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Final
Environmental Impact Report
Moon Camp 50-lot Residential Subdivision, TT No. 16136
(Based on the Revised Site Plan)
Big Bear Lake, San Bernardino County, California

State Clearinghouse Number 2002021105

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July 10, 2020

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SECTION 1: INTRODUCTION

In accordance with Section 15088 of the California Environmental Quality Act (CEQA) Guidelines, the County of San Bernardino (County), as the lead agency, has evaluated comments on environmental issues raised by persons and organizations who have reviewed the 2005 Final Environmental Impact Report (2005 Final EIR), 2010 Revised and Recirculated Draft EIR (RRDEIR No. 1), and the 2011 Revised and Recirculated Draft EIR No. 2 (RRDEIR No. 2). The County has prepared written responses to all such comments received during the notice and comment period. The 2005 Final EIR, 2010 RRDEIR No. 1, and 2011 RRDEIR No. 2 are located within Appendix A of this Final Environmental Impact Report (FEIR) document.

The 2005 Final EIR concluded that the Original Proposed Project analyzed therein would not result in any potentially significant impacts with regard to Recreation, Cultural Resources, and Geology and Soils. Considering the revised Project represents a development that is less intense compared to the Original Proposed Project analyzed in the 2005 Final EIR, the findings on Recreation, Cultural Resources, and Geology and Soils made in that document are adequate and show that the revised Project would have similar or less impact. Therefore, this FEIR document will not provide responses with regard to Recreation, Cultural Resources, and/or Geology and Soils.

This FEIR document is part of the 2020 Final EIR, which includes the 2005 Final EIR, 2010 RRDEIR No. 1, 2011 RRDEIR No. 2, and all associated technical appendices. These documents, and other information contained in the environmental record, constitute the 2020 Final EIR for the Moon Camp project.

This Final EIR document is organized as follows:

- **Section 1: Introduction.** This section discusses the relationship of this document to the Draft EIR. It also discusses the structure of this document.
- **Section 2: Responses to Comments on 2010 Revised and Recirculated Draft EIR No. 1.** This section includes a copy of all of the letters received during the 2010 RRDEIR No. 1, 45-day public review period, and provides responses to comments included in the letters on environmental issues describing the disposition of the issues, explaining the EIR analysis, supporting the EIR conclusions, and/or providing information or corrections as appropriate. Recirculated sections include Aesthetics, Air Quality, Biological Resources, Hydrology and Water Quality, Land Use and Planning, Noise, Public Services and Utilities, Traffic and Circulation, Cumulative Impacts, and Alternatives. The Biological Resources section was recirculated in 2011. Consequently, no responses will be prepared regarding biological resource comments provided on the 2010 RRDEIR No. 1. This section is organized with a copy of the comment letter followed with the corresponding responses.
- **Section 3: Responses to Comments on 2011 Revised and Recirculated Draft EIR No. 2.** This section includes a copy of all of the letters received during the 2011 RRDEIR No. 2, 45-day public review period, and provides responses to comments included in the letters on environmental issues describing the disposition of the issues, explaining the EIR analysis, supporting the EIR conclusions, and/or providing information or corrections as appropriate. Recirculated sections

include the Executive Summary and Biological Resources only. This section is organized with a copy of the comment letter followed with the corresponding responses.

- **Section 4: Errata.** This section summarizes changes or additions to the Draft EIR described in Section 3, as well as minor corrections.

Three separate public circulations of the Draft EIR for this project have occurred since 2005. In order to provide context for this current recirculation of limited portions of the EIR, a description of project evolution and environmental review process is provided below.

1.1 - Background and History

1.1.1 - Original Project EIR—2005

In 2005, the County circulated a Draft EIR evaluating the Original Project—a 92-lot residential subdivision on 62.43 acres with a minimum lot size of 7,200 square feet. Significant adverse and unavoidable impacts resulting from development of the Original Project—2005 included Aesthetics (loss of views of the lake and surrounding mountains due to the development of the 31 lakefront lots), Air Quality (short-term during construction and long-term), Biological Resources (noise and perch tree impacts on the bald eagle), and Water Supply (inconclusive groundwater supply). Partially in response to public comments received on the Original Project—2005 and accompanying Draft EIR, the Applicant revised the tentative tract map (see discussion of 2010 Project, below) to avoid or substantially reduce the identified significant impacts. The 2005 Final EIR, located within Appendix A of this 2020 Final EIR provides responses to all comments received on the 2005 Draft EIR; however, the 2005 Final EIR was not considered for approval at a public hearing.

1.1.2 - 2010 Revised and Recirculated Project EIR No. 1

Partially in response to comments received on the 2005 Draft EIR, the Applicant proposed an alternative to the Original Project—2005 that substantially reduced and in some cases completely avoided the significant environmental impacts that were identified in the 2005 Draft EIR. The revised project design/description (2010 Project) reduced the number of residential lots from 92 to 50 and seven lettered lots. The residential lots would have a minimum lot size of 20,000 square feet and be sold individually and developed into individual custom homes. In addition, the 2010 Project eliminated the realignment of State Route 38 (SR-38) and eliminated all lakefront residential lots. All 50 residential lots would be located to the north of SR-38. Of the seven lettered lots, one would be designated Open Space/Conservation (4.91 acres), one would be designated as Open Space/Neighborhood Lake Access (0.82 acre with 891 lineal feet of lakefront access), one would be developed as the marina parking lot for a 55-slip private boat marina (2.90 acres), three include the existing well sites, and the final lettered lot is a potential reservoir site. The marina parking lot is designed for the preservation of existing trees and eagle perch trees; however, because of the development of the parking lot, the lot would not be considered Open Space. A 10-acre off-site pebble plain habitat will also be purchased and preserved in perpetuity through a Conservation Easement.

In response to the development of the 2010 Project, the County prepared revisions to the 2005 EIR (RRDEIR No. 1). The following sections were revised:

1. **Aesthetics**: impacts to views of the site from adjacent residential uses and the state highway, and from the lake.
2. **Air Quality**: update air quality analysis to include consistency with 2007 Air Quality Management Plan (AQMP) and to address global climate change.
3. **Biological Resources**: conduct new surveys for sensitive species and to assess the pebble plain habitat on-site.
4. **Hydrology and Water Quality**: address potential water quality impacts to Big Bear Lake from runoff from the site.
5. **Land Use and Planning**: evaluate the 2010 Project using the 2007 General Plan and Development Code.
6. **Noise**: address construction noise and long-term residential noise from the 2010 Project site.
7. **Public Services and Utilities**: address emergency evacuation of the site; provide an analysis of water supply and wastewater treatment.
8. **Traffic and Circulation**: update the traffic study to address revisions to the 2010 Project's circulation plan and to capture the most recent cumulative projects in the vicinity.
9. **Cumulative Impacts**: evaluate potential environmental effects of the 2010 Project, in conjunction with other proposed or recently approved projects in the vicinity that together could result in significant and unavoidable cumulative impacts.
10. **Alternatives**: evaluate the 2010 Project, comparing the potential environmental effects to the Original Project—2005 and other alternatives identified in the 2005 Final EIR.

The RRDEIR No. 1 also included certain updated technical reports analyzing the impacts of the 2010 Project. These reports included an updated Traffic analysis, Biological Resources analysis, Hydrology and Water Supply analysis and Noise analysis. The RRDEIR No. 1 was circulated for public review from April 5, 2010, to June 3, 2010. The County received 109 comments on the RRDEIR No. 1.

The RRDEIR No. 1 concluded that the 2010 Project would have significant and unavoidable impacts related to Biological Resources. The unavoidable impacts were to the bald eagle. No additional significant impacts related to the 2010 Project were identified following implementation of mitigation measures and/or compliance with applicable standards, requirements, and/or policies by the County of San Bernardino. See Table ES-4 within the RRDEIR No. 1 for the 2010 Project mitigation measures and impacts.

1.1.3 - 2011 Revised and Recirculated Project EIR No. 2

Based on concerns raised in comments received on the RRDEIR No. 1, a Supplemental Focused Special Status Plant Species Survey, dated August 2010, was conducted to confirm the conclusion in the RRDEIR No. 1 that impacts to the ashy-gray Indian paintbrush (a Federally Listed Threatened

Species) would be less than significant. The survey analyzed the density of ashy-gray Indian paintbrush within the Project site and whether Project implementation would result in potential off-site impacts to the U.S. Forest Service (USFS) pebble plain habitat near the northeast portion of the Project site. The Supplemental Focused Special Status Plant Species Survey (dated August 29, 2010) showed the presence of high densities of ashy-gray Indian paintbrush plants on the westernmost Lots (Lots 1, 2 and 3) in the area west of "Street A"—the public roadway through the Project site.

In addition, the Supplemental Focused Special Status Plant Species Survey (dated August 29, 2010) determined that the area thought to be pebble plain habitat located within Lot A (as identified within the Supplemental Special Status Plant Species Survey, 2008), is not a true pebble plain habitat due to the lack of two key indicator species (*Arenaria ursina* and *Eriogonum kennedyi austromontanum)*. The Supplemental Focused Special Status Plant Species Survey (2010) findings augment the Supplemental Focused Special Status Plant Species Survey conducted by Dr. Krantz, dated June 29, 2008, providing an above-average precipitation year for observation.

Based on the new finding regarding the presence of high densities of ashy-gray Indian paintbrush in areas occupied by significant ashy-gray Indian paintbrush occurrences, the Project Applicant redesigned the subdivision layout to minimize impacts to this species. The redesigned subdivision, which is depicted in Exhibit 1-4 (see Section 1, Project Description, for Exhibit 1-4) creates a new Lot "H" Open Space Conservation Easement over the area with the highest concentration of plants (Lots 1-3), with three replacement residential lots proposed to be created along the south side of Street "A," an area with significantly lower concentrations of ashy-gray Indian paintbrush.

The redesign of the subdivision and the conclusions of the Supplemental Focused Special Status Plant Species Survey (2010) revealing the presence of high densities of ashy-gray Indian paintbrush on Lots 1-3 of the Project site constitutes "significant new information" as defined by Section 15088.5 of the CEQA Guidelines, and therefore required a partial recirculation of the RRDEIR No. 1 to fully disclose and analyze the potential impacts of the redesigned subdivision. See Table 1-1 for a comparison of the changes in project design between the three iterations of the Draft EIR.

Table 1-1: Comparison between the Original Project—2005, 2010 Project, and 2011 Project

Project Design	Original Project—2005	2010 Project	2011 Project
Circulated for Public Review	Draft EIR—March 30, 2004, to May 13, 2004 (2005 Draft EIR)	Revised and Recirculated Draft EIR No. 1—April 5, 2010, to June 3, 2010 (RRDEIR No. 1)	Revised and Recirculated Draft EIR No. 2—December 12, 2011, to February 7, 2012 (RRDEIR No. 2)
Site Size	62.43 acres	62.43 acres	62.43 acres
Proposed General Plan Designation*	BV/RS-1 (residential—minimum 7,200 sf lots)	BV/RS-20M (residential—minimum 20,000 sf lots)	BV/RS-20M (residential—minimum 20,000 sf lots)
Number of Lots	95	57	58
Residential Lots	92	50	50

Table 1-1 (cont.): Comparison between the Original Project—2005, 2010 Project, and 2011 Project

Project Design	Original Project—2005	2010 Project	2011 Project
Lettered Lots	3	7	8
	Lot A—proposed private street designed to provide access to the southernmost lots (lakefront sites)	Lot A—a 4.91-acre Open Space/Conservation (OS/C) easement to preserve pebble plain habitat and eagle perch trees	Lot A—a 3.4-acre Open Space/Conservation (OS/C) easement to preserve ashy-gray Indian paintbrush, pebble plain soil conditions, and eagle perch trees
	Lot B—a 1.4-acre strip of land between SR-38 and the private street south of the highway	Lot B—a 0.82-acre/891 lineal feet strip of land to remain OS/C between SR-38 and the lakefront for open space and Neighborhood Lake Access	Lot B—a 0.82-acre/891 lineal feet strip of land to remain OS/C between SR-38 and the lakefront for open space and Neighborhood Lake Access
	Lot C—a gated entrance, south of SR-38, a parking lot and access to the marina	Lot C—a 2.90-acre strip of land to be used as a parking lot and boat launch and open space	Lot C—a 2.90-acre strip of land to be used as a parking lot and boat launch and open space
	—	Lots D, E and F—well sites	Lots D, E and F—well sites
	—	Lot G—reservoir site	Lot G—reservoir site
	—	—	Lot H—a 1.9-acre Open Space Conservation Easement over the area with the highest concentration of ashy-gray Indian paintbrush
Common Areas	Common areas within lettered lots would be maintained by a homeowner's association	Conservation Easements would be maintained by a Conservation Group and common areas within lettered lots would be maintained by a homeowner's association	Conservation Easements would be maintained by a Conservation Group and common areas within lettered lots would be maintained by a homeowner's association
Marina/Boat Dock	103 boat slips on the west side of the site	55 boat slips on the east side of the site	55 boat slips on the east side of the site
Lakefront Lots	31 lakefront lots	No lakefront lots	No lakefront lots
State Route 38	Realignment of SR-38 to provide a straighter alignment and to provided lakefront residential lots	No change in the alignment of SR-38	No change in the alignment of SR-38

Table 1-1 (cont.): Comparison between the Original Project—2005, 2010 Project, and 2011 Project

Project Design	Original Project—2005	2010 Project	2011 Project
Development Scenario	Lots would be sold individually and custom homes would be constructed by the individual property owners	Lots would be sold individually and custom homes would be constructed by the individual property owners	Lots would be sold individually and custom homes would be constructed by the individual property owners

Note:
* Current General Plan Designation is BV/RL-40–Bear Valley Community Plan, Rural Living, minimum 40-acre residential lot size.

1.1.4 - 2020 Final EIR

For transparency purposes and to provide the most up-to-date information on site conditions and the Proposed Project, the 2020 Final EIR includes the following appendices, which are referred to as part of the Reponses to Comments:

- **Appendix A:** 2005 FEIR, 2010 RRDEIR No. 1 and 2011 RRDEIR No. 2
- **Appendix B:** Shute, Mihaly & Weinberger LLP Letter Exhibits
- **Appendix C:** Sierra Club Letter Exhibit
- **Appendix D:** Friends of Fawnskin (2) Letter Exhibits
- **Appendix E:** Jurisdictional Determination Update Memo
- **Appendix F:** Thomas Harder Groundwater Consulting Letter
- **Appendix G:** Proof of Water Service
  - G.1—LAFCO Water Service Approval
  - G.2—Bear Lake Department of Water—Service Letter
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- **Appendix J:** Habitat Assessment
- **Appendix K:** 2016 Ashy-grey Indian Paintbrush Survey Update
- **Appendix L:** 2018 Focused Traffic Impact Assessment Response to Comments
- **Appendix M:** Revised 2018 Focused Traffic Impact Assessment
- **Appendix N:** Revised Tentative Tract Map
- **Appendix O:** Cultural Resources Study

SECTION 2: RESPONSES TO COMMENTS ON THE REVISED AND RECIRCULATED DRAFT EIR NO. 1

2.1 - List of Authors

During the 45-day public review period for the Revised and Recirculated Draft Environmental Impact Report No. 1 (RRDEIR No. 1) from April 5, 2010, through June 3, 2010, 109 comment letters were received. A list of public agencies, organizations, and individuals that provided comments on the RRDEIR No. 1 is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author **Author Code**

Federal Agencies

U.S. Forest Service (Betty Hartenstein) (June 4, 2010)..... USFS

State Agencies

California Department of Fish and Game (May 4, 2010)..... CDFG
Department of Toxic Substance Control (May 19, 2010)..... DTSC
California Department of Transportation, District #8 (May 11 2010) .....CALTRANS
California Department of Transportation, District #8 (July 9, 2018) CALTRANS.2
Office of Planning and Research (May 18, 2010) ..... OPR
State of California Regional Water Quality Control Board (May 20, 2010) .....RWQCB

Regional Agencies

Big Bear Municipal Water District (May 12, 2010) ..... BBMWD
Big Bear Watermaster (May 27, 2010) ..... BBW
County of San Bernardino, Special Districts Department (April 9, 2010)..... SDD

Organizations

Center for Biological Diversity (June 4, 2010)..... CBD
Friends of Big Bear Valley (Dan Foulks) (June 1, 2010).....FBBV
Friends of Fawnskin (May 5, 2010).....FOF (a)
Friends of Fawnskin (Sandy Steers), (May 30, 2010)..... FOF (b)
San Bernardino Valley Audubon Society (Drew Feldman) (June 4, 2010).....SBVAS
Shute Mihaley & Weinberger, LLP (June 10, 2010).....SM&W
Sierra Club (Big Bear Group) (June 3, 2010) ..... SIERRA CLUB

Individuals

Alison Bates (June 4, 2010)..... ABATES
Bradley and Catherine Winch (April 16, 2010) ..... WINCH (a)

Bradley and Cathy Winch (May 28, 2010).....WINCH (b)
Carla and Roger Wilson (May 26, 2010)..... WILSON
Donald and Claudia Eads (June 3, 2010)..... EADS
Dori Myers (June 3, 2010)..... MYERS
Harold Allen (May 10, 2010) ..... ALLEN
Helen and Charles Stearns (May 31, 2010).....STEARNS
James and Barbara Finlayson-Pitts (April 9, 2010).....PITTS (a)
James and Barbara J. Finlayson-Pitts (May 29, 2010) ..... PITTS (b)
James and Lola McGrew (May 27, 2010) .....MCGREW
Joseph and Barbara Francuz (June 3, 2010)..... FRANCUZ
Karin Powell (June 2, 2010)..... POWELL
Kim MacDonald (May 24, 2010).....DONALD
Loretta L. Gardiner (May 24, 2010).....GARDINER
M. Hill (Undated-Received June 3, 2010).....HILL
Marlene Thurston (May 24, 2010) .....THURSTON
MJ Lilhan (Undated).....LILHAN
Mr. & Mrs. John DeLandtsheer (June 10, 2010).....DELANDTSHEER
Paul Lasky (May 30, 2010).....LASKY
Peter Medellin (May 29, 2010) .....MEDELLIN
Peter Tennyson (June 4, 2010).....TENNYSON
Raymond Shelden (June 2, 2010).....SHELDEN
Richard Bates (June 4, 2010).....RBATES
Robert Scott (June 4, 2010).....SCOTT (A)
Robert Scott (June 7, 2010).....SCOTT (B)
Robin and Scott Eliason (June 3, 2010).....ELIASON
Sandy Ellis (May 5, 2010) .....ELLIS
Sheree Coates (May 30, 2010) ..... COATES
Susan Piestrup (April 16, 2010)..... PIESTRUP
Tom Brown (June 2, 2010) .....BROWN
Victor Clotts (May 26, 2010) .....CLOTTS
W. M. Hazewinkel &Co. (April 21, 2010) .....HAZEWINKEL &CO
Wendy Bates (June 4, 2010).....W. BATES

Form Letters

Alan Sharp (April 12, 2010)
Anton Nelsen (April 12, 2010)
Arthur Voltz (April 12, 2010)
Bara and Joseph Francuz (April 15, 2010)
Barbara Lasky (April 12, 2010)
Betty Clark (April 6, 2010)
Beverly Ornelas (April 16, 2010)
Bob Ybarra (April 6, 2010)
Carolyn Robinson (April 6, 2010)
John and Donna Ash (April 12, 2010)
Karin Rau (April 12, 2010)
Kent Besinque (April 12, 2010)
Leonard Chaidez (April 6, 2010)
Linda Stoll (April 23, 2010)
Lorene Nelsen (April 12, 2010)
Lori Gardiner (April 12, 2010)
MacDonald Family Trust (July 8, 2010)
Marlene Thurston (April 12, 2010)

Charles Wolfe, (April 6, 2010)
Dan Fowlkes (April 6, 2010)
David Loltz (April 6, 2010)
David Stoll (April 23, 2010)
Dayton Gilleland (April 12, 2010)
Dean Strenger (April 17, 2010)
Deborah Smith, (April 6, 2010)
Dennis and Andrea Ruppert (April 12, 2010)
Diane Shattuck (April 19, 2010)
Donald L. Eads (April 17, 2010)
Elaine Lasnik-Broida (April 19, 2010)
Gary Rexroth (April 19, 2010)
Glynn A. Cornejo (April 6, 2010)
Golen Olson (April 6, 2010)
Guy Tardif Jr. (April 6, 2010)
Harold Allen (April 12, 2010)
J. Hough (April 12, 2010)
James C. McGrew (April 12, 2010)
Jill Helms (April 12, 2010)
JoAnn Mark (April 6, 2020)
Martin Lypp (April 6, 2010)
Michael Karp (April 6, 2010)
Mr. and Mrs. Lorimor (April 12, 2010)
Pat Hughes (April 12, 2010)
Pat Meaglos (April 6, 2010)
Patricia Dills (April 12, 2010)
Paul Hasty (April 12, 2010)
Peter and Diance Boss (April 13, 2010)
Peter Medellin (May 29, 2010)
Peter Tennyson (April 25, 2010)
Rev. Elo Russell (April 6, 2010)
Richard Robinson (April 6, 2010)
Robert S. Drake (April 7, 2010)
Rod Mercer (April 16, 2010)
Roger Ronk (April 12, 2010)
Rousine Wolfe (April 6, 2010)
Sarah Curtis (April 12, 2010)
Susan Chaidez (April 6, 2010)
Thomas Brown (April 6, 2010)
Todd Murphy (April 12, 2010)

2.2 - Responses to Comments

2.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the County of San Bernardino, as the lead agency, evaluated the written comments received on the RRDEIR No. 1 (State Clearinghouse No. 2002021105) for the Moon Camp 50-Lot Residential Subdivision, TT No. 16136, and has prepared the following responses to the comments received. This Response to Comments document becomes part of the 2020 Final EIR for the Project in accordance with CEQA Guidelines Section 15132.

