached at (916) 574-1868, or by email at brownj@slc.ca.gov if you have any questions concerning the Commission's jurisdiction.

Sincerely,


Judy Brown
Public Land Management Specialist

cc: Jim Trout, Coordinator
Bolsa Chica Lowlands Restoration Project
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825

Kelly O'Reilly, Land Manager
Department of Fish and Game
P. O. Box 1879
Huntington Beach, CA 92647

City of Huntington Beach
Planning Department
2000 Main Street, Third Floor
Huntington Beach, CA 92648

Orange County Resources
and Development Management Department
Flood Control Division
P.O. Box 4048
Santa Ana, CA 92702-4048

CCC₂

159

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
 245 W. BROADWAY, STE. 380
 P.O. BOX 1450
 LONG BEACH, CA 90802-4416
 (310) 590-5071

EXEMPTION LETTER

DATE: June 15, 1994

NAME: Hole In The Wall Stable
 c/o W. Bradford Vickrey
 5372 El Dorado Drive
 Huntington Beach, CA 92649

LOCATION: 17200 Bolsa Chica Road, City of Huntington Beach, County of Orange

PROJECT: Use of existing stable facilities, including 22 horse stalls on a 16,000 square foot site, for the boarding of horses belonging to a non-profit riding club. No physical development is proposed.

This is to certify that this location and/or proposed project has been reviewed by the staff of the Coastal Commission. A coastal development permit is not necessary for the reasons checked below.

- The site is not located within the coastal zone as established by the California Coastal Act of 1976, as amended.
- The proposed development is included in Categorical Exclusion No. _____ adopted by the California Coastal Commission.
- The proposed development is judged to be repair or maintenance activity not resulting in an addition to or enlargement or expansion of the object of such activities (Section 30610(d) of Coastal Act).
- The proposed development is an improvement to an existing single family residence (Section 30610(a) of the Coastal Act) and not located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) (Section 13250(b)(4) of 14 Cal. Admin. Code).
- The proposed development is an improvement to an existing single family residence and is located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) but is not a) an increase of 10% or more of internal floor area, b) an increase in height over 10%, or c) a significant non-attached structure (Sections 30610(a) of Coastal Act and Section 13250(b)(4) of Administrative Regulations).
- The proposed development is an interior modification to an existing use with no change in the density or intensity of use (Section 30106 of Coastal Act).

Ex. DDD 1/3

(cont'd)

160

- ___ The proposed development involves the installation, testing and placement in service of a necessary utility connection between an existing service facility and development approved in accordance with coastal development permit requirements, pursuant to Coastal Act Section 30610(f).
- ___ The proposed development is an improvement to a structure other than a single family residence or public works facility and is not subject to a permit requirement (Section 13253 of Administrative Regulations).
- ___ The proposed development is the rebuilding of a structure, other than a public works facility, destroyed by natural disaster. The replacement conforms to all of the requirements of Coastal Act Section 30610(g).
- Other: No change in use of existing structures (See Page Three for further comments)

Please be advised that only the project described above is exempt from the permit requirements of the Coastal Act. Any change in the project may cause it to lose its exempt status. This certification is based on information provided by the recipient of this letter. If, at a later date, this information is found to be incorrect or incomplete, this letter will become invalid, and any development occurring at that time must cease until a coastal development permit is obtained.

Truly yours,

John T. Auyong

By: John T. Auyong

Title: Coastal Program Analyst

DDD₂

(cont'd)

161

Hole-in-the-Wall Club
Exemption
6/15/94
Page 3 of 3

Additional Comments:

Use of existing stable facilities, including 22 horse stalls on a 16,000 square foot site, for the boarding of horses belonging to a non-profit riding club. No physical development is proposed.

The California Regional Water Quality Control Board, Santa Ana Region (RWQCB), has determined that the proposed project would have no significant adverse impacts on the water quality of the nearby Bolsa Chica Wetlands and flood control channel. The RWQCB has determined that the proposed project is exempt from that agency's permit requirements.

In addition, the Coastal Commission previously approved coastal development permit 5-82-278 without any special conditions for another stable operation on the same site for expansion of the stables, parking area improvements, removal of gravel fill, and the installation of a mobile home to serve as a caretaker's facility.

The current proposed project would not result in any change in intensity of use of the existing facilities. Therefore, the current proposed project has been determined to be exempt from coastal development permit requirements.

2137F

DDD₃

162

**Letters Supporting
LCPA HNB 1-06
Parkside**

Meg Vaughn

From: Tracy Foster [racergirl1979@aol.com]
Sent: Monday, April 30, 2007 12:08 PM
To: Meg Vaughn
Cc: Ben Godfrey@zeeweb.com; mayor pro tem
Subject: Huntington Beach Parkside LCPA: Approval requested with NO DELAY

Dear Ms. Vaughn,

I am familiar with the Shea Homes Parkside Estates project and strongly encourage the Coastal Commission's approval of Local Coastal Program Amendment 01-06, as proposed by the City of Huntington Beach and Shea Homes. Further delays put our homes at risk, exposing us to an additional rainy season without the critical flood safety improvements offered by Shea's plan.

The Commission's approval of Parkside Estates could make it possible for Shea to complete its tidal flooding protection by the 2007-2008 rainy season, and the other flood protection features by the 2008-2009 season, but further Coastal Commission delays will jeopardize both of these dates.

Shea Homes' commitment to spend \$15 million on new storm drains, pumps and levee improvements will only become a reality upon your approval. Once completed, these improvements will reduce flood risk and flood insurance costs for approximately 7,000 Huntington Beach home and business owners.

Please approve the amendment and permit on May 10th.

Sincerely,

Tracy Foster
Huntington Beach

17 Copies Received

22 April 2007

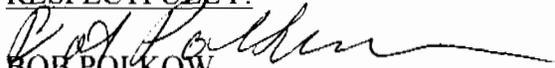
California Coastal Commission
P.O. Box 1450
200 OceanGate, 10th Floor
Long Beach, Ca 90802-4325

Reference your letter 20 April 2007, regarding the Shea Homes in Huntington Beach, California, any action on the part of appointees in a bureaucratic office to deprive a developer from developing his property as he desires is de facto application of eminent domain.

Development of the land as the owner desires will benefit Huntington Beach by eliminating a flood plain to the benefit of home owners and businesses. THE DEMOCRATIC PRIVILEGES OUR CONSTITUTION GUARANTAEES A LAND OWNER SHOULD NOT BE SUBVERTED BY A SMALL VOCAL MINORITY THAT HAS FOR THE LAST 30 YEARS DERAILED PROGRESS IN OUR GREAT CITY.

The builder should be allowed to construct homes and modify the topography for the benefit of the many.

RESPECTFULLY:


BOB POLKOW

21772 Oceanview Lane, Huntington Beach, Ca 92646-8215
(714)962-4810

May 3, 2007

California Coastal Commission
Attn: Meg Vaughn
200 OceanGate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED

RE: Approval Shea Homes in "Bean Field"

Dear MS Vaughn

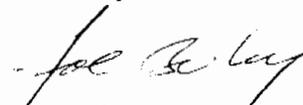
It is time to act responsibly and approve the Shea Home Development known as Parkside Estates for the following reasons:

- the Wintersburg Channel dyke wall is in serious disrepair, reinforced by temporary concrete block buttress walls. A Katrina like disaster is likely with heavy rains and high tides.
- the area has serious storm drainage deficiencies and inadequate sewer facilities.
- the environmental opposition has no viable plan to upgrade the area if it is left in it's current state.
- the overall plan developed by Shea blends nicely into the current Bright Water development on the adjacent bluff and the overall Bolsa Chica wetland development.
- After almost a 10 year process Shea development has responsibly mitigated many of the communities concerns (see my attached letter of 5/3/98).
- the Huntington Beach Planning Commission and the Huntington Beach City Council has approved the project.
- it corrects and upgrades the area's dyke, drainage, water quality and sewer problems.
- it is a win/win situation for the community, the city and Shea homes.

The attached propaganda left on my doorstep in the middle of the night does not fairly represent the engineering facts, the means and methods of construction and the quality of the finished development.

I am a close neighbor of the new development and look forward to your prompt approval of the project.

Sincerely,



Joe Buley, P.E., F.ASCE

Attach: May 3, 1998 letter
Opposition Flyer

166

RECEIVED
South Coast Region

RECEIVED
South Coast Region

MAY 4 2007

CALIFORNIA
COASTAL COMMISSION

CALIFORNIA
COASTAL COMMISSION

5-2-07

Th-14a

California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Dear Ms. Vaughn,

I am offended by the attached flyer that was left on my door today. It is obvious that an organized group of individuals is against the "Bean Field Project". I am not in agreement with them.

I have lived one block away from the bean field for 36 years. I have always known that the property was privately owned and would someday be developed. Those people opposed to the project would deny the rights of that owner to develop and utilize his property. I wonder if these same people protested when their own homes were being constructed? I strongly doubt it.

I am in favor of this project by Shea Homes. It's really a shame that the NIMBYS crawl out from under their respective rocks to simply cause trouble. They have no respect for property rights which are guaranteed in our state and federal constitutions.



Mike Bailey
5422 Glenroy Dr.
Huntington Beach, CA 92649

167

Dear California Coastal Commission:

May 2007

Re: City of Huntington Beach Major LCP Amendment No. 1-06 (Shea/Parkside).

- ◆ The 50-acre Shea (nee MWD) property in Huntington Beach is severely degraded wetlands (DEG, 1980). 25 years later, that is still true.
- ◆ Due to all the illegal grading on the property, the full extent of wetlands that need to be preserved and buffered has not yet been definitively established.
- ◆ All wetlands on the property must be protected by true buffers— buffers that are undiminished and unimpeded by any NTS or passive recreation or similar human disturbance.
- ◆ In 1981, the City of HB requested residential zoning for this parcel. CCC staff recommended at the time that "The 'Residential' designation shall be deleted." The CCC did not approve of houses then; it should reject houses now!
- ◆ Uphold the Coastal Act section 30233. ~~Uphold~~ the LCPA.

the above "bullet's" are an overreaction.

Approval is a win/win for HBeach & improved drainage in the area.

Sincerely: Joseph R Buley P.E., F.ASCE

Address: 17192 Greenleaf Lane
Huntington Beach, CA 92649

Miss representation of facts

Meg Vaughn

From: Kris Weber [kweber@hunsaker.com]
Sent: Tuesday, May 01, 2007 9:15 AM
To: Meg Vaughn
Cc: Ben Godfrey mayor pro tem
Subject: Huntington Beach Parkside LCPA: Approval requested with NO DELAY

Dear Ms. Vaughn,

I have reviewed information on the Shea Homes Parkside Estates project and am especially supportive of their proposal because of its stormwater and water quality features. I strongly encourage the Coastal Commission's approval of Local Coastal Program Amendment 01-06, as proposed by the City of Huntington Beach and Shea Homes.

Further delays and opposition threaten the much-needed the water quality improvements the plan will bring to Huntington Harbour and the Pacific Ocean through its Natural Treatment System. As proposed, this new fresh water wetland will treat a portion of the runoff from the surrounding 3,000-acre watershed - runoff that currently reaches Huntington Harbour and the ocean untreated.

In addition, the plan will protect and expand wetland resources and Environmentally Sensitive Habitat Areas and will lead to \$15 million in developer-funded improvements to the local flood control system, removing 7,000 Huntington Beach residents from flood risk and mandatory flood insurance premiums.

Please include my support for Parkside Estates in the agenda packet for the Commissioners.

Sincerely,

Kris Weber
Mission Viejo

169

Meg Vaughn

From: Carl Goode [cgoode@socal.rr.com]
Sent: Monday, April 30, 2007 9:15 PM
To: Meg Vaughn
Cc: Ben Godfrey mayor pro tem
Subject: Huntington Beach Parkside LCPA: Approval requested with NO DELAY

Dear Ms. Vaughn,

I am writing to urge the Coastal Commission's approval of Local Coastal Program Amendment 01-06, as proposed by the City of Huntington Beach and Shea Homes.

The proposal has many merits, but I particularly like its parks and the greater public access to coastal areas it provides. The new bike and hiking trails and vista points overlooking the restored Bolsa Chica wetlands and nearby Environmentally Sensitive Habitat Areas will be a great asset for the public. These benefits are unnecessarily threatened by ongoing bureaucratic delays and unwarranted opposition to the plan.

I also appreciate that Parkside Estates will protect wetlands and the eucalyptus trees, and treat urban runoff through a new freshwater wetland. The flood control benefits it brings will also be a benefit to thousands of Huntington Beach residents and businesses.

This is a plan that deserves a speedy approval from the Coastal Commission on May 10.

Sincerely,

Carl Goode
Huntington Beach

170

Meg Vaughn

From: Sharon Butner [SJBtner@aol.com]
Sent: Monday, April 30, 2007 8:09 PM
To: Meg Vaughn
Cc: Ben Godfrey mayor pro tem
Subject: Huntington Beach Parkside LCPA: Approval requested with NO DELAY

Dear Ms. Vaughn,

I strongly encourage Coastal Commission approval of the Shea Parkside Local Coastal Program Amendment 01-06 proposed by the City of Huntington Beach and Shea Homes.

Shea Homes has shown itself to be a very responsible landowner that has bent over backward to comply with all the regulatory requirements - yet its plan and the millions of dollars of developer-funded improvements it will bring have been delayed for years. It is obvious that a small group of non-scientist, anti-growth activists have done everything they can to delay the project, but the time has come for the Commission to hear the case and approve the project.

These public benefits shouldn't be delayed any longer, and Shea Homes' property rights should be honored. I am therefore requesting an affirmative action by the Coastal Commission on May 10th.

Sincerely,

Sharon Butner
Huntington Beach

171

**Letters Opposing
LCPA HNB 1-06
Parkside**



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ENDORSEMENTS

Amigos de Bolsa Chica
Algalita Marine Research
Foundation
Anza Borrego Foundation
Ballona Wetlands Land
Trust
City of Huntington Beach
Friends of Harbors,
Beaches and Parks
Huntington Beach
Wetlands Conservancy
Huntington Beach Tomorrow
Orange Coast League of
Women Voters
Orange County
Coastkeeper
Sea and Sage Audubon
Sierra Club
Angeles Chapter
Surfrider Foundation
Wildlands Conservancy

May 4, 2007

Mr. Patrick Kruer, Chair
Members of the Commission
California Coastal Commission
200 Oceangate-10th Floor
Long Beach, CA 90802-4416

RECEIVED
California Coastal Commission
200 Oceangate
Long Beach, CA 90802

RE: Item Th 14a - Major Amendment Request
No. 1-06 to the City of Huntington Beach
Certified Local Coastal Program (For Public
Hearing and Commission Action at the
May 10, 2007 meeting in San Pedro).

Dear Mr. Kruer and Members of the Commission:

These comments are submitted on behalf of the Bolsa Chica Land Trust, a grassroots, nonprofit organization of nearly 5,000 members residing in California and twenty other states. Our objective is to provide recommendations to the California Coastal Commission (CCC) which will ensure protection of the coastal zone resource values of the Bolsa Chica ecosystem in Huntington Beach, California.

The Bolsa Chica Land Trust has previously sent two detailed responses in regards to this LCPA when it was scheduled to be heard at the August 2006 and February 2007 Coastal Commission meetings. This letter summarizes our positions on the major issues and contains additional information for your consideration.

I. WETLANDS

The Land Trust agrees with staff that CP, AP, and WP are wetlands which must be preserved, and we support the recommendation for a minimum 100ft buffer around any wetlands, in accordance with Coastal Act Section 30231. However, we continue to assert that the wetlands on the property have not been fully delineated and are more extensive than as shown in Exhibit L, due to various factors. Those factors are:

173

- ◆ the soil samples collected by Drs. Lyndon Lee and Peggy Fiedler,
- ◆ the change in well depths as reported by Shea Homes' consultants,
- ◆ the changes in salinity of some of those wells,
- ◆ the *absence* of any wells (and thus any data) in the formerly delineated EPA 8.3 acre prior-converted cropland wetland,
- ◆ the unpermitted fills which have not yet been adequately addressed.

The April 19, 2007 staff report states that, to be consistent with the Coastal Act, wetlands should be designated Open Space Conservation but then refers to the fill issue as "a live controversy". Thus, it is clearly possible that some unlawfully filled wetlands might actually be designated for Residential use, contrary to the requirements of Coastal Act Section 30233. The issue of the unpermitted fills must not be permitted to remain a "live controversy" but must be resolved prior to approval of the proposed LCP amendment.

II. ESHA

The Land Trust agrees with staff that both the north and south Eucalyptus groves constitute ESHA for numerous raptor species, and supports the recommendation for a minimum 100m buffer for all ESHA, consistent with Coastal Act Section 30240. We note that, although there would potentially be a separation of 25 to 50 feet between the buffer perimeters for the two areas, the presence of other resources leads to creation of a contiguous habitat corridor which will preserve ecosystem integrity. Staff has recommended that the entire corridor be designated Open Space Conservation. The Land Trust supports the maintenance of a continuous habitat corridor in this area, as recommended by staff.

III. WATER QUALITY

The Land Trust is generally in favor of the concept of Natural Treatment Systems for urban runoff. However, we strongly object the placement of an NTS within a buffer zone.

Buffers provide transitional habitat and upland area for wildlife. Replacing preserved upland ESHA buffer space with NTS wetlands will be a negative impact upon the raptors and the viability of the ESHA. The Coastal Act clearly states that ESHAs "*shall be protected against any significant disruption of habitat values*" (Sec. 30240 (a)). In addition, any reduction in upland forage areas could result in additional predation upon avifauna in the Bolsa Chica Reserve.

We ask that the NTS be placed *outside* of the buffer to minimize disturbance to wildlife and to let the buffers be true buffers that protect habitat. An alternative would be to

increase the size of the ESHA buffer, with NTS encroachment limited to areas at least 100m from the ESHA.

IV. VEGETATED FLOOD PROTECTION FEATURE (VFPP)

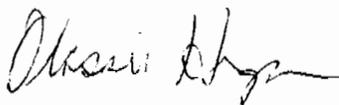
The Land Trust recognizes the need for adequate flood control in the area. The staff report makes clear that the flood protection feature is designed to protect from tidal flooding and tidal surges. Would the structure, then constitute construction that alters natural shoreline processes, i.e. tidal surges, as described and regulated by Coastal Act Section 30235?