2.2.2 - Comment Letters and Individual Responses

The comment letters reproduced in the following pages follow the same organization as is used in the List of Authors. Responses to each of the comment letters are provided on the following pages. The comment number (e.g., USFS-1) is provided in the upper right-hand corner of each comment letter, and individual comment points within each letter are identified by index numbers located along the right-hand margin of each letter. The County of San Bernardino's responses immediately follow each letter, with each individual response referenced by the index number of each individual comment.

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USFS

Slowik, Matt - LUS - Advance Planning

From: Betty_Hartenstine/R5/USDAFS [bhartenstine@fs.fed.us] on behalf of Betty Hartenstine [bhartenstine@fs.fed.us]
Sent: Friday, June 04, 2010 2:53 PM
To: Slowik, Matt - LUS - Advance Planning; Scott R Tangenberg; Jeanne Wade; Thomas B Hall; Kim Boss
Cc: Jeanne Wade; Thomas B Hall
Subject: 1950-3-1; Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project
Attachments: Moon Camp Input.doc; FS_correspondence.doc

USFS-1

The following Correspondence is archived in the Records database. Any enclosures will follow the letter in this message.

To open this document in the Records database, click on this link ->Link

To access all documents in the National Records Database, click on this link ->Link

United States Department of Agriculture | Forest Service | San Bernardino National Forest, Mountaintop Ranger District | P.O. Box 290, Fawnskin, CA 92333, 909-382-2600 #2 (Voice), 909-866-2867 (FAX)

File Code: 1950-3-1
Date: June 4, 2010

Matthew W. Slowik, MURP, MPA
Land Use Services Department, Advanced Planning
Division – Senior Planner
County of San Bernardino
385 N. Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

Dear Mr. Slowik,

Thank you for the opportunity to comment on the Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project. The project is next to the National Forest boundary and would result in un-mitigated and undisclosed impacts to National Forest System (NFS) lands. I would like to have the following issues considered as the Supervisors make their decision:

1. Hazardous Fuels and Fire Services –The Forest Service appreciates that the project design includes a fuel modification zone on the private land and does not assume that the NFS lands will have fuel modification protection for the private land. According to State and County requirements, the slope of the hillside may require that the fuel modification zone be up to 300 feet, which would need to be entirely within the proposed development. The community of Fawnskin is within our direct protection area for response to fire. The proposed water alternatives are not evaluated with regard to hydraulic effects to the existing Fawnskin water system. We ask that the Supervisors consider the potential effects of this proposal on flow rates for hydrants in the Moon Camp and Fawnskin areas.

2. Rare Plants - The Forest Service remains concerned about impacts to Threatened, Endangered, and Sensitive species/habitats on the adjacent NFS land as the development would potentially increase use and impacts on NFS lands. There is Critical Habitat (as designated under the Endangered Species Act) and known occurrences for plants listed under the federal Endangered Species Act on Forest Service land adjacent to the Moon Camp parcel. Impacts to plants in and adjacent to the Moon Camp area would increase the value and sensitivity of pebble plain habitat on other NFS lands. This can reduce the flexibility and ability of the Forest Service to conduct management actions (such as hazardous fuel reduction) on these other NFS lands. The mitigation measures include a measure that says the NFS/private land boundary will be signed and that the signs and CC&Rs will include guidance about using "designated hiking/biking" trails. The County Supervisors should understand that there are no designated hiking/biking trails in the area (the nearest are Grey's Peak and Cougar Crest trails, about one mile to the west and east, respectively). We do not believe that signing and CC&Rs alone will be effective in preventing an increase in dispersed recreation and associated impacts on adjacent Forest Service land. Therefore, we ask the Supervisors to consider additional mitigation

USFS-1

USFS-2

USFS-3

measures to reduce these impacts. USFS-3

3. Spotted Owls - Parts of the proposed project site support suitable foraging and nesting habitat for California spotted owl. Habitat for this rare species has been affected by fire and development throughout the mountains of southern California. The Supervisor's decision should also include consideration of the long-term impacts to this species and its habitat. Please consider adding protection measures to retain as much suitable habitat on site as possible, and off-site habitat acquisition/protection as mitigation for suitable habitat that would be permanently degraded. The Forest Service recently completed an effort to map all known and suitable spotted owl habitat on the SBNF and would be happy to share this mapping with the County to assist with the potential mitigation. USFS-4

4. Water - The Forest Service is concerned about the impacts of water extractions from the Moon Camp wells on adjacent and on-site riparian and wetland habitats. Some of the swales on the Moon Camp property support rare plants and rely on wet conditions. As water availability for native habitats and fire-fighting is one of the most critical concerns in the mountains, the Forest Service would appreciate the Supervisors considering the long-term impacts of residential growth that will increase demands on the limited water supply. While the Forest Service applauds the mitigation measures that encourage the use of xeric landscaping and other water conservation measures, the Forest Service asks that the Supervisors consider taking additional measures in order to lower the water-related demands on this limited resource. USFS-5

5. Wildlife - While the Forest Service appreciates the mitigation measures to reduce the effects of night-lighting on wildlife (BF-9 and BR-10), we wonder about the need to have street lamps at all since no neighborhood on the north shore of Big Bear Lake (including the State Highway) has street lamps. We would like to suggest that the Supervisors consider further reducing the potential for night lighting impacts by not allowing street lamps in this project. A number of studies have shown the detrimental effects of night lighting on aquatic, riparian, and nocturnal (including night-time migratory birds) species. The EIR's analysis of impacts to wildlife from night-lighting states that the impacts may be significant when combined with other impacts (noise and habitat loss). For BF-10, the Supervisors could consider adding a requirement that residential outdoor lights to be motion-activated to further reduce the potential effects of night-lighting. Mitigation measure BR-3 states that flying squirrel nest boxes would be located on adjacent FS land. We ask that the County discuss such plans with our staff prior to implementing any measures on NFS lands. USFS-6

6. Bald Eagles – We concur with the findings of in the DEIR that the project would cause significant unmitigated impacts to Bald Eagles. The Forest Service is concerned about long-term impacts to bald eagle perch/foraging habitat. We are concerned that as large perch trees die, they will be felled because they would pose safety hazards to people and improvements. Without the development, they would not be hazards and would remain standing for some period of time. Initial mitigations for removal of perch trees during construction through installation of artificial perch trees have not been maintained. As the artificial perch trees fall, no replacements occur; thus, mitigations have been temporary and limited. The Forest Service encourages the Supervisors to consider provisions that require long-term commitments to providing perch and foraging sites. USFS-7

The mitigations for impacts to bald eagles are based on limiting impacts to wintering bald eagles. However, for the past two years, a pair of non-migratory bald eagles has remained in the Grout Bay area year-round and they have built a nest. At this point, they have not yet successfully produced offspring; however, it is conceivable that in the near future, they will. This pair of eagles is likely frequenting the Moon Camp area for perching and foraging. Therefore, we ask that the Supervisors consider potential impacts to nesting or resident bald eagles in terms of losses or degradation of year-round perch and foraging habitat.

USFS-7

7. Encroachment - Where new developments border on National Forest, it is extremely important that the County require surveys and documentation of the land line locations prior to, during, and well after the development construction process to assure that no trespasses occur on National Forest System lands.

USFS-8

8. Erosion/Sediment - New development next to National Forest need to be set back at least 100 feet from National Forest System lands boundaries such that any excavation and or earth work does not cause "back cutting" type erosion; nor should sediment and erosion created as the by-product of constructing the new development impact the National Forest. In the absence of detailed soils erosion and sedimentation plan and geotechnical investigation of slope stability, it is not possible to determine whether significant impacts would occur. This is especially important in light of Big Bear Lake's impaired status regarding TMDL.

USFS-9

If you should have any questions please contact Tom Hall, Forest Planner, at 909-382-2905.

USFS-10

Sincerely,

/s/ Scott Tangenberg
SCOTT TANGENBERG
District Ranger

cc: Jeanne Wade

2.2.3 - Federal Agencies

United States Forest Service (USFS)

Response to USFS-1
The commenter provides introductory remarks to preface the letter. No response is necessary.

Response to USFS-2
The commenter expresses concern regarding hazardous fuels and fire service.

See Response to WINCH (b)-5A for consistency with United States Forest Service (USFS)[1] fuel modification requirements. The USFS comment letter mentions a possible 300-foot fuel modification zone. Since the Proposed Alternative Project is located within an FS1-designated area, the Project is required to comply with the FS1 100-foot fuel modification zone, which is required for any development project that abuts USFS land. Ten of the residential lots are affected by this requirement and must abide by the Fuel Modification Plan required to be prepared for the Proposed Alternative Project.

In addition, see Response to SM&W-45 through 47 for water resource impacts.

Response to USFS-3 through 4
The USFS comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within 2011 Revised and Recirculated Draft EIR No. 2 (RRDEIR No.2). Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to USFS-5
The commenter expresses concern regarding water supply and recommends additional mitigation to preserve water use by the Project.

There are no indigenous riparian wetlands located on the Project site. Willows located along the lake shoreline are ruderal lacustrine (lake-related) and are not associated with the groundwater system. In addition, see Response to SM&W-45 through 47 for water resource impacts.

Response to USFS-6 and USFS-7
The USFS comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to USFS-8
The commenter requests no trespassing onto USFS designated lands. This comment does not raise an issue with the adequacy of the RRDEIR No. 1 and, therefore, no response is required.

[1] An agency of the United States Department of Agriculture.

Comment noted. There are no designated hiking/biking trails through the Project or on adjacent USFS property. The perimeter of the Project will be posted indicating the boundary between private and USFS property.

Response to USFS-9
The commenter requests a 100-foot setback for new development adjacent to USFS lands.

See Response to WINCH (b)-5A for consistency with the requested 100-foot setback requirements.

California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-200
Ontario, CA 91764
(909) 484-0167

ARNOLD SCHWARZENEGGER, Governor
JOHN McCAMMAN, Director

CDFG

May 4, 2010

RECEIVED
MAY 19 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Matthew Slowik, MURP, MPA
Senior Planner
Land Use Services Department
County of San Bernardino
385 North Arrowhead Avenue
San Bernardino, CA 92415-0182

Re: Recirculated Draft Environmental Impact Report – Moon Camp Development
SCH No. 2002021105

Dear Mr. Slowik:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Revised and Recirculated Environmental Impact Report for the Moon Camp Development in the County of San Barnardino. The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as a Lake and Streambed Alteration Agreement (Section 1600 *et seq.*) or a California Endangered Species Incidental Take Permit (Fish and Game Code Sections 2080 and 2080.1).

For this project the Department will be acting as both a Responsible and Trustee Agency. As per section 15096 of the California Environmental Quality Act statute, as a Responsible Agency the Department is obligated to focus its comments on any shortcomings in the Environmental Impact Report (EIR) or Negative Declaration (ND), the appropriateness of using a negative declaration, and additional alternatives or mitigation measures which the EIR should include. CDFG-1

The proposed project is located on the northwest shore of Big Bear Lake in the community of Fawnskin. State Route 38 currently bisects the project. The original project description was for 95 residential lots, re-alignment of State Route 38 (SR-38), removal of trees between the shoreline and SR-38, and 103 marina slips.

The Department commends the County for the proposed revisions, particularly removing residential development from the shoreline and minimizing the removal of

trees between the shoreline and the road that are used as roosting sites for bald eagles. The project description has been revised and now consists of 50 residential lots, removal of all 31 lakefront lots, seven (7) lettered lots, two conservation areas along the Big Bear Lake shoreline, the purchase of 10 acres of pebble plains off-site habitat, a marina with 55 slips, and a marina parking lot. The seven lettered lots include: a pebble plain lot and open space conservation area of 4.95 acres; an open space/neighborhood lake access lot of 0.82 acres (891 lineal feet of shoreline); a marina parking lot for 55 boat slips and a boat ramp; three existing well sites, and a potential reservoir site. CDFG-1

The Department responded with a comment letter on the 2004 proposed project. In that letter the Department recommended the following revisions. First, revision of the wetland delineation map to show the extent of State jurisdiction along the shoreline, and mitigation for the loss of State jurisdictional waters on a 3:1or greater ratio (mitigation to impact) in the form of creation, restoration of in-kind habitat both either on-site or off-site. Second, replacement of lost habitat for the federally-listed as Threatened ash-gray Indian paintbrush on a 3:1 replacement-to-impact ratio. Provide for a conservation easement for conserved lands, as well as an endowment and long-term monitoring and management plan. Third, a reduction in the amount of development between the shoreline and SR 38 in order to protect roosting areas for American bald eagle.

Department Comments

The Department recommends that the Lead Agency clarify the issues raised below and provide a response to these comments in the Final Environmental Impact Report (FEIR). CDFG-2

1. Inclusion of a map showing the delineation of State waters, including the lake shoreline and inland streams;
2. An analysis of proposed land uses in the shoreline area (including the parking lot) and a determination of impacts (temporary and permanent) to State jurisdictional shoreline area; CDFG-3
3. An analysis of the total amount of jurisdictional streams and impacts to those streams, both permanent and temporary; CDFG-4
4. An impact analysis of the sensitive plants, showing conservation versus take; CDFG-5
5. An impact analysis of potential impacts to the lake from construction of a marina and boat slips (i.e., dredging, turbidity, removal of vegetation and sedimentation, and future maintenance of the facilities), and mitigation for those impacts; CDFG-6
6. A habitat management plan for the protection of lands conserved on the project site and lands conserved off-site; CDFG-7
7. A graphic showing the location of the proposed off-site 10-acre mitigation site; CDFG-8
8. Graphic showing the known location of one candidate plant species (Big Bear Valley sandwort), one rare plant (Parish's checkerbloom) and any California CDFG-9

Native Plant Society 1B plants with a moderate, high or actual potential to occur on the site; CDFG-9

9. An impact analysis showing the estimated number of plants or amount of area that will be lost for the plants listed in #8 above; CDFG-10
10. Mitigation measures for the plants listed in #8 above; CDFG-11
11. Specify the amount of impact to the ash grey Indian paintbrush and the correlation to proposed mitigation measures; mitigation should occur on a 3:1 ratio. CDFG-12

Impacts and Mitigation

Section 14(a) of Appendix G of the CEQA Guidelines provides an outline for determining significant biological impacts. Section (a) asks whether the project will have a substantial adverse effect "...either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species...".

Section (b) asks, in part, whether the project will have a substantial adverse effect on any riparian habitat or other sensitive natural community identified by the California Department of Fish and Game.

One issue identified in the previous Department comments was the recommendation for conservation of trees used by bald eagle for perching and foraging, particularly near the shoreline. Nine trees were identified, seven of which are located in the shoreline area. These seven trees will be conserved under the proposed development. Mitigation Measure BR-4 of the EIR requires that if any perch trees are hazardous and taken down, they will be replaced on a 5:1 ratio with the creation of artificial perch trees along the shoreline open space. CDFG-13

Although the project re-design is environmentally superior to the previously approved project, the Department still has concerns about certain aspects of the project. We recommend that these issues and comments be addressed in a Final Environmental Impact Report (FEIR).

The document should address potential impacts from the construction of a marina, boat slips and parking lot on the lake and lakeshore and should also address maintenance and management measures. The document should include mitigation measures to offset identified impacts.

The proposed development would impact numerous State plant species of special concern and California Native Plant Society 1B plants. The consulting biologists stated that the proposed 4.91 acre plant preserve would protect the most exemplary and best quality of pebble plain habitat on site, including all seven of the special status plants. The document (Mitigation Measure BR1b) states that a conservation easement shall be placed over the 4.91-acre on-site mitigation site with a management entity to be approved by the Department, a non-wasting endowment CDFG-14

and a Habitat Management Plan. Mitigation Measure BR-1a provides similar assurances for the off-site 10-acre parcel. CDFG-14

Although many of the special status plants co-occur with pebble plains habitat, the document did not include a graphic showing the distribution of these plants. The FEIR should include a map showing sensitive plant distributions, an impact analysis of the development on these plant populations and potential mitigation measures to offset those impacts. No endangered, threatened or special status meadow plants were identified on the site. CDFG-15

The project applicant is proposing to include a habitat management plan as a mitigation measure. Any habitat management plan should be submitted to the Department for approval. Management measures should include but not be limited to fencing around the conserved pebble plains habitat, invasive species removal, possible translocation of plants from to-be-developed areas to conserved areas and periodic monitoring. In addition, the edge effects identified by Scott White in the "Moon Camp Property, Fawnskin Area: Vegetation and Special Status Plants" of 2009 should be mitigated for in any habitat management plan. The RDEIR references a Forest Service study which found that while human disturbance can degrade the pebble plains habitat, utilization of fencing can reduce the level of disturbance and allow the habitat to restore itself. The fencing should be designed to include a buffer area for the pebble plains habitat. CDFG-16

Streambed Alteration Agreements and CEQA

The FEIR should also include a jurisdictional delineation including the shoreline portion of the property, analysis of impacts to jurisdictional shoreline and inland areas and mitigation for those impacts.

If the CEQA documents do not fully identify potential impacts to lakes, streams, and associated resources and provide adequate avoidance, mitigation, monitoring, funding sources, a habitat management plan and reporting commitments, additional CEQA documentation may be required prior to execution (signing) of the Agreement. In order to avoid delays or repetition of the CEQA process, potential impacts to a stream or lake, as well as avoidance and mitigation measures need to be discussed within this CEQA document. CDFG-17

The Department opposes the elimination of drainages, lakes and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:1 replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors. CDFG-18

We recommend submitting a notification early on, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Streambed Alteration Agreement notification package, please call (562) 430-7924. CDFG-19

The following information will be required for the processing of a Streambed Alteration Agreement and the Department recommends incorporating this information to avoid subsequent CEQA documentation and project delays:

1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
2) Discussion of avoidance measures to reduce project impacts; and,
3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

Section 15370 of the CEQA guidelines includes a definition of mitigation. It states that mitigation includes:

1) Avoiding the impact altogether by not taking a certain action or parts of an action,
2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, CDFG-20
3) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment,
4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action,
5) Compensating for the impact by replacing or providing substitute resources or environments.

In the absence of specific mitigation measures in the CEQA documents, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. Permit negotiations conducted after and outside of the CEQA process deprive the public of its rights to know what project impacts are and how they are being mitigated in violation of CEQA Section 15002. Also, because mitigation to offset the impacts was not identified in the CEQA document, the Department does not believe that the Lead Agency can make the determination that impacts to jurisdictional drainages and/or riparian habitat are "less than significant" without knowing what the specific impacts and mitigation measures are that will reduce those impacts.

Thank you for this opportunity to comment. Please contact Robin Maloney-Rames at (909) 980-3818, if you have any questions regarding this letter.

CDFG-21

Sincerely,

Jeff Brandt
Senior Environmental Scientist

2.2.4 - State Agencies

Department of Fish and Game (CDFG)[2]

Response to CDFG-1
The California Department of Fish and Wildlife (CDFW) (formerly CDFG) comment letter was received during the RRDEIR No. 1 45-day public review. However, the Biological Resources Section of the 2010 Draft EIR was recirculated within the 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to CDFG-2 through -4
A Delineation of Jurisdictional Waters was prepared during the preparation of the 2005 Final EIR in order to delineate U.S. Army Corps of Engineers (USACE) and CDFW jurisdictional authority for unnamed drainages located within the Project site. In addition, Exhibit 4.3.3, Jurisdictional Map, was included within the RRDEIR No. 1.

Prior to visiting the site, a review of U.S. Geological Survey (USGS) topographic maps was conducted (Quadrangle *Fawnskin, California*, dated 1996) and aerial photographs to identify areas that *may* fall under an agency's jurisdiction. USACE jurisdictional wetlands are delineated using the methods outlined in the USACE Wetland Delineation Manual (1987) based on hydrologic and edaphic features of the site, and on the vegetation composition of the site. Non-wetland waters of the United States (U.S.) are delineated based on the limits of the ordinary high water mark (OHWM) as determined by erosion, the deposition of vegetation or debris, and changes in the vegetation. Generally, CDFW takes jurisdiction to the bank of the stream/channels or to the limit of the adjacent riparian vegetation, whichever is greater. Analysis of the Project site consists of field surveys and verification of current conditions conducted in March 2002.

Vegetation within the drainages of the Project site consisted of upland habitat, dominated by Jeffrey pines. Soils within the drainage were documented to be silty-sand (large grain). Soil samples taken on-site were generally dry and lacked characteristics of hydric soils (e.g., odor, streaking, mottling). No flow within the on-site drainages was observed during the March 15, 2002, field visit. However, evidence of an OHWM was observed within the drainages, primarily indicated by sediment deposits. It should also be noted that Big Bear Lake adjoins the Project site to the south. Based on discussions with the Big Bear Municipal Water District, the current water level of Big Bear Lake (as of May 27, 2009) is 6,738.1-feet above mean sea level (msl). The OHWM is reported to be 6,743.2 feet above msl.

Based on the results of the field observations and data collection, 0.15 acre of USACE jurisdictional waters of the U.S. were identified within the Project site. In addition to on-site ephemeral drainages, USACE considers Big Bear Lake jurisdictional. USACE's jurisdictional limits are delineated at the high water line, which is reported to be at 6,743.2-foot elevation (and below).

Based on the results of the field observations and data collection, RBF identified 0.15 acre of USACE jurisdictional "waters of the U.S." within the Project site. The drainages are ephemeral; Big Bear

[2] Note that the California Department of Fish and Game (CDFG) is now known as the California Department of Fish and Wildlife (CDFW).