Furthermore, the developer's proposed location of their VFPP is problematic. Any flood control structure should be placed as far upland as possible, close to the homes it is designed to protect. Regardless of whether the structure is designed to alter and protect from shoreline processes (Coastal Act Sec. 30235) or to provide flood protection (Coastal Act Sec. 30236), we note that such structures must be designed first and foremost to protect *existing* development and should be so located. The AP wetland should not be left as an isolated sinkhole. If the VFPP is approved we ask that it be relocated to a more suitable location.

CONCLUSION

In conclusion, the Bolsa Chica Land Trust supports the recommendation that the Commission DENY the Land Use Plan Amendment and Implementation Plan as submitted by the City of Huntington Beach. We cannot fully support staff's proposed recommendations for approval set forth in the Commission staff report of April 19, 2007. We respectfully request that the Commission carefully review our concerns and uphold the Coastal Act.

Sincerely,



Flossie Horgan, Executive Director
Bolsa Chica Land Trust

cc: Ms. Meg Vaughn
Dr. John Dixon

175



Amigos de Bolsa Chica

P.O. Box 1563 Huntington Beach, CA 92647

Phone / Fax 714 840 1575 info@amigosdebolsachica.org www.amigosdebolsachica.org

May 1, 2007

Th14a

Mr. Patrick Kruer, Chair
Members of the Commission
California Coastal Commission
200 Oceangate – 10th Floor
Long Beach, CA 90802-4416

RE: Item Th 14a
No. 1-06 to the City of Huntington Beach
Certified Local Coastal Program (For Public
Hearing and Commission Action at the
May 10, 2007 meeting in San Pedro).

Dear Mr. Kruer and Members of the Commission:

Amigos de Bolsa Chica, a non-profit, grassroots organization of 1,000 members located in Huntington Beach, California, has had a three-decade history of providing recommendations to the California Coastal Commission for the best possible protection of the coastal wetland and upland resource of the Bolsa Chica. We fully support the Commission's staff's recommendation for the denial of HNB-MAJ-1-06 as submitted, as well as support staff's proposals for approving these items with specific modifications. While we generally agree with the proposed modifications, Amigos wishes to add their comments regarding the proposed modifications for Wetlands, ESHAs, and Water Quality.

WETLANDS

Amigos de Bolsa Chica is pleased that staff has recognized the wetland areas denoted as CP, AP, and WP. However, Huntington Beach citizen Mark Bixby has collected considerable evidence to show that historically the areas covered by these wetlands were significantly larger than are depicted in the staff report. We strongly urge the Commission and its staff to consider Mr. Bixby's evidence before making any final decisions regarding these wetlands.

We fully support the recommendation for 100 ft. buffers around any wetland.

We are especially pleased that the commission staff has added to their report Suggested Modification No. 12 which recognizes the many years that the wetlands on the property have been subjected to systematic and unlawful attempts at their destruction.

ESHAs

Section 30107.5 of the Coastal Act reads: "Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." Section 30240 (a) of the Coastal Act states in part:

176

"Environmentally Sensitive Habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed in those areas."

Amigos de Bolsa Chica agrees with staff that both the north and south Eucalyptus groves constitute ESHA for numerous raptor species, and supports the proposed 100 meter buffer for all ESHA. As the groves stand now, as unprotected areas, they could be easily disturbed and degraded by human activities. The Amigos also highly recommends that the two ESHA buffer zones should be conjoined since birds and other wildlife regularly pass from one grove to the other. The ESHA boundary should have a single unified buffer that encompasses both groves to preserve the contiguous habitat corridor and ecosystem integrity. As raptor expert Peter H. Bloom stated in his report to the Bolsa Chica Land Trust of June 8, 2006: "Maintaining ecosystem integrity of the Eucalyptus ESHA remains an important attribute for maintaining the remnant local raptor ecosystem component, present and future contributions to the regional raptor population and migration corridor, and to support prey components that contribute to a functional ecosystem."

Amigos de Bolsa Chica also fully supports Dr. Dixon's memo of January 31, 2007 (Exhibit Z), which states that passive recreational uses "...could be allowed in the outer one-third of the ESHA but should be located in the 10 meters closest to development where feasible".

WATER QUALITY

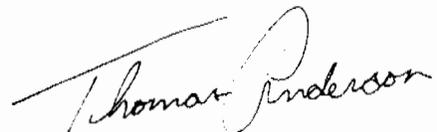
The Commission staff proposes that a portion of a Natural Treatment System (NTS) could be located within the ESHA buffers. While it is not clear what constitutes a "portion", we highly recommend that the NTS be placed entirely *outside* of the buffer for maximum protection of the habitat. As noted previously, buffers provide transitional habitat and upland area for wildlife. Most of the raptor species that depend on the ESHA are upland hunters. Replacing preserved upland ESHA forage space with NTS wetlands will have a negative impact on the raptors and the viability of the ESHA. Again, the Coastal Act clearly states that ESHAs "shall be protected against any significant disruption of habitat values." The Amigos fully support the use of NTSs, the **primary** purpose of which is to filter out urban pollutants (petroleum residues, pesticides, fertilizer, etc.) from runoff, not to provide biological integrity or habitat value at the expense of another critical habitat.

CONCLUSION

In conclusion, Amigos de Bolsa Chica supports the recommendation that the Commission DENY the Land Use Plan Amendment and Implementation Plan as submitted by the City of Huntington Beach. Amigos de Bolsa Chica supports the staff recommendations for 100ft wetland buffers and 100m ESHA buffers, and that passive human activities only be permitted in the outer 10m of an ESHA buffer. We ask that the Commission carefully study all evidence before setting the boundaries of the historical wetlands on the site. And finally, we urge that the proposed NTS should be located outside of the eucalyptus ESHA buffer zone.

Sincerely,

Thomas Anderson, President



cc: Meg Vaughn

Dr. John Dixon —

Th 14.a

SANDRA GENIS, PLANNING RESOURCES
1586 MYRTLEWOOD COSTA MESA, CA.

PHONE/FAX (714) 754-0814

May 7, 2007

NOISSIWJOC
 COASTAL COMMISSION
 CALIFORNIA

Honorable Chairman Patrick Krueer and Members of the Coastal Commission
 California Coastal Commission
 200 Oceangate - 10th Floor
 Long Beach, CA 90802-4416

RECEIVED
 South Coast Region
 MAY 7 2007

Subject: Item TH 14. a. City of Huntington Beach Major LCP Amendment No. 1-06 (Shea/Parkside) (Thursday, May 10, 2007)

Dear Chairman Krueer and Commissioners:

Thank you for the opportunity to address the proposed Major Amendment No. 1-06 to the City of Huntington Beach Local Coastal Program. I urge you to deny the requested amendment as recommended by staff and approve only as modified. This would include those modifications recommended by staff as well as further modifications to be consistent with Coastal Act requirement for protection of wetlands and Environmentally Sensitive Habitat Areas (ESHA) as discussed below. By way of background, I am a member of the board of the Bolsa Chica Land Trust and a professional land planner with twenty five years experience.

The full extent of all wetlands on the subject property must be accurately mapped.

Costal Commission staff has quite properly recognized the existence of three wetlands on the property, the Agricultural Pond (AP), the Wintersburg Pond (WP), and the County parcel wetland (CP). At the same time, evidence of hydric soils, wetland vegetation, and continuous ponding, submitted previously by other parties, including Dr. Lyndon Lee, Dr. Peggy Fiedler, and Mr. Mark Bixby, indicate that on-site wetlands cover a significantly greater area than mapped by Commission staff.

Unfortunately, due to site access limitations imposed by the applicant, Drs. Lee and Fiedler were unable to complete precise mapping of wetland boundaries. However, their investigations clearly indicated the existence of hydric soils outside of those areas previously mapped as wetlands as a part of this application. How can the Commission ensure preservation of wetlands, consistent with the mandate of Coastal Act Section 30231, if the wetland boundaries are not accurately and precisely delineated? It is imperative that the Commission refrain from approving of any project which would impinge into any area for which credible evidence of wetlands has been submitted until accurate and precise delineation, based on a thorough and impartial observation, is completed. I urge the Commission to refrain from any action that dismisses credible evidence of wetlands or from any action that would take even the slightest step away from the Commission's longstanding criteria for evaluation of wetlands

178

It is noted that some of the responses to evidence submitted regarding hydric soils seem to focus instead on vegetation. Consistent with C.C.R. Sec. 13577(b)(1), any one of the three wetlands indicators, i.e. soils, vegetation, or water, is sufficient to establish the existence of wetlands subject to Coastal Act protection. Thus, the significance of hydric soils cannot be dismissed by focusing on vegetation.

All wetlands on the site must be preserved.

The construction of housing is not an allowable use within wetlands in accordance with Coastal Act Sec. 30233. Even if housing were an allowable use in wetlands, allowable uses are permitted only where no feasible less environmentally damaging alternative exists. In this case, avoidance is clearly the least damaging.

It had been suggested that wetlands on the site could be relocated, as if habitat could be re-arranged as easily as one's dining room chairs. It has even been suggested, as if establishing the long term productivity of man-made wetlands were not notoriously difficult, that re-arranging the wetlands could be an improvement. . To quote the Fourth District Appellate Court in *Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal. App. 4th 493, this "reasoning ... is seductive but, in the end, unpersuasive".

As noted by the court, the Coastal Act does not allow "a process by which the habitat values of an ESHA can be isolated and then recreated in another location ... the express terms of the statute do not provide that protection by treating those values as intangibles which can be moved from place to place to suit the needs of development". Thus, wetlands must be preserved in situ. Preservation requires the provision of adequate buffers.

All ESHA on the site must be recognized and preserved.

As stated in Coastal Act Section 30107.5:

Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments

Rare and especially valuable biota on the subject property include, but are not limited to, numerous raptors utilizing on-site eucalyptus, Southern Tarplant, California Gnatcatcher, and Wandering Skipper Butterfly. Habitat for these species must be mapped and preserved.

All ESHA, including wetlands, must be adequately buffered

Staff has recommended that a 100 foot buffer be provided around wetlands and a 100 meter buffer be provided for ESHA. I would urge the Commission to adopt this recommendation of staff and to incorporate the recommendation into Section 221.22 of the Implementation plan, with new language marked by underlining as follows:

179

221.22 Buffer Requirements

As a condition of development adjacent to environmentally-sensitive habitats delineated in the General Plan and, for development in the coastal zone, environmentally-sensitive habitats identified in the Local Coastal Program, a minimum 100-foot buffer from the edge of the habitat as determined by a site specific biological assessment area shall be provided. In the case of substantial development or significantly increased human impacts, a wider buffer may be required in accordance with an analysis of the factors identified in A through C below or where stipulated by the certified Local Coastal Program Land Use Plan...

... In the 50-acre area (including the 5 acre area annexed by the City in 2004) adjacent to and immediately north of the East Garden Grove/Wintersburg Flood Control Channel and adjacent to and immediately west of Graham Street known as Parkside, a minimum 100-foot buffer shall be provided from the edge of any wetland, and a minimum 100-meter buffer shall be provided from the edge of any environmentally sensitive habitat area.

Key to preserving habitat is protection of the habitat from human disturbance. Thus, buffers must not be subject to activities contrary to the purposes of the buffer. This is consistent with staff's recommendation that no activities be allowed in the first ninety meters of buffer area. I urge the Commission to adopt the 100 meter buffer recommended by staff. Not only is this necessary to prevent habitat disruption for the on-site ESHA, provision of adequate upland forage area is critical as a means of reducing predation on sensitive species in the Bolsa Chica Preserve.

Levee

Sections 30235 and 30236 of the Coastal Act permit the construction of physical structures to protect existing structures from marine process and flooding, respectively. Flood control structures are permitted only if there is no feasible alternative for protection of existing structures. Thus, the vegetated flood protection feature must be designed to protect *existing*, not future, development in the manner most protective of the resource. In that regard, it would seem preferable to most the VFPP to a more upland area, closer to existing development. If other vacant land is then protected, so be it, but placement of the VFPP must not be guided by future development considerations or economic factors.

Public Access

Based on discussions with Commission staff, it is my understanding that the developer is amenable to the requirement for public parking on the proposed streets. In that regard I offer the following, underlined language to be added to Staff Modification 5, under 1A, Public Access Plan, in order to avoid confusion in the future:

All streets shall be ungated, public streets available to the general public for parking, vehicular, pedestrian, and bicycle access and shall be of sufficient width

180

to accommodate both curbside parking and access by emergency response vehicles. All public entry controls...

It is my understanding that this would not be inconsistent with the developer's current intentions.

Conclusion

I urge the Commission to deny City of Huntington Beach Major LCP Amendment No. 1-06 as submitted. I further request that the Commission to deny the plan even as modified, and defer approval of any plan until additional, independent analyses of resources are completed and adequate protections for wetland areas and ESHA are provided.

Yours truly,



Sandra L. Genis

181

California Coastal Commission
Attn: Meg Vaughn
200 OceanGate. 10th Floor
Long Beach, CA 90802-4416

April 23, 2007

I am writing you to urge you to follow the staff's recommendation to deny HNB-MAJ-1-06 as submitted.

1. I hope you will also question at this hearing the true extent of wetlands on the property due to unpermitted fill and incomplete well data.
2. Both groves of eucalyptus trees must be protected by 100 meter buffers since both groves are proven ESHAS due to the fact that white tailed kites, Coopers hawks and other raptors nest in these trees.
3. This property should not be built on because of the danger of flooding in the 100 year storm when it should be allowed to catch the overflow of the Wintersberg Channel in this wetland area.
4. In 1981 the Coastal Commission rejected the City's proposal to designate this property as residential. Please, don't overturn that decision today.
5. The neighbors in this area will be put at great risk with run-off which should be absorbed into the ground but now if these houses and fill are allowed they will be flooded.

Please deny this project

Sincerely,



Eileen Murphy
201 21st Street
HB CA 92648

182

TH-14A

California Coastal Commission

Attention: Meg Vaughn
200 Ocean Gate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED

Ms. Vaughn,

NO HOUSES! STOP SHEA FROM BUILDING! NO MORE DEVELOPMENT IN THE AREA! SAVE THE ESHAS! PROTECT THE SETBACK BUFFERS AND DON'T ALLOW ANY CONSTRUCTION! SAVE THE WETLANDS ON THE PROPERTY! MAKE SHEA PAY FOR ILLEGALLY FILLING WETLANDS AND ORDER THOSE WETLANDS RESTORED! PROTECT THE BIRDS AND ANIMALS THAT LIVE THERE! PROTECT NEIGHBORING HOMEOWNERS FROM YEARS OF CONSTRUCTION AND PROPERTY DAMAGE FROM DEWATERING AND GROUND VIBRATION! PREVENT INCREASED CONGESTION FROM THOUSANDS OF ADDED VEHICLES ON AREA STREETS EVERY DAY!

KILL PARKSIDE ESTATES AND BURY IT IN THE FIELD!

Sincerely,

183

May 4, 2007

"Th-14a"

California Coastal Commission
Attn: Meg Vaughn
200 OceanGate, 10th Floor
Long Beach, CA 90802-4416

Re: Shea Parkside Estates

Dear Ms. Vaughn:

I am writing in regard to the upcoming hearing for the above referenced project. I will not be able to attend the hearing due to a conflicting business commitment but wanted to respond. I live on Kenilworth Drive which abuts the subject property. While we have opposed the project, as submitted, for a variety of reasons but I would like to make the following points relative to the subject hearing.

- 1) I support staff's recommendation to deny HNB-MAJ-1-06 as submitted.
- 2) I ask the Commission to review and amend the proposals for Wetlands, as evidence suggests there are more wetlands on the property than are currently outlined in Exhibit L.
- 3) I ask that the two ESHA buffer areas be 100 meters each and conjoined to better protect wildlife.
- 4) I ask that any Natural Treatment System (NTS) be constructed *outside* of the ESHA buffers.
- 5) A recent mailer from Shea Homes states that:

"Low-lying neighborhoods near the intersection of Warner Avenue and Graham St. became much more at risk to tidal flooding last summer when the Bolsa Chica restoration project connected Outer Bolsa Bay to an area previously protected by levies."

This alone should render the previously completed EIR obsolete as the environment around the subject parcel has been permanently altered.

184

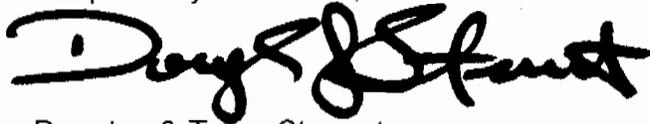
6) We believe that the requirement to fill the site with up to 11 feet of fill will create unstable pockets especially in the areas around the two designated wetlands areas (AP & WP).

7) The proposed dewatering plan has not been analyzed or thought through and in addition to potentially causing subsidence under the adjacent properties will certainly have an adverse effect on both the designated wetland areas and the Wintersburg Channel.

8) We have been in contact over the past few years regarding Shea's repeated violations of California Law regarding the subject property. They have conducted unpermitted grading at the site for the past 10 years, as detailed by your office. While the CA Costal Commission has repeatedly requested them to stop this activity, Shea has not mitigated the damage caused. They must be required to return the site to its original condition before any of this is considered.

Therefore we believe that the HNB-MAJ-1-06 should be denied.

Respectfully submitted,



Douglas & Tracy Stewart
5342 Kenilworth Drive
Huntington Beach, CA 92649

California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th floor
Long Beach, Ca. 90802-4416

RECEIVED
SOUTH BEACH
CALIFORNIA COASTAL COMMISSION
MAY 3 2007

TH - 14A

May 3, 2007

Owen M. Larson
17111 Pleasant Cir.
Huntington Beach, Ca. 92649

Ladies and Gentlemen of the California Coastal Commission,

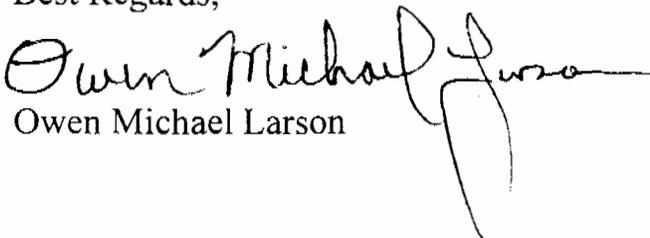
I am writing this letter to oppose the Shea Parkside project that has been proposed near Graham St. and the Wintersburg Channel in Huntington Beach. I am a resident of the area (Warner/Graham) that is directly adjacent to the proposed project. I have been in my home since 1973 and during that time have watched as more and more precious land is developed adding traffic congestion and straining the infrastructure.