Lake, although not included in the acreage calculation, is also considered jurisdictional by USACE. Utilizing the most current development plans, it was determined that the proposed improvements would impact up to 0.04 acre of waters of the U.S. under USACE jurisdiction. A boat launch ramp will not be constructed on the existing land, therefore, would not impact waters of the U.S.

In addition, based on the results of the field observations and data collection, RBF identified 0.15 acre of CDFW jurisdictional streambed. Utilizing the most current development plans, it was determined that the proposed improvements would impact up to 0.04 acre of CDFW jurisdiction waters of the State.

Therefore, in accordance with the direction of the CDFW, all unavoidable impacts to State and Federal jurisdictional lakes, streams, and associated habitat shall be compensated for with the creation and/or restoration of in-kind habitat on-site and/or off-site at a minimum 3:1 replacement-to-impact ratio. Additional requirements may be required through the permitting process depending on the quality of habitat impacted, project design and other factors.

Additionally, to ensure the most recent information, FirstCarbon Solutions (FCS) Biologist Dennis Peterson visited the site on May 18, 2018, to verify the jurisdictional delineation boundaries have not changed. Please see his memorandum dated May 28, 2018 (Appendix E of this 2020 Final EIR), which confirms that the jurisdictional delineation has not changed.

Response to CDFG-5 through -16
The CDFW comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within the 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this FEIR document.

Response to CDFG-17 through -19
There are no streams or other water or wetland resources on the Moon Camp property, but for the ruderal wetlands along the lakeshore. Any work between the highway and the lakeshore shall require both federal and state discharge permits.

Response to CDFG-20
Specific mitigation measures have been incorporated into the project design and mitigation program. Based on the results of the field observations and data collection, there was 0.15 acres of CDFW jurisdictional streambed identified. Utilizing the most current development plans, it was determined that the proposed improvements would impact up to 0.04 acre of CDFW jurisdiction waters of the State. Consistent with Mitigation Measure BR-13 (RRDEIR No. 2, page 2-61), prior to issuance of grading permits, the Project Applicant shall obtain all required authorization from agencies with jurisdiction over all unavoidable impacts to State and federal jurisdictional lakes, streams, and associated habitat within the Project site. Impacted features, if any, will be offset through on-site restoration, off-site restoration, or purchase of credits at an agency-approved mitigation bank in the region at no less than a 3:1 for direct impacts and 1:1 for indirect impacts if impacts cannot be avoided.

DTSC

Department of Toxic Substances Control

Linda S. Adams
Secretary for
Environmental Protection

Maziar Movassaghi
Acting Director
5796 Corporate Avenue
Cypress, California 90630

Arnold Schwarzenegger
Governor

May 19, 2010

Mr. Matthew Slowik
County of San Bernardino
Land Use Services Department, Advance Planning Division
385 N. Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

NOTICE OF COMPLETION & ENVIRONMENTAL IMPACT REPORT (EIR) FOR MOON CAMP DEVELOPMENT PROJECT (SCH# 2002021105)

Dear Mr. Slowik:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Completion of the Environmental Impact Report for the above-mentioned project. The following project description is stated in your document: "The project site is currently undeveloped and is designated in the County of San Bernardino, Bear Valley Community Plan (BV) as Rural Living with minimum 40-acre lots (BV/RL-40). The RL-40 land use designation allows development at a density of one dwelling unit per 40 acres and indicates that future development proposals will be considered based upon a demonstrated ability to provide adequate infrastructure and maintain consistency with the goals and policies of the Bear Valley Community Plan. The Proposed Alternative Project is the subdivision of the 62.43-acre site into 50 numbered lots (residential lots) to be sold individually and developed into custom homes and seven lettered lots, of which one would be designated as Open Space/Conservation, one would be Open Space/Neighborhood Lake Access, one would be developed as the marina parking lot with a boat ramp, three are the existing well sites, and the seventh is a potential reservoir site. The marina lot also includes some open space for the preservation of existing trees/perch trees; however, because of the development of the parking lot and boat ramp, the lot would not be considered Open Space".

DTSC-1

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MAY 20 2010
LAND USE SERVICES DEPT.
PLANNING DIVISION

DTSC sent you comments on the original EIR document on 4/30/2004. Based on the review of the submitted document, DTSC has the following additional comments:

1. If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA. DTSC-2

2. DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489. DTSC-3

3. For future CEQA documents, please provide the email address of the person to whom comments should be sent. DTSC-4

If you have any questions regarding this letter, please contact me, at ashami@dtsc.ca.gov, or by phone at (714) 484-5472.

Sincerely,

for

Al Shami
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov.

cc: CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
ADelacr1@dtsc.ca.gov

CEQA#2869

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California Department of Toxic Substance Control (DTSC)

Response to DTSC-1
The author provided introductory remarks to preface the letter. No response is necessary.

Response to DTSC-2
As previously stated in the 2005 Final EIR, the Initial Study prepared for the Project in February 2002 addressed the potential impacts associated with Hazards and Hazardous Materials. The Initial Study concluded that the Project would include hazardous materials that are typical of residential developments (household chemicals, pesticides, etc.). It is also stated that the Project would include the storage of fuels associated with the marina facility. All hazardous materials would be subject to all local, state and federal regulations pertaining to the transport, use and storage of such material, which would ensure that any potentially significant impact regarding hazardous materials would be reduced to less than significant levels (please refer to Response VII (a-c) in the Initial Study).

Response to DTSC-3
Comment noted. Comment does not raise an issue regarding the EIR and, therefore, no further response is necessary.

Response to DTSC-4
Comment does not raise an issue regarding the EIR and, therefore, no further response is necessary.

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DEPARTMENT OF TRANSPORTATION
DISTRICT 8
PLANNING
464 WEST 4th STREET, 6th Floor MS 725
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-4557
FAX (909) 383-6890
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CALTRANS

Flex your power!
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RECEIVED
ADVANCE PLANNING DIVISION

May 11, 2010

County of San Bernardino
Advance Planning Division
Attention: Matthew Slowik, MURP, MPA
Land Use Services Department
385 North Arrowhead Avenue
San Bernardino, CA 92415-0182

08-SBd-SR-38 PM 55.2/R53.8

Subject: Moon Camp 50-Lot Residential Subdivision's No. 16136/APN: 0304-082-04, 0304-091-12, 0304-091-22 and 0304-091-21, SCH No.2002021105.

Dear Mr. Slowik:

The California Department of Transportation (Caltrans) appreciated the opportunity to review the Traffic Impact Analysis for the Moon Camp 50-lot Residential Subdivision in the City of Big Bear Lake. We have completed our review and based on the information provided and we offer the following comments for your consideration. CALTRANS-1

- One driveway should be allowed on SR-38. Provide the full layout of the proposed driveway on SR-38. CALTRANS-2
- Concerns regarding the driveway located close to the horizontal curves; the driver may have more difficulty seeing the vehicles oncoming traffic from the left or right, therefore the corner sight distance should meet. CALTRANS-3
- The study may also consider the intersection of Canyon Road and SR-38. CALTRANS-4
- Based on the Exhibit 4.8-11, there is opposing driveway at driveway #2. Therefore, all turning movements at driveway #2 should be provided. CALTRANS-5

The Lead Agency is responsible for quantifying the environmental impacts of the improvements (project level analysis) implementing and monitoring all appropriate mitigation measures. CALTRANS-6

These comments are not to be considered complete, final or inclusive. Additional comments may be provided and the scope of the project proposed action changes. CALTRANS-7

We appreciate the opportunity to offer our comments concerning this project. If you have any question or concerns regarding our analysis please do not hesitate to contact Christine Medina (909) 383-6908 or me at (909) 383-4557.

CALTRANS-7

Sincerely,

DANIEL KOPULSKY
Office Chief,
Community Planning/IGR-CEQA

cc: Haissam,Y, Green, G.

California Department of Transportation (CALTRANS)

This letter is specific to the 2007 Focused Traffic Impact Assessment and the 2010 Revised and Recirculated Draft EIR. Appendix L of the 2020 Final EIR provides the Response to Comments on the 2018 Focused Traffic Impact Assessment, summarized in this section. Appendix M of this 2020 Final EIR provides the Revised 2018 Focused Traffic Impact Assessment.

Response to CALTRANS-1
The commenter expresses their appreciation for the opportunity to review the Traffic Impact Analysis for the Moon Camp Project. County of San Bernardino acknowledges the commenter's comment and will forward it to the decision-makers prior to consideration of the Project. The Revised 2018 Focused Traffic Impact Assessment was prepared to evaluate whether the increased traffic volumes at the intersection of Stanfield Cutoff and North Shore Drive for Sunday (mid-day) peak hour would alter any of the previous findings as reported in the 2007 Traffic Impact Assessment. In addition, the fair share costs presented in the 2007 Traffic Impact Assessment have been updated and sight distance evaluation at the proposed Project driveways on North Shore drive has been included.

Response to CALTRANS-2
The commenter asserts that only one driveway should be allowed on State Route 38 (SR-38). The site plan for the Project proposes two points of access from SR-38; driveway number one, toward the western portion of Tentative Tract No. 16136, with another driveway providing access to the Project from SR-38 further to the east. San Bernardino County Municipal Code § 87.06.030(c)(2)(E) states that: "The subdivision in each of its phases shall have two points of vehicular ingress and egress from existing surrounding streets, one of which may be used for emergency use only." Particularly in the mountain communities that are prone to fire events, two points of access from SR-38 are required by the County of San Bernardino for emergency purposes and to facilitate evacuation should that become necessary.

Response to CALTRANS-3
The commenter is concerned that because of the curvature of SR-38 and the location of the driveways accessing the Project site, drivers may not have adequate line-of-sight to safely perform turning movements from and onto SR-38. As indicated on page 4.8-38, line-of-sight at the project access roadways will be reviewed for compliance with Caltrans/County of San Bernardino Sight Distance Standards at the time of approval of final grading and street improvement plans.

Response to CALTRANS-4
The commenter requests that the Traffic Impact Analysis consider the intersection of Canyon Road and SR-38. However, the 55-slip private marina will only be available to the homeowners within the tract. No launch ramp is included in the Project's design. Homeowners wishing to launch boats for use on Big Bear Lake, or to access the private marina via water will need to use public launch ramps. An increase in traffic trips to the private marina by the general public or the homeowners during the summer months is not anticipated. No additional impacts are anticipated.

Response to CALTRANS-5

The commenter notes that driveway number two on Exhibit 4.8-11 appears to be the northern leg of a four-way intersection with SR-38. The commenter requests that all turning movements be reflected in the Traffic Impact Analysis for the Project at this intersection. However, based upon the existing curve radius of the State Highway (which is required to remain as a part of the Project) the design provides proper sight distance for the Project. Consequently, Caltrans comments are incorporated into this response to comment, and as outlined within the RRDEIR No. 1, Caltrans will issue a permit to construct the road improvements, which will include the design of the two intersections, turning movements, signage and striping.

Response to CALTRANS-6

The commenter notes the lead agency's responsibility under CEQA for quantifying the environmental impacts of the Project and monitoring all appropriate mitigation measures. County of San Bernardino acknowledges its obligation under CEQA. County will adopt a Mitigation Monitoring Reporting Program that will provide enforcement mechanisms to ensure all applicable mitigation measures are implemented and monitored as part of project development.

Response to CALTRANS-7

County of San Bernardino acknowledges that Caltrans may provide additional comments prior to project approval.

DEPARTMENT OF TRANSPORTATION
DISTRICT 8
PLANNING (MS 725)
464 WEST 4th STREET, 6thFLOOR
SAN BERNARDINO, CA 92401-1400
PHONE (909) 388-7017
FAX (909) 383-5936
TTY 711
www.dot.ca.gov/dist8

Making Conservation a California Way of Life.

July 9, 2018 **File: 08-SBd-38-PM 55.2/R53.8**

Kevin White
County of San Bernardino
385 North Arrowhead Avenue
San Bernardino, CA 92415

Subject: Moon Camp 50-Lot Residential – Focused Traffic Impact Assessment dated November 7, 2017

Dear Mr. White,

The California Department of Transportation (Caltrans) has completed the review of the Focused Traffic Impact Assessment for the Moon Camp 50-Lot Residential (project). This project is located on 62.43 acres in unincorporated San Bernardino County (County). The project is located at the northeast corner of State Route 38 and Canyon Road in unincorporated community of Fawnskin, San Bernardino County. The project proposes the construction of 50 new single-family detached dwelling units, three open space lots, and a common area.

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network. We provide these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl. We have circulated copies of the plans and supporting documentation to our functional units for review. The following comments are based on the Focused Traffic Impact Assessment: 1

TRAFFIC OPERATIONS & FORECASTING

1. In the second paragraph on page 6, you stated, "All driveways are proposed to have full access." Because of line-of-sight issues, horizontal curves, and safety issues near proposed project driveways, a left-turn pocket on State Route 38 is needed for each proposed full- 2

access driveway or street. In addition, include a discussion on left-turn and right-turn pockets in the traffic study.

Alternatively, we will consider replacing the full access intersection at Driveway 2 with right-in, right-out-only turns on both sides of the intersection. This will require approval through the Encroachment Permit process.

See the Caltrans Highway Design Manual Section 405.1 'Sight Distance' for more information.

2. Show types of access for each proposed driveway or street access from State Route 38 in Exhibits 6 and 7. 3

3. Page 8 Exhibit 2: Near-Term (2021) without Project Sunday (Mid-Day) Peak Volumes: depicts "Mid-Day" counts. The page 42 Attachment showing 2016 count data from Counts Unlimited show counts on Friday 9/9/2016 from 4:00 p.m. to 6:00 p.m. Please provide justification for Sunday Midday and Friday PM. 4

4. There are no exhibits to show the existing (2016) Traffic Volumes in PCE nor any exhibits to show Project Trip Distribution. Please verify. 5

COMMUNITY PLANNING

1. Update the Site Plan to show pedestrian access from the residential community to the marina. See the Highway Design Manual 100, Topic 105 'Pedestrian Facilities' for more information. 6

2. Update the Site Plan to show Class II Bicycle Lanes on State Route 38. This is in accordance with the Big Bear Valley Pedestrian, Bicycle, and Equestrian Master Plan. 7

   See Big Bear Valley Pedestrian, Bicycle, and Equestrian Master Plan, Map 7.1 'Existing and Proposed Bicycle Network' for more information.

3. Project design that may require vehicles to back out onto the State Highway System is prohibited. Where an entrance gate is used at the marina, update the Site Plan to address non-resident vehicles that accidentally turn in. 8

All comments should be addressed and TIA should be resubmitted prior to proceeding with the Encroachment Permit Process. 9

Thank you for providing us the opportunity to review the Focused Traffic Impact Assessment for the Moon Camp 50-Lot Residential Project and for your consideration of these and future comments. These recommendations are preliminary and summarize our review of materials provided for our evaluation. If this proposal is revised in any way, please forward appropriate information to this office so that updated recommendations for impact mitigation may be provided. If you have questions concerning these comments, or would like to meet to discuss our concerns, please contact Ricky Rivers at (909) 806-3298 or myself at (909) 383-4557.

9
CONT

Sincerely,

Mark Roberts

MARK ROBERTS, AICP
Office Chief
Intergovernmental Review, Community and Regional Planning

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California Department of Transportation (CALTRANS.2)

This letter is specific to the 2018 Focused Traffic Impact Assessment; however, for transparency purposes, it is included in this FEIR document. Appendix L of the 2020 Final EIR provides the Response to Comments on the 2018 Focused Traffic Impact Assessment, summarized in this section.

Appendix M of this 2020 Final EIR provides the Revised 2018 Focused Traffic Impact Assessment.

Response to CALTRANS.2-1
The commenter reiterates the Project and outlines the mission of Caltrans. County of San Bernardino acknowledges the commenter's comment and will forward it to the decision-makers prior to consideration of the Project.

Response to CALTRANS.2-2
The commenter asserts that a left-turn pocket on State Route 38 (SR-38) is needed for each proposed full-access driveway or street and that the traffic study should include a discussion on left-turn and right-turn pockets.

Sight distance and site access evaluations have been included in the updated Focused Traffic Impact Analysis. A 7.5-second criterion has been applied to the outside travel lanes in either direction to provide the most conservative sight distance in accordance with Caltrans Highway Design Manual Section 405.1 'Sight Distance'. Left-turn pockets have been added to driveways along North Shore Drive (SR-38) where ingress to residential homes and the marina are provided. As indicated in Highway Design Manual Section 405.3, for right-turning traffic, delays are less critical and conflicts less severe than for left-turning traffic. Right-turn pockets are not proposed on SR-38 at Driveway 1 and Driveway 2 because of the nominal right-turning volume (less than 20 peak hour trips) at both the driveways.

Response to CALTRANS.2-3
The commenter expresses that need to show types of access for each proposed driveway or street access from SR-38 in Exhibits 6 and 7.

The type of access to each proposed driveway is included in Exhibits 8, 9, and 10 of the revised traffic impact assessment (2020 Final EIR Appendix M).

Response to CALTRANS.2-4
The commenter requests justification for Sunday midday and Friday PM peak volume counts.

Appendix M of the 2020 FEIR—Count Data includes both Friday 09/09/2016 from 4:00pm to 6:00pm and Sunday 09/11/2016 from 12:00pm to 2:00pm counts.

Response to CALTRANS.2-5
The commenter requests the exhibits show the existing (2016) Traffic Volumes in PCE and project trip distribution.

Existing (2016) Sunday (midday) peak volumes in PCE has been added as Exhibit 1 and the project trip distribution has been added as Exhibit 2 in the focused traffic impact assessment (2020 Final EIR Appendix M).

Response to CALTRANS.2-6
The commenter asserts that the project should include pedestrian access from the residential community to the marina.

Review of aerial images shows that there is no uncontrolled pedestrian crossing on SR-38 for several miles east and west of the Project site. As such, providing an uncontrolled pedestrian crossing would be inconsistent with the current conditions and driver expectation and has not been recommended.

Response to CALTRANS.2-7
The commenter explains that the Project should include Class II Bicycle Lanes on SR-38.

A Class II Bicycle Lane has been included in the revised Tentative Tract Map in addition to the left-turn pockets at project entrances on SR-38 (2020 Final EIR Appendix M).

Response to CALTRANS.2-8
The commenter requests that the Project should include Class II Bicycle Lanes on SR-38.

A Class II Bicycle Lane has been included in the revised Tentative Tract Map in addition to the left-turn pockets at project entrances on SR-38 (2020 Final EIR Appendix M).

Response to CALTRANS.2-9
The commenter requests that where an entrance gate is used at the marina, the site plan should address non-resident vehicles that accidentally turn in.

The revised Tentative Tract Map/site plan shows the public turn-around area just inside the marina parking lot entry and the gate location.

Response to CALTRANS.2-10
The commenter thanks the applicant for providing the opportunity to review the Focused Traffic Impact Assessment and notes that all comments should be addressed and the Focused Traffic Impact Assessment should be resubmitted if revised.

These responses serve to address comments and the Focused Traffic Impact Assessment shall be resubmitted, as-needed.

OPR

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

Memorandum

RECEIVED
25 2010
ADVANCE PLANNING DIVISION

Date: May 18, 2010

To: All Reviewing Agencies

From: Scott Morgan, Acting Director

Re: SCH # 2002021105
Moon Camp

OPR-1

Pursuant to the attached letter, the Lead Agency has extended the review period for the above referenced project to June 3, 2010 to accommodate the review process. All other project information remains the same.

cc: Matthew Slowik
San Bernardino County Land Use Services Department
385 N. Arrowhead, 1st Floor
San Bernardino, CA 92415-0182

Notice of Completion *Supplementary Document M*

See NOTE below

SCH 2002021105

Mail to: State Clearinghouse, 1400 Tenth Street Sacramento, CA 95814 916/445-0613

Project Title: MOON CAMP
Lead Agency: San Bernardino County Land Use Services Department
Street Address: 385 N. Arrowhead , 1st Floor
City: San Bernardino , CA Zip: 92415-0182

Contact Person: MATTHEW SLOWIK
Phone: (909) 387-4147
County: San Bernardino

Project Location
County: San Bernardino City/Nearest Community: Fawnskin
Cross Streets: Canyon Road/Polique Canyon Road Zip Code: 92333 Total Acres: 62±
Assessor's Parcel No.0304-082-04, 0304-091-12, 21, 22 Section: 13 Twp. 2N Range: 1W Base: SBBM
Latitude: 34 Degrees 15 ' 46.91139" Longitude: -116 Degrees 55' 57.0000"
Within 2 Miles: State Hwy #: 38 Waterways: Big Bear Lake
Airports: n.a. Railways: n.a. Schools: n.a.

RECEIVED
APR 05 2010
STATE CLEARING HOUSE

Document Type
CEQA: ☐ NOP ☐ Supplement/Subsequent NEPA: ☐ NOI Other: ☐ Joint Document
☐ Early Cons ☐ EIR (Prior SCH No.)_____ ☐ EA ☐ Final Document
PROPOSED ☐ Neg. Dec ☒ Other: Recirculated Draft EIR ☐ Draft EIS ☐ Other
☐ Draft EIR SCH #2002021105 ☐ FONSI

Local Action Type
☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☒ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☒ Use Permit ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☒ Land Division (Subdivision, Parcel Map, Tract Map, etc.) ☒ Other: Env. Review

Development Type
☒ Residential: *Units* 50 *Acres* 62.43 ☒ Water Facilities: *Type*:_____
☐ Office: *Sq.ft.* _____ *Acres*_____ *Employees*_____ ☒ Transportation/FC: *Type*:
☐ Commercial: *Sq.ft.*_____ *Acres* _____ *Employees*_____ ☐ Mining: *Mineral*_____
☐ Industrial: *Sq.ft.* _____ *Acres*_____ *Employees*_____ ☐ Power: *Type*_____ *Watts*_____
☐ Educational _____ ☐ Waste Treatment *Type*_____
☒ Recreational Marina/Boat Dock ☐ Hazardous Waste: *Type*_____ ☐ Other.