I have read Shea's summary of the project's supposed benefits to the surrounding area and am convinced that the project would be very detrimental to the homes and residents of the adjoining properties. My concern is that the Shea project would make our area more prone to flooding as it would take away land that now absorbs a lot of water and also make the adjoining properties a potential lake bed as the Shea properties would be at a higher grade level than the adjoining properties.

Other reasons for my opposition to the Shea development is that the site is currently the home for much wildlife and should be made part of the wetlands like the nearby Bolsa Chica.

My plea is that you will consider the Shea project carefully and make a decision that will support the best interests of current residents and the wildlife that cannot speak for themselves. Please deny this project.

Best Regards,


Owen Michael Larson

Date: 5/3/07

186

California Coastal Commission
Attention Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

LISTEN TO WHAT THE RESIDENTS SAY;
THEY'RE TELLING PARKSIDE TO GO AWAY.
THE PUBLIC IS OPPOSED TO SHEA;
DUMP PARKSIDE ESTATES OUT IN THE BAY.

DENY THE LCPA
PROTECT THE ESHAS
PROTECT THE WETLANDS
NO MORE HOUSING TRACTS!
REMOVE THE ILLEGAL FILLS
PRESERVE THE SETBACKS
SAVE THE WILDLIFE

FOLLOW THE LAW – UPHOLD THE COASTAL ACT

SIGNED:



DATE:

5-3-07

187

5/3/07

TH-14A

Greetings Coastal Commission

RECEIVED
South Coast Region

I am vehemently opposed to
The Shea Homes plan to build 170 homes
in Old Beanfield / AKA Parkside homes.

MAY 7 2007
CALIFORNIA
COASTAL COMMISSION

My daughter + her family live on
Kenilworth, which is 11 street over from
Old Beanfield.

They bought their home because of
the open, undeveloped area. They can look
out their windows + see the paths + fields.
Also - there are enough plastic parks -
we need open space !!

I am opposed also to the 4 yrs of 6 days
a week building and the dust + noise +
trucks + traffic + displaced animals +
danger to children!

I strongly urge you to deny any
permit to build in that area. Also -
flood dangers + insurance would greatly increase!

Thank you - Sherlene Cutter
714-962-3870

188

Th-14a

California Coastal Commission
Attn: Meg Vaughn
200 OceanGate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED

Public Affairs Register

10/13/05

CALIFORNIA
COASTAL COMMISSION

Dear Ms. Vaughn,

Shea Homes should not be allowed to build the Parkside Estates housing tract. There are many reasons for you to deny them. Four reasons I will mention are: wetlands, nearby track subsidence, flooding and traffic.

You know that it would destroy sensitive habitat and wetlands. You have seen much evidence of so many species of wetland plants plus federally protected birds, raptors and butterflies that exist within this property.

Also, you're aware that Shea wrongfully denies that their plan of removing groundwater will cause nearby houses to sink!!! They can't be allowed to de-water Parkside area during construction. What are they thinking?

Shea has moved dirt around and added fill dirt which helped to cause our house to flood during February '05. That winter the rain water and high water table formed a very large lake in the field, particularly along the Kenilworth wall due to their movement of dirt. Add that to the water flowing underground from the north, from the south and every direction, plus the rain continuing, the area was overwhelmed. Water began percolating up into our backyard in several places, making our own private lake. Eventually it made its way into our living room, flooding it. Of course, this was an unprecedented amount of rain, but what's to say it couldn't happen again? If there were 170 homes high above the present level of soil, plus the asphalt and cement where so much of the water stood in '05, where would all that water go? Are they going to sink a deep

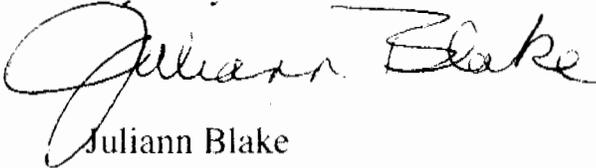
189

underground wall of some sort along the northern boundary of their track of new homes to prevent underground water from going any further south? Is that possible? Or would all of the homes just flood. Certainly Kenilworth would, even faster, with Parkside estates being built at a higher level. This has nothing to do with the canal or flood control, this is underground water plus rain. I can't believe that with a new tract sitting on top of millions of cubic feet of new soil, that anything but flooding in surrounding tracts, particularly Kenilworth Drive, would happen if another high precipitation winter would occur. What is your opinion?

Another concern is traffic: 170 2-story homes equals a minimum of 340 cars...probably more when you add the teenagers with cars. How about 400 cars, minimum..... ALL exiting through one exit. Hard to believe. Just think of the traffic occurring when they're all taking children to school, or going to school themselves. Would you like to live in or near that traffic nightmare?

The property should not be built, it is unsuitable for construction as it is a wetland.....always was, still is. Please do make Shea remove the illegal fill dirt and restore the property to its natural state.

Sincerely,



Juliann Blake

5362 Kenilworth Drive

Huntington Beach, CA

May 3, 2007

ATTN: Ms. MEG VAUGHN
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416

CALIFORNIA
COASTAL COMMISSION

**PARKSIDE'S LCPA MUST BE COMPLETELY DENIED —
THERE CAN BE NO DOUBT ABOUT IT, SHEA HOMES HAS LIED.
THE OFFENSES ARE MANY, NOT JUST A FEW;
FOR INSTANCE, SHEA'S "EPHEMERAL CHANNEL" IS IN FACT A HISTORIC TIDAL SLOUGH.**

**ILLEGAL TRENCHING AND REPEATED WETLAND FILLING;
ALLOWING TRANSIENTS TO BECOME ESTABLISHED AND ENGAGE IN WILDLIFE KILLING.
DISCING THE FIELD IN NESTING SEASON 2005;
GRADING THE WETLAND AND DESTROYING EVERYTHING ALIVE.**

**REPEATED VIOLATIONS OF THE CALIFORNIA COASTAL ACT;
IT'S ALL IN THE RECORD — SHEA CAN'T CHALLENGE THAT FACT.
A FLAWED EIR — MORE THAN ONE TIME —
THAT COATED THE TRUTH IN A THICK LAYER OF SLIME.**

**IGNORING PROTECTED RAPTORS, NESTING AND BREEDING;
PESTICIDE, HERBICIDE, AND PERIMETER WEEDING.
ENVIRONMENTAL CONSULTANTS PAID TO LOOK THE OTHER WAY;
AND INCESSANT FARMING ACTIVITY SO WETLAND VEGETATION CAN'T STAY.**

**SOUTHERN TARPLANT, GNATCATCHERS, WANDERING SKIPPERS, AND KITES —
INCRIMINATING SPECIES SHEA HAS IN ITS SIGHTS.
IGNORING WHAT IS THERE AND NOT FINDING ALL THE REST;
PLAYING DUMB FOR THE COMMISSION IS WHAT SHEA HOMES DOES BEST.**

**MERLINS, COOPER'S HAWKS, FALCONS, AND HARRIERS,
SPECIAL RAPTORS ALL, THEY DON'T RECOGNIZE FENCE BARRIERS.
PARKSIDE WILL DESTROY HUNTING GROUNDS AND SENSITIVE TREES,
IF SHEA GETS TO BUILD, WILDLIFE'S END WILL BE IN THE BREEZE.**

**TRENCH OUT THE FIELD FOURTEEN FEET DEEP,
DEWATER AND CLAIM THERE'LL BE NO SUBSIDENCE CREEP.
HAUL IN MORE THAN 13,000 TRUCKLOADS OF EARTH,
DEVALUE NEIGHBORHOOD HOMES — SHEA DOESN'T CARE WHAT THEY'RE WORTH.**

**MISLEADING INFORMATION ON FLOOD INSURANCE FOR FEMA;
NOBODY'S BUYING IT, RON METZLER'S A DREAM-AH.
OPPOSITION TO PARKSIDE HAS GOT SHEA HOMES WORRIED;
TIME TO DIG THE HOLE DEEP SO PARKSIDE CAN BE BURIED.**

Please review carefully the information above. These are but a few of the reasons the Parkside Estates Development should not be approved! There are just too many negative aspects to this proposed project. Please vote to preserve this natural habitat so that it can be enjoyed by everyone. Thank you for your consideration.
Dixie A. Grinnett Dixie A. Grinnett May 3, 2007 191

California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
MAY 3 2007
CALIFORNIA COASTAL COMMISSION

Th-14a

May 3, 2007

Dear Ms. Vaughn,

I am writing in opposition to the proposed Parkside Estates housing development on the field which borders Graham Avenue in Huntington Beach. My family moved onto Kenilworth Drive (which backs the field) in 2000 in part because of the beautiful open space provided by the field / wetlands. In 2004, we chose to remodel our home rather than move to a larger home in a different neighborhood. We love this neighborhood!

I am aware of attempts by Shea Homes to win support for the Parkside development by promising a reduction in flood insurance rates for people living in surrounding neighborhoods. However, this promised benefit does NOT apply to those people most closely and adversely affected by the development (including those on Kenilworth Drive).

What will the Parkside development mean for me and my neighbors?

- No reduction in FEMA-mandated flood insurance coverage
- Increased potential for flooding
- Years of major construction and the accompanying noise, dust, and displaced animal life
- Increased traffic on local streets (Try turning left onto Graham from Kenilworth – it's already congested.)
- Loss of precious open space (There is so little left in our area!)

Please deny Shea Homes permission to build.

Thank you,

Colleen Ponchak

Colleen Ponchak
5351 Kenilworth Drive
Huntington Beach, CA 92649

Th-14a

California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

May 3, 2007

Dear Ms. Vaughn,
Please don't let them build houses on the wetlands (bean field). We love the open space.

Thank you,
The Ponchak Children
Kenny, Mary, Jillian, Luke and Drew
5351 Kenilworth Drive
Huntington Beach, CA 92649

Luke

Drew

Mary

Jillian
Jillian

Kenny

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193

California Coastal Commission
Attn: Meg Vaughn
200 OceanGate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
SOUTH COAST REGION
MAY 17 2007
CALIFORNIA
COASTAL COMMISSION

Th - 14a

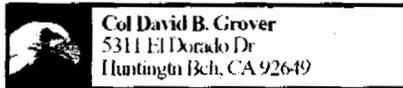
Dear Ms Vaughn and Commissioners:

How many times do the people of this area have to say "NO" to the Parkside Estates housing tract? This has been going on for a decade and the developer is still trying to build in the bean field. Put an end to this once and for all by denying the LCPA. We don't need the extra traffic, noise, pollution, and flooding this project will bring. We don't need to lose any more of our wetlands to unnecessary development. We can't afford to lose our homes to subsidence and vibration when Parkside is constructed. Preserve what's left of our open space and make Shea remove the illegal dirt fills on the property. Make Shea restore the wetlands that have been destroyed and buried by illegal grading. Save the habitat buffers and don't let anything be built.

Sincerely ...



Date...



4 May 07

QUESTION: TRAFFIC - ONLY ONE EXIT FROM TRACT IN CASE OF EMERGENCY. PLEASE NOT A SECOND EXIT THROUGH PRESTIGE HOMES!!! - WHAT ARE FIRE MARSHALL'S COMMENTS -

QUESTION: DID "EIR" LOOK AT EFFECT ON EXISTING WATER TABLE? - AQUIFER? -

CONCLUSION - STILL TOO MANY QUESTIONS UNANSWERED. TOO MUCH "POLITICAL" INFLUENCE - SHOULD O.C. GRAND JURY LOOK INTO POSSIBLE INFLUENCES? -



194

Californic Coastal Commission
Attn: Meg Vaughn
200 OceanGate, 10th Floor
Long Beach, CA 90802-4416

10th 146
10th 146
10th 146

Dear Ms Vaughn and Commissioners:

How many times do the people of this area have to say "NO" to the Parkside Estates housing tract? This has been going on for a decade and the developer is still trying to build in the bean field. Put an end to this once and for all by denying the LCPA. We don't need the extra traffic, noise, pollution, and flooding this project will bring. We don't need to lose any more of our wetlands to unnecessary development. We can't afford to lose our homes to subsidence and vibration when Parkside is constructed. Preserve what's left of our open space and make Shea remove the illegal dirt fills on the property. Make Shea restore the wetlands that have been destroyed and buried by illegal grading. Save the habitat buffers and don't let anything be built.

Sincerely ... *Jonna Anderson*

Date... *5-4-07*

P.S I am mostly worried about the excess traffic we will have on Graham and in our tract of homes.

*Homeowner for 41 years on
Lanilworth drive*

CALIFORNIA COASTAL COMMISSION
ATTN: MEG VAUGHN
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416

Don't forget to bring
State a special habitat
from destruction of it +
we can get our future generations to come

TH - 14 A

3 copies Received

**THE WETLANDS ARE TO BE PROTECTED,
AND STATE LAW CANNOT BE NEGLECTED.
SHEA HAS NO REGARD
AND DID EASILY DISCARD
RESTORATION THE COMMISSION DIRECTED.**

Once it's gone -
we will never
get this beautiful

RECEIVED
South Coast Region

**WITH EVERY ILLEGAL ACT DONE,
RON METZLER THINKS HE HAS WON.
BY HABITAT DESTRUCTION
HE PLANS HIS CONSTRUCTION
AND FILLS WETLANDS IN BY THE TON.**

MAY 7 2007

CALIFORNIA
COASTAL COMMISSION

**RARE BIRDS AND PLANTS CAN BE FOUND
IN THE TREES, IN THE BUSHES, ON THE GROUND.
DESPITE HEAVY FARMING AND PLANTING
AND RON METZLER'S RANTING
THE WILDLIFE STILL STICKS AROUND.**

**WANDERING SKIPPERS BREEDING IN GRASS,
MIGRATORY BIRDS NESTING EN MASS;
GNATCATCHERS ARE THERE
AND SOUTHERN TARPLANT TO SPARE -
CLEARLY PARKSIDE SHOULD BE KICKED IN THE ~~ASS~~**

**WE DON'T WANT SHEA HOMES TO BUILD;
WE DON'T WANT THE BEAN FIELD FILLED.
WE WANT SHEA TO GO
WITH RON METZLER IN TOW,
AND WE WANT THAT ~~BEAN~~ HOUSING TRACT ~~BEAN~~ never
to be built**

SIGNED: *Alme Cook* - #3 resident

DATE: *5/1/07*

196

Dear Coastal Commission
Please do not destroy one of
the unspoiled wetlands areas for
few

... maintain in such a condition we may ensure that free and
... for ...

CALIFORNIA COASTAL COMMISSION
ATTENTION MEG VAUGHN
200 OCEANGATE, 10TH FLOOR
LONG BEACH CA 90802-4416

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South Coast Region

MAY 7 2007

CALIFORNIA
COASTAL COMMISSION

MS VAUGHN,

OPENLAND

I DON'T WANT SHEA HOMES TO BUILD IN THE ~~BEAN~~ FIELD. DENY THE PARKSIDE ESTATES HOUSING TRACT. MAKE SHEA REMOVE THE ILLEGAL FILLS AND RESTORE THE WETLANDS THAT ARE BURIED ON THE PROPERTY. SAVE THE SENSITIVE HABITAT AND WETLANDS FOR FUTURE GENERATIONS AND PREVENT ALL CONSTRUCTION OR OTHER ACTIVITY WITHIN THE PROTECTED BUFFER ZONES.

DON'T LET OUR LEGACY BE ONE OF PAVEMENT AND OVERCROWDING AND ENVIRONMENTAL DESTRUCTION. PRESERVE OUR PRECIOUS OPEN SPACE. SAVE OUR VANISHING WILDLIFE FROM GREEDY DEVELOPERS.

DON'T LET SHEA HOMES BUILD ANYTHING IN THE FIELD.

SINCERELY,

DATE:

Alyanne R. Granger

5-2-07

Paula M. Spence

5-3-07

[Signature]

5-3-07

5-2-07

Josephine Spatola
John P. Stasko

5-3-07

5-3-07

197

26 Copies Recieved
w/ a total of 31 signatures

California Coastal Commission
Attention Meg Vaughn
200 Ocean Gate, 10th Floor
Long Beach, CA 90802-4416

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MAY 4 2007

CALIFORNIA
COASTAL COMMISSION

LISTEN TO WHAT THE RESIDENTS SAY;
THEY'RE TELLING PARKSIDE TO GO AWAY.
THE PUBLIC IS OPPOSED TO SHEA;
DUMP PARKSIDE ESTATES OUT IN THE BAY.

DENY THE LCPA

PROTECT THE ESHAS

PROTECT THE WETLANDS

NO MORE HOUSING TRACTS!

REMOVE THE ILLEGAL FILLS

PRESERVE THE SETBACKS

SAVE THE WILDLIFE

FOLLOW THE LAW – UPHOLD THE COASTAL ACT

SIGNED:

Comway
Don't build the
faking houses!!

DATE:

5/2/07

198

California Coastal Commission
Attn: Meg Vaughn
200 OceanGate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED

Th-14a

OFFICE OF THE
CALIFORNIA COASTAL COMMISSION

Dear Ms. Vaughn:

I am adamantly opposed to any and all development on the Shea property. The area is home to many raptor and other bird species, as well as a multitude of other wildlife and plants. The Parkside Estates development will fill in existing wetlands and contribute to the destruction of Environmentally Sensitive Habitat Area on the site by increasing the human presence in the vicinity and eliminating hunting and foraging grounds for the birds and animals which live there. I urge the Coastal Commission to DENY the Parkside Estates plan in its entirety so that the property may be preserved and restored to its natural state.

Furthermore, I request the property be re-evaluated for wetlands which still exist and have been illegally filled over the past twenty years. Those wetlands are buried under tons of fill that should be removed and the habitat restored. The setbacks for the documented wetlands and Environmentally Sensitive Habitat Areas must be preserved intact and not encroached upon with passive recreational activities or any water treatment facilities. Setbacks are designed to protect the sensitive environments and any activity within those protected areas are contradictory to the purpose of the laws.

Sincerely,

Mona Dullar

Date:

5/03/07

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199

California Coastal Commission,
Attention - Meg Vaughn

200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

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South Coast Region
MAY 17 2007
CALIFORNIA
COASTAL COMMISSION

Dear Ms. Vaughn,

I do not support the Shea Homes attempt to construct a water treatment system inside the wetland and ESHA buffers. The buffers are there to protect the wetlands and habitat for the birds and other animals which live on the property. Allowing recreational activity or constructing anything inside the huffer zones will destroy the wetlands and protected Euc alyptus groves. Shea should not be allowed to build anything inside the buffers, not even a nature trail. No parks, no landscaping, nothing. The buffers are there to protect the environment and wildlife from humans, not the other way around.