Project Issues Discussed In Document
☒ Aesthetic/Visual ☒ Flood Plain/Flooding ☐ Schools/Universities ☒ Water Quality
☐ Agricultural Land ☒ Forest Land/Fire Hazard ☐ Septic Systems ☒ Water Supply/Groundwater
☒ Air Quality ☒ Geologic/Seismic ☒ Sewer Capacity ☒ Wetland/Riparian
☒ Archeological/Historical ☐ Minerals ☒ Soil Erosion/Compaction/Grading ☒ Wildlife
☐ Coastal Zone ☒ Noise ☐ Solid Waste ☒ Growth Inducing
☒ Drainage/Absorption ☒ Population/Housing Balance ☐ Toxic/Hazardous ☒ Landuse
☐ Economic/Jobs ☒ Public Services/Facilities ☒ Traffic/Circulation ☒ Cumulative Effects
☒ Fiscal ☒ Recreation/Parks ☒ Vegetation ☒ Other: Climate Change/ Green House Gas

OPR-1

Present Land Use/Zoning/General Plan Use
BV/RL-40 (Rural Living – 40-acre minimum lot size)

Project Description: 1) GPA from BV/RL-40 Bear Valley Community Plan (Rural Living 40-acres) to BV/RS-20,000 Bear Valley Community Plan (Single Residential 20,000 s.f.); 2) A Tentative Tract Map (#16136) with a total of 57 lots; and 3) a Conditional Use Permit for a marina (boat dock) with 55 boat slips.

State Clearinghouse Contact: Sue
(916) 445-0613

State Review Began: 04-05-2010
6-3-2010
SCH COMPLIANCE 05-19-2010
extended review

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 2002021105
Please forward late comments directly to the Lead Agency

AQMD/APCD 33/2N

(Resources: 04 /10)

Project Sent to the following State Agencies

X	Resources		**State/Consumer Svcs**
X	Boating & Waterways	____	General Services
____	Coastal Comm		**Cal EPA**
____	Colorado Rvr Bd	____	ARB – Airport Projects
____	Conservation	____	ARB – Transportation Projects
X	Fish & Game # 10	____	ARB – Major Industrial Projects
____	Delta Protection Comm	____	SWRCB: Div. Financial Assist.
X	Cal Fire	____	SWRCB: Wtr Quality
____	Historic Preservation	____	SWRCB: Wtr Rights
X	Parks & Rec	X	Reg. WQCB # 8
____	Central Valley Flood Prot.	____	Toxic Sub Ctrl-CTC
____	Bay Cons & Dev Comm.		**Yth/Adlt Corrections**
X	DWR	____	Corrections
X	Cal EMA		
____	Resources, Recycling and Recovery		
	Bus Transp Hous		**Independent Comm**
____	Aeronautics	____	Energy Commission
X	CHP	X	NAHC
X	Caltrans # 8	X	Public Utilities Comm
____	Trans Planning	X	State Lands Comm
____	Housing & Com Dev	____	Tahoe Rgl Plan Agency
____	Food & Agriculture		
____	Health Services	____	_____ Conservancy

Other:

Governor's Office of Planning and Research (OPR)

Response to OPR-1

The commenter confirms the County of San Bernardino's extension to close the public review period from May 19, 2010, to June 3, 2010, for the RRDEIR No. 1. The Governor's Office of Planning and Research is noted. No additional response is necessary.

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RWQCB

California Regional Water Quality Control Board
Santa Ana Region

Linda S. Adams
Secretary for
Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221
www.waterboards.ca.gov/santaana

Arnold Schwarzenegger
Governor

May 20, 2010

RECEIVED
MAY 25 2010
AND USE SERVICES DEPT.
DVANCE PLANNING DIVISION

Matt Slowik, Director
Advance Planning Division
San Bernardino County Land Use Services Department
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

DRAFT RECIRCULATED ENVIRONMENTAL IMPACT REPORT, MOON CAMP DEVELOPMENT PROJECT, TENTATIVE TRACT MAP NO. 16136, FAWNSKIN AREA BETWEEN CANYON, FLICKER, AND POLIQUE CANYON ROADS, SAN BERNARDINO COUNTY, SCH# 2002021105

Dear Mr. Slowik:

Staff of the Regional Water Quality Control Board, Santa Ana Region (Regional Board), have reviewed the Revised and Recirculated Draft Environmental Impact Report (RRDEIR) for the Moon Camp Development Project (Project). The Project is located at Fawnskin on the north shore of Big Bear Lake (Lake), east of Grout Bay, and it is bisected by Highway 38 (North Shore Drive). Conclusions and public comments for the original environmental analyses (2005 Final EIR) prompted formulation of a Proposed Alternative Project and recirculation of an RRDEIR under the California Environmental Quality Act (CEQA).

RWQCB-1

Both original and current versions of the Project would modify 62.43 acres of forested slope and shoreline for a "single-residential" subdivision and private boat marina. The original proposal included 31 lakefront lots among 95 lots and 103 slips, all located on the west side of the property. The Proposed Alternative Project (Project, reflected in the RRDEIR), eliminates the lakefront lots and reduces the earlier proposal to 57 sewered lots (7 lettered lots and 50 lots for custom homes) and 55 slips, all relocated to the east side of the property. We note that several other changes have been made to the Project to reduce adverse environmental impacts from previous planning.

We request that the following general comments be considered for incorporation into the RRDEIR, so that the Project protects water quality standards (water quality objectives and beneficial uses) identified in the Water Quality Control Plan for the Santa Ana River Basin, 1995, as amended (Region 8 Basin Plan):

General Notes On Impacts To Beneficial Uses

Regional Board Staff commend the extensive reduction of the Project from the 2005 proposal that would likely have greatly impacted the beneficial uses of the Lake and the Project's onsite tributaries, to this revision that appears to have far less impact. The Project must meet the requirements of the Big Bear Lake Management Plan, which will be considered for adoption by the Regional Board on July 23, 2010.

RWQCB-2

There will be no fuel storage at this small marina, though we are unaware of restrictions on the maximum size of boats and whether pumpout facilities are anticipated. Please clarify. We ask that the RRDEIR address whether or not treatment of wood or metal surfaces related to the marina will be used, including anti-fouling paint on boats, which could create pollutants. RWQCB-3

Surface water and groundwater flows may potentially carry pollutants over and through the shore into the Lake, and the Final EIR should reflect that antidegradation policies should be considered in all Project analyses, i.e., the State Water Resources Control Board's (SWRCB) Resolution No. 68-16 and the federal antidegradation policy (40 CFR 131.12). Further, cumulative impacts to water quality standards should be considered along with any other planned projects nearby. RWQCB-4

Through the restoration of habitat and the facilitation of wildlife movement through riparian corridors, the Basin Plan's wildlife habitat beneficial uses are served (WILD, WARM, RARE). To avoid impeding wildlife movement, roadways or pipelines should be carried over drainages by bridges or wide, "soft-bottomed" arched culvert systems. RWQCB-5

401 Certification

The Project would not extensively dredge or fill the 4.0-acre portion of Big Bear Lake shoreline to be impacted. A boat ramp (on two lettered lots) will be constructed on 0.04 acre, and posts will be sunk into the lakebed for extended floating docks (RRDEIR p.4.4-14). The waters of the U.S. jurisdictional to the U.S. Army Corps of Engineers (Corps) is 0.15 acre, which covers impacts to the three on-site ravines (RRDEIR p.4.3-30, -33), but it appears that the lakeshore impacted area must be added to the total. Because we understand that the three ephemeral drainages will be largely avoided, the portions of these drainages that are impacted vs. not impacted should be indicated on Exhibit 4.3-4 with measured linear distances of the impacted segments. RWQCB-6

Given the above, we anticipate that a Clean Water Act (CWA) Section 401 Water Quality Standards Certification (Certification) must be issued by the Regional Board as a prerequisite to a CWA Section 404 Permit, for impacts to the water quality standards. Total impacted acreage to waters of the U.S. and the state may be 4.15 acres, but following Corps review, the actual figure may be less. No isolated waters are noted to exist on the Project site. Early consultation with Regional Board staff concerning potential Certification issues is strongly suggested. RWQCB-7

All unavoidable impacts to state and federal jurisdictional waters will be mitigated by in-kind habitat onsite and/or offsite at a minimum 3:1 replacement ratio (RRDEIR p.4.3-52). This mitigation program is distinguished from the other mitigation measures listed in Section 4.3.5. (p.4.3-48-53), including some shoreline avoidance, bald eagle[1] perching sites, pebble plain preservation sites, avoided/dedicated drainage area for the southern rubber boa in six RWQCB-8

[1] Impacts to the Big Bear area's bald eagle population are determined by the RRDEIR to be unavoidable, but the RRDEIR anticipates adequate mitigation through avoidance of key perching trees and only seasonal motor disturbance. Listed as federally threatened and state endangered, the bald eagle eats fish and waterfowl and is considered under the Regional Board's RARE beneficial use (Rare, Threatened, or Endangered species). While Big Bear Lake was originally man-made, it is considered naturalized (p.4.3-44) and to have accrued the beneficial uses of other lakes.

eastern lots, and more. Remnant vegetation representing wet meadow and willow scrub communities are scattered among ruderal vegetation along the lakeshore (p.4.3-5) and will be considered by the Certification process. RWQCB-8

TMDLs

P.4.4-10 mentions the Regional Board's implementation of the 2007 Total Maximum Daily Load (TMDL) for nutrients, including phosphorus regulation. This TMDL also addresses prevention of proliferating noxious aquatic plants through excess nutrient loading. Also, a TMDL for mercury is under development. In accordance with Clean Water Act (CWA) Section 303(d), Big Bear Lake is additionally listed as impaired by polychlorinated biphenyls (PCBs) and therefore a TMDL is planned for future adoption. Metals (copper) and sedimentation/siltation may be delisted in the future (footnote 3), and these planned TMDLs may be substituted for through other data collection programs ("Other Actions" on Regional Board website). RWQCB-9

Stormwater Permits

On January 29, 2010, the Regional Board adopted Order No. R8-2010-0036 (NPDES Permit No. CAS618036), replacing Order No. R8-2002-0012, the previous San Bernardino County municipal separate storm sewer system, or "San Bernardino County MS4 Permit[2]." RRDEIR p.4.4-10 and Volume II – Appendices (and elsewhere in the text) should reflect that change. Order No. R8-2010-0036 (see p.18, 34, and 50) contains updated discussion about TMDL compliance, more than what is referred to on RRDEIR p.4.4-11. RWQCB-10

Aside from comments that follow, the RRDEIR Hydrology and Water Quality Section 4.4 contains satisfactory discussion about stormwater runoff permits[3], the required Water Quality Management Plan (WQMP), minimization of Hydraulic Conditions of Concern (p.4.4-8), and Best Management Practices (p.2-22, p. 4.4-17, -18), including Mitigation Measures HYD-1 through HYD-19 (4.4-15-23). We encourage the concept that several management measures may be combined (RRDEIR p.4.4-21) to control and filter the discharge of point source and non-point source pollutants to the Lake and groundwater, both during construction and for the post-construction life of the Project, in compliance with the MS4 Permit and WQMP, the proposed Storm Water Pollution Prevention Plan (SWPPP), and the TMDLs. RWQCB-11

RRDEIR p.4.4-12 (Site Design, Treatment Control) discusses maximizing open ground integrated with the proposed paved areas on the site, thereby minimizing impervious areas. We believe that maximizing open areas will retain optimum onsite precipitation and supplement natural recharge to the site's two groundwater subbasins[4]. RRDEIR p.4.4-12 RWQCB-12

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2 Title is "Waste Discharge Requirements for the San Bernardino County Flood Control District, the County of San Bernardino, and the Incorporated Cities of San Bernardino County within the Santa Ana Region, Area-Wide Urban Storm Water Runoff Management Program."

3 Both the San Bernardino County MS4 Permit and the SWRCB's General Permit for Discharges of Storm Water Associated with Construction Activity, Order No. 99-08-DWQ (RRDEIR on p.4.4-14).

4 The "North Shore Subarea A Basin" and "Grout Creek Subarea D Basin" are separated by a groundwater divide along the length of the site (RRDEIR p.4.4-2, -6) and could potentially suffer overdraft from extraction (existing supply well FP4; any future wells).

could include that this principle is one of several low impact development principles (LID; see San Bernardino County MS4 Permit p.84) strongly encouraged by the Regional Board, the SWRCB, and the Local Government Commission. RWQCB-12

RRDEIR p.4.4-7 states that "the outfall to the Lake will remain largely unchanged in both location and quantity," but it appears to Board staff that the comprehensive BMPs listed in Section 4.4 (which we support) should decrease the rate and volumes of surface water runoff to the Lake. LID implementation could include the design of Project-level features such as rain barrels and snow containment bins (not dumpsters) in which to capture, place, and temporarily store a greater volume of precipitation. RWQCB-13

One BMP, the bioretention basin, is intended to concentrate phosphorus and total nitrogen within basin vegetation, as an off-line natural treatment system (NTS). We encourage its use but caution that flow from its designed outlet should be frequently sampled to determine treatment efficacy. Studies remain inconclusive on possible NTS impacts to the life functions of amphibians and other wildlife (egg integrity). Netting and fencing could be considered to keep wildlife out of the bioretention basin. RWQCB-14

Dewatering

If dewatering discharges will occur to the Lake or any of the site drainages (as indicated on RRDEIR p.4.4-16), a separate National Pollutant Discharge Elimination System (NPDES) permit and waste discharge requirements (WDRs) for wastewater discharges to surface waters of the state will be necessary. RWQCB Order No. Order No. R8-2009-0003, NPDES No. CAG998001, a regional general *de minimus* permit revised last year, is applicable to most of these discharges. Further information can be obtained by contacting the RWQCB Permitting and Compliance Section staff at (951) 782-4130, and Order No. R8-2009-0003 may be reviewed at http://www.swrcb.ca.gov/santaana/board_decisions/adopted_orders/orders/2009/09_003_deminimus_permit_wdr.pdf RWQCB-15

If you have any questions, please contact Glenn Robertson of my staff at (951) 782-3259, or grobertson@waterboards.ca.gov, or me at (951) 782-3234, madelson@waterboards.ca.gov

Sincerely, RWQCB-16

Glenn Robertson, for

Mark G. Adelson, Chief
Regional Planning Programs Section

Cc: State Clearinghouse
California Dept. of Fish and Game, Ontario – Anna Milloy
U.S. Fish and Wildlife Service, Carlsbad – Nancy Ferguson
U.S. Army Corps of Engineers, Los Angeles – Jason Lambert
Big Bear Municipal Water District – Mike Stephenson

X:Groberts on Magnolia/Data/CEQA/CEQA Responses/ DEIR – County of San Bernardino – Moon Camp Marina.doc

California Regional Water Quality Control Board (RWQCB)

Response to RWQCB-1
Comment noted. No response is necessary. The RWQCB comments will be considered for incorporation into the RRDEIR No. 1.

Response to RWQCB-2
We are pleased that the RWCQB staff commends the extensive reduction of the Project from the 2005 proposal. The Project will meet the requirements of any adopted management plan, which covers the Project's area.

Response to RWQCB-3
The 55-slip marina will accommodate boats up to 20 feet in length. Pumpout facilities are not anticipated for the marina. As previously stated in the 2005 Final EIR, the Initial Study prepared for the Project in February 2002 addressed the potential impacts associated with hazards and hazardous materials. The Initial Study concluded that the Project would include hazardous materials that are typical of residential developments (household chemicals, pesticides, etc.). It is also stated that the Project would include the storage of fuels associated with the marina facility. All hazardous materials would be subject to all local, State, and federal regulations pertaining to the transport, use and storage of such material, which would ensure that any potentially significant impact regarding hazardous materials would be reduced to less than significant levels (please refer to Response VII (a, c) in the Initial Study).

Response to RWQCB-4
The Project will comply with all water quality standards, including all anti-degradation policies. Cumulative impacts to water quality standards were considered. Post-project runoff flows will generally follow existing drainage patterns with culverts crossings at low points along the highway conveying water ultimately into Big Bear Lake. The Project will incorporate Best Management Practices (BMPs) to ensure no degradation of water quality and compliance with water quality standards. The Preliminary Water Quality Management Plan (WQMP) prepared by CASC Engineering includes all the BMPs that are proposed to be incorporated during the construction of the Project.

Response to RWQCB-5
Comment noted. To avoid impeding wildlife movement, roadways and pipeline will be carried over drainages by bridges or wide "soft-bottomed" arched culvert systems.

Response to RWQCB-6
The portion of the drainages that are impacted versus not impacted are now indicated on Exhibit 4.3-4 with measured linear distances of the impacted segments. No launch ramp is proposed to be constructed as a part of the Alternative Project.

Response to RWQCB-7
Comment noted. Consultation with the Regional Board Staff concerning any potential Section 401 Certification issues will occur.

Response to RWQCB-8
Comment noted. The comment does not raise any issue regarding the EIR and, therefore, no further response is required.

Response to RWQCB-9
Comment noted. The comment does not raise any issue regarding the EIR and, therefore, no further response is required.

Response to RWQCB-10
A discussion of Regional Board Order No. R8-2010-0036 has replaced the discussion of Regional Board No. R8-2002-0012 and all text and appendices have been updated.

Response to RWQCB-11
Comment noted. This comment does not raise any issue with the EIR and, therefore, no response is necessary.

Response to RWQCB-12
Comment noted. The EIR has been revised to note these goals in the Project's low impact development standards.

Response to RWQCB-13
Comment noted. This comment does not raise any issue with the EIR and, therefore, no response is necessary.

Response to RWQCB-14
We are pleased that the RWQCB encourages the use of the off-line natural treatment system (NTS), which will be monitored for treatment efficacy.

Response to RWQCB-15
Comment noted. This comment does not raise any issue with the EIR and, therefore, no response is necessary.

Response to RWQCB-16
Comment noted. This comment does not raise any issue with the EIR and, therefore, no response is necessary.

BBMWD

Big Bear Municipal Water District

Lake Management

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MAY 17 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Board of Directors
Todd Murphy - Division 1
Paula Fashempour - Division 2
Skip Suhay - Division 3
John Eminger - Division 4
Vince Smith - Division 5

May 12, 2010

Mr. Matthew Slowik
County of San Bernardino
Land Use Services Department, Advance Planning Division
385 N. Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

Re: Draft Recirculated EIR for the Moon Camp Development Project/RCK Properties Inc. (SCH #2002021105)

Dear Mr. Slowik,

The Big Bear Municipal Water District (District) appreciates this opportunity to comment on the referenced Moon Camp development project EIR. The document correctly identifies the District as being one of the agencies that will need to issue permits. The District's involvement will include irrevocably converting a marina permit to a yacht club with attendant annual fees and performance criteria. Additionally, if construction is proposed at or below the high water elevation of the Lake a shorezone alternation permit will be required. BBMWD-1

The project includes plans for the construction of a boat launch ramp at the marina. New regulations adopted by the District in 2009 places obligations on operators/owners of launch ramps to prevent invasive species from being introduced into the Lake. The launch ramp cannot be used unless an inspector approved by the District is present on the launch ramp while a vessel is being launched or retrieved. When the inspector is absent from the launch ramp, the launch ramp must be blocked or otherwise secured in a manner that prevents a vessel from being launched. Two fully staffed public launch ramps are located on the north shore of the Lake, and Captain Johns Fawn Harbor is also available for launching with District approved inspectors. Because of this new requirement both Eagles Knoll Estates marina and Bear Valley Estates marina have closed their launch ramps and direct members to the public launch facilities. BBMWD-2

The District suggests, but does not insist, that the launch ramp at the proposed marina be removed from the plans to avoid any possibility that unsupervised boat launching might occur. BBMWD-3

Respectfully,

Scott Heule
General Manager

P.O. Box 2863 • Big Bear Lake, CA 92315-2863 • (909) 866-5796 • Fax (909) 866-6485 • E-MAIL:bbmwd@bbmwd.org

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2.2.5 - Regional

Big Bear Municipal Water District (BBMWD)

Response to BBMWD-1 through -3

The commenter describes the regulations regarding launching from marinas in Big Bear Lake and suggests that the marina be removed. The developer has withdrawn his proposal to construct a launch ramp; therefore, the Project will not include any launch ramps. The Project proposes to construct a 55-slip private marina that will only be available to the homeowners within the tract. No launch ramp is included in the Project's design. Homeowners wishing to launch boats for use on Big Bear Lake, or to access the private marina via water will need to use public launch ramps. This condition precludes the possibility of illegal and/or unsupervised launching of boats that could introduce invasive species to the lake.