DO NOT allow Shea to build anything inside the buffer areas, not even the street that is supposed to connect to Greenleaf. If that street is connected, it will eventually be opened up to through traffic instead of being for emergency vehicles only, and the Parkside residents will use that street to exit and enter the adjacent neighborhood instead of the signal Shea wants to install on Graham.

Shea has filled in wetlands on the property without permission and has also cut a drainage ditch illegally. The damage is still there and Shea needs to be ordered to remove the fill dirt before being given permission to anything else, even farming. Stop the environmental abuse and protect the wetlands, ESHA, and the buffers. Uphold the 1981 ruling that said the property should not be zoned for housing construction.

DO NOT approve any requests from Shea. Deny the LCPA and hold Shea legally accountable for their actions.

Thank you

Michael Powell
Date 5/2/07

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MAY 4 2007

Th - 14a

4-21 -07

**CALIFORNIA
COASTAL COMMISSION**

California Coastal Commission
Attn: Meg Vaughn
200 Occangate, 10th Floor
Long Beach, CA 90802-4416

↓
Deny
it
Please!

Ms. Vaughn —

I am writing to ask the commission to **DENY the Parkside Estates development**. Protect the ESHAs and wetlands on the property by not allowing any construction in the buffer areas or anywhere else. The wetlands and groves on the property are home to many birds and animals that will be forced out of their homes if the housing project is built. The field is part of the Bolsa Chica Wetlands and should be preserved and restored, not paved over with houses we don't need or want in our community. Shea needs to be ordered to remove the illegal fills and restore the buried wetlands that still exist on the property. The setbacks need to be preserved completely and the property taken out of residential zoning forever.

NO HOUSES!!! PROTECT THE TREES!!! SAVE THE WETLANDS!!!

DENY THE PARKSIDE ESTATES DEVELOPMENT!!!!!!!!!!!!!!!!!!!!

Sincerely,



California Coastal Commission
Attn: Meg Vaughn
200 Occangate, 10th Floor
Long Beach, CA 90802-4416

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RECEIVED
CALIFORNIA COASTAL COMMISSION

Ms. Vaughn —

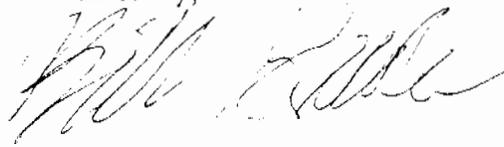
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NO HOUSES!!! PROTECT THE TREES!!! SAVE THE WETLANDS!!!

DENY THE PARKSIDE ESTATES DEVELOPMENT!!!!!!!!!!!!!!!!!!!!

Please save the land!

Sincerely,



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California Coastal Commission
Attn: Meg Vaughn
200 OceanGate, 10th Floor
Long Beach, CA 90802-4416

CALIFORNIA COASTAL COMMISSION

DENY!

Ms. Vaughn —

I am writing to ask the commission to **DENY the Parkside Estates development**. Protect the ESHAs and wetlands on the property by not allowing any construction in the buffer areas or anywhere else. The wetlands and groves on the property are home to many birds and animals that will be forced out of their homes if the housing project is built. The field is part of the Bolsa Chica Wetlands and should be preserved and restored, not paved over with houses we don't need or want in our community. Shea needs to be ordered to remove the illegal fills and restore the buried wetlands that still exist on the property. The setbacks need to be preserved completely and the property taken out of residential zoning forever.

NO HOUSES!!! PROTECT THE TREES!!! SAVE THE WETLANDS!!!

DENY THE PARKSIDE ESTATES DEVELOPMENT!!!!!!!!!!!!!!!!!!!!

Sincerely,

[Handwritten signature]

Please tell Shea Jones to take their greed & selfishness - they can develop land somewhere else that is not home to so many endangered species.

Jundwinson Creek already has a huge population, polluted with chemicals from oil drilling.

Stop the madness
no more building!
no more building!

California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

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South Coast Region
CALIFORNIA
COASTAL COMMISSION

Ms. Vaughn —

I am writing to ask the commission to **DENY the Parkside Estates development.** Protect the ESHAs and wetlands on the property by not allowing any construction in the buffer areas or anywhere else. The wetlands and groves on the property are home to many birds and animals that will be forced out of their homes if the housing project is built. The field is part of the Bolsa Chica Wetlands and should be preserved and restored, not paved over with houses we don't need or want in our community. Shea needs to be ordered to remove the illegal fills and restore the buried wetlands that still exist on the property. The setbacks need to be preserved completely and the property taken out of residential zoning forever.

NO HOUSES!!! PROTECT THE TREES!!! SAVE THE WETLANDS!!!

DENY THE PARKSIDE ESTATES DEVELOPMENT!!!!!!!!!!!!!!!!!!!!

Sincerely,

Gene Cash

I will be paying for F&E... my part of my flood insurance... walk your dog near this property and see rare birds and... Huntington Beach already has polluted water and air - we need no more congestion on the beach and...
204

California Coastal Commission
Attn: Meg Vaughn
200 OceanGate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED

Ms. Vaughn —

I am writing to ask the commission to **DENY the Parkside Estates development**. Protect the ESHAs and wetlands on the property by not allowing any construction in the buffer areas or anywhere else. The wetlands and groves on the property are home to many birds and animals that will be forced out of their homes if the housing project is built. The field is part of the Bolsa Chica Wetlands and should be preserved and restored, not paved over with houses we don't need or want in our community. Shea needs to be ordered to remove the illegal fills and restore the buried wetlands that still exist on the property. The setbacks need to be preserved completely and the property taken out of residential zoning forever.

NO HOUSES!!! PROTECT THE TREES!!! SAVE THE WETLANDS!!!

5-3-07

DENY THE PARKSIDE ESTATES DEVELOPMENT!!!!!!!!!!!!!!!!!!!!

On a personal note: We are original owners and have ~~seen~~ watched the area change over the years, of course progress is necessary, but in these trying times don't we need to preserve what little of nature we have left for the next generation. How sad & careless of us for them ~~not~~ to see plants, creatures, open fields instead of cement, buildings, cars, etc. Our children & grandchildren moved back to this area because of this small slice of nature. We have so little left. We need to think of their future.

Sincerely,

*Bill & Patricia Johnson
17052 St. Andrews Ln
Huntington Beach CA 92649*

*Sincerely
Patricia Johnson
714-846-6522*

205

California Coastal Commission
Attn: Meg Vaughn
200 Ocean Gate, 10th Floor
Long Beach, CA 90802-4416

REC'D
OUT

COAST

Ms. Vaughn —

I am writing to ask the commission to **DENY the Parkside Estates development**. Protect the ESHAs and wetlands on the property by not allowing any construction in the buffer areas or anywhere else. The wetlands and groves on the property are home to many birds and animals that will be forced out of their homes if the housing project is built. The field is part of the Bolsa Chica Wetlands and should be preserved and restored, not paved over with houses we don't need or want in our community. Shea needs to be ordered to remove the illegal fills and restore the buried wetlands that still exist on the property. The setbacks need to be preserved completely and the property taken out of residential zoning forever.

NO HOUSES!!! PROTECT THE TREES!!! SAVE THE WETLANDS!!!

PLEASE ↓

DENY THE PARKSIDE ESTATES DEVELOPMENT!!!!!!!!!!!!!!!!!!!!

Sincerely,

A MURPHY

DOESN'T SHEA HOMES UNDERSTAND HOW ENDANGERED OUR WETLANDS ARE? THIS NOW

ILLEGALLY

BURIED WETLANDS BUFFERS US FROM FLOODING AND PROVIDES FOOD AND REST FOR MANY FEDERALLY PROTECTED SPECIES.

California Coastal Commission
Attn: Meg Vaughn
200 Ocean Gate, 10th Floor
Long Beach, CA 90802-4416

Ms. Vaughn —

I am writing to ask the commission to **DENY the Parkside Estates development**. Protect the ESHAs and wetlands on the property by not allowing any construction in the buffer areas or anywhere else. The wetlands and groves on the property are home to many birds and animals that will be forced out of their homes if the housing project is built. The field is part of the Bolsa Chica Wetlands and should be preserved and restored, not paved over with houses we don't need or want in our community. Shea needs to be ordered to remove the illegal fills and restore the buried wetlands that still exist on the property. The setbacks need to be preserved completely and the property taken out of residential zoning forever.

NO HOUSES!!! PROTECT THE TREES!!! SAVE THE WETLANDS!!!

DENY THE PARKSIDE ESTATES DEVELOPMENT!!!!!!!!!!!!!!!!!!!!

Sincerely,

Little Walker

Leave the land alone!! Greedy developers can go elsewhere. We need this wetlands. This will not eliminate FEMA's insurance (mandated flood insurance) in our area. It will increase potential for levy failure. We ^{local} residents will be happy to pay FEMA to keep this area rural!

207

Th-14a
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South Coast Region

MAY 4 2007

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Ms. Vaughn —

I am writing to ask the commission to **DENY the Parkside Estates development**. Protect the ESHAs and wetlands on the property by not allowing any construction in the buffer areas or anywhere else. The wetlands and groves on the property are home to many birds and animals that will be forced out of their homes if the housing project is built. The field is part of the Bolsa Chica Wetlands and should be preserved and restored, not paved over with houses we don't need or want in our community. Shea needs to be ordered to remove the illegal fills and restore the buried wetlands that still exist on the property. The setbacks need to be preserved completely and the property taken out of residential zoning forever.

NO HOUSES!!! PROTECT THE TREES!!! SAVE THE WETLANDS!!!

DENY THE PARKSIDE ESTATES DEVELOPMENT!!!!!!!!!!!!!!!!!!!!

Sincerely,

Steve Walker

U.S. wetlands are shrinking every year. The wetlands are vital for naturally filtering soil and preventing flooding. Also, habitat for many species already endangered.

Don't encroach on Mother nature. Huntington Beach is as developed as much as possible.

Please, say no to greedy developers!

208

April 30, 2007

Th - 14a

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South Coast Region

MAY 4 2007

California Coastal Commission
Attn: Meg Vaughn
200 Ocean Gate, 10th Floor
Long Beach, CA 90802-4416

CALIFORNIA
COASTAL COMMISSION

Ms. Vaughn —

I am writing to ask the commission to **DENY the Parkside Estates development**. Protect the ESHAs and wetlands on the property by not allowing any construction in the buffer areas or anywhere else. The wetlands and groves on the property are home to many birds and animals that will be forced out of their homes if the housing project is built. The field is part of the Bolsa Chica Wetlands and should be preserved and restored, not paved over with houses we don't need or want in our community. Shea needs to be ordered to remove the illegal fills and restore the buried wetlands that still exist on the property. The setbacks need to be preserved completely and the property taken out of residential zoning forever.

NO HOUSES!!! PROTECT THE TREES!!! SAVE THE WETLANDS!!!

DENY THE PARKSIDE ESTATES DEVELOPMENT!!!!!!!!!!!!!!!!!!!!

Sincerely,
Leslie Hart

*Huntington Beach Hilton, Huntington Beach Hyatt,
Dukes, Charming, and the list goes on & on...
The city does not! need any more revenue.*

Give the residents and tourists some land and nature to enjoy!! Keep the land !!

Please!

209

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South Coast Region

Th - 14a

MAY 4 2007

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Ms. Vaughn —

I am writing to ask the commission to **DENY the Parkside Estates development**. Protect the ESHAs and wetlands on the property by not allowing any construction in the buffer areas or anywhere else. The wetlands and groves on the property are home to many birds and animals that will be forced out of their homes if the housing project is built. The field is part of the Bolsa Chica Wetlands and should be preserved and restored, not paved over with houses we don't need or want in our community. Shea needs to be ordered to remove the illegal fills and restore the buried wetlands that still exist on the property. The setbacks need to be preserved completely and the property taken out of residential zoning forever.

NO HOUSES!!! PROTECT THE TREES!!! SAVE THE WETLANDS!!!

DENY THE PARKSIDE ESTATES DEVELOPMENT!!!!!!!!!!!!!!!!!!!!

This building would reduce land available for federally protected species of birds & butterflies.

no benefit to us - only to the developer & local government in the form of taxes!

Sincerely,

*Allen Foster 92649
Huntington Beach resident*

I live near Graham & Warner, where building will be taking place. This project would bring excessive traffic onto Graham, which is already busy, and would be dangerous for Marine View Middle School students who walk home both directions on Graham & who walk to school. 2,500 more vehicle trips per day!

210

California Coastal Commission
Attn: Meg Vaughn
200 OceanGate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
South Coast Region
MAY 4 2007

CALIFORNIA
COASTAL COMMISSION

Ms. Vaughn —

I am writing to ask the commission to **DENY the Parkside Estates development**. Protect the ESHAs and wetlands on the property by not allowing any construction in the buffer areas or anywhere else. The wetlands and groves on the property are home to many birds and animals that will be forced out of their homes if the housing project is built. The field is part of the Bolsa Chica Wetlands and should be preserved and restored, not paved over with houses we don't need or want in our community. Shea needs to be ordered to remove the illegal fills and restore the buried wetlands that still exist on the property. The setbacks need to be preserved completely and the property taken out of residential zoning forever.

NO HOUSES!!! PROTECT THE TREES!!! SAVE THE WETLANDS!!!

DENY THE PARKSIDE ESTATES DEVELOPMENT!!!!!!!!!!!!!!!!!!!!



Sincerely,

Huntington Beach is becoming really crowded. We need to have more houses!

Not the pristine area it used to be. Our waters are polluted & wetlands are disappearing.

Please say no to Shea Homes.

211

California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Th - 14a

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South Coast Region

MAY 4 2007

Ms. Meg Vaughn,

CALIFORNIA
COASTAL COMMISSION

For the past ten years Shea Homes has tried to ram the Parkside Estates development down the throats of the people who live in the neighborhoods surrounding the project site despite vehement opposition. How many times and in how many ways must the residents of the adjacent neighborhoods and visitors to the Bolsa Chica Wetlands scream "NO!!!" ??????

DENY PARKSIDE ESTATES. DENY SHEA PERMISSION TO BUILD. DENY SHEA THE OPPORTUNITY TO DESTROY SENSITIVE HABITAT AND WETLANDS. DENY SHEA THE ABILITY TO MAKE A PROFIT AT THE EXPENSE OF THE PEOPLE, ANIMALS, AND RAPTORS THAT LIVE IN THE AREA. DENY SHEA HOMES' PROPOSED HOUSING TRACT. MAKE SHEA UNDO THE ILLEGAL WETLAND FILLING AND RESTORE THE WETLANDS THEY INTENTIONALLY BURIED. WE HAVE ENOUGH PEOPLE, ENOUGH TRAFFIC, ENOUGH OF EVERYTHING EXCEPT OPEN SPACE. DO THE RIGHT THING AND VOTE NO!

Thank you,

Gary Chrisman

Date

5/1/07

P.S. My CHILDREN & THEIR CHILDREN THANK YOU.

212

California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Th - 14a

RECEIVED
South Coast Region

MAY 4 2007

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CALIFORNIA
COASTAL COMMISSION

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Thank you,

Date

Amita Cizick

5-2-07

This project is not acceptable to my neighborhood! The

Levy failure, in the future of the Levy, is inevitable! Would you want this horror in your neighborhood?

213

California Coastal Commission
Attn: Meg Vaughn
200 Ocean Gate, 10th Floor
Long Beach, CA 90802-4416

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Regional

CALIFORNIA
COMMISSION

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NO HOUSES!!! PROTECT THE TREES!!! SAVE THE WETLANDS!!!

DENY THE PARKSIDE ESTATES DEVELOPMENT!!!!!!!!!!!!!!!!!!!!

Sincerely,

David Park
Sydney Horne

4 COPIES received

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South Coast Region TH - 14 A

MAY 4 2007

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission

Attn: Meg Vaughn

200 OceanGate, 10th Floor
Long Beach, CA 90802-4416

Dear MS. Vaughn;

I am asking you and the rest of the Coastal Commission to prevent the housing tract on the field. We don't need any more houses in this area. It's already too congested as it is. Building more houses will lower the quality of life for the people who live in the area by bringing in more traffic, more noise, more pollution, and paving over the last of the open space in this part of the city. Property values of the houses in the surrounding housing tracts will be lowered by the Parkside Estates development, not raised. Four years of construction is four years too much. Raising the level of the field will increase the chance of flooding in existing neighborhoods. Taking out the ground water which supports neighboring housing tracts will cause those homes to SINK and the vibrations from the construction activity will shake neighboring houses apart.

Destroying valuable wetlands for the sake of making a buck is reprehensible and should be stopped. Protect the rare plants and birds that live on the property by protecting their habitat — ALL of it, and that includes the wetlands that were illegally filled and still exist under tons and tons of dirt. Do not allow ANYTHING to be built in the field, make the company undo the damage, and hold Shea Homes accountable for the damage intentionally done. Deny the project in its entirety. It's not needed and it's not wanted.

Sincerely

[Handwritten signature]
[Handwritten signature]

Date:

5/3/2007
5/3/2007

2 copies received

215

Total of 6 copies received
(4 enclosed)

California Coastal Commission
Attn: Meg Vaughn
200 Ocean Gate, 10th Floor
Long Beach, CA 90802-4416

Th - 14a

Dear M. Vaughn,

This letter is written with the hope that the Coastal Commission will see fit to deny Shea Homes attempt to build the proposed Parkside Estates housing development on the field which borders Graham Ave. in Huntington Beach. The project will increase the potential for flooding existing homes and will cause houses adjacent to the field to experience subsidence when the groundwater is removed during construction. Property values will be adversely affected by the proposed project; no one will want to purchase a house that is next to a major construction site, let alone live there. Traffic on city streets will increase with the addition of thousands of vehicles per day and precious open space will be lost forever.

Shea plans to build on a historic wetland, and despite years of farming and illegal wetland filling, active and buried wetlands still exist on the property which need to be mapped and restored. There are also areas of sensitive habitat which are known to provide nesting, hunting, roosting, and feeding grounds for a wide variety of protected raptors, including Cooper's Hawks, Osprey, Kites, Merlin, and Harriers. Rare Southern Tarplant has been found growing on the site, and California Gnatcatchers have been living, nesting, and successfully breeding there for at least two years. To allow houses to intrude into this environment would not only be a travesty, it would be a crime against nature and be in direct contradiction to the Commission's 1981 ruling for this property. Please do not allow the Parkside Estates development to be built and destroy a valuable part of the Bolsa Chica ecosystem. Deny Shea Homes permission to build.