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BBW

BIG BEAR WATERMASTER

FOR
BIG BEAR MUNICIPAL WATER DISTRICT VS. NORTH FORK WATER CO. ET AL
CASE NO. 165493--COUNTY OF SAN BERNARDINO

WATERMASTER MEMBERS:
DONALD E. EVENSON
R. ROBERT NEUFELD
MICHAEL L. HUFFSTUTLER

MAILING ADDRESS
P. O. BOX 1839
REDLANDS, CA 92373-0581
(909) 793-2503

May 27, 2010

Matthew Slowik
County of San Bernardino
Land Use Services Department, Advance Planning Division
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182

RE: Draft Re-Circulated EIR for the Moon Camp Development Project

Dear Mr. Slowik:

The Big Bear Watermaster is responsible to ensure that the rights of the parties to the Judgment in Case No.165493, as rendered by The Superior Court of the State of California for the County of San Bernardino, are protected. As defined in the Judgment, these rights include the right of Bear Valley Mutual Water Company ("Mutual") to divert and store, for subsequent beneficial use, all of the flow of Bear Creek in Big Bear Lake, and the right of Big Bear Municipal Water District ("BBMWD"), to the extent there is surplus storage capacity in the Lake, to store water in the Lake, including water acquired by providing Mutual with water supplies in-lieu of releasing water from the Lake for their needs. BBW-1

The Big Bear Watermaster Committee has reviewed the Draft Re-Circulated EIR for the Moon Camp Development Project and is concerned that the document has not adequately demonstrated that the two project wells (Well FP2 and Well FP4) that are proposed to provide the water supply for the development will not be producing water from the Lake. Both wells are very close to the Lake and have static water levels that appear to be comparable to current lake levels. The Draft EIR (page 4.9-9) provides some information for Project Well FP-2 that indicates "the majority of the groundwater produced by FP-2 would be from the aquifer underlying Subarea A." The draft EIR does not address the impacts from Project Well FP-4 nor does it provide an estimate of the term "majority." BBW-2

Because the water stored in Big Bear Lake belongs to Mutual and BBMWD, the Big Bear Watermaster Committee requests that the Draft EIR fully address the potential impacts of production from both project wells on the Lake, provide an estimate of the amount of water that would be produced from the Lake, and define the corresponding measures to mitigate these impacts. BBW-3

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DVANCE PLANNING DIVISION

Respectfully,

Donald E. Evenson

R. Robert Neufeld

Michael L. Huffstutler

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Big Bear Watermaster (BBW)

Response to BBW-1
The potential impact of pumping Well FP-2 on the surface water in Big Bear Lake would be minimal. Well FP-2 produces groundwater from an aquifer system that is deeper than the bottom of Big Bear Lake and is separated from the lake bottom by multiple silt and clay layers. The top of perforations for Well FP-2 occur approximately 60 feet below ground surface (bgs) at an elevation of approximately 6,686 feet above msl. The high surface water elevation in the lake is 6,743 feet above msl and the average depth of the lake is 30 feet (Big Bear Municipal Water District Website, 2012). Thus, the elevation of the bottom of Big Bear Lake is approximately 27 feet above the top of perforations for Well FP-2. The geologic log for Well FP-2 shows multiple silt and clay layers between the land surface and top of perforations (see 2020 Final EIR Appendix F). If the silt and clay layers extend beneath the lake, they would provide some hydraulic separation between the lake water and aquifer system. While it is possible that some vertical leakage could occur from the lake into the aquifer system of FP-2, the majority of groundwater produced by FP-2 would be from the aquifer underlying Subarea A.

Response to BBW-2
As with Well FP-2, the aquifer system in which Well FP-4 is perforated is not in direct hydraulic communication with Big Bear Lake. This well is further from the lake than FP-2 (approximately 600 feet), with perforations that begin approximately 100 feet bgs. Pumping test data for Well FP-4 shows that pumping this well at a sustained rate of 3.5 gallons per minute (gpm) results in approximately 2 feet of drawdown in the nearest private well, which is approximately 250 feet away. Thus, drawdown in the aquifer system beneath the lake would be significantly less than 2 feet and any induced vertical leakage of surface water from the lake into the aquifer, as a result of pumping FP-4, would be negligible.

Additionally, the May 1, 2009, letter report from Thomas Harder Groundwater Consulting, page 3 of 11, describes his findings and concludes that: “The potential impact of pumping well FP-2 on the surface water in Big Bear Lake would be minimal.”

The analysis of pumping impacts is included in RRDEIR No. 1, Section 4.9, Utilities.

Response to BBW-3
It is not possible, based on existing data and analyses, to estimate, with any certainty, the amount of water from the Lake that would ultimately be produced by FP-2 and FP-4. Given the available information, it is expected to be less than 50 percent of the total produced from Well FP-2 and significantly less, if any, from Well FP-4. For comparison, the total volume of Big Bear Lake during high water conditions is 73,370 acre-feet (BBMWD 2010). Thus, assuming 50 percent of water supplied to the development was a result of induced leakage into the wells from surface water in the lake (50 percent of 14 acre-feet/year or 7 acre-feet/year), the percent reduction in lake volume would be approximately 0.0095 percent (less than 1/1000 of a percent). The assumed leakage into wells from Big Bear Lake would be approximately 0.05 percent (5/100 of a percent) of average annual lake inflow of 14,700 acre-feet/year. For further comparison, the lake loses approximately 10,600 acre-feet/year to evaporation, which is approximately 1,500 times more than is estimated to be lost as a result of induced flow into the Moon Camp Development wells. Thus, the impact of groundwater pumping for the development on surface water resources in Big Bear Lake would be negligible.

Additionally, the May 1, 2009, letter report from Thomas Harder Groundwater Consulting, page 3 of 11, describes his findings and concludes that: "The potential impact of pumping well FP-2 on the surface water in Big Bear Lake would be minimal" (Appendix F of this 2020 Final EIR).

The analysis of pumping impacts is included in RRDEIR No. 1, Section 4.9, Utilities.

SDD

SPECIAL DISTRICTS DEPARTMENT

COUNTY OF SAN BERNARDINO

157 West Fifth Street, Second Floor • San Bernardino, CA 92415-0450 • (909) 387-5940
Fax (909) 387-5968

JEFFREY O. RIGNEY
Director

April 9, 2010

RECEIVED
APR 12 2010
AND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Mr. Matthew W. Slowik
County of San Bernardino
Advanced Planning Department
385 North Arrowhead Avenue
San Bernardino, CA 92415-0182

SUBJECT: REVIEW COMMENTS / ENVIRONMENTAL IMPACT REPORT
MOON CAMP DEVELOPMENT PROJECT / RCK PROPERTIES INC.
COUNTY SERVICE AREAS 53, ZONES B&C

Dear Mr. Slowik,

The Special Districts Department, on behalf of County Service Area 53, Improvement Zones B&C (District), would like to thank you for the opportunity to review and provide comments on the revised Environmental Impact Report (EIR) for the above-mentioned project. Our understanding is that the proposed project has been reduced from the original 95 lots to 50 lots and 7 lettered lots. SDD-1
However, our review of your documents did identify the following items as items of concern that should be considered prior to taking any action to approve and adopt the findings in the study:

Section 4.9: Utilities

- **4.9.4 Water Service Alternatives** - This section describes three alternatives for water being provided to the project. Alternative No. 1 is unrealistic as the Fawnskin Community has historically resisted all attempts to become part of the City of Big Bear Lake, and would have to agree to the annexation through an election process. Alternatives No. 2 and 3 indicate CSA 53 C as the water purveyor and the project falls within its service area. However, further reference is made to water requirements as identified in the Water Feasibility Study prepared for the Big Bear Department of Water and Power (DWP). Please be advised that CSA 53 C operates under different rules and regulations, standards and specifications than the DWP. A water feasibility study would need to be performed by CSA 53 C to determine on and off-site requirements for water service to the project. Compliance with the requirements of the study would be a condition of water service. SDD-2

Again, the District appreciates the opportunity to review your CEQA compliance documents and would appreciate receiving comments on the above-mentioned concerns. Should you have any questions or comments regarding the content of this letter, please call. SDD-3

Sincerely,

James A. Oravets
Division Manager

GREGORY C. DEVEREAUX
County Administrative Officer

Board of Supervisors
BRAD MITZELFELT ..... First District
PAUL BIANE ..... Second District
NEIL DERRY ..... Third District
GARY C. OVITT ..... Fourth District
JOSIE GONZALES ..... Fifth District

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County of San Bernardino Special Districts Department (SDD)

Response to SDD-1
Comment noted. This comment does not raise any issue with the EIR and, therefore, no substantive response is necessary.

Response to SDD-2
Comment noted. Subsequent to the circulation of the RRDEIR No. 1, it was determined that it was infeasible to have County Service Area (CSA) 53C as the water supplier to the Project, due to the lack of water distribution facilities operated by CSA 53C in the area. This analysis of CSA 53C is provided in Section 4.9, Utilities, of the RRDEIR No. 1. By way of an Outside Service Agreement for Potable Water entered into between CSA 53C and the City of Big Bear Lake Department of Water and Power, the Department of Water and Power will be the water supplier to the Project.

Response to SDD-3
Comment noted. This comment does not raise any issue with the EIR and, therefore, no substantive response is necessary.

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CBD

Slowik, Matt - LUS - Advance Planning

From: Adam Keats [akeats@biologicaldiversity.org]
Sent: Friday, June 04, 2010 4:57 PM
To: Slowik, Matt - LUS - Advance Planning
Subject: Mooncamp development comments
Attachments: CBD comments re Mooncamp development.pdf

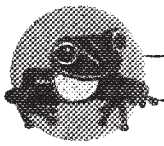
Mr. Slowik,

Please find attached comments regarding the proposed Mooncamp development project. CBD-1

If you have any trouble opening the attachment, please do not hesitate to contact me.

--Adam

Adam Keats
Senior Counsel ◦ Urban Wildlands Program Director
CENTER *for* BIOLOGICAL DIVERSITY
351 California St., Suite 600
San Francisco, CA 94104
415-436-9682 x304 ◦ Fax 415-436 9683
akeats@biologicaldiversity.org



CENTER *for* BIOLOGICAL DIVERSITY

June 4, 2010

County of San Bernardino
Land Use Services Department, Planning Division
385 North Arrowhead Avenue 1st Floor
San Bernardino, California 92415-0182
mslowik@lusd.sbcounty.gov

Attn: Matthew Slowik

via electronic mail

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc. (SCH #2002021105)

Dear Mr. Slowik:

The Center for Biological Diversity is please to have the opportunity to comment on the above-entitled Draft EIR for the proposed Moon Camp Development Project. The Center is a nonprofit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 42,000 members worldwide, including members in San Bernardino County and the Big Bear Lake area who will be directly affected by approval of the Mooncamp project. CBD-1

The Center has had the opportunity to review the Draft EIR and also had the opportunity to review the comments thereto, dated June 4, 2010, submitted by Friends of Fawnskin ("FOF"). We wish to express our complete agreement with the comments submitted by FOF, and therefore adopt them in their entirety and fully incorporate them into these comments as expressions of our concerns for the proposed Mooncamp project.

We look forward to San Bernardino's close review of the comments and concerns submitted by FOF and other concerned citizens, neighbors, and groups, and expect that the Draft EIR will be substantially amended and altered in consideration of those concerns.

Thank you for keeping the Center notified of developments regarding this project, and to that end please keep the Center on the list of interested persons for this project.

Sincerely,

Adam Keats

Arizona • California • Nevada • New Mexico • Alaska • Oregon • Montana • Illinois • Minnesota • Vermont • Washington, DC

Adam Keats, Senior Counsel • 351 California St., Suite 600 • San Francisco, CA 94104
Phone: 415-436-9682 x304 • Fax: 415-436-9683 • akeats@biologicaldiversity.org

2.2.6 - Organizations

Center of Biological Diversity (CBD)

Response to CBD-1
Comment noted. Please see Responses to Friends of Fawnskin, below. No additional comment is needed.

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FBBV

June 1, 2010

County of San Bernardino
Advance Planning Division
Land Use Services Department
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

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JUN 03 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Subject: Moon Camp 2010 DEIR

The Big Bear Valley is running out of water. A review of data compiled by the Big Bear Metropolitan Water District (bbmwd) over the past 125 years (1884 through 2009) shows a dramatic decrease in annual precipitation available for natural recharge.

The annual averages are as follows:

125 year = 3.25 inches
60 year = 3.05 inches (93.7% of 125 year total)
50 year = 3.07 inches (94.4% of 125 year total)
40 year = 3.14 inches (96.7% of 125 year total)
30 year = 2.98 inches (91.6% of 125 year total)
20 year = 2.06 inches (63.2% of 125 year total)
10 year = 2.66 inches (62.2% of 125 year total)

FBBV-1

Further, to offset these deficits the Big Bear Lake Department of Water has, in Section 4 of their Master Plan, included the use of Recycled Water from treated sewage. The science behind Recycled Waste from sewage, done by the USGS, EPA and various universities including Baylor, tells us that its safety is far from proven and, in fact, results have shown detrimental effects to fish, plants and that it may prove to have great potential harmful, long term effects to humans.

FBBV-2

- What is the impact of the decrease in annual precipitation on plants, animals and humans? This information must be included in calculations of significance with regard to water availability, quality and hydrology. FBBV-3
- Has the science and safety of treated sewage as an alternative to safe drinking water been considered? The practicality and the costs to residents of this must be included. FBBV-4
- As the use of treated sewage as an alternative to safe drinking water has been endorsed only by companies whose business it is to sell related equipment and shunned by the scientific community, how can this be even considered as a sustainable alternative? Information dealing with the long term effects on fish, wildlife, plant life and humans must be included and revealed in detail as they relate to the entire spectrum of emerging contaminates now under scrutiny by both Federal and State governments. FBBV-5

To allow this or any other project to increase the population density and at the same time deplete the already untenable, diminishing quantity of safe, natural water in our Valley would simply be unconscionable. FBBV-6

We urge you to deny this project.

On behalf of the Friends of Big Bear Valley,

Dan Fowlks

Cc: Neil Derry, Supervisor Third District

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Friends of Big Bear Valley (FBBV)

Response to FBBV-1 through -3
In responding to this comment, it is assumed that the writer intended to report annual average precipitation in inches and not feet. It is further assumed that the precipitation record is from the Big Bear Dam precipitation station. The average annual precipitation for the same periods were independently confirmed using data from this precipitation station, compiled as calendar years. The results of this compilation are as follows:

Table 2-1: Average Annual Precipitation

Period	Average Annual Precipitation (FOBBV)	Average Annual Precipitation (This Study [inches])
125 year	39.00	36.78
60 year	36.60	35.34
50 year	36.84	35.29
40 year	37.68	35.70
30 year	35.76	34.49
20 year	24.72	34.54

These data do show that the last 30 years has been drier than the preceding approximately 100 years. The annual average over the last 10 years was not included because it is not a long enough period to provide a meaningful average. Despite the apparent reduction in precipitation, the City of Big Bear Lake Department of Water and Power has been able to maintain a stable groundwater supply through careful management of groundwater levels in the basin. The impacts of future variations in available precipitation can be addressed through groundwater management practices and conservation.

The City of Big Bear Lake Department of Water and Power 2015 Urban Water Management Plan, Volume 1—Main Report further confirms this conclusion. Table 3.1, Climate Characteristics, of the report demonstrates monthly-average precipitation data for the entire service area from 1960 to 2015 as 35.0 inches.

Section 6.2.2, Groundwater Management, states that the Department is part of the California Statewide Groundwater Elevation Monitoring program and provides monthly monitoring data to the State. The report states, “Based on the Department’s groundwater monitoring data, the Basin has maintained steady depth.” Reports for the various hydrologic subunits as of March 31, 2016, are attached to the report as Appendix E. The report is available at: https://www.bbldwp.com/archive.aspx.

Response to FBBV-4 and -5
Treated sewage is not proposed as a source of water supply to the Project. The State of California currently does not allow treated sewage to be recharged into the Big Bear Groundwater Basin, this option therefore could not be considered as a possible source for domestic water supply. The City of

Big Bear Lake Department of Water, and Big Bear Area Regional Wastewater Agency are studying the possibility of future approvals of reusing treated sewage in Big Bear Valley. This information is available in the Bear Valley Water Sustainability Study (December 2016, Water Systems Consulting, Inc.) available at: https://www.bbldwp.com/archive.aspx.

Response to FBBV-6

The commenter provides a conclusive statement that does not raise an issue with the EIR. No further response is necessary.

FOF (a)

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MAY 07 2010
AND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

FRIENDS OF FAWNSKIN
P.O. Box 422, Fawnskin, California 92333
www.friendsoffawnskin.org friendsoffawnskin@gmail.net
909-878-3091

5 May 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Re: PUBLIC COMMENT PERIOD EXTENSION REQUEST--Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)

Dear Mr. Slowik,

After overviewing the Draft EIR for the Moon Camp project, Friends of Fawnskin, which represents over 400 mountain residents and visitors, is requesting an extension to the public review period which currently ends on May 21. Information is missing from the EIR document which would make it possible for the public to properly evaluate whether the potential impacts have been sufficiently analyzed. Therefore, members of the public must track down items referred to but not defined in the document in order to understand what has and has not been analyzed. One example: in the cumulative impacts section, several other projects are listed, but only by tentative tract number, a number that the public has no reference list for to translate into project name or address or any other identifying characteristics that would allow us to know which projects are included in the analysis and which are not. Without a clear understanding of this, there is no way to evaluate whether the cumulative impacts have been sufficiently analyzed. FOF a-1

This project is large in scope with major potential impacts to this small community. It is imperative that the public has sufficient time to properly evaluate and comment on the analysis and discussion of those impacts. We ask that you extend the deadline beyond the original 45 day time period. FOF a-2

Thank you for your consideration. Please notify us of any extensions.

Sincerely,

Sandy Steers, for the Friends of Fawnskin Advisory Committee

cc: Supervisor Neil Derry
Jamie Garland, Mountain Representative

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Friends of Fawnskin (FOF (a))

Response to FOF (a)-1 and -2a

The commenter requests the County of San Bernardino to extend the close of the public review period for adequate review. The County extended the public review period from May 19, 2010, to June 3, 2010, for the RRDEIR No. 1. No additional response is necessary.

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FOF (b)

FRIENDS OF FAWNSKIN
Protecting Big Bear Valley—Environmental Education & Compliance Monitoring
P.O. Box 422, Fawnskin, California 92333
www.friendsoffawnskin.org friendsoffawnskin@gmail.com
909-878-3091

30 May 2010

County of San Bernardino
Land Use Services Department, Planning Division
385 North Arrowhead Avenue 1st Floor
San Bernardino, California 92415-0182

Attn: Matthew Slowik

Via E-mail to mslowik@lusd.sbcounty.gov and U.S. Mail

RE: "DRAFT RE-CIRCULATED ENVIRONMENTAL IMPACT REPORT FOR THE MOON CAMP DEVELOPMENT PROJECT/RCK PROPERTIES INC. (SCH #2002021105)."

On behalf of the membership of Friends Of Fawnskin (FOF) we would like to thank the San Bernardino County Land Use Services Department Planning Division for the opportunity to comment on the Draft Re-circulated Environmental Impact Report for the proposed Moon Camp development project. FOF represents a membership of over 600 local residents and visitors of Fawnskin and the Big Bear Valley, all of whom would be directly and adversely affected by the development of the proposed Moon Camp project.

FOF is strongly opposed to the proposed Moon Camp development project due to the extensive adverse effects on surrounding properties, on the community of Fawnskin and the Big Bear Valley as a whole, as well as on the neighboring National Forest and Big Bear Lake. The FOF urges the County not to allow the significant impacts and multiple harmful effects that would occur should this proposed project be approved. We continue to support the RL-40 designation of this property as it is currently zoned in the County's General Plan and strongly advocate the maintenance of this designation. FOF b-1

In reviewing the Re-circulated DEIR, FOF has found it to be even more incomplete and inaccurate than the original DEIR circulated in 2004. This DEIR often utilizes data that is out of date or worse, estimated from out of date information. In every category, it fails to adequately evaluate the severe adverse effects and grossly downplays and understates the significant and unavoidable impacts of the proposed project. FOF's objections to this proposed project and the inadequacies of this DEIR are set forth below. Please include this letter in its entirety as part of our formal CEQA comments to be included in the Environmental Impact Report. In summary, we object to the proposed development project and find the DEIR to be inadequate for the following reasons:

General comments

The Executive Summary statement that the Proposed Alternative Project "substantially reduces and in some cases completely avoids the significant environmental impacts that were identified in the 2005 Final EIR" is simply wrong. The data used for every area of evaluation is either out-of-date, understated or inaccurate creating an artificial reduction in the stated impacts. FOF b-2

- Even though this re-circulated DEIR is analyzing one of a project alternative, it must note the impacts compared with the current status of the site, rather than just with the previously proposed project as is done throughout the DEIR. As it now stands, the Re-circulated DEIR does not properly evaluate impacts to appropriately inform the public and the officials representing them. Simply creating less impact than the previously proposed project does not in any way substantiate that the impacts are now less than significant as the DEIR attempts to imply. FOF b-3

- Many of the mitigations proposed throughout the DEIR are 'paper' mitigations only and would have little to no value in actually mitigating for or reducing the significance of the specified impact. Some of these pretend mitigations include such things as creating CC&R's, noting restrictions on the deeds, and putting flyers in the homes.
    - CC&R's have been proven several times in Big Bear Valley development projects to have little or no impact, especially on environmental resources. The Eagle Point development (by the same developers) attempted to mitigate for impacts to eagles with CC&R's. One perch tree designated is now a tennis court that was approved by the homeowner's association that was expected to uphold those CC&R's. The other 'replacement' perches that were installed have long since fallen down and been forgotten. The development from the late 1960's along Flicker Rd. immediately adjacent to the Moon Camp property has CC&R's—when asked, most current residents do not know what the rules are and could not locate a copy of the CC&R's. No one is currently enforcing them and many have been broken. And here is a quote from the current website of Arrowhead Woods (in Lake Arrowhead): "Unfortunately a majority of the CC&R's found within Arrowhead Woods will expire on December 31, 2010 unless an aggregate of 55% of property owners within each expiring tract vote to renew the CC&R's…If the CC&R's expire our community will be held to County of San Bernardino standards only." Please provide proof that each item mitigated by a rule in the proposed CC&R's will be maintained and enforced in perpetuity and describe the process by which that will be done. In addition, please provide evidence that the language in the CC&Rs will actually effectively mitigate for the stated significant impact. FOF b-4
    - The endangered plant habitats along the shoreline in Eagle Point Estates that are part of the designated lots but with restrictions noted, have now been covered with lawns, decks and decorative bark. When this was discussed with the City of Big Bear Lake, the enforcement agency, the mitigation measures were found to be buried in the archives with current staff having no idea about any of the mitigations that were to be enforced. What assurance does the public have that county staff will have the filing systems, the long memories and the appropriate levels of staff to enforce these measures in perpetuity? FOF b-5
    - With the exception of doing nothing, it is hard to imagine a mitigation less effective than putting flyers in the homes. Since the homes would be built over the next 10-20 years, who will be assuring that these flyers are placed in each new home? Who will assure that the flyers stay in that home for new owners as the homes are resold? Since homes in Big Bear Valley turn over on average every 3 years, this is a very real concern. How will it be guaranteed that each resident in that home has read that flyer FOF b-6

to have the proper information? Even if each and every resident reads the flyer – which is highly unlikely – there is simply no assurance that the residents will take the course of action necessary to ensure that the environmental impact is mitigated. None of these count as serious mitigation and must be removed from the EIR as recommendations and either replaced with mitigations that can be proven effective or declared to be unmitigable. FOF b-6

- Various sections of the DEIR go back and forth making comparisons sometimes with the 1989 General Plan and sometimes with the 2007 General Plan, seemingly using whichever one is in the best interest of the developer. For CEQA purposes, all evaluations must be made against the most recent General Plan. The 2007 General Plan is the only one incorporated by reference into the DEIR. Please change any evaluations that were using 1989 standards of measurement and reevaluate utilizing the 2007 standards. FOF b-7

- The questions and comments from the public scoping meeting and additional scoping letters have not been properly addressed in the DEIR. A few questions are listed but not sufficiently answered and the majority of them in many sections have been completely ignored. Since this DEIR's purpose is to inform the public, this skimming over of the issues makes the DEIR evaluations insufficient. Please provide specific answers to each of the scoping questions and for those that are addressed in the text, state the page and paragraph in which the answer is contained. FOF b-8

- The project description throughout the DEIR states that slopes on the site range from 5 percent to 40 percent. However, no slope analysis is provided as is required by the county development code (both the 1989 and the 2004 code). The 1989 code states:

  85.020215 (a) Fire Safety Review Area 1 (FRI). Fire Safety Review Area 1 includes wildland areas that are marginally developable, areas which are not likely to be developed, and the area of transition between wildlands and areas that are partially developed or are likely to be developed in the future. The area of transition is often characterized by an abrupt slope change. Natural hazards are prevalent throughout Area 1, especially in areas with natural ungraded slopes greater than thirty percent (30%). Area 1 includes areas of very high to extreme fire hazard.
  (b) Fire Safety Review Area 2 (FR2): Land within Area 2 is relatively flat and is either partially or completely developed, or if it is not developed, it is suitable for development.

  Since it is stated in the code that description rules over mappings, and it is clear that the Moon Camp property (with up to 40% slopes) is not 'relatively flat', this property falls under FR1. FR1 requirements include: FOF b-9

  85.020225 AdditionalArea 1 (FR1) Requirements
  (b) (2) A slope analysis shall be filed with all development project land use applications. The slope analysis shall include the following information:
  (A) A topographic map of the proposed project area and all adjoining properties within one hundred fifty (150) feet at a scale of not less than one (1) inch to two hundred (200) feet. The contour interval shall not be more than two (2)feet except that the contour interval may be five (5) feet if the general natural ungraded slope is more than ten percent (10%). Contour lines are to be obtained by aerial or field survey, done under the supervision of a licensed Land Surveyor, or Registered Engineer.
  (B) The natural, ungraded, slope categories to be computed are zero percent (0%) to less than fifteen percent «15%), fifteen percent (15%) to less than twenty-five percent «25%), twenty-five percent (25%) to less than forty percent

«40%), and forty percent (40%) or greater; (C) The area, in acres, shall be tabulated for each category.'

The 2004 code has even more stringent requirements and declares all areas within the National Forest to be FR1. Therefore all of these slope analyses must be done and included in the EIR. FOF b-9

- With slopes going up to 40%, there are clearly areas in the proposed project site that have slopes over 30% and County code requires that slopes over 30% must have a minimum of 3 acre lot sizes, yet none of the lots in this proposal show lots sizes of the minimum 3 acres, or even close to that. This proposal is clearly invalid and out of compliance with county code. FOF b-10

- The project description continues to use site descriptions that were created for earlier drafts of the DEIR, including an average density of 44.4 trees per acre, plus the relative sizes of open Jeffrey pine forest and pebble plain. Since many trees on the property have died and been cut since those descriptions were created, they are no longer valid and must be updated. FOF b-11

- The Re-circulated DEIR seems to be purposely misleading in some cases. Examples include:
  - All places where the surrounding property uses are specified fails to mention that project is bounded by housing on less than 39% of it's borders and that the majority (over 60%) of the boundaries of the project are either National Forest or lakefront. That majority increases even more if the undeveloped private lands are not counted as housing. Calling this project infill, along with this omission misleads the public and officials. FOF b-12
  - The original DEIR noted four major jurisdictional drainages (Exhibit 5.8-2), but the re-circulated one has omitted the west-most drainage (Exhibit 2-5), perhaps because that is where the developers are proposing to put the road they want to add. There is no mitigation offered nor acknowledgement of any kind of its existence even though this drainage is still on the property and was designated as such in the original EIR. FOF b-13

- There are areas from the original EIR that were declared to have insignificant impacts and therefore not reanalyzed in this DEIR. For some of these areas, this is an invalid assumption since conditions have changed since the original EIR. For example, in the area of Recreation, there is a launch ramp proposed, but no discussion of inspections for the invasive mussel, nor evaluations of the potential very significant impacts of having a launch ramp without proper inspection. The EIR must analyze the environmental impacts associated with the construction and operation of this launch ramp. FOF b-14

- None of the sections of the DEIR evaluated the air quality degradation, the noise pollution, the severe impacts to aesthetics and the impacts to traffic and parking for the major construction of water pipelines through many of the main roads of residential Fawnskin that would be required to build the infrastructure, especially water, for this proposed project. The EIR identifies these impacts as "temporary" but fails to provide any analysis to support this conclusion. This major omission alone makes the impacts in all of those areas rise above the level of significance. FOF b-15

- The DEIR misquotes the date as 2003 when this project was initially proposed. The first notice went out to the public in July 2001. FOF b-16

Aesthetics

It is the north shore that gives Big Bear its premier natural appearing landscape. The north shore of Big Bear Lake is the jewel of Big Bear Valley and one of the primary reasons that visitors and residents come. Even skiers at the resorts on the south side of the lake benefit from the beautiful views that can be viewed across the lake and this view is what makes much tourism possible here. This aspect of the aesthetics has been severely underestimated in this DEIR. FOF b-17

- The statement that the "view envelopes for existing residences ... are kept open to the greatest extent possible by reducing the number of lots..." is untrue. Keeping the zoning as it currently stands keeps the viewsheds much more open than the current proposal. Also, the developer has no control over where the owners would choose to build their home within their lot once the lot is sold.

- The statement on page 4.1-1 that "The overall visual effect is almost park-like rather than wild in nature" shows the gross misunderstanding of this area of the authors of this DEIR. That view is what wild nature looks like here. Across the valley there are many areas that are open as a natural state. This skewed statement of the basis for comparison serves only as setup for understating all impacts on aesthetics. FOF b-18

- On page 4.1-3, the text claims that the eye is drawn to the lake in Exhibit 4.1-2 rather than to the homes, but a quick survey shows that every single person asked notices the homes first rather than the lake. Replacing a wild natural setting with a subdivision would be a significant visual assault. The EIR's evaluation of this visual impact is grossly understated and invalid and must be revised. FOF b-19

- The changes that would be created even by this proposed down-sized project results in the exceedance of at least three of the thresholds of significance, including:
  1) substantial damage to scenic resources;
  2) substantial degradation of the existing visual character
  3) creation of a new source of substantial light or glare which would adversely affect nighttime views, FOF b-20

  The EIR does nothing to analyze these impacts compared with what currently exists. It only states that the view would be less degraded than with the previous proposal. Simply being less than the previous proposal does not make it less than significant. This evaluation is faulty and invalid.

- Exhibits 4.1-2 and 4.1-8 show structures with small footprints and low building height and say that the view changes are less than significant. Even with this minimized visual simulation, the view changes are significant, but more so, there is no limitation on size of footprint or height of the homes, so this evaluation grossly understates the potential change and is therefore faulty and invalid. FOF b-21

- The DEIR states that the marina docks would be moved in the winter, but does not disclose where they would be stored. Where would the docks be moved to? What impacts, aesthetic and otherwise, would their storage have on that location? The DEIR states that the marina docks would be moved in the winter, but does not disclose where they would be stored. Where would the docks be moved to? What impacts, aesthetic and otherwise, would their storage have on that location? FOF b-22

- There is no enforcement for the mitigations offered for reducing glare and nighttime lighting beyond what the builder may have approved to install in the original plans. Since CC&R's are not enforced at all in similar nearby development, what enforcement guarantees are being offered to assure that the glare is less than significant for the long term? The County has an ordinance in place now but does not enforce its requirements for existing homes. The EIR provides no assurance that the CC&Rs it will be enforced on future ones sufficiently to declare this impact less than significant. FOF b-23

- Does the project plan call for all utility lines to be buried? If not, why are utility lines not included in the simulation photos of the area after development? FOF b-24

- The simulated view of the marina and docks (Exhibits 4.1-4 and 4.1-6) is completely invalid in giving representation of the significance in the view change since it does not include boats in the docks and cars and boat trailers in the parking lot. In addition, it does not include a view from the shoreline of the National Forest property east of the currently existing homes. This evaluation grossly understates the significance of this change and is therefore faulty and invalid. FOF b-25

- The landscape buffers that are discussed as mitigations to the significance of the changes in viewshed take decades to grow. The EIR completely ignores the view changes in the near future and is therefore faulty and invalid as any reduction in significance. FOF b-26

- The simulated views from the lake showing structures are extremely misleading in that the views shown are those looking at the eastern end of the proposed development where the set asides for pebble plain and for public lake access are proposed. To give a proper evaluation, these photo simulations should be of the middle of the proposed project, with all the homes with cars in the driveways and parked on the roads and with boats and boat trailers in the docks and marina parking. This evaluation grossly understates the potential significance of this change and is therefore faulty and invalid. FOF b-27

- The analysis on page 4.1-5 regarding lighting does not take into consideration the current extreme dark skies and the fact that there are almost no streetlights in the current neighborhoods. In fact, bulbs have been removed from many existing streetlights at the request of the residents. While pointing the lights downward may offer some form of mitigation in an urban setting, it does nothing to mitigate for the proposed project's significant impact on the region's cherished dark skies. This mitigation is insufficient and the impact remains significant. FOF b-28

- Page 4.1-6 states that the existing scenic highway overlay requires that "Placement of buildings and structures shall be compatible with and should not detract from the visual setting or obstruct significant views." How will this be enforced? Who determines whether a particular placement will obstruct a significant view and if so determined what is the remedy? If the buildings are expected to be so compatible with the visual setting as to be unobtrusive, why are landscape buffers needed to hide them? FOF b-29

- Page 4.1-6 states that in the scenic highway overlay, project design should also provide for the maintenance of a natural open space which should be visible from the right-of-way. Natural open space does not refer to the space between houses. How do lots that require homes to be built on the land extending into the curve of the right-of-way as shown in exhibit 4.1-2 meet that criteria in any way? FOF b-30

- When considering potential development in Fawnskin, it is imperative to distinguish between normal city sprawl versus small mountain communities. Typically, when cities expand there seems to be much less overall concern regarding use of land: bigger is better. Cities then become more diverse, more viable. Building is the fabric of the city; not so in the forest. In mountain communities the availability of ample natural resources provides sustenance and sustainability. When the resource diminishes, the population struggles. One of those resources is the aesthetics of the North Shore. The expanded significance of this perspective and the tourism viability of the Valley has not been considered in evaluating the significance of the impacts of this proposed project on the aesthetics of the area. FOF b-31

- At some point, community saturation can occur where the area, due to overbuilding or the loss of habitat or resource, can no longer sustain even minimal growth. Logic then dictates to curtail expansion while maintaining and preserving what remains. The analysis of where that saturation point is for Fawnskin and the North Shore, based on natural resources has not been analyzed in the DEIR and must be taken into consideration in determining the significance of the proposed project impacts on the aesthetics. FOF b-32

- In a county scenic byway corridor that uses criteria of "maintenance of a natural open space," implying that the "color and interest" added by the marina to the shoreline in any way reduces the significance of the aesthetic impact of this proposed development is simply misleading and untrue. The proposed construction project would be a permanent blight on the natural open space near the lake and beyond the scenic highway in a negative manner. The marina, however colorful or interesting, without doubt increases the significance of the aesthetic (and other) impacts of this proposed development and must be evaluated as such. FOF b-33

- Currently there are ample opportunities to park and view the lake before, within, and after passing through the town of Fawnskin. New construction would diminish the existing visual quality and character of the area that is already saturated with buildings and population. A new marina would only irritate and disturb this situation further. The visual impression of the added residential development, in addition to the marina, would create a very significant impact on aesthetics and this impact has been severely downplayed in the EIR. FOF b-34

- The additional traffic, congestion, trash, loitering, etc. from the project would directly diminish the existing visual quality and character of the area. None of this has been evaluated in the DEIR. It must be addressed and taken into consideration in determining the significance of the total impacts on aesthetics. FOF b-35

- By rezoning to allow this development, the aesthetic resources of the area will not be protected, preserved, nor enhanced, which disregards the intent of the SR Overlay District. Any construction, by definition, is incompatible with open spaces and their visual setting. All structures, roads and curbs, pedestrian walkways, parking and storage areas, along with lighting (low intensity or not), and signs are incompatible with open spaces. The analysis in the DEIR completely overlooks this aspect of the aesthetics. It must be taken into consideration in determining the significance of the proposed project on aesthetics. FOF b-36

- The EIR indicates that the proposed project includes streetlights and curbs. There are few streetlights and no curbs in Fawnskin. Such urban type design features would be entirely out of character with the surrounding community. They would significantly impact the existing aesthetics of the area creating an entirely different type of neighborhood than any currently existing in Fawnskin. It would create a new source of substantial light and glare and therefore crosses the threshold of significant impact on aesthetics. FOF b-37

- Each proposed house is to have a two-car garage and two visitor-parking places. Where would a boat trailer and/or an RV be parked? There is not ample parking in the marina parking and increasing the size of that would increase already significant impacts to bald eagles, to the shoreline habitats of southwestern willow flycatchers and to the overall aesthetics. Many of these trailers would most likely be parked along the streets of the development or on the highway, again intensifying significance of the impacts. None of this has been considered in the DEIR evaluations on significance of the impacts to aesthetics. FOF b-38

- The EIR states that short term rentals--less than 30 days—of the homes would not be allowed. Who will enforce this? Unless this is proven that it can and will be fully enforced, this is not an effective mitigation. FOF b-39

- The DEIR suggests that all trees are to be saved that are 20 inches in diameter measured four feet above the ground. Why don't they mark all the trees that are to be removed? Who will stop a purchaser of one of the lots from cutting down trees that are to be preserved? FOF b-40

- The developer plans to install a launch ramp. The parking lot does not provide parking places for a vehicle with a boat trailer. A marina with a launch ramp must provide parking places for vehicles with trailers. People will just take two or more spaces rather than go to their homes, unhitch and drive back to the marina and do the reverse when they are done. None of this has been considered, discussed or accounted for in determining the impact on aesthetics and must be added into the significance determination. FOF b-41

- This proposed development is completely contrary to the General Plan controls for a Scenic Highway Overlay which include "expanding the established right-of-way to extend 200 feet to either side, measured from the outside edge of the right-of-way." FOF b-42

- Even though mitigation A-2a notes that all homes shall provide a two-car garage, there is no mitigation, nor way of enforcing that residents put their vehicles in the garage. This mitigation is irrelevant in reducing the significance of the impacts. FOF b-43

- Mitigations A-2b, A-2c and A-2d have no practical way of being enforced and would there be ineffective in reducing the significance of the impacts. FOF b-44

- For Mitigation A-2e, how will it be assured that all future building inspectors have this information? FOF b-45

- Lots A through D are supposed to be set aside for natural habitat and open space, yet mitigation A-3b talks about getting landscape and revegetation plans for them approved. If they are natural open space, what landscaping and revegetation is being proposed for these lots and why? If they are disturbed in any manner, these lots certainly would not be considered effective mitigation sites. FOF b-46

- The County ordinance for dark skies has not been included anywhere in the DEIR evaluation. Do the added lights and glare from this proposed project comply with this ordinance? The EIR must provide this analysis. FOF b-47

- How will mitigation A-4r (and the previous mitigations it addresses) be enforced when the CC&R's expire? What guarantees are there that the CC&R's will not be changed over time by the homeowners' association? FOF b-48

In summary, proper evaluation of aesthetic impacts would show a finding of significance. FOF b-49

Air Quality

There are numerous significant flaws in the draft EIR in the Air Quality section. FOF agrees with all statements and calculations made in comments submitted by Dr. Barbara Finlayson-Pitts, Ph.D., and James Pitts, Ph.D., and includes those comments here by reference. We also include these additional comments:

- Page 4.2-6 points out the County General Plan policies to protect air quality includes LU 9.2 which discourages leap-frog development by restricting the extension or creation of new urban services or special districts to areas that cannot be sustained in a fiscally responsible manner. Bringing a currently dormant CSA district online to provide water service for this proposed development when it would be only 50 homes (or less in the initial stages) to completely fiscally support and entire CSA district is in direct opposition to this policy. What grounds justify ignoring this policy? What growth-inducement impacts would the need to support this CSA district create? Please include all potential future impacts on air quality that this growth may create. FOF b-50

- What studies or surveys were used to determine that only 5 of the homes would have fireplaces? The worst case scenario of all 50 homes having fireplaces must be used in all calculations. FOF b-51

- How will mitigation AQ-3 be enforced? If the enforcement cannot be guaranteed on a long-term basis, all measurements of significance must be done without including any reduction results from this mitigation. FOF b-52

- As discussed in the general comments above, all mitigations that specify flyers being given to homeowners, such as mitigation AQ-4, have no value in reducing the significance of the impacts. How would the information on this suggested flyer be passed to new homeowners in the resale of the homes. What enforcement measures would assure that any of these suggestions would be followed? All measurements of significance must be done without including any reduction results from this mitigation. FOF b-53

- The choice of the basis for comparison is invalid. The property is currently zoned BV/RL-40, allowing one home in 40 acres, equivalent to approximately 1.5 homes on the 64 acres. This should be the basis for comparison of the proposed development, not an unapproved plan of larger magnitude consisting of 92 homes and a 103 boat slip marina. More importantly, the air quality analysis should be based on existing conditions. FOF b-54

- On page 4.2-32 of the DEIR, the construction mitigations are essentially toothless as they rely on the contractors' judgment. For example, statements such as "*To the extent that equipment is available and cost effective*,", "construction diesel engines... shall meet the Tier II California Emission Standards... u*nless certified by the* FOF b-55

contractor that such an engine is not available for a particular use.... if the contract certifies that compliance is not feasible". This simply says a contractor needs only to say they do not have lower-emission equipment available. Consequently, the EIR lacks the evidentiary basis to conclude that construction-related air quality impacts would be mitigated to a less than significant level. FOF b-55

- On page 4.2-38 of the DEIR, the mitigations for wood-burning are again not realistic. Although the EIR states that "No open-hearth fireplaces will be allowed in new construction", there is to our knowledge no current legal requirement for homeowners not to install fireplaces. Indeed, the public expects a wood-burning fireplace to be part of the "mountain experience". Including giving an informational flyer on a "Good Neighbor Policy for Burning" to each lot purchaser as a serious mitigation measure is almost laughable (were the effects of PM on health not so serious). FOF b-56

  Because neither mitigation measure AQ-3 or AQ-4 set any performance standards or provide estimates for expected emission reductions, it is not possible to verify that emissions would be reduced to a less than significant level. Consequently, the EIR must recognize that the Project's air quality impacts would be significant and identify additional feasible mitigation. For example, the project applicant should implement a wood-stove buy out program within Big Bear Valley. The buy out program should require the applicant to provide residents of Big Bear Valley with incentive funding to replace existing non-EPA certified fireplaces with EPA certified woodstoves and/or fireplace inserts.

- On pages ES-8 and ES-11, the EIR acknowledges that the proposed Project may require the use of generators in connection with the Project's on-site water system and/or to supply electricity for the Project is there are insufficient supplies from Bear Valley Electric. Have the air pollutant emissions from this been taken into account? FOF b-57

- The current draft EIR makes the unsupportable and unrealistic assumption that only 10% of the homes (i.e., 5 of the 50 homes) will have wood-burning fireplaces. While this may be the default in the version of URBEMIS they used, it is not "conservative" as stated on page 4.2-33, and certainly not close to the "worst case" assumption that the calculations should be based on. FOF b-58

In summary, proper evaluation of air quality impacts would result in a finding of significance. FOF b-59

Biological Resources

Although DEIR concludes that impacts to the bald eagle would be significant, it substantially understates these impacts. It has also greatly underestimated the impacts to the ashy-gray paintbrush, other pebble plain plants, and other biological resources and fails to mitigate the impacts below significance. The following notes detail the inadequacies and inaccuracies in the DEIR. FOF b-60

The Goals from the County General Plan regarding natural resources must be taken fully into consideration by the DEIR in the evaluation of the biological resources and the potential impacts that could be created from this proposed project. Those goals, as stated in the 1989 General Plan, include:

Natural Resources Goals (pg. 11-C-2)

C-1 Natural Resources are a necessity to the quality of life within San Bernardino County and it is desirable to maintain them to the greatest extent possible.
C-2 Certain scarce natural resources are best managed for preservation. These include biological resources, cultural resources, air quality, groundwater supply and quality, and open space.
C-4 Maintenance of the natural resource base of the County requires prudent stewardship in coordination with appropriate agencies and interested groups.
C-6 Preserve rare and endangered species and protect areas of special habitat value.
C-7 Conserve populations and habitats of commonly occurring species.
C-8 Establish plans for long term preservation and conservation of biological resources.