Date: 5-3-07

Thank you, Kristen Coppa
17231 Greenleaf Lane

We have seen many wonderful and beautiful things when this piece of property is left alone. In between "deep plowings", planting of beans, and more "raping of the land", we have seen; Raptors feeding, Herons basking and feeding, coyotes feeding, snakes, lizards, frogs and fairy shrimp! This portion of land supports a plethora of wetland life. It wants to be a wetland! Let it be a wetland!

Kristen Coppa

216

California Coastal Commission
Attn: Meg Vaughn
200 Ocean Gate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED

Th - 14a

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Date: 9-3-07

Thank you, R. V. KERCOFF

1723 GREENLEAF LANE

Since the 1900's we have seen this land be a wetland. Current pictures show this portion of wetland with the historical Slough trying to be a wetland and the Slough still shows to this day. Let this land be what it wants -
A WETLAND!

217

RECEIVED
CALIFORNIA COASTAL COMMISSION

California Coastal Commission
Attn: Meg Vaughn
200 OceanGate, 10th Floor
Long Beach, CA 90802-4416

JOE COPPA
17231 GREENLEAF LANE
HUNTINGTON BEACH, CA
92649

Dear M. Vaughn,

714 840-1833

This letter is written with the hope that the Coastal Commission will see fit to deny Shea Homes attempt to build the proposed Parkside Estates housing development on the field which borders Graham Ave. in Huntington Beach. The project will increase the potential for flooding existing homes and will cause houses adjacent to the field to experience subsidence when the groundwater is removed during construction. Property values will be adversely affected by the proposed project; no one will want to purchase a house that is next to a major construction site, let alone live there. Traffic on city streets will increase with the addition of thousands of vehicles per day and precious open space will be lost forever.

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Date: 5-4-07

Thank you, 

THE COMMUNITY, CITY, COUNTY, STATE, OR THE ENTIRE WEST COAST HAS ABSOLUTELY NOTHING TO GAIN BY THE DEVELOPEMENT OF THIS PROPERTY. OUR CITY IS OVER DEVELOPED AS IT IS. WE DONT HAVE ENOUGH "OPEN SPACE", SPACE WHERE NATIVE PLANTS AND ANIMALS CAN CONTINUE TO GROW INSTEAD OF DISAPPEAR. MOST IMPORTANTLY IT IS VERY VALUEABLE TO MY KIDS AND ^{THE} LOCALS TO ENJOY THE "WILDLIFE" THAT EXISTS HERE * DIBACK AND BULL THE COAST. * 218

California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
California Coastal Reg. Div.

CALIFORNIA
COASTAL COMMISSION

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This letter is written with the hope that the Coastal Commission will see fit to deny Shea Homes attempt to build the proposed Parkside Estates housing development on the field which borders Graham Ave. in Huntington Beach. The project will increase the potential for flooding existing homes and will cause houses adjacent to the field to experience subsidence when the groundwater is removed during construction. Property values will be adversely affected by the proposed project; no one will want to purchase a house that is next to a major construction site, let alone live there. Traffic on city streets will increase with the addition of thousands of vehicles per day and precious open space will be lost forever.

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Date: 5/3/07

Thank you, *Blayne Cooper*

2007-05-03

~~TH~~ This land wants to be protected not a housing tract.
The slough will show you itself. The land tries to show
As hard as it can. LET IT BE A beautiful place!

California Coastal Commission

Attention: Meg Vaughn

200 OceanGate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
Southwest Region

CALIFORNIA
COASTAL COMMISSION

Dear Ms. Vaughn:

Do not allow Shea Homes to build the Parkside Estates housing tract; it will destroy sensitive habitat and wetlands which have been documented on the site. It will also devalue surrounding homes by causing subsidence when the field is de-watered during construction. Shea wants to remove the ground water from the field so the Parkside development will be stable, but that same ground water supports the houses in the adjacent neighborhoods. Water doesn't stop at a fence line or a road. When Shea removes the water from the field, the water which supports homes in the surrounding neighborhoods will also be removed, causing those houses to sink. Shea denies this will happen, but that's to be expected from a developer which has time and again presented half-truths as fact and omitted crucial data from its Environmental Impact Report — a report which the Commission itself labled "fundamentally flawed."

The property is unsuitable for construction of anything, let alone a housing tract. It was a wetland when Shea bought the property and it still is a wetland despite years of constant farming and illegal filling and grading. Make Shea take out the illegal fill dirt and restore the property to its natural state. Prevent Parkside Estates from being built and uphold the laws of California.

Sincerely,

William F. Simpson

Dated:

May 4, 2007

4 copies received

California Coastal Commission,
Attention – Meg Vaughn

200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
South Coast Region

MAY 4 2007

CALIFORNIA
COASTAL COMMISSION

Dear Ms. Vaughn,

I do not support the Shea Homes attempt to construct a water treatment system inside the wetland and ESHA buffers. The buffers are there to protect the wetlands and habitat for the birds and other animals which live on the property. Allowing recreational activity or constructing anything inside the buffer zones will destroy the wetlands and protected Eucalyptus groves. Shea should not be allowed to build anything inside the buffers, not even a nature trail. No parks, no landscaping, nothing. The buffers are there to protect the environment and wildlife from humans, not the other way around.

DO NOT allow Shea to build anything inside the buffer areas, not even the street that is supposed to connect to Greenleaf. If that street is connected, it will eventually be opened up to through traffic instead of being for emergency vehicles only, and the Parkside residents will use that street to exit and enter the adjacent neighborhood instead of the signal Shea wants to install on Graham.

Shea has filled in wetlands on the property without permission and has also cut a drainage ditch illegally. The damage is still there and Shea needs to be ordered to remove the fill dirt before being given permission to anything else, even farming. Stop the environmental abuse and protect the wetlands, ESHA, and the buffers. Uphold the 1981 ruling that said the property should not be zoned for housing construction.

DO NOT approve any requests from Shea. Deny the LCPA and hold Shea legally accountable for their actions.

Thank you

Don & Dodie Beal

Date 5-3-07

5352 KENILWORTH DR.
HUNTINGTON BEACH, CA 92649

— This Shea development is completely flawed.
It is unnecessary and in the wrong
location.

17071 Berlin Lane
Huntington Beach, CA 92649

May 2, 2007

Ms. Meg Vaughn
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
South Coast Region

MAY 4 2007

CALIFORNIA
COASTAL COMMISSION

Reference: HNB-MAJ-1-06

Dear Ms. Vaughn:

I support staff's recommendation to *DENY* HNB-MAJ-1-06 as submitted.

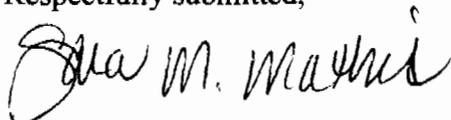
I believe the true extent of wetlands on the property is still undetermined due to unpermitted fill and incomplete groundwater monitoring well data. The entire subject parcel is part of the Bolsa Chica wetlands system, despite the owner's ongoing efforts and tactics to convert it to something else. In addition to the presence of ponding and wetland plant species, which have been well-documented on the site, the fact that the subject parcel is one to two feet below sea level and requires overexcavation, dewatering, and 260,000+ cubic yards of imported fill material (approximately 13,000 truck trips) to make it suitable for building should provide evidence enough that the site is wetlands and not suited for residential development.

The California Coastal Commission is tasked with protecting the functions and values of the wetlands in my watershed. If the California Coastal Commission allows the subject parcel to be drained, filled, and developed, they will destroy habitat for endangered wildlife and plant species, which have been well-documented on the site, further degrade our beaches' and watershed's water quality, due to increased pollution and storm water runoff, increase the surrounding area's vulnerability to flooding, and eliminate scarce open space and yet another vital productive ecosystem from our coastal area.

Both Eucalyptus groves on the Shea property are ESHA due to the well-documented use by White-tailed kites, Cooper's hawks, and other raptors. At a minimum, the Commission should require 100 meter buffer areas for the ESHAs. Similarly, all wetlands on the property must be maintained and protected by 100 foot buffers. The ESHA buffers need to be robust, true buffers that are undiminished and unimpeded. Any Natural Treatment System (NTS), VFPF, or passive recreation area constructed on the site should be constructed *OUTSIDE* of the ESHA buffers to protect wildlife.

In 1981, the California Coastal Commission **REJECTED** the City's proposal to designate this property as residential. Do not overturn that decision now.

Respectfully submitted,



Sara M. Mathis

222

Th-14a

Lionel Okun
3850 Lampson Ave., #314
Seal Beach, CA 90740-2797

(562) 431 8272

I oppose the City's submission
and Approve the staff's
recommended modifications
RECEIVED
South Coast Region

May 3rd 2007

MAY 4 2007

California Coastal Commission
Attn: Meg Vaughn
200 Ocean Gate, 10th Floor
Long Beach
CA 90802-4416

CALIFORNIA
COASTAL COMMISSION

Dear Members of the Coastal Commission,

Please follow staff's recommendation to deny HNB-MAJ-1-06 as submitted.

The staff's modifications are a good start. However, the true extent of wetlands on the property is still undetermined due to unpermitted development (fill) and incomplete well data.

Both Eucalyptus groves on the Shea property are ESHA by virtue of their use by White-tailed kites, Cooper's hawks, and other raptors, and so both groves must be protected by equal 100-Meter buffers.

All wetlands on site must be maintained and protected by 100-Foot buffers.

All wetland and ESHA buffers must be robust and true buffers which are undiminished or unimpeded by any NTS, VPPF, or passive recreation activities.

In 1981 the Commission REJECTED the City's proposal to designate this property as residential. Do not overturn that decision now.

Yours respectfully,

L. Okun

223

RECEIVED
South Coast Region

MAY 4 2007

Th - 14a

California Coastal Commission
Attn: Meg Vaughn
200 Occangate, 30th Floor
Long Beach, CA 90802-4416

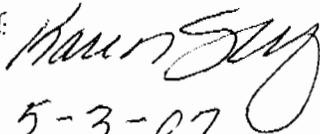
CALIFORNIA
COASTAL COMMISSION

Dear Ms. Vaughn,

I am writing to ask that the Coastal Commission prevent Shea Homes from building on the field which is adjacent to the flood control channel and Graham. There are many protected birds of prey which hunt on the property and any development will displace them from their chosen hunting grounds. Southern Tarplant also grows on the property and the area is home to many other species of wildlife. California Gnatcatchers, a federally threatened species, also lives and breeds on the property, as do Wandering Skipper butterflies, a federal species of concern. There are also wetlands in the field that Shea has filled without permits in direct violation of the Coastal Act.

I urge the Commission to deny Shea Homes permission to build on the field so that the wetlands and groves can be protected; the required setbacks need to be kept free of all human intrusion and construction activities. I also ask the Commission to order Shea to remove the illegal wetland fills and restore the areas, and to levy fines against the company for willingly and knowingly violating state coastal laws. I urge to Commission to uphold the 1981 decision which rejected the residential zoning of the Shea property and prevent Parkside Estates from being built.

Signed:



Date:

5-3-07

224

RECEIVED
South Coast Region Th-14a

MAY 4 2007

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
Attn: Meg Vaughn
200 Ocean Gate, 10th Floor
Long Beach, CA 90802-4416

Dear Ms. Vaughn:

I am adamantly opposed to any and all development on the Shea property. The area is home to many raptor and other bird species, as well as a multitude of other wildlife and plants. The Parkside Estates development will fill in existing wetlands and contribute to the destruction of Environmentally Sensitive Habitat Area on the site by increasing the human presence in the vicinity and eliminating hunting and foraging grounds for the birds and animals which live there. I urge the Coastal Commission to DENY the Parkside Estates plan in its entirety so that the property may be preserved and restored to its natural state.

Furthermore, I request the property be re-evaluated for wetlands which still exist and have been illegally filled over the past twenty years. Those wetlands are buried under tons of fill that should be removed and the habitat restored. The setbacks for the documented wetlands and Environmentally Sensitive Habitat Areas must be preserved intact and not encroached upon with passive recreational activities or any water treatment facilities. Setbacks are designed to protect the sensitive environments and any activity within those protected areas are contradictory to the purpose of the laws.

Sincerely,



May 2, 2007

Date:

We love walking back here with the dogs. It's safe + peaceful. Please do not build homes.

225

RECEIVED
South Coast Region

MAY 4 2007

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission

Attn: Meg Vaughn

200 OceanGate, 10th Floor
Long Beach, CA 90802-4416

Dear MS. Vaughn;

I am asking you and the rest of the Coastal Commission to prevent the housing tract on the field. We don't need any more houses in this area. It's already too congested as it is. Building more houses will lower the quality of life for the people who live in the area by bringing in more traffic, more noise, more pollution, and paving over the last of the open space in this part of the city. Property values of the houses in the surrounding housing tracts will be lowered by the Parkside Estates development, not raised. Four years of construction is four years too much. Raising the level of the field will increase the chance of flooding in existing neighborhoods. Taking out the ground water which supports neighboring housing tracts will cause those homes to SINK and the vibrations from the construction activity will shake neighboring houses apart.

Destroying valuable wetlands for the sake of making a buck is reprehensible and should be stopped. Protect the rare plants and birds that live on the property by protecting their habitat — ALL of it, and that includes the wetlands that were illegally filled and still exist under tons and tons of dirt. Do not allow ANYTHING to be built in the field, make the company undo the damage, and hold Shea Homes accountable for the damage intentionally done. Deny the project in its entirety. It's not needed and it's not wanted.

Sincerely

Date: May 2, 2007

Don + Patricia Koppler

5442 Kenilworth Ave H.B. 92649

Our home is immediately adjacent to the Shea Property. Our backyard touches the field. We are at a lower elevation than the field. Our yard has flooded on occasion of rains as water from field drains not only from surface water but also from super saturated soil as water flows to a lower level. We have owned our home for 34 years so have personal experience with it. Our parquet floors will have to be replaced because of the water that has encroached on the house slab and caused the floor pieces to swell + pop up never to lie down again. This information

(over)

226

**I have seen over the years the dumping of dirt & the regrading of the field. This was reported. The dumping stopped but regrading continues as the property is farmed.*

comes from professional people we have had look at our problem & design the problem or cause. Our home slab is now wet since

We do not believe ^{a very wet winter 2 yrs ago,} the storm drain; Shea proposes, will really resolve this problem. Also other things they propose to prevent flooding in Huntington Beach & surrounding areas will not help those of us who live in the immediate neighborhood. Shea admits & did admit to us that it does not charge our flooding problems.

We have subsidence on our property. We have had, over the years, to replace our backyard patio because it sank in the middle & broke heavy concrete & bricks. It does not happen overnight but is constantly moving.

We live in a *liquefaction area so the combination of draining the field, degrading out the field, refilling ^{to above sea level} the field, compacting the new dirt is most definitely going to impact our homes & properties. Perhaps not during all the proposed work but in the weeks, months & years to come. This is what we have experienced without construction as proposed by Shea.

One last item, Shea proposes one exit onto Graham (the street will keep behind our homes). Graham is difficult now to turn onto at certain times. An additional 500 cars, I feel, will impact our neighborhood streets because they will eventually protest until they ^{the city} will open up ^(the city home owners) several narrow traffic to flow on our streets (Kendworth etc). We requested 2 exits. Shea have a second exit to Bolsa Chica - an old road 2

P.S. The Shea property, originally owned by Metropolitan Water District was zoned "Open space" after an attempt to build condominiums on it.

We as a neighborhood adjoining the Shea property were never officially notified of a zoning change because Huntington Beach allowed a property exchange between Metropolitan & I'm not sure who. Anyway Shea took over. It seems an exchange does not require adjacent neighbors to be personally notified. It seems there was a newspaper publication of the event. Who would know to check the classifieds ???

We were notified by Shea eventually informing us of all the wonderful things they were doing for Huntington Beach & surrounding communities. Any worries of concerned immediate neighbors have really been addressed as false worries with no substance. It doesn't seem that it takes only experts to realize the serious consequences in the future for existing homes and neighbors. I am not opposed to Shea as a company, but feel the Graham property is ^{not} build worthy even to the eventual new home owners in spite of raising the elevation, compaction, draining etc required by FEMA.

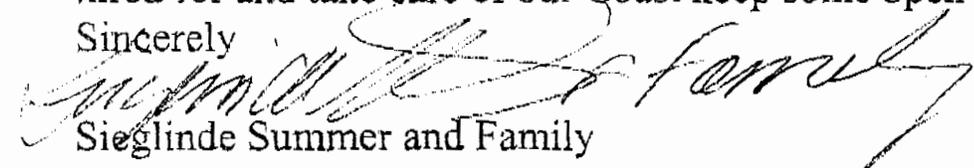
Sieglinde Summer
5692 Windcroft Drive
Huntington Beach Ca. 92649

May 5/2007

To the Attention of the Coastal Commission;

This is regarding the Coastal Commission meeting
May 10/ 2007 in San Pedro regarding the Shea
Parkside Development .My Family and I have lived here in this
area since 1981, we have never had a Flood .The channel has not
flow over the banks. We did not pay flood insurance until all the
Floods happen in The Mid -WEST. Some one had to pay the
Bills .Then we needed Flood Insurance .We don't need to
Spend \$15,000,000 on flood control. I know Shea has lots of
Money. Let us look out for the Birds and other Wild life that lives
there. We already are getting Coyotes in our street .The being
displaced with the Bluff Devloment.Lets do the right thing you are
hired for and take care of our Coast keep some open space

Sincerely


Sieglinde Summer and Family

229

California Coastal Commission
 Attn: Meg Vaughn
 200 Oceangate, 10th Floor
 Long Beach, CA 90802-4416
 fax 562-590-5084

RECEIVED Th-14a
 South Coast Region

MAY 7 2007

CALIFORNIA
 COASTAL COMMISSION

Dear Meg Vaughn;
 Hear is my input.

Please follow staff's recommendation to deny HNB-MAJ-1-06 as submitted.

However, although the staff's modifications are a good start, the TRUE extent of wetlands on the property is still undetermined due to unpermitted development (fill) and incomplete well data. It would be nice if all of the data was provided clearly and above board. Unfortunately, in our free society, it seems to be acceptable to provide selective information, hopefully not distorted, but slanted toward a desired interpretation. We must insist on a complet, truthful assessment of this situation. Over the years, I have observed "leveling, filling" more than once. At that time, since I came from a farming background, it was not unusual to see. However I was not aware at that time that appropriate permits had not been obtained for those activities.