FOF b-60

Natural Resource Preservation Goals (pg. 11-C5-78)

C-34 Conserve as many of the County's natural resources as possible and ensure the protection and preservation of traditional regional park values for the benefit of future generations.
C-35 Provide and preserve large open-space areas for both active and passive resource values.
C-36 Include, protect and manage areas having natural values of regional significance.
C-38 Protect the alpine character and environment.
C-39 Protect the forest watersheds.
C-41 Throughout the County, protect natural slopes and topography.

When these goals are taken into account, it can easily be seen that the level of significance of the impacts on many of the biological resources has been greatly underestimated by the DEIR. In addition, the need to protect these resources has been severely downplayed and basically ignored in the unenforceable and sometimes laughable mitigations that have been recommended in the document.

- Pebble Plain Habitat and Associated Plant Species

  - The size of the pebble plain habitat must be based on the plants distribution rather than on a subjective statement as to what defines a pebble plain. The definitions of pebble plain vary in different texts and from one surveyor to another and the DEIR did not specify any accepted standard definition for this term. The listed plant distribution is at a minimum the 7.71 acres that the DEIR acknowledges contain ashy-gray paintbrush, so this is the minimum that must be counted for mitigation.

FOF b-61

- The accepted protection mechanism for ashy-gray paintbrush includes mapping and protecting the entire host plant habitat rather than just where the actual paintbrush plants are located during any given survey. This technique is documented in the U.S. Forest Service Land Management Plan as stated:

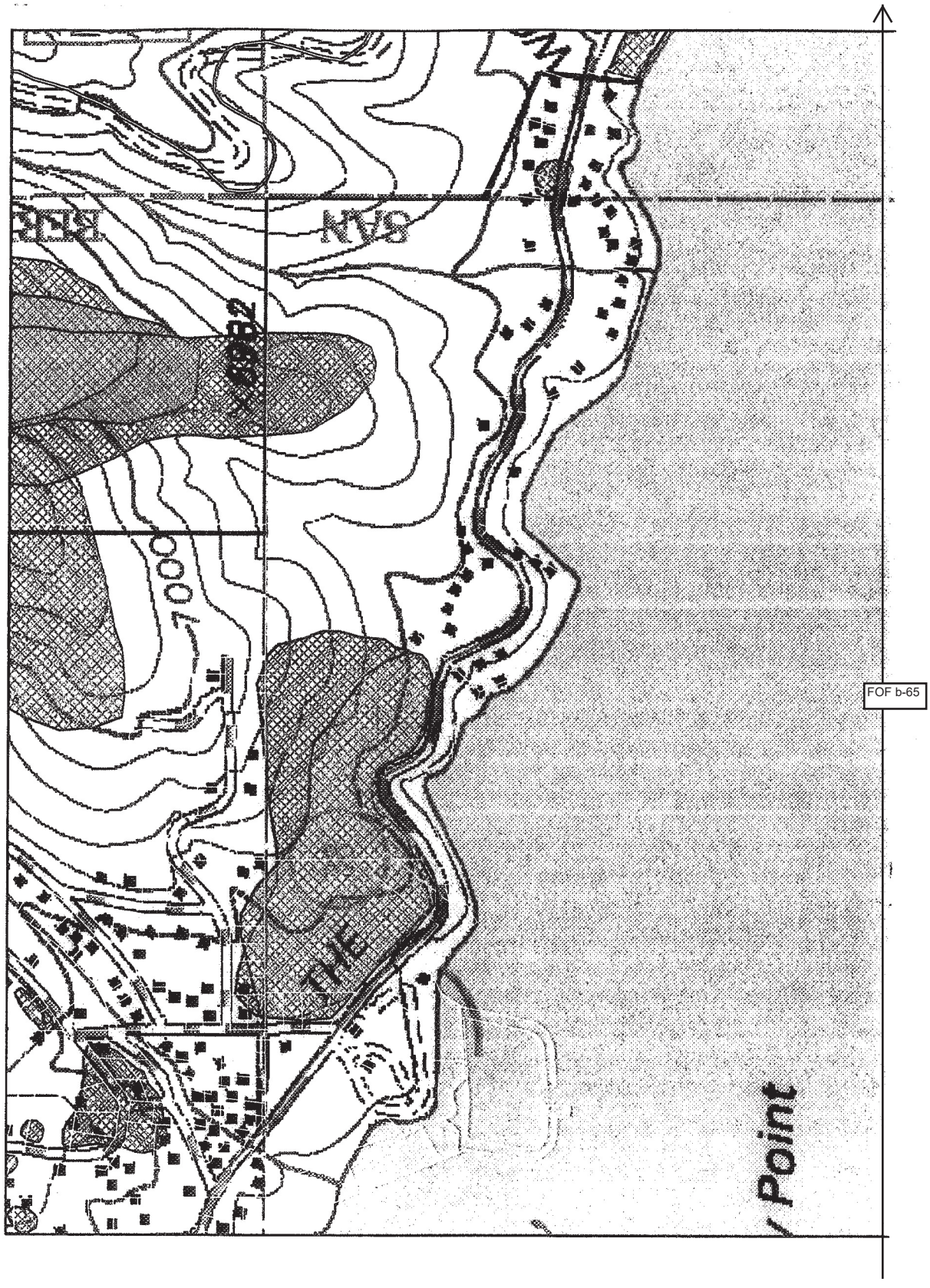
  "**SBNF S1 -** Avoid or minimize any activity that causes long-term damage to ashy-gray paintbrush host plants or host plant habitat in occupied paintbrush habitats (Arrowhead, Big Bear, Big Bear Back Country, Desert Rim, and San Gorgonio Places)."

  This same level of protection should be used in mapping and calculating the ashy-gray paintbrush habitat size rather than minimizing the size as has been done in the DEIR. FOF b-62

- The mitigation of restricting construction to the rear of Lots 47, 48, 49 and 50 to prevent construction on the pebble plain habitat on those sites, is ineffective (as can be shown by similar circumstances at Eagle Point Estates and other developments in the valley), as well as completely unenforceable. The pebble plain in those lots must be set aside as common area or mitigated with an off-site parcel in a 3-to-1 ratio. FOF b-63

- The management of the Moon Camp pebble plain set-aside parcel plus the management of any proposed off-site mitigation sites has not been clearly defined and therefore offers no assurance of its effectiveness. There is no agreement with a conservation group in the EIR demonstrating their willingness to take on the effective management of these parcels. There is no further discussion anywhere of the habitat management endowment (mentioned in BR-1d) or calculations about what amount would be required to effective manage the parcels from "the interest" of said endowment. Ineffective mitigations do not lower the potential impacts below the level of significance. This basically amounts to no mitigation at all. FOF b-64

- The extent of the pebble plain plant distribution has been greatly underestimated in the DEIR mapping. The Forest Service mapping of that area, shown in the map below (pebble plain marked in red cross-hatch), shows over 17 acres. It is highly probable that the recent decrease in mapping size is due to the combination of disturbed habitat from years of off-road vehicles crossing it and from the extended drought in recent years. However, according to Dr. Timothy Krantz, in statements made to the author regarding other pebble plain habitats in the Big Bear Valley, if a pebble plain habitat once existed it will return if left undisturbed. Therefore the largest historical extent of the pebble plain plant habitat should be the one that is used for conservation purposes and for calculations of mitigation. FOF b-65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- The Dixie Lee parcel is not available to be used for mitigation since it has already been set aside as mitigation for previous development. This parcel has been set aside, fenced off and signed as a conservation parcel for over 20 years and it has been widely accepted as a pebble plain habitat already being protected and conserved. Independent conservation groups have repaired the fences and improved the signage on the basis that this was a protected and conserved pebble plain habitat.

  The long-standing conservation of this parcel is described in the "Pebble Plain Habitat Management Guide and Action Plan" published in May, 1990, and prepared jointly by the U.S.D.A. Forest Service, Pacific Southwest Region, San Bernardino National Forest and the Nature Conservancy, California Field Office. The listing states:

  > "An additional 10 acres of pebble plain habitat to the northwest of Sugarloaf, not adjacent to National Forest land, was dedicated partly in fee and partly in conservation easement to The Nature Conservancy as an off-site mitigation or "biota bank" in 1982. This property was initially fenced in 1986 to prevent unrestricted access along a road bisecting the pebble plain. Fencing was completed in 1988. There is a walk-through at the southern end of the parcel that provides access for walkers and inadvertently for burros."

  FOF b-66

  This Dixie Lee parcel has very high value and conservation importance, however, since it is already conserved, it cannot be used as mitigation for the Moon Camp pebble plain habitat. The EIR should identify an alternative mitigation site (i.e., one that otherwise might be developed) and this alternative site must be set aside in perpetuity with a conservation easement.

- The size of the pebble plain on Dixie Lee is only about 5 acres, so even if it could be used for mitigation, it could not count as 10 acres of pebble plain simply because that is the size of the parcel that is fenced.

  FOF b-67

- The primary mitigation on Moon Camp needs to be for ashy-grey paintbrush. Since there is very little of that species on the Dixie Lee pebble plain (a walk of the property in late May 2010 found only one plant) that parcel cannot be counted as mitigation for this species.

  FOF b-68

- The potential edge effects, though discussed in the appendices reports, have not been accounted for in determining the appropriate size of parcels meant to mitigate for impacts to ashy-gray paintbrush or for impacts to the other pebble plains plants and habitat. This makes the proposed mitigations insufficient.

  FOF b-69

- The standard formula for off-site mitigation is a three-to-one ratio of mitigation property size to the size of the habitat being destroyed. The DEIR has not identified nor specified mitigations for pebble plain or for the ashy-gray paintbrush to match this ratio.

  FOF b-70

- For all of the above reasons, the mitigation for pebble plain habitat plants is severely insufficient. Even using the DEIR number of 7.71 acres for ashy-gray

  FOF b-71

paintbrush and assuming that the set aside parcel of 4.81 acres is included in the 7.71 acres, that leaves 2.9 acres that must be mitigated and which cannot be mitigated with the Dixie Lee parcel since it does not contain that acreage of this species. Therefore, there is, at a bare minimum, an 8.7 acre shortage in the mitigation. Given the historical location of the paintbrush plants on the proposed project site it is unlikely that the 7.71 acres overlaps completely on the 4.81 acre set-aside. In addition, using the historical mapping by the Forest Service of over 17 acres, at least 12.19 acres of habitat would need to be mitigated for. At a ration of 3-to-1, that would require over 36 acres of off-site mitigation. Finding even the smaller amount in Big Bear Valley parcels that could be protected but which have not already been protected or used as mitigation elsewhere would be very difficult. FOF b-71

- After many years of drought, plants do not necessarily come back to cover the full extent of their habitat with only one season of normal precipitation. The assumption that plants left during drought and all suddenly reappeared to their full capacity is invalid and cannot be used to determine the true mapping of the full pebble plain plant species habitat. Further surveys are required in future years, or the largest potential habitat that has been mapped should be used in determining the extent of the habitat and the requirements for mitigation. FOF b-72

- Many trees have died on Moon Camp in past few years, creating much more open Jeffrey pine area, so it is actually likely that the pebble plain plant habitat is spreading. FOF b-73

- The impacts on the pebble plain habitat on nearby National Forest just north of the proposed project site (also shown on the above map) have not been even mentioned in the EIR analysis. Due to impacts from foot traffic and other intrusions into the nearby forest that would result from the increased proximity of homes, based on examples throughout the valley, these impacts have the potential to be extreme. These impacts must be evaluated and the potential impacts to these nearby habitats must be mitigated. FOF b-74

Based on all of the above information, impacts to the pebble plain habitat and impacts to the ashy-gray paintbrush remain significant. FOF b-75

- Bald Eagle

The Biological Resources Section strongly confirms that the Moon Camp site is a highly significant roosting and perching habitat for the remaining bald eagle population in the area. In fact, the report stresses that the "proposed project contains some of the most utilized bald eagle roosting and perching habitat in the Big Bear Valley." But the revised assessment also points out that the proposed project, which is entirely dependent upon a discretionary approval by the County of a preferential zoning change, would have an extremely adverse effect on the Bald Eagle, which could not be mitigated. Given the importance of the Bald Eagle in the Big Bear Valley both biologically and economically, this is tantamount to saying that the project would be an extremely bad idea. FOF b-76

Recent increased development in the Big Bear Valley has corresponded with a simultaneous decline in the population of wintering bald eagles that inhabit the area. In addition to being the national bird, the bald eagle has also come to symbolize the unique wildlife values of the Big Bear Lake area in the San Bernardino National Forest. Beyond its importance as a threatened species, the presence of the bald eagle in Big Bear is a popular attraction for the visiting public, widely featured in media publications. Such attention is a considerable benefit to the tourist economy that thrives on a major destination like the National Forest. The Forest Service Discovery Center on the north shore is the main visitor center for the local mountains. Eagle tours are the primary attraction in winter. The health and sustainability of the bald eagle is a critical indicator of the overall natural resource values of the National Forest in the Big Bear Lake area. Unwarranted commercial ventures that actively confer special advantages to the applicant at public expense ought not to be allowed in cases like this where they clearly jeopardize prominent resources in direct contradiction to the goals of the County General Plan and the Big Bear Community Plan. FOF b-76

- The DEIR states that perch trees are to be saved, however it does not assure that all of them will be preserved, nor offer effective mitigations for guaranteeing that preservation long term. Why are the perch trees not designated and marked? What measures are being offered to assure that homeowners do not cut the trees? Most favored eagle perch trees are snags, i.e., dead at the top. When insurance companies and/or the County fire agency review homes for protection, they would most likely require that top or that tree to be removed, thus rendering it useless as a perch tree. What measures would create effective mitigation for that highly likely situation? FOF b-77

- Requiring artificial perch trees (BR-4) is wholly invalid as an effective mitigation. That mitigation has been used in other developments in the valley, specifically Eagle Point Estates and Castle Glen (both by the same developers as Moon Camp), and when the artificial perch trees fell down after a few years, they were not replaced and the original significant impacts were left unmitigated. What agency will be responsible in perpetuity to assure that artificial perches are maintained and replaced? FOF b-78

- Recently a pair of bald eagles has been staying in the area year round, with the Moon Camp site as their primary foraging habitat. The development of this proposed project would most likely prevent them from nesting in the area. This information has not been disclosed in the EIR nor any mitigations offered to reduce its significance. FOF b-79

- The Marina Point development, on a site known locally as "Cluster Pines," immediately adjacent to the proposed project has not been considered in the EIR with regard to the severe cumulative impacts to the bald eagle. The following statement from a 2002 Forest Service BAER (Burn Area Emergency Response) document shows the significance of the cumulative impacts:

  "Two parcels on the north shore of Big Bear Lake (Cluster Pines and Moon Camp) are the last large area of undeveloped private land along the lake...Both sites are part of the "Fawnskin pair's" territory that is centered at Grout Bay. Development of the two parcels would substantially reduce the suitable foraging/perch habitat available for eagles. On any given day during the fall and winter, the greatest concentration of waterfowl on Big Bear Lake is usually found along the shoreline of Moon Camp and Cluster Pines in and around the Cluster Pines jetties and in the bays to the east of the jetties. These shoreline areas provide shelter and foraging sites relatively free of disturbance and sheltered from wind and waves. If the two areas are FOF b-80

developed, significant foraging habitat will be lost along with important perching areas. As the other parts of Big Bear Lake's shoreline have been developed, the Moon Camp/Cluster Pines area has become more important for waterfowl and for bald eagles. Sometimes during the winter as many as 8-9 eagles concentrate in that area."

These cumulative impacts must be analyzed in the EIR. FOF b-80

- Several important perch sites on the property have already been lost recently due to cutting by the electric company, road maintenance or other tree-cutting groups. This makes the still-existing perches even more key to the foraging/perching of the eagle. FOF b-81
- Activity below and near perch trees have an impact on the frequency that the tree is used by the eagles. This additional impact, even for perch trees that would remain, has not been included in the analysis of the impact on eagles. FOF b-82

The true significance of the impacts to the bald eagle has been greatly understated in the DEIR and even that underestimated statement of significance could not be mitigated. FOF b-83

- Other Habitats and Species of Importance
  - There are wetlands on the proposed project site below the highway. While a small portion of this wetlands has been set aside on the west end as public lake access, no mitigation has been specified for the impacts to the remaining portions of the wetlands that would be destroyed by the marina parking, marina and launch ramp. FOF b-84
  - The shoreline of the site has been identified as habitat for the southwestern willow flycatcher, but no mitigation has been specified for the impacts to that habitat for the portions that would be destroyed by the marina parking, marina and launch ramp. FOF b-85
  - The mitigation offered for the destruction of flying squirrel habitat, a flyer telling people that their cats might harm them, has absolutely no chance of creating any reduction in the impacts to the flying squirrel. Serious mitigations that have been proven to be effective must be proposed. FOF b-86
  - The survey in appendix B-7 points out that the San Bernardino County Native Plant Protection policy (1989) regulates removal of trees greater than 6 inches at breast height and recommends an arborist survey regarding the Jeffrey pines and other native forest trees on the site. No arborist survey has been done. The mitigations discuss only trees over 20 inches. FOF b-87
  - Mitigation BR-5 on tree removal has no long term enforceability and is therefore ineffective as mitigation. FOF b-88
  - The evaluation on the southern rubber boa does not take into account the current County biological resources overlay which includes the proposed project site as within the habitat of this species. FOF b-89
  - The mitigation for the state-listed Threatened species southern rubber boa (BR-2) is ineffective at actually preserving habitat since the set-backs from the drainage would be on private lots and there are no enforcement options provided that would assure its effectivity. What agency will be monitoring that no clearing takes place after the lot FOF b-90

is sold? The habitat should not be included in private lots and effective mitigations must be proposed. FOF b-90

- Mitigation BR-11 has already been proven to not be effective in other areas of the forest. There are no reasons given why this measure would be expected to be effective at this site. FOF b-91

- Mitigation BR-12 has no enforceability and therefore would not reduce potential impacts. There is no agency that checks to be certain that homeowners are not planting invasive or non-native species. Unless the developer plans to have a round-the-clock staff-member permanently assigned to the site in perpetuity to approve all homeowner plant purchases and plantings, this mitigation is ineffective. FOF b-92

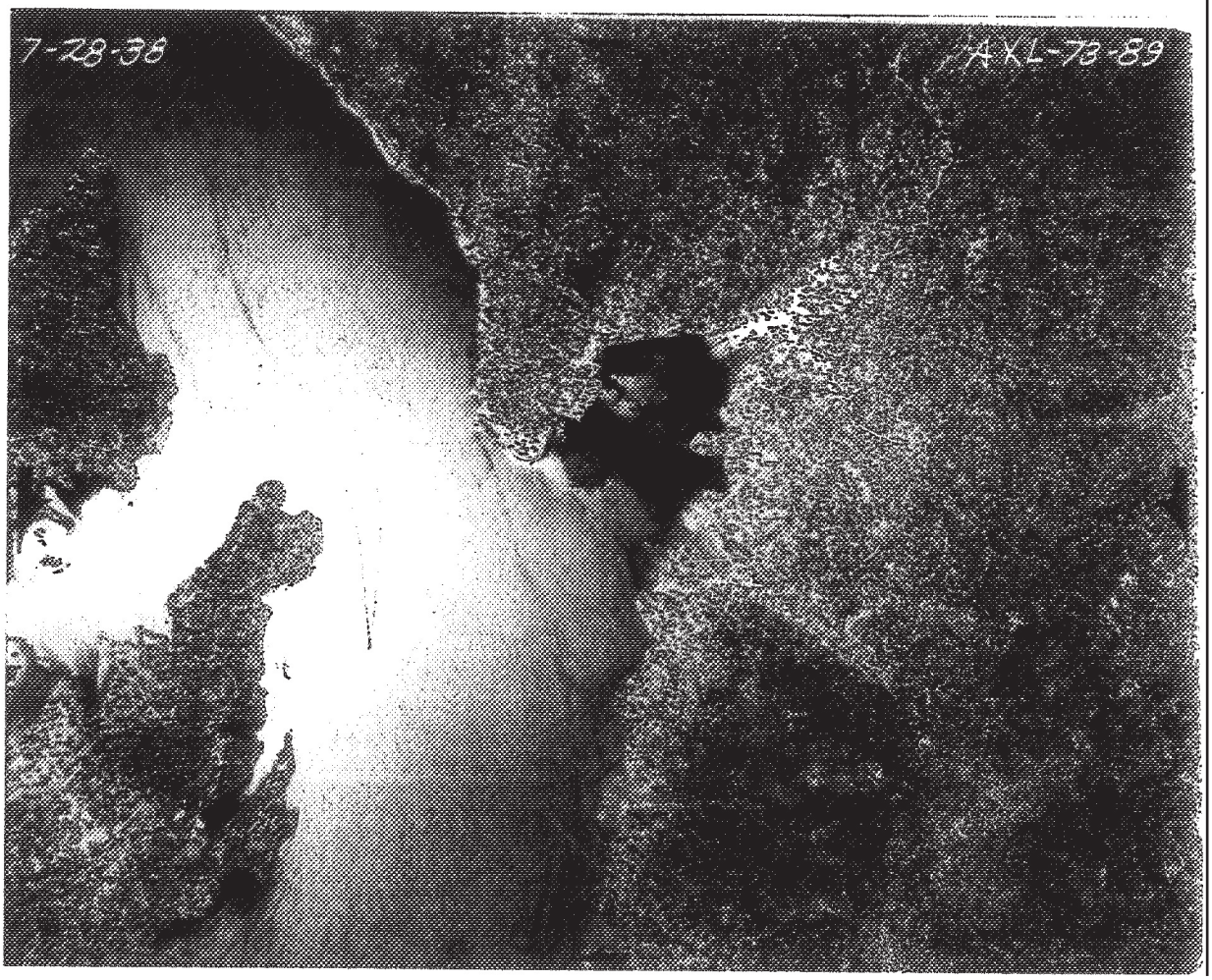
- There are no mitigations offered for the impact of the 100-foot fuel modification set back that would be required along the boundary of the National Forest. FOF b-93

The impacts on all biological resources are much more significant than has been identified, analyzed or mitigated for by the EIR. FOF b-94

Hydrology and Water Quality

The DEIR has omitted information in the area of hydrology that would demand findings of significance.