My understandin is that both Eucalyptus groves on the Shea property are EHSA by virtue of their use by White-tailed kites, Cooper's hawks, and other raptors, hence both groves must be protected by equal 100-Meter buffers.

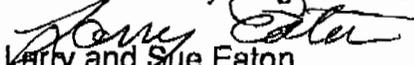
Along with the above, the follow are also very pertinent:
 All wetlands on site must be maintained and protected by 100-Foot buffers.

All wetland and ESHA buffers must be robust and true buffers which are undiminished or unimpeded by any NTS, VFPF, or passive recreation activities.

In 1981, the Commission REJECTED the City's proposal to designate this property as residential. Do not overturn that decision now.

Unfortunately money drives many decisions, often not for the good of Nature or the surrounding community. Shea is circulating considerable literature that is crafty and misleading, subtly making statements and on the verge of "promises" that they CAN NOT guarentee that are to benefit the surrounding people/properties. Of GREAT concern are the real affects of the proposed housing development on the inchanced potential of flood of the homes north of the property. Building the surface level higher and paving over it can not have a positive affect on the lower lying homes in the area. Hopefully there are those with some clout that can see through this self serving "sales pitch" and can move toward a correct decision rather than be driven by the profits that are being sought at others expense.

Thank you for your great efforts. Please keep up the good work.


 Larry and Sue Eaton
 5332 Kenilworth Dr.
 Huntington Beach, CA 92649
 larry.eaton@mindspring.com

230

2 May 2006

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South Coast Region

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MAY 4 2007

California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

CALIFORNIA
COASTAL COMMISSION

Meg Vaughn, Commissioners, and Staff —

Ever since the Metropolitan Water District sold the property located at 17301 Graham St. in 1996, the purchaser, Shea Homes, has engaged in repeated episodes of unpermitted wetland filling, grading, and drainage alterations in direct violation of the California Coastal Act. Shea has steadfastly maintained that all filling and grading activity on the property was done under the guise of farming, however the evidence proves otherwise. Shea's repeated violations of Coastal Act 30233 have been nothing short of deliberate, calculated, and intentional, and done for the sole purpose of filling in and destroying wetlands on the property. Shea Homes needs to be held accountable for each and every violation committed, and enforcement action should not only be taken at once, but any and all penalties should be made retroactive to the time of the offense, and to the maximum allowable by law.

As one of the nation's largest housing construction companies, Shea Homes and the executives thereof are well aware of the multitude of both state and federal statutes which govern the construction industry, yet time and again Shea has ignored the California Coastal Act, Sections 30233 and 30240. Section 30233 specifically forbids the construction on and filling/trenching/grading of wetlands without mitigation, and 30240 sets out very specific protections for Environmentally Sensitive Habitat Areas, both of which are present on the Shea property.

In June 1997, less than one year after purchasing the property in Sept 1996, Shea intentionally disc'd the county parcel which had been designated as restorable wetland by the DFG in 1981. In 1998 Shea was documented using a bulldozer to fill in the area now known as WP in the city parcel by the EGGW channel. Sometime within the first two weeks of December 2002 Shea cut a 100' long, 2' deep drainage ditch for the specific purpose of funneling standing water from the field into the county wetland parcel, thereby altering the drainage – and did so without city, county, or Coastal Commission permits. In late December 2005, less than seven days after CCC Staff Biologist Dr. John Dixon issued a preliminary report declaring the WP area to be in fact a viable wetland, Shea once again engaged in a calculated, blatant act of illegal wetland filling by deliberately dragging four inches of dirt into and throughout the entire WP area over the course of three days, resulting in the near complete burying of a Coastal Commission designated wetland. In 2006, Shea was preparing to disc the winter season barley cover crop despite the very obvious presence of thousands and thousands of protected migratory birds nesting in the field. Shea did manage to disc the field in nesting season 2005 and destroyed untold migratory bird nests in the process, however last year alert residents notified state authorities and Shea was ordered to cease all farming activity until the end of the 2006 nesting season. Such actions clearly demonstrate a complete disregard not only for the wildlife which calls the property home, but for federal law as well. Given the company's history and motives, it would come as no surprise to discover even more instances of other illegal wetland filling and habitat destruction on the property.

In an interview with a major local newspaper, the Orange County Register, Shea Homes Vice President of Development, Ron Metzler, was quoted as saying in regards to Parkside Estates opponent Mark Bixby, "(Bixby) pulls out data to suit his purpose but doesn't look at the data as a whole. He's not a scientist. He's a computer engineer." It should be specifically noted that Ron Metzler is himself guilty of the very things of which he accuses Mr. Bixby – using specific data to suit his own purpose. And it should also be noted that Mr. Metzler is himself not a scientist. He's a developer who wants to build a housing tract on a wetland, and by virtue of extensive documentation it has become quite evident that Mr. Metzler's company is not above committing numerous violations of state and federal laws in order to accomplish those goals. Shea Homes and the hired (i.e. PAID) environmental assessment firms of Glen Lukos Associates and LSA have a history of submitting incomplete data, questionable "facts", and misrepresenting the truth in order to suit THEIR purposes, specifically that of building a housing tract on a known wetland and maintaining client satisfaction respectively.

231

As to a SAMPLE of the incomplete, misleading, and omitted data submitted by Shea Homes for the proposed Parkside Estates property, consider the following:

- * The original EIR prepared by LSA and GLA for the project site and submitted by Shea Homes was deemed by the Coastal Commission to be "FUNDAMENTALLY FLAWED" — in other words, flawed at the very core. Large portions were ordered to be re-done and resubmitted to the Commission. Such a report can hardly be considered accurate and unbiased, especially considering that the firms hired to conduct the environmental assessment had (and still have) their client's best interest at stake. If a complete and factual EIR had been prepared and submitted, existing wetlands, ESHAs, and the presence of protected wildlife would have been included in the report — all of which are things that could very well have forced Shea Homes to remove a good portion of the Parkside Estates housing tract. In order to keep the money rolling in, paid "expert" consultants have to keep their clients happy; submitting a report — ANY report — contradictory to the client's goals will result in loss of business and bad word-of-mouth publicity amongst other developers. Hardly an unbiased motive for accuracy and thoroughness.
- * In 2004, the presence of a pair of California Gnatcatchers, a Federally THREATENED Species, was discovered on the Shea and adjacent Goodell properties. Ever since discovery, the CAGN nesting/foraging habitats have been photo-documented and mapped, and updates have been sent to the CCC, Shea Homes, and LSA, yet there has been no publicly published acknowledgements whatsoever of the presence of CAGNs on or about the Shea and Goodell properties from anyone at Shea or LSA. Why the silence? After at least TWO very successful breeding seasons, one would expect some minimal public acknowledgment regarding the presence of a pair of well known year-round resident rare birds on the property.
- * LSA conducted an invertebrate (insect) study of the property in DECEMBER when there were very few insects to be found. Hence, LSA failed to note the presence of Wandering Skipper butterflies, a Federal Species of Special Concern. As "experts", LSA biologists certainly knew of (or should have known) the Skipper's life cycle. However, since the invertebrate study was conducted at a time when few insects were present, and since LSA was and is paid by Shea Homes, one would have to conclude that choosing winter for a bug study was intentional and done for the specific purpose of NOT finding insect life, including Wandering Skippers.
- * In February 2004, a Cooper's Hawk was photographed in a nest constructed in a eucalyptus tree in the southernmost ESHA grove on the Shea property. Despite photographic evidence to the contrary, LSA "expert" biologists still contend that the nest in question was constructed and occupied by CROWS.
- * Pete Bloom, a nationally recognized raptor expert, visited the Shea property and through personal observation, experience, and unquestioned expertise, concluded that a large abandoned nest in the "north grove" of eucalyptus ESHA near the Cabo del Mar Apartments was in fact constructed in the past by a pair of Great Horned Owls; LSA biologists contend that very same nest is the product of a pair of Common Ravens.
- * LSA contends that there are no vernal pools on the Shea property, yet no vernal pool assessment has ever been conducted. The areas of consistent ponding in the southwest section of the property (within the eucalyptus ESHA) have been well documented over the years and are known to meet most of the standard requirements for designation of vernal pools in terms of depth, water retention, algae formation, and invertebrate life forms, including but not limited to predatory diving beetle larvae, backswimmers, and the quintessential seasonal pond indicator species, fairy shrimp. One has to ask, why has LSA not evaluated these known ponding areas for vernal pool characteristics? What are they afraid of finding?
- * Glenn Lukos Associates' wetland vegetation mapping of the field in 2004 lacks credibility in that only three dozen specific sites were chosen for consideration — sites that conveniently omitted areas where hydrophytes were prevalent or more likely to be found. Proper sampling techniques require a grid-like approach with study areas occurring at regular intervals throughout the entire property, not just those areas deemed to be beneficial to the client's cause. Data gleaned from such a skewed and obviously biased procedure should be viewed with the highest suspicion and given the attention it is due before being pitched into the trash can.
- * In 2005, Southern Tarplant — a CNPS listed Class 1B, RED 3-3-2 Rare Plant was discovered growing in the former county parcel, specifically the drainage ditch illegally trenched out by Shea Homes in 2002. A population of at least ten plants was discovered growing in the southern end of the ditch near the palm tree, and another smaller population of five plants was found growing along the southern edge of the ditch near the city/county

border. LSA made no mention of either Tarplant population, despite having been notified of the species presence at the same time as Ron Metzler and the CCC. In 2006, several much larger, more extensive populations of Southern Tarplant were discovered in various places on the Shea property in both city and county parcels, and also on the adjacent land owned by Donald Goodell. As with the 2005 Tarplant populations, LSA conveniently ignored the presence of the numerous 2006 plants and made no mention of them in ANY report submitted to the Commission even though many of the Tarplants were located in plain sight and were over eighteen inches tall. A blatant factual omission if there ever was one. If not for the efforts of educated amateurs and wildlife observers who routinely visit the Shea property, the Southern Tarplant would never have been documented, mapped, and reported to the Commission; the same can safely be said for Wandering Skippers and California Gnatcatchers.

* GLA's 2005 Technical Memorandum states that the presence of hydrophitic vegetation in the field is the result of farming activities, yet completely ignores the wind factor. According to the GLA report, the reason wetland vegetation appears throughout the field is due to seed spreading from tilling and discing; the same report, however, fails to explain how seeds from farm crops – beans, celery, cabbage, squash, oats – are exempt from the same seed spreading activity of the farm equipment. Unless the spread of wetland vegetation due to prevailing winds from the Bolsa Chica Wetlands can be completely (and scientifically) discounted, the selective elimination of domestic crop seeds from the seed bank can mean only one thing – Shea is using one damn smart tractor.

* LSA has stated that the dark area of soil which snakes its way across the city parcel from the southwest corner of the field to the northeast end, then disappears underneath the houses near the intersection of Kenilworth and Graham, is an "ephemeral channel". According to Webster's Dictionary, the definition of ephemeral is "lasting one day only"; "lasting a very short time"; "transient." Since aerial photographs dating back to 1928 unquestionably show the presence of LSA's "ephemeral channel" in the very same place it exists today, clearly that "temporary" label is incorrect. Tracing the Shea channel backwards in time through aerial imagery brings forth the true nature of that alleged transitory feature; that which LSA labeled an ephemeral channel is in fact a portion of the historic Bolsa Chica Wetlands tidal slough system, and has been documented existing on the Shea property for the past seventy-nine years.

* LSA's chronic undervaluation of the importance of the Shea property as viable raptor habitat as both nesting and hunting grounds is borderline incompetent. Denial of the presence of nesting Cooper's Hawks in 2004 despite photographic evidence to the contrary; denial of prior history of GHO nesting activity, despite the authentication of a nationally recognized raptor expert; minimization of two well-documented, consecutive, and highly productive Cooper's Hawk nesting seasons in the north eucalyptus ESHA; minimization and dismissal of the property's documented use by Osprey, Merlins, Barn Owls, Great Horned Owls, White-tailed Kites, Red-tailed Hawks, Turkey Vultures, Red-shouldered Hawks, Sharp-shinned Hawks, American Kestrels, Northern Harrier, Peregrine Falcon... LSA has indeed admitted these species (and others) use the Shea property for hunting and perching, however the data submitted by LSA would indicate the entire area is primarily devoid of raptor presence and that no substantial hunting or perching activity takes place on a regular basis — an impression which is in full contradiction to the evidence submitted to the Commission. Perhaps if LSA biologists weren't working for a developer and spent more than an hour at a time on the property, they'd not only be more observant, but would be more inclined towards thoroughness and accuracy.

* Shea has consistently refused to release all test well data not only to Parkside opposition forces, but to the Commission as well. Accurate and complete test well data regarding salinity and water levels is crucial in determining the extent and effects of sea water intrusion from the recent (2006) Bolsa Pocket restoration into the ground water table. Without comprehensive data from ALL LSA and PS wells on the property, thorough analysis of the ground water elevation and contamination cannot be completed. The data Shea HAS released is incomplete and in some cases, inconsistent and blatantly in error. Releasing correct, complete test well data will no doubt prove that there are indeed additional wetlands on the property — wetlands that Ron Metzler does NOT want found and documented. *Until ALL data is released and analyzed — and until Shea Homes carries out the binding wetland restoration order issued to the prior tenant, Fred Burkett, for the illegal filling of the 1981 DFG-designated wetland, the Commission needs to put an immediate moratorium on all Shea-related issues up for consideration.*

* Shea's proposal for repairing the north berm of the EGGW Flood Control Channel will INCREASE the potential for levy breach downstream of the project site and directly across from the Parkside Estates development on the south berm. The data used as the basis for Shea's maximum flow capacity is based upon the original, as-built invert capacity of the channel and does not take into consideration decades of silt buildup and vegetation growth.

Shea's planned vertical wall levy reconstruction will introduce a new set of flow dynamics that will hasten downstream berm erosion as the water in the channel moves from from a free-flowing, smooth vertical surface to a sloped earthen surface, and a similar effect will be had on the sloped earthen south levy of the channel directly opposite the Shea property. Flow along the vertical cement Shea portion of the channel will be of greater velocity (speed) than that on the earthen south berm due to a lower rate of friction, and the resulting currents will increase erosional forces along the earthen berm portions of the channel, thereby increasing the potential for levy breach and neighborhood flooding. Constructing Parkside Estates will add more street runoff into an already severely degraded and silted-in channel system, and the installation of two new pumps in the Slater Pump Station will further increase channel volume and water velocity as it passes the Shea property. Furthermore, Shea Homes has been actively publicizing Parkside Estates ability to remove thousands of upstream homeowners from FEMA mandated flood insurance zones, however there is absolutely no guarantee whatsoever of any reduction or elimination of insurance rates. Shea has conveniently omitted the outdated and inaccurate channel repair information from the company's advertising campaign aimed at upstream residents in order to garner support from thousands of people who will not be adversely or directly effected by the intrusive and destructive Parkside development. In addition, Shea has no intention whatsoever of securing county-mandated permits for the two new pumps to be installed into the Slater Pump station – another fact conveniently omitted from Shea's slick, misleading advertising campaigns.

* In a letter to the Commission dated Feb 7, 2007, LSA argues that the north grove of eucalyptus trees near the Cabo del Mar Apartments not only does not warrant ESHA status, but that there is no need for any buffer zone. LSA cites "over 180 surveys of the eucalyptus trees along various portions of the Bolsa Chica Mesa ... including 79 bird surveys of the western edge of the Parkside Estates property from 2004 through 2006" to justify the position that the north grove doesn't warrant protection of any kind. LSA fails to mention, however, the length of each site observation or the specific days of the site visits. Breaking down LSA's survey numbers yields an interesting set of data: Of a total 728 days over a two year period, LSA biologist(s) were on the Shea property for only 180 days, or only 24.7% of the time. And of those 180 days on the property, only 79 were spent observing bird activity — a whopping 10.8% of that same two year period. What LSA staff were doing on the Shea property for the 101 days not spent observing bird activity is not specified, however its clear from LSA reports to the Coastal Commission they were most certainly NOT observing Wandering Skippers, Southern Tarplant, California Gnatcatchers, and nesting Cooper's Hawks. LSA also mentions examining 287 days of observations from Parkside opponents, however there is no mention of the year, month, or date of those particular opponent observations. Considering that Parkside opponents spend a great deal more time on the property conducting field observations than does LSA and GLA combined (up to five hours in a single day, multiple days per week), studying only 287 days of observations is not only a pathetically small data sampling, it's also highly selective and no doubt reflects only the days with the fewest raptor sightings. If LSA truly wanted an accurate comparison and evaluation of opponent data, ALL observation dates should be evaluated, not just those least damaging to their client.

In the same Feb 7 letter to the Commission, LSA questions the reasoning of DFG in designating the lowland and upland eucalyptus groves currently owned by Hearthsides Homes and the State of California as ESHA in 1982. LSA contends that the presence of the eucalyptus ESHAs surrounding the Bolsa Chica lowlands is detrimental to the survival of endangered California Least Terns and Western Snowy Plovers by providing nesting habitat for predatorial raptors; LSA cites the "annual capture and removal of numerous individuals of raptorial species that prey upon nesting waterbirds", yet neglects to mention that the overwhelming majority of raptor predation occurred not because of the proximity of ESHA to the wetlands, but due to the presence of a series of telephone poles stretching across the Bolsa Chica lowlands which provided excellent nearby hunting perches for Red-tailed Hawks, Peregrine Falcons, Kestrels, and other raptor species. Removal of the poles several years ago substantially diminished raptor predation of both Least Terns and Snowy Plovers, leading to a highly productive 2006 breeding season – another fact LSA failed to mention.

Finally, LSA states that the north grove is not worthy of ESHA status and has far less raptor activity than the southern grove – a statement which does NOT stand up to factual scrutiny. LSA writes, "...the northern eucalyptus trees are not 'sufficiently rare or especially valuable' or 'easily disturbed or degraded by human activities or developments' so as to warrant recognition as ESHA." The eucalyptus groves and wetlands of the greater Bolsa Chica (including the Shea property) have been used by thousands of people for decades without restriction, and an enormous sense of entitlement has developed among many of the adults and juveniles who regularly visit the area. Denying the north grove ESHA status and allowing ANY activity within the mandatory 100m buffer is a death sentence to the habitat and the wildlife therein. An argument can be made that the wildlife exists in the grove in spite of the constant human intrusion and destructive activities, however without the human presence, the variety and quantity of wildlife in the area would unquestionably be substantially greater. *The north grove MUST be fully protected.* The following lists are submitted as evidence of the activities & items found in the various ESHA parcels; all of which have been photo-documented over the past six years.

Sincerely,
Dena Hawes, Huntington Beach

234

DOCUMENTED ACTIVITIES IN THE GREATER BOLSA CHICA ECOSYSTEM (SHEA, HEARTHSIDE, & STATE ESHAS 2001–2007)

- * Uprooting, stomping, and twisting off at base of native plants and sapling trees
- * Sawing, chopping, and breaking of live tree and bush branches, limbs, and trunks
- * Feeding of coyotes (dog chow, pizza, French fries, hot dogs, tortillas, bread, sausages, pork & beef cuts, chicken, turkey, etc.)
- * Feeding of rabbits and squirrels (raw celery, lettuce, carrots, nuts, tomatoes, etc)
- * Paintball/BB gun wars in protected ESHAs and construction of "blinds" from torn branches, plywood, pallets, doors, furniture, and assorted junk; digging of foxholes and trenches
- * Spraying/pouring gasoline or other solvents/herbicides on native vegetation to create new trails and remove "obstacles" for riding, digging, and shooting wars
- * Off-roading by trucks, SUV'S, dune buggies, motorized scooters, ATV's, pocket bikes, mini-bikes, and motorcycles has created compacted earth, deeply rutted roads, new trails, & widened footpaths.
- * Removal, vandalism, destruction, and burying of DFG signs indicating protected wetland areas, habitat restoration, and "NO TRESPASSING"
- * Cutting and bending of chain-link fencing
- * Cutting and removal of padlocks and gate chains
- * Hunting/collecting of reptiles for pets, for sale, skull & rattle souvenirs, food for pet boa constrictors, and to kill "just for fun" (king snakes, gopher snakes, rattlesnakes, lizards)
- * Digging of trenches, pits, & building of "moguls" for BMX-style bicycle riding
- * Destruction/theft of occupied bird nests
- * Transient camping (over 24 known sites – present and past – located in both state and privately owned protected ESHAs
- * Rampant littering – cans, bottles, plastic, styrofoam, food packaging, shooting war refuse, lighters, C, D, AA, AAA batteries, fuel jugs, etc
- * Intentional smashing of bottles
- * Human defecation and urination
- * Sexual intercourse and masturbation
- * Porn video filming and pornographic still photography sessions
- * Vandalization of Southern California Gas Company property (repeated)
- * Vandalization/graffiti painting of Eucalyptus trees and Aera Oil Company property (repeated)
- * Burying of deceased family pets
- * Theft of logs, limbs, and branches from protected ESHAs for use as firewood
- * Trespassing by climbing fence directly in front of "NO TRESPASSING" signs
- * Beer and hard liquor "parties"
- * Construction of a "hut" from chopped tree branches and tied together with rope
- * Fires – major and minor (arson, bonfires, cooking fires, tossed cigarette butts, campfires, drug use, etc)
- * Willful destruction of wildlife and habitats for "fun"; hacking at trees and bushes with swords, knives, shovels, shoving sticks into burrows, knocking down nests, shooting at birds (including kites, owls, red-tail hawks, hummingbirds, and other migratory/resident species)
- * Illegal drug use (marijuana, cocaine, intravenous drugs); growing of marijuana plants
- * Illegal firing of shotguns, Airsoft BB guns, paintball guns, pellet guns, air rifles, slingshots, and bow/arrows; presence of shooting clubs/gangs (Blue Turtles, Slater Crew, Silent Assassin Organization)

DOCUMENTED ACTIVITIES IN THE GREATER BOLSA CHICA ECOSYSTEM (SHEA, HEARTHSIDE, & STATE ESHAS 2001–2007)

- * Dumping of construction material, commercial landscaping refuse, broken/unwanted household & automotive items, appliances, industrial products
- * Illegal Fishing in the Bolsa Chica Inner Bay and EGGW Flood Control Channel from the north berm
- * Driving golf balls into sensitive wetland habitat and Eucalyptus groves
- * Undermining of flood control channel berms by digging BMX launch ramps with shovels
- * Construction of forts/clubhouses and shooting platforms in ESHAs from plywood, lumber, tree branches, logs, and bushes
- * Professional and amateur filming of paintball wars and bicycle mogul riding
- * Publicity photo shoot of professional off-road motorcycles and riders in wetland areas
- * Portrait photography on wetland areas using eucalyptus ESHA as background
- * Reading and hiding of hard-core pornography, including federally prohibited child pornography
- * Internet listed GPS Geocache and Letterbox "treasure hunting"
- * "Hasher" jogging club (loud, jogging drunks) placing talc & chalk markings on wetlands and every road, path, and trail throughout state & privately owned ESHAs, including flood control channel and Federally Threatened California Gnatcatcher nesting/foraging habitat
- * Creating trails by repeated off-road mountain biking in ESHAs, down hillsides, across wetlands, and through CAGN nesting/foraging habitat
- * Construction of tree swings/trapeze in protected ESHAs and raptor nesting habitat
- * Shooting off fireworks on wetlands and in dry brush of eucalyptus grove ESHAs (Roman candles, fountain cones, fire crackers, bottle rockets, etc.)
- * Off-leash dogs threatening children, adults, walkers, joggers, bicyclists, and nature photographers
- * Wildlife harassment and killing by uncontrolled off-leash dogs; victims include: striped skunk, coyote, opossum, southern alligator lizard, western fence lizard, pocket gopher, brush rabbit, ground squirrel, common king snake, San Diego gopher snake.
- * Harrassment/threatening/stalking of pedestrians by teenage boys & adults who engage in/support the various illegal activities under the guise of "harmless fun."
- * Launching & landing of fan-powered parachutists on Bolsa Chica Wetlands; low fly-overs of all area ESHAs
- * Use of wetlands and ESHAs as training grounds for functioning hunting dogs
- * Firing shoulder-mounted "canon" into eucalyptus ESHA and at passing birds
- * Construction of remote controlled vehicle course in protected ESHAs by clear-cutting & stripping out ALL vegetation to bare earth.
- * Use of remote controlled vehicles in wetland and raptor habitat areas
- * Rock and bottle throwing at trees, birds, nests, and other wildlife
- * Illegal collecting of western toad tadpoles without a license
- * Flying remote controlled airplanes and gliders in and through protected ESHAs, harassing raptors, migratory birds, and other wildlife.
- * Hanging bottles in trees and shooting for target practice
- * Construction of motorized off-road vehicle courses in protected ESHAs by cutting & breaking overhanging limbs, uprooting trees & bushes, stripping away detritus and fallen logs, chopping live tree roots
- * Butterfly and insect collecting
- * Setting snake traps and using live mouse bait; transporting in duffel bags, pillow cases, bottles, and cages

**SAMPLE ITEMS DOCUMENTED IN THE GREATER BOLSA CHICA ECOSYSTEM
(SHEA, HEARTHIDE, & STATE ESHAS 2001–2007)**

Beer & Liquor Bottles (hundreds – mostly smashed)	Beer and Soda Cans (thousands)
Flares (multiple)	Arm & Wrist Braces (multiple)
Axes and Hatchets (multiple)	Paintball Storage Tubes (dozens)
Spool of Wax Cording	Wagons (multiple)
Lead Pellet Cannisters (multiple)	Steel & Copper BB Pellets (hundreds)
Air Gun Darts	Arrows
Geocaches & Letterboxes (multiple)	Shotgun Shells (dozens)
.22 Caliber Bullet Box	Airsoft Plastic BBs (OVER 300,000 in one year)
Large and Small Coolers (multiple)	Cooking Pots (multiple)
Flatware	Can Openers
Dog Leashes & Collars (multiple)	Frisbees
Pliers (multiple)	Flashlights
Shot Glass	Rubber Hoses w/ Attached Funnel (for beer guzzling)
Truck & Car Batteries (multiple)	Slinky
Empty Bank Security Bag	Stolen Credit Cards (multiple)
Stolen Purses & Wallets (dozens)	Costume Jewelry
Bicycle Wheels, Tires, and Innertubes (multiple)	Wheeled Canvas Totes (multiple)
Whiffle Ball	Motorola Walkie-Talkie
Jar of Face Cream	Tubes of Sun Block (multiple)
Cosmetics (wide variety)	Bar Soap
Videocassettes	Music & Movie CDs (multiple)
VCRs (multiple - stolen)	Speakers (multiple)
Keyboard (stolen)	Stereo Boom Boxes (multiple)
Coveralls (multiple)	First Aide Kits
Lead Pellets and Steel Darts (dozens)	Notebooks, Notepaper, Assorted School Supplies
Scissors and Rulers (multiple)	Small Animal Transport Tank
Wire Mouse Cage and Wire Bird Cage	Samsonite Folding Canvas Pet Carrier
Mops and Replacement Sponges	Sterlite Boxes with Lids (multiple)
Motorcycle Helmets	Paint Rollers (dozens)
Paint Trays (dozens)	Spray Paint Cans (hundreds)
Broken Guns – Paintball, Airsoft BB, Air Rifles (dozens)	Portable Ironing Board
Hot Glue Gun	Tire Chain Set
Plastic Dinosaur and Stuffed Animals (dozens)	Janitor Key Ring w/ Master Keys
Glass Paperweight	Engine Blocks (multiple)
Books (dozens)	Roller Skates
Baby Items (clothing, shoes, rattles, pacifiers, etc)	Women's Clothing (neglige, lingerie, skirts, etc)
Children's Clothing (dresses, pajama bottoms, socks...)	Underwear & Briefs (dozens — mens, womens, boys)
Used Condoms and Empty Wrappers	Drug Paraphernalia (needles, bong, hash pipes, etc)
Spent Paintball Gas Cannisters (hundreds)	Spent Airsoft BB Gas Cannisters (dozens)
Spent Laughing Gas Cannisters (multiple)	Slingshots and Ammo (dozens)
Assorted Ropes (dozens)	Shoes and Sandals (dozens)
Rubber Gloves (dozens)	Caps & Hats (multiple)

**SAMPLE ITEMS DOCUMENTED IN THE GREATER BOLSA CHICA ECOSYSTEM
(SHEA, HEARTHSIDE, & STATE ESHAS 2001–2007)**

Used Disposable Diapers (dozens)	Dog Poops (THOUSANDS)
Assorted Food (salsa, peanut butter, chips, meat, etc)	Wind Breakers, Coats, Jackets (dozens)
Camping Shovel	Assorted Children's Toys
Pants, Shorts, Shirts, Scarves, Belts, socks, etc.	Back Packs (dozens)
Potting Soil	Cast Iron/Wooden Table
Broken Dining Table	Window & Framework
Hollow-core Doors (multiple)	Mattresses (multiple)
Wooden Pallets (dozens)	Wooden & Steel Swords (multiple)
Bicycle Air Pumps (multiple)	Sports Bags (dozens)
Bathtub	Xmas Tree w/ Stand (multiple)
Sleeping Bags (multiple)	Broken Fluorescent Tube Light
Pills (in bottles and loose)	Broken Office Chairs (multiple)
SUV/Truck Side View Mirrors	A-Frame Road Hazard Barriers (with lights)
Hand-held STOP Sign (stolen from road work area)	Traffic Cones (multiple – stolen)
Crank Case w/ Oil	Broken Chain-link Fence Panels
"Dime" and "Nickle" Baggies of Marijuana, Cocaine	Roach Clips (dozens)
"Pleasure Enhancing Lubricant" (half-empty bottle)	Pornography (dozens – hard core, kiddie porn)
Duffel Bags (multiple)	Spark Plugs (multiple)
Broken A-frame Ladders	Metal-frame Patio Swinging Sofa (functional)
Broken Umbrellas (personal and patio)	Broken Basketball Backboard
Old Computer Equipment	Black & White Sears Portable TV
Ballpeen Hammer & Tack Hammer	30' Heavy Duty Black Nylon Netting
Butane Lighters (hundreds)	25' Power Cord
Bed Sheets (dozens)	Sofa Cushions (multiple)
Throw Pillows (dozens)	Garden Hoses (dozens)
"Used" Toilet Paper (hundreds)	8 lbs. Rusty Nails (dumped in a pile)
Sheet Plywood - 5'x5', 5'x8' (dozens)	Tobacco Cannisters & Rolling Papers (dozens)
Spent Fireworks (hundreds)	Vehicle Wheel Covers (multiple)
Flying Saucer Sleds (multiple)	2-Seat Sofa
Stolen Grocery Carts (dozens)	Rusted Boiler
Rusted Water Heaters (multiple)	Corroded Oil/Chemical Drums
Smoke Bombs (dozens)	20' Bubble Wrap Sheeting
Vehicle Muffler	Steel Truck Bumper
Rotisserie Grill	Rusted Gas Tank
Banana Lounges (multiple)	Dream Catcher
Kites & Mylar Balloons (multiple)	Pet Food Dishes
Wash Cloths (multiple)	Toaster Oven
20 lb Roasted Turkey & Roasting Pan	Empty Heineken Beer Keg
Matchbooks (full and empty — dozens)	Athletic Supporter
Canvas Work Gloves (multiple)	Bicycle Gloves
Rubber Mallet	School IDs, Homework Assignments (multiple)
Used Menstrual Items	Large Steel Pointed Hook

**SAMPLE ITEMS DOCUMENTED IN THE GREATER BOLSA CHICA ECOSYSTEM
(SHEA, HEARTHSIDE, & STATE ESHAS 2001-2007)**

Dry Wall Sheeting	Cinder Blocks (multiple)
Pickax	Saw w/ 3-Blade Assortment (new)
Machine-sharpened Screwdriver (shiv – WEAPON)	Pruning Shears (multiple)
Phillips & Flat-head Screwdrivers (dozens)	Shovels & Spades (150+)
Wheelbarrows (dozens)	50' & 30' Locking Tape measures
Roll of Speaker Wire	Portable Air Pump (plugs into car lighter)
Pesticide/Herbicide Pump-Sprayer	Gasoline Safety Jugs (multiple)
Men's Wristwatches	Basketballs (multiple)
Tennis Balls (hundreds)	Golf Balls (100+)
Baseballs/Softballs (dozens)	Soccer Balls (multiple)
Volleyballs (multiple)	Handballs (dozens)
Beach Balls	" Squish" Balls (for swimming pools)
Golf Clubs (5-iron & 9-iron, putters)	Towels (beach, bath, and hand — dozens)
Camouflage Netting	Hockey Mask
Sunglasses (dozens)	Bicycle Helmets (multiple)
Assorted Pens, Pencils, Erasers (hundreds)	Squirt Guns
Bottle of Bubbles (multiple)	Plastic Food Trays (McDonald's)
12" x 6" x 1" Landscaping Bricks (multiple)	Reading Glasses (multiple)
Sweaters and Sweatshirts (dozens)	Paintballs (THOUSANDS)
Glass Baking Dish	Live Agapanthus (landscape dumps)
Box of 2" Nails (multiple)	Heavy Duty Claw Hammers (multiple)
Adjustable Wrench (dozens)	Boxes of 250' Heavy Duty Aluminum Foil
Bottle of Rubbing Alcohol (multiple)	Can of Sterno (cooking fuel; used in ESHA arson fire)
24" x 38" Mirror	Queen Sized Reversible Comforter (dozens)
Plastic Goggles (dozens)	"Naked Lady" Flower Bulbs (70 lbs. worth)
Leaf Rakes (multiple)	Folding Lawn Chairs (multiple)
Steel Garden Rake	Snow Board and Skate Boards (multiple)
Abandoned Bicycles (multiple)	Backpack w/ Motor Oil, Funnel, & Cable Lock
Large Plastic Buckets (dozens)	Small Radio/Flashlight (multiple)
Roll of Fine Black Plastic Mesh	Large Spool of Gold Nylon Cord
Large Plastic Buckets (dozens)	Hair Brush and Hair Clips (dozens)
6' x 6' x 4' Nylon Tent (dozens)	Roll of Construction Grade Chicken Wire (stolen)
Needle Nose Pliers (multiple)	Queen Size Blankets (dozens)
Car and Truck Tires (dozens)	Black Net Bag for Pick-up Truck
Rubber Duckys	Swiss Army Knife
Cans of WD - 40 (multiple)	Paintball Helmets (multiple)
Plastic Pots (for plants)	Large Plastic Tarps (dozens)
Aluminum and Wooden Baseball Bats	Small Sledge Hammer
Hand Saws (multiple)	Folding Camp Chairs (multiple)
Knives (dozens)	Cap Gun w/ Caps
Airsoft BB Guns and Ammo Clips (dozens)	Hand Trowels (multiple)
Hacksaws & Blades (multiple)	Heavy Knit Throw Blankets (dozens)

RECEIVED
South Coast Region

MAY 4 2007

CALIFORNIA
COASTAL COMMISSION

Dear Coastal Commissioners:

Re: Shea/Parkside Project, Huntington Beach, CA

As you know, 95% of California's wetlands have been lost to development. The Shea/Parkside property contains substantial wetlands and ESHA under Section 30233 and 30240 of the Coastal Act and must be protected.

I support Commission staff's recommendation of July 26, 2006 to DENY the Land Use Plan Amendment and Implementation Plan as submitted. I further request that the Commission DENY the Land Use Plan Amendment and Implementation Plan even with staff's modifications, until such time as additional outside analysis can be completed and increased protections for wetlands and ESHA have been included in the modifications.

Thank you.

Signature

Linda Levitan

Print Name

Linda Levitan

Address

5581 Serene Drive

City, State, Zip

H.B., CA, 92649

7 copies received
(since staff report
was finalized)

240

RECEIVED
South Coast Regional

Dear Coastal Commissioners:

Re: Shea/Parkside Project, Huntington Beach, CA

As you know, 95% of California's wetlands have been lost to development. The Shea/Parkside property contains substantial wetlands and ESHA under Section 30233 and 30240 of the Coastal Act and must be protected.

I support Commission staff's recommendation of July 26, 2006 to DENY the Land Use Plan Amendment and Implementation Plan as submitted. I further request that the Commission DENY the Land Use Plan Amendment and Implementation Plan even with staff's modifications, until such time as additional outside analysis can be completed and increased protections for wetlands and ESHA have been included in the modifications...

Thank you.

Signature Charles T. Levitan M.D.
 Print Name CHARLES T. LEVITAN M.D.
 Address 16444 Ladona Circle
 City, State, Zip Huntington Beach, CA 92649

12 copies received
(since staff report
was finalized)

241

Dear California Coastal Commission:

May 2007

Re: City of Huntington Beach Major LCP Amendment No. 1-06 (Shea/Parkside).

- ◆ The 50-acre Shea (nee MWD) property in Huntington Beach is severely degraded wetlands (DFG, 1980). 25 years later, that is still true.
- ◆ Due to all the illegal grading on the property, the full extent of wetlands that need to be preserved and buffered has not yet been definitively established.
- ◆ All wetlands on the property must be protected by true buffers— buffers that are undiminished and unimpeded by any NTS or passive recreation or similar human disturbance.
- ◆ In 1981, the City of HB requested residential zoning for this parcel. CCC staff recommended at the time that "The 'Residential' designation shall be deleted." The CCC did not approve of houses then; it should reject houses now!
- ◆ Uphold the Coastal Act section 30233. Deny the LCPA.

Sincerely: Brian Shell

Address: 5422 Kenilworth Dr. HB CA 92649

159 copies received
(since staff report
was finalized)

242

Ex-Parte

**FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS**

Name or description of the project: Parkside Estates, Huntington BEach

Time/Date of communication: Feb. 1, 2007

Location of communication: 22350 Carbon Mesa Rd, Malibu, CA

Person(s) initiating communication: Tony Baumkamp, Mike Joslyn, Donna Andrews, Nancy
Lucast, Art Honrighausen, Ron Metzler,
Mary Beth Broeren

Person(s) receiving communication: Sara Wan

Type of communication: Meeting

Discussion focused around wetlands, ESHA and buffers.

Stated they have done lots of work, including chemical analysis of the soils- disagree on whether or not the AP and WP areas are wetlands.

AP- not disagreeing over soils- reduction in greater than 30 days; CP- 14 days: WP- couldn't do the test- maximum amount of ponding 11 days- hydrology not sufficient in most years to for hydric soils or vegetation

Hydration and duration- 7days vs 14 days- most years not more than 14 days, if use 7 days as a basis it does pond- question is will it lead to vegetation in 7 days? Vegetation data- has been fenced off for 2 years but vegetation has not formed- last year- although not a lot of rain there was high ground water. That high water was in the AP area but not in WP

They estimated ponding from historical record. WP did not have a depression until 1970

Discussed the polygons and what they mean.

They are willing to preserve the AP area but not the WP area.- the water budget confirms WP is different and upland not wetland. They do not agree with Dixon that if left unfarmed WP would behave as CP and that surface ponding at CP and WP are the same

Water budget- size of the water shed for WP is 3 acres, for CP it is 8 acres

Mark Bixby's photos- only take what he wants to show- photos of ponding in CP area in Dec but no ponding either AP or WP but he didn't show that- therefore they don't behave the same way- Dixon didn't do an analysis of how long CP ponds- they estimate CP ponds more than 7 days virtually every year but the others only some years

Buffer issue around ESHA- don't agree the northern grove is ESHA- surveys- many years- many species but a quantitative difference in the amount of use by about 1/3 as compared to the other grove even if you use Bixby's data- also this is not a nesting grove- only Cooper's Hawk nesting there and they can nest near residences as proven by the current nest location- Northerly grove is more isolated and associated with the residential area- about 700 feet from the other trees therefore it is not a logical extension of the ESHA

Teresa Henry

From: Vanessa Miller
Sent: Tuesday, April 24, 2007 3:51 PM
To: Teresa Henry
Cc: Jeff Staben
Subject: FW: Ex Parte

-----Original Message-----

From: Dan Secord [mailto:drdan@cox.net]
Sent: Tuesday, April 24, 2007 4:16 PM
To: Vanessa Miller
Subject: EX Parte

When: April 18, 2007
Where: Santa Barbara
Who: Nancy Lucast, Ron Metzler, Steven Kaufmann, Art Homrighausen
(biologist)
Project: Huntington Beach LCP amendment Th 14A

Went over the presentation entitled Parkside Estates. Issues of the size of the environmental buffer around northern trees

Went over wetlands issues for three areas: CA, WP and AP

Community benefit of a CDS unit and a levee to benefit their project as well as other adjacent projects

**FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS**

Name or description of the project: Parkside Estates, Huntington Beach

Time/Date of communication: 11am, April 27, 2007

Location of communication: 22350 Carbon Mesa Rd, Malibu

Person(s) initiating communication: Donna Andrews

Person(s) receiving communication: Sara Wan

Type of communication: phone call

Donna wanted to know if she could meet with me. She was concerned about the ex-parte that was on file that I had in March where I said unless these issues were cleared resolved I did not see how the LCP could be approved. She apparently interpreted that to mean I was opposed to the project. I stated that was not the case and that my comment specifically related to the violations and their impact on the wetland delineation which was important in the LCP.

Date: April 29, 2007



Sara Wan

**FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS**

Name or description of the project: Parkside Estates, Huntington Beach

Time/Date of communication: April 25, 2007

Location of communication: 22350 Carbon Mesa Rd, Malibu

Person(s) initiating communication: Flossie Horgan, Karen Merickel, Marcia Hanscom

Person(s) receiving communication: Sara Wan

Type of communication: Meeting

Discussed the violations. Said there was along history of violations on the site, some of which happened after the present owners took over. The violations included '83- in the horse area, 87- 80- city re-tagged the area and documented the violation- there is a violation letter, 98- bulldozed dirt into the WP area

ESHA- trees in the north area are ESHA and are the healthiest in the area now that the other areas are being flooded- necessary for the raptors- need to increase buffer area so that function can continue- park use is not compatible with ESHA protection, even passive park uses.

The NTS is planned for an area that may not be just buffer. Given the violations in the area it may well be that the area is wetlands and therefore the NTS can't go into a wetland.

Vegetation in WP area. In 2005 took one sample in August of 2005 do not know how many samples taken or when. They indicated that apparently applicant's agent is disagreeing with Bixby about the plants that are present.

Discussed the levee and the need for it for protection. Discussed the lack of information on the hydrology and the possible impacts of the levee on habitat and listed species or on the impacts to the wetlands. Stated that there have been hydrology studies since Nov '06 but those test results have not been made public. Concerned about what is happening with the salt water from the restoration. If levee is needed, the question is where should it be placed so that it does not impact the wetland or the other habitat.



Date: April 27, 2007

Sara Wan

247

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

11/25/07
RECEIVED
South Coast Region
APR 30 2007

CALIFORNIA
COASTAL COMMISSION

Date and time of communication:

4-18-07

Location of communication:

SLO COUNTY GOV. CENTER

(If communication was sent by mail or
facsimile, indicate the means of transmission.)

Identity of person(s) initiating communication:

ART HUMRIGHOUSE
STEVEN KAUFMAN
RON METZLER
ON PHONE - NANCY LUCAST

Identity of person(s) receiving communication:

K.H. ACHAOJIAN

Name or description of project:

CITY OF HUNTINGTON BEACH L.C.P. AMEND. # 1-06

Description of content of communication:

(If communication included written material, attach a copy of the complete text of the written material.)

DISCUSS PROJECT - IMPACT OF BUFFER ZONE 100 FT OR 100 METERS

SUGGESTED MODIFICATIONS - ISSUES CONCERNING WETLAND

EUC. TREES CONSIDERED ESHA

SITE SPECIFIC ZONING BY THE CITY

BENEFIT FROM PROJECT TO THE NEIGHBORHOOD SUCH AS

LEVY IMPROVEMENT - NATURAL TREAT SYSTEM - WATER

FLOWING TO H.B. HARBOR

4-19-07

Date



Signature of Commissioner

If communication occurred seven (7) or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director **within** seven (7) days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven (7) days of the hearing, **complete** this form, provide the information **orally** on the record of the proceeding **and** provide the Executive Director with a copy of any written material that was part of the communication.

APPENDIX 2

248

RECEIVED
South Coast Region
APR 30 2007
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COASTAL COMMISSION

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Steven H. Kaufmann
ATTORNEY AT LAW

RICHARDS | WATSON | GERSHON
ATTORNEYS AT LAW – A PROFESSIONAL CORPORATION

355 South Grand Avenue, 40th Floor
Los Angeles, California 90071-3101
Telephone 213.626.8484
Facsimile 213.626.0078
skaufmann@rwglaw.com

LSA

ART HOMRIGHAUSEN
PRINCIPAL
BIOLOGIST

LSA ASSOCIATES, INC.
20 EXECUTIVE PARK, SUITE 200
IRVINE, CA 92614-4731

949.553.0666
949.553.8076 FAX
ART.HOMRIGHAUSEN@LSA-ASSOC.COM

249

To Long Beach

RECEIVED
South Coast

APR 20 2007

CALIFORNIA
COASTAL COMMISSION

**FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS**

Name or description of the project: Parkside Estates, Huntington Beach

Time/Date of communication: April 19, 2007

Location of communication: 200 Oceangate, Long Beach and Fish House Restaurant, Long Beach

Person(s) initiating communication: Flossie Horgan, Jerry Chapman

Person(s) receiving communication: Sara Wan

Type of communication: Meeting

Discussion focused mainly on process and whether or not I would be willing to meet with them. They also discussed their concerns about the fact that staff has not been willing to meet with them and that the staff report was about to be issued. In addition, they asked for an explanation of the commission's policy regarding un-permitted fill, which occurred here in several places. I said that if the fill was un-permitted and affected the wetland delineation the commission should be reviewing it as if no fill had occurred. However, if the commission approved the project they could do so by legalizing the fill at the same time. They also discussed the issue of the flood plain and the need for the levee.

Date: April 21, 2007



Sara Wan

250

RECEIVED
South Coast Region

MAY - 3 2007

CALIFORNIA
COASTAL COMMISSION

**FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS**

Name or description of the project: Parkside Estates, Huntington Beach

Time/Date of communication: 2pm, May 2, 2007

Location of communication: 22350 Carbon Mesa Rd, Malibu

Person(s) initiating communication: Donna Andrews, Steve Kaufman, Nancy Lucast, Ron Metzler, Art Homrighausen, Miel Jordan, Mary Beth Broeren

Person(s) receiving communication: Sara Wan

Type of communication: meeting

Stated staff report had not changed. They were down to two areas of disagreement with staff- the ESHA designation of the north grove and the WP designation of wetlands

We discussed the violation issue:

Property not in coastal zone until '77- horse stables there since around '66. In '81 Baseline study done by Shapiro for the Army Corps of the Bolsa Chica area. N. east corner (Shea property) was a cultivated field with riding stable adjacent to it. Fish & Game detailed a wetland report and ground truthed the Shapiro report- listed degraded wetlands and indicated the only wetland was the CP- there was a violation in '81- fill in the CP a CDP was required to removal the fill- after that the only area delineated as wetlands were in the CP. The fill for the stables was past the bridge (n east direction) -that area was not considered to be wetlands to begin with '89- stables cited for fill on or near Slater avenue extension- the City inspector says was about 2feet in an area about 20' by 50'- area said to have little vegetation- the area was not designated as wetlands by EPA using Corps criteria

'94- stables received an exemption- CCC had not questions about the facility

'96- Shea acquired the property- horse facilities moved of property to Godell property

Around '99- stables were gone altogether

The stables got water to their property with a potable water line that extended under the bridge all the way across the Shea property to the Godell location. The line was close to the surface and it used to break all the time- the standing water in the area was from the broken water line

Showed me some of the Bixby photos- '98- water near WP but '98 was an El Nino year- not a typical year so does not prove WP is a wetland

'02- drainage ditch issue- farmer dug it to drain AP wetland into CP- he was stopped- CCC staff notified- wetland plants started to re-grow in ditch- CCC decided no enforcement action or restoration needed-

'05- WP fill by farmer with box plow- contest statement that it was done in relation to knowledge about wetlands. The fill occurring Dec 26-27 '05- John's report came out February- that was the first they hear the WP was a wetland - did not know this back in Dec when the fill occurred. Have documented how this site has been used for AG purposes- the box plow is

251

normal operations- John has topo maps so he can determine that there was not a major change in the depth of the WP depression- mean depth of the fill was about 4.5 inches- normal plow furrow depth is 6-12" (from Kaufman then- 12-18" from Metzler)-

The main question is not if this is a normal ag operation or otherwise- main issue is whether or not the WP is or is not a wetland since this fill does not impact the delineation of this wetland- WP is a shallow depression- watershed for it is about 3 acres- no evidence the depression was there before '70 but it is there now

Question is about the ponding - is it sufficient to result in hydric soils- John used average year to set WP line - claims patterns of wet and dry are the same as at the CP- but John has not considered the dry years- in dry years WP dry but CP has water- therefore not the same pattern as CP and does not have the same hydrologic regime

In addition John uses 7 days of ponding- they claim need to use 14 days

Also said that there are studies that show that the amount of water needed to sustain wetland vegetation is about 24-25 inches per year but the WP only gets half of that- John says that in this case it is surface driven

ESHA- 750' away- different habitat value from the other groves of trees- it is closer to an urbanized area so the birds are different and more acclimated to urban uses- less birds use this grove than the other groves. There are less raptors using these trees- Cooper's hawks use the neighborhood and not the surrounding und-developed area. Will be surrounded by passive parks. I stated that while the current intent is for these to be passive, the zoning would allow much more uses than that and in the future it could change. They also said that even if it were ESHA they do not believe a 100 meter buffer was needed- 100 feet would be adequate given the differences in the function of this grove. Also stated that the salt water intrusion is only killing the trees along the wetland edge and not all of the other trees as opponents content

Levee- stated that it does not just go along the edge of the channel as it looks like in the photo- it goes along the channel until it gets to the edge of the buffer and then turns and goes along the side of the buffer - northwest to the property edge and therefore does not prevent water from getting into the wetlands

NTS- this is in the buffer area and since the violations history proves that it was never a wetland area the issue of whether or not a resolution of the violations was necessary to determine if the NTS might be going into a wetland is moot. It is sized just for the home and the wet weather flows of 22 acres offsite as well as the Slater dry weather flows.



Date: May 3, 2007

Sara Wan

252

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LPC, etc.: Shea Parkside: Amendment to
Huntington Beach LCP .

Date and time of receipt of communication: May 1, 2007, 12:00pm

Location of communication: San Diego City Admin Bldg
202 C St, 10th floor

Type of communication (letter, facsimile, etc.): Meeting

Person(s) initiating communication: Donna Andrews, Nancy Lucast,
Tony Bomkamp and Ron Metzler

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

The proponents of the project met with Alonso Gonzalez of Commissioner Hueso's staff. They described the project in detail and pointed out some of the benefits of the project. They explained that they agreed with all but two of the Coastal Commission staff recommendations. They contend that the "Wintersburg Pond" does not qualify as wetland and should not be protected. They also contend that the buffer zone around the northern eucalyptus trees of 100 meters is excessive and should remain the 100 feet that is a more routine requirement of the Coastal Commission.

April 30, 2007
Date

Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

253

SENT BY: #;
TO: SO COAST
May. 3. 2007 2:59PM

O :
AT: 915625905084

MAY-8-07 8:04PM;

No. 1581 P. 4

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION**

Date and time of communication: Monday, 5/1/07; 10 AM
(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)

Location of communication: La Jolla
(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

Person(s) Initiating communication: Ron Metzler, Tony Bomkamp, Donna Andrews, Nancy Lucast

Person(s) receiving communication: Patrick Kruer

Name or description of project: Huntington Beach LCPA 1-06, May, 2007, Th, 14.a.

Detailed substantive description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)

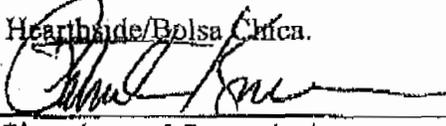
Property owner and representatives explained that they and City were of like mind with regard to staff rec., namely: Position on wetland status of: (1) CP - Agree; (2) AP - Disagree but Concede; (3) WP - Disagree. Contrary to staff assertion, CP is completely dissimilar to WP; WP is not a wetland.

Applicant biologists assert (vs. staff): northern tree group does not merit 100 m buffer (100 ft buffer is sufficient) as trees are already impacted by existing urbanization.

Permitted historical uses of site have been erroneously characterized as violations and illegal grading by project opponents.

LCPA should be accorded same treatment as Hearthside/Bolsa Chica.

5/3/07
Date


Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filed out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

254

MAY-3-2007 2:59PM

D.B. NEISH, INC.

949 600 822 No. 1581

P. 5/3/07

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LCP, etc.: LCP Award: HNF-MPL-1-6

Date and time of receipt of communication: May 2, 2007 11:30 am

Location of communication: La Jolla, CA

Type of communication (letter, facsimile, etc.): Personal meeting

Person(s) initiating communication: David Neish

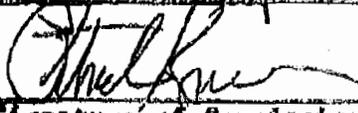
Person(s) receiving communication: Pat Krue

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

Representative for Heathside Homes explained their concern for the CCL Staff's position of a 100 meter buffer between trees on the adjacent Shea property. He indicated that they felt the precedent had been established for a 100 foot ^{to 150 feet} buffer on the adjacent Brightwater Project that was approved by the Commission in April 2005.

It imposed the 100 meter buffer would essentially render ^{to 50%} of the adjacent Heathside property undevelopable.

5/3/07
Date


Signature of Commissioner

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If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and transmit it to the Executive Director with a copy of any written material that was

255

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

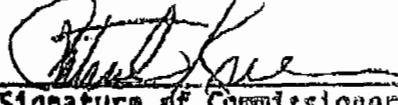
Name or description of project, LCP, etc.: No. 5-07-127-EDD
 Date and time of receipt of communication: Placemat Cove Homeowners Assoc.,
MAY 3, 2007 11:00 AM.
 Location of communication: La Jolla, CA
 Type of communication (letter, facsimile, etc.): Personal meeting
 Person(s) initiating communication: David Neish
 Person(s) receiving communication: Pat Kewer

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

Applicant's representative presented a history of the 5 unit
subdivision from CD approval in 1979 to today. He explained that
the applicant submitted an application for the items that staff
identified (vehicular + pedestrian gates) and (spa equipment). The application
was rejected by staff and the applicants are appealing the staff
determination to the Commission.

An explanation was presented that explained the safety issues
that would occur if the application is not allowed to be heard.

5/3/07
Date


Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was

256