- An aerial photograph available from the Forest Service Mountaintop District Ranger station taken on 7-28-38 during the 50-year floods of 1938 clearly shows the Moon Camp property to be an alluvial flood plain with apparent scoured stream channels. (The photograph, inserted below is labeled AXL-73-89) The photo also shows a delta of sediment washed into the lake below the property. If the property was a flood plain during a 50-year flood event, then it can be assumed that it would also be flooded during a 100-year flood event. The DEIR (page 4.4-2) says all cross-culverts would be designed to handle the 100-year storm event, but provides no data or disclosure on how that was calculated nor how the water will be contained in the drainage channels, etc. This analysis is inadequate since it does not include measures for the entire property being a flood plain. Being on a 50-year or 100-year storm flood plain demands a finding of significance. FOF b-95



FOF b-95

- Page 4.4-2 states that during the period 1996 to 2003, the groundwater level dropped approximately 20 feet in the North Shore subunit. What evidence is there that shows this drop is not due to the aquifer already being drawn down from the existing private wells in that subunit? FOF b-96

- The EIR does not describe the provisions for maintenance of the outlet structures and storm drains that are being proposed on page 4.4-2. FOF b-97

- The original DEIR noted four major jurisdictional drainages (Exhibit 5.8-2), but the re-circulated EIR has omitted the west-most drainage (Exhibit 2-5). Since this drainage is still on the property and now would be altered, this would "substantially alter the existing drainage pattern, including through the alteration of the course of a stream. Consequently, this must be considered a significant impact. FOF b-98

- The statement on page 4.4-12 that "activity restrictions and property owners' education are crucial to the proposed alternative project's success at preserving water quality," is basically stating that the water quality will not be preserved. Since there is no guarantee that either of these conditions can be enforced or even implemented, there is simply no basis to conclude that water quality impacts would be less than significant. This conclusion is again confirmed on page 4.4-13 where the EIR states "the individual lot owners will each treat their water FOF b-99

quality volume prior to discharging from the site. Property owners will be responsible for their own maintenance." FOF b-99

- The redirection of hydrologic flows from their natural direction and elimination of surface flow across the highway (stated on page 4.4-13) will directly impact the hydration of the vegetation on the other side of the highway. This impact has not been evaluated in the biological resources section of the EIR. FOF b-100

- Mitigation HYD-6 recommends seeding and planting to provide soil stability during construction activities. This activity would directly and severely impact the pebble plain habitat plants, as well as other native plants in the set aside parcel below the highway. What impacts would this mitigation for other impacts cause to the plant habitats? These impacts must be analyzed. FOF b-101

- HYD-7 recommends an educational program for property owners to be done by the property owners association, as well as several other items for which the property owners association would be responsible. How would this mitigation be enforced? What measures would be put in place to ensure that this process continue over the long term with changes in ownership of the homes and membership of the property owners association? Without guarantees for the long term maintenance, which has not happened in other Big Bear Valley developments, the EIR provides no evidence to conclude that hydrological impacts would be less than significant. FOF b-102

- Page5.11-9 to 5.11-10 discussed groundwater recharge and discharge in North Shore Hydrologic Subunit. Average GW recharge from watershed modeling was ~290 acre-ft/yr, estimated GW discharge was 286.5 acre-ft/yr; therefore, the aquifer in the North Shore Hydrologic Subunit is not losing water. In addition, this area is close to the lake, water communication between lake and underlain aquifer is believed to be strong, in other words, aquifer is supposed to be replenished from the lake. By taking these two factors into account, the statement in the bottom second paragraph that "Recent groundwater level declines in the eastern portion of the Subunit can also be correlated with dry climatic conditions" is not convincing. Actually, groundwater declines may be largely caused by local pumping activities. FOF b-103

- The same reasons as the note above also apply to the Grout Creek Hydrologic Subunit. If there are declines in groundwater, local pumping activities are likely the cause. FOF b-104

- Page 5.11-12 second paragraph stated "For the watershed model, 18 of the 20 required input parameters are estimated from the EPA's database, which is not specific to the mountains of Southern California". Running a numerical hydrological analysis without using area specific parameters only generates questionable model results. In addition, the model was performed without the processes of model calibration and verification. FOF b-105

- Both surface and ground water quality would rely on continuous monitoring, especially, during and after the development of Moon Camp along the northwest shore of Big Bear Lake. This monitoring over the long term must be included as a mitigation and must be at the expense of the developer. FOF b-106

In summary, the results of proper analysis would be findings of significance in hydrology. Once the EIR is revised to provide the appropriate level of analysis, the FOF b-107

County will be in a position to identify and evaluate feasible mitigation for these significant impacts. FOF b-107

Land Use and Zoning Change

Contrary to the statement on page 4.5-1, neither the original proposed project nor the current one are consistent with the relevant Land Use Element goals and policies of the County. The proposed General Plan Amendment to change the zoning of the site would convert the existing low-density rural zoning to a large residential subdivision, i.e. from one dwelling per 40 acres to 50 units of urban-style intensity. Under the current General Plan designation the project would not be permissible.

The 'Surrounding Land Use' section in the Executive Summary states that, "The RL-40 land use designation allows development at a density of one dwelling unit per 40 acres and indicates that future development proposals will be considered based upon a demonstrated ability to provide adequate infrastructure and maintain consistency with the goals and policies of the Bear Valley Community Plan." FOF b-108

However, the large scale project with its 50-fold increase in negative impacts is not consistent with many policies of the entire County General Plan, nor is it compatible with the unique National Forest setting. The applicant is asking the Board of Supervisors to take an extraordinary step in changing the General Plan to accommodate a detrimental development proposal, which would adversely affect the local community and surrounding forest. As noted in detail below, the ability to provide adequate infrastructure and maintain consistency with the County General Plan has not been demonstrated. To properly justify a land use zoning change, the DEIR must address all of the following criteria.

- **A Zone Change is Not an Entitlement**

A zoning change is not an automatic prerogative of land ownership and should not be considered as an entitlement by developers. It is a discretionary action on the part of the County and is governed by what best serves the overall public interest.

In all instances, the General Plan serves as the constitution for all future County development. Ordinarily, changes to a constitution are not enacted lightly. If there is legitimate concern that a proposed amendment would be contrary to the public's best interest, then the most responsible action would be to let the established precedent remain in place rather than push through a disruptive change that is likely to create new problems. FOF b-109

The owners acquired this land with full knowledge of its zoning restrictions. In addition, they have had since 1969-- when they acquired the property-- to propose development on this parcel. They have no right to expect a change when such a change would not be in the public interest. Depriving the public of their open space rights, air and water quality, General Plan protections, fire safety, aesthetics and other general rights conferred by existing planning would be unfair and unwarranted under the circumstances. Ceding to a private request solely for the purpose of private gain accomplished entirely at the public expense and loss should not be considered.

- **Proposal must be in compliance with all Zone Change Criteria to be permissible.**

The County Development Code (Section 83.020110 Findings) specifies that all the following conditions must be true before a zoning change can be enacted: FOF b-110

(a) The proposed land use district change is in the public interest, there will be a community benefit and other existing and permitted uses will not be compromised.

(b) The proposed land use district change is consistent with the goals and policies of the General Plan, and will provide a reasonable and logical extension of the existing land use pattern in the surrounding area.

FOF b-110

(c) The proposed land use district change does not conflict with provisions of this Code, or any applicable specific plan.

(d) The proposed land use district change will not have a substantial adverse effect on surrounding property

What follows is a summary of reasons why the proposed Moon Camp zone change does not meet the above criteria for a General Plan amendment that would change the existing land use district.

(a) Must Be in the Public Interest and a Community Benefit

As indicated in the Development Code, zoning is not supposed to be changed unless it is determined to be in the public interest as well as provide a community benefit. The DEIR does not address this Land Use requirement, instead it treats the proposed change as if it were simply an entitlement. There are compelling reasons why a Moon Camp zoning change would not provide any realistic community benefit and would not be in the best interest of the public.

- Scenic North Shore Area

Because the north shore of Big Bear Lake has become the jewel of the San Bernardino National Forest, the Moon Camp property (and other rural-designated parcels) need to remain in very low-density zoning to safeguard the remarkable quality of this unique shoreline asset of the forest.

FOF b-111

Big Bear Lake is often compared (on a smaller scale) to the scenic inspiration of Lake Tahoe, one of the major jewels of the entire state. In the case of Lake Tahoe there has been a large collaboration of multi-governmental jurisdictions and agencies (along with substantial funds invested over many years) in a major effort to protect this prized treasure. At Big Bear Lake, by contrast, all the public is asking is that the Board of Supervisors simply maintain the existing zoning protection. By upholding the status quo of the General Plan, the County avoids opening the door to unwarranted forest harm.

Similar to Lake Tahoe, greater County acknowledgement of the superlative pubic value of the area is necessary to successfully protect Big Bear's north shore. To make an unnecessary zoning change that severely compromises the integrity of the north shore and the National Forest would be contrary to the best public interest.

- Potential National Forest Addition

The Forest Service offered to buy the Moon Camp property in 2002 at its fair market value. However, the market appraisal could legally only be based on the existing rural zoning designation. The landowners, by declining the offer as too low, passed up an excellent opportunity to gain a reasonable profit and at the same time convey a lasting public benefit.

FOF b-112

The offer by the Forest Service is additional confirmation of the site's open space value as a significant public benefit. The rural zoning maintains the remarkable scenic and forest value of the north shore's open space as a prominent community benefit in the public interest. While the owners were under no obligation to sell the property, neither is

the County under any obligation to change the zoning solely to enhance the private investment value of the property. There has never been any guarantee that the property could be used for anything other than the low-density use currently prescribed by the existing zoning designation.

The owners' desire to maximize their private financial gain by changing the zoning must not be mistaken as a public benefit. It is a misrepresentation to assert (as the authors of the DEIR try to do) that the proposed project has some kind of superior benefit. In seeking higher profits, the owners have wagered heavily on the County's pro-development reputation, betting the odds that their private interest would trump the public benefit, opening the door for their project. But, the County is under no obligation to reward private speculation.

FOF b-112

- More Housing is Not a Benefit

The Moon Camp owners claim that the addition of more houses should be regarded as a public benefit that overrides the degradation of scenic forest habitat and the loss of open space that would be caused by the zoning change. This claim might have merit in an urban setting, but is not valid inside a public National Forest alongside a scenic mountain lake. In addition, according to the County assessor's office there are already approximately 1,076 buildable lots in the small Fawnskin community. Creating 50 more cannot be considered a public need or benefit.

There is also already substantial development on the south shore of Big Bear Lake, much more in fact than what many people regard as reasonable or safe in proportion to the size of our small National Forest. The San Bernardino National Forest already stands out as having the highest percentage of development inside its boundaries of any National Forest in the country.

FOF b-113

With over 700 homes on the market (and others in foreclosure), there is no public basis for adding more housing in the overall Big Bear Valley and much less on the north shore. Instead, there is a cumbersome surplus of available housing on the market. Also the history of real estate in the mountain area is one of rapid continual turnover so that there are always ample opportunities for new home buyers during any fluctuation in the economy. For those who wish to reside in Big Bear, the opportunity is always available. More housing cannot be considered as a public benefit in this context.

- The Landowners' Viewpoint

The DEIR argues that the project site is next to areas of similar housing density and it is unfair to deprive them of an equivalent use of their land. However, the very small older subdivision to the east of Moon Camp is the product of a much earlier period, when circumstances were quite different. The fact that the proposal is next to National Forest, where zero density prevails and open space is essential, is not taken into account. Yet it is the most important reason to maintain the status quo and not change the existing rural zoning. The fact that over 60% of the site is bounded by either National Forest or lakefront is also not taken into account. The rural zoning is appropriate for the site, because it is compatible with the forest and therefore also in the best public interest.

FOF b-114

The developers believe that all rural zoning on private land in the National Forest is only a temporary "holding zone" meant to be cast aside as soon as a specific project for the site is proposed. This concept may have been plausible 20 years ago, when the prior General Plan was being drafted, a time when substandard infrastructure, fire danger and forest impacts were not such magnified problems as they are today. Historically, no one questioned the use of shake roofs in the mountains. Although shake roofs still exist in the mountains, no one thinks they are entitled to a shake roof simply because their neighbor has one. Because conditions are worse than they were 20 years ago, and because our

natural resources are diminishing at an alarmingly high rate, rural zones should to be maintained.

The County must take into account the context of the surroundings and the public interest, especially inside the San Bernardino National Forest. The holding zone concept does not alter the fundamental test required for a zoning change or diminish the meaningful basis for keeping an existing rural zoning designation.

FOF b-114

(b) Must Be Consistent with Goals and Policies of the General Plan

The project site's zoning designation of RL-40 is fully consistent with the General Plan. However, the proposed General Plan amendment to convert the Moon Camp zoning from its low-density rural designation to an urban RS-20,000 zone, which increases the density by 50-fold, would not be consistent with significant goals and policies of the General Plan. Below is a summary of various goals and policies of the General Plan, which if strictly enforced would prohibit the Moon Camp zone change and subdivision proposal from being approved.

- The growth management and open space policies of the General Plan contain many guidelines that do not support a Moon Camp zone change, as the following citations pertaining to open space and natural resources indicate:

OR-1 Because preservation of open space lands will be facilitated through the application of land use standards, the County shall implement the following actions:

b. Develop and apply development policies/standards to support retention of open space lands by: requiring large lot sizes, high percentage of open space or agricultural uses, and clustering.

c. Utilize the Hazard and Resources Overlay Maps to identify areas suitable or required for retention as open space. Resources and issues identified on the Overlays which indicate open space as an appropriate use may include: flood, *fire*, *geologic*, aviation, noise, cultural, prime soils, *biological*, *scenic resources*, minerals, agricultural preserves, utility corridors, *water supply and water recharge*. (Italics added).

FOF b-115

Insofar as the Moon Camp site is part of a biologically sensitive area of the National Forest, where fire is also a major hazard, there is substantial reason to support large acreage parcels and the highest percentage of open space possible for the kind of rural mountain living that is most compatible with the wildland forest environment. In addition, the site's limited water supply and inadequate water recharge rate, coupled with the area's spectacular scenic resources, would dictate that the County consider this site as being worthy of retention as open space.

OR-18 Because preservation of natural resources cannot be accomplished only through the use of publicly owned land, the County shall apply the following policies to development and construction proposals on private lands.

e. Direct growth away from areas containing fragile or erosion-prone soils, especially those which support natural habitats.

OR-24 Because preservation of rare, threatened, or endangered species depends on the preservation of habitat which supports populations of these species, the County shall implement the following policies:

a. Seek to protect and conserve rare or endangered flora and fauna with limited or specialized habitats as well as common habitats necessary to support these species.

FOF b-116

d. Seek to provide protection and management to maintain habitat values where protection of natural areas and endangered species is not provided by another agency.

e. Review land use designations to ensure that planned land uses provide adequate protection for natural areas in areas containing known or potential biotic resources or designated as open space zones, corridors or active trail alignments on the Resources Overlay. This policy shall also apply to areas adjacent to zones, corridors or active trail alignments.

OR-25 Because the development of private lands can adversely affect the management strategies of the federal agencies which administer public lands within San Bernardino County, the County shall apply the following policies:

b. Review the planning documents of the public agency to determine the intensity of uses allowed on surrounding public lands when examining private land uses which are surrounded by public lands.

FOF b-116

OR-27 Because preservation of some natural resources requires the establishment of a buffer area between the resource and developed areas, the County shall review the Land Use Designations for unincorporated areas within ten (10) miles of any state or federally designated scenic area, national monument, or similar area [i.e. National Forest], to ensure that sufficiently low development densities and building controls are applied to protect the visual and natural qualities of these areas.

OR-28 Because preservation of natural resources is a goal of the County, the County shall support land use and landscape strategies and standards which protect wildlife habitats and important vegetation.

The most appropriate land use strategy for the preservation of natural resources, especially in a valuable National Forest, is the maintenance of compatible low-density zoning. Where wildlife habitat and unique forest vegetation are clearly enhanced by an established low-density zone, it would be unreasonable to eliminate an existing land use designation that presently conforms with these goals of the County.

- Additional county goals and policies emphasize the importance of scenic qualities, whereby consistency with the General Plan can best be upheld by low-density zoning.

C-56 Restrict development along scenic corridors.

OR-50 Because a clear definition of scenic values is important to the County's goal of protecting the quality of existing visual resources, the County shall apply the following definitions of scenic value:

FOF b-117

a. Features meeting the following criteria shall be considered for designation as scenic resources:

i) A roadway, vista point, or area which provides a vista of undisturbed natural areas.

ii) Includes a unique or unusual feature which comprises an important or dominant portion of the viewshed (the area within the field of view of the observer).

b. Features meeting the following criteria shall be specifically defined as scenic, unless a clear finding can be made that no scenic values are present:

ii) All areas containing significant biological resources, as identified on the Biotic Overlay map.

vii) Stands of timber consisting primarily of old-growth timber, or timber which has not been harvested within the past 50 years.

viii) Any natural blue-line stream, except those which have been channelized or lined with concrete.

x) Any lake or reservoir (uncovered) with a surface area of at least one acre.

xiv) All areas of critical environmental concern or special value identified by the County of San Bernardino, the Bureau of Land Management, the U.S. Forest Service and the Southern California Association of Governments.

OR-51 Because the provision of scenic areas, trails and scenic highways is an integral part of the planning process, the County shall require the following:

a. Review of proposed development along scenic highways and trails shown on the Resource Overlay Maps to ensure preservation of scenic values for the traveling public and those seeking a recreational driving experience.

b. Define the Scenic Corridor to extend 200 feet on either side of the designated route, measured from the outside edge of the right-of-way, trail or path. Development along scenic corridors shall be required to demonstrate through visual analysis that proposed improvements are compatible with the scenic qualities present.

FOF b-117

OR-53 Because preservation of scenic qualities is important to the County, development which would alter the character of visually significant resources should be prevented.

Standing timber, lake shore vistas, scenic highway, National Forest landscape and significant biological resources such as bald eagle habitat are all specific outstanding scenic qualities and features identified as important in the General Plan and found on the Moon Camp parcel. The proposed zoning change, predicated on an untenable General Plan amendment, would severely alter the character of these visually significant resources. For this reason, the zone change is clearly not consistent with the County General Plan, which prescribes that the detrimental effects inherent in the Moon Camp proposal should be prevented.

- The General Plan has goals and policies focused on public safety, wildfire danger and evacuation that would not be consistent with the proposed Moon Camp zone change.

OR-59 Because public health and safety can be protected through the use of open space, the County may maintain open space where flood, fire, geologic, seismic hazards, noise or other conditions endanger public health and safety.

FOF b-118

Eliminating the existing RL-40 land use designation for the proposed project site instead of legitimately maintaining valuable open space in the high fire hazard area of the mountain region would not be in conformance with the above open space policy.

- County Land Use policies also provide a basis for not allowing inappropriate zone change amendments. In the first paragraph of Section 11D6 (Land Use/Growth Management) it is emphasized that "[Land] use affects the public health, safety and welfare." Therefore the County includes goals and policies such as:

  D-24 Ensure adequate access for emergency evacuation and for emergency vehicles in the event of wildland fires and other natural disasters.

  D-47 Provide a compatible and harmonious arrangement of land uses in the rural area and encourage the conservation of natural and cultural resources for the benefit of residents and visitors. FOF b-119

  D-49 Determine what the land is best suited for, match man's activities to the lands' natural suitability, and minimize conflict with the natural environment.

  D-50 Support measures to...encourage the protection and preservation of Open Space for recreational uses.

  D-51 Ensure that the quality of life of County residents is not depreciated by future growth.

- In an area like Fawnskin, where the quality of life is defined by the maintenance of low-density rural and wildland forest characteristics, unwarranted urban growth clearly depreciates that quality. Locational criteria, fire hazard area, rural characteristics, wildlife, aesthetics, public lands and ecological elements are all significant factors in the General Plan that impact the zoning in a small wildland setting like Fawnskin surrounded by a unique National Forest.

  LU-1 Because it is essential to locate new development in areas where the economic strength derived from agriculture, petroleum, rangeland or mineral resources is not impaired and in order to ensure that the value of the other resources which exist in the county is not diminished, the following policies/action shall be implemented:

  f. Enact and enforce regulations which will *limit development in ecologically sensitive areas* such as those adjacent to river or streamside areas, (as shown on the Overlay maps) and *hazardous areas such as flood plains, steep slopes, high fire risk areas* and geologically hazardous areas. (Italics added). FOF b-120

  g. Preserve and encourage the management of suitable land for *greenbelts, forest*, recreation, flood control, *adequate water supply*, air quality improvement, *habitat for fish, wildlife and wild vegetation.* (Italics added).

  LU-2 Because the County wants to promote and provide safe, attractive, varied residential areas convenient to public facilities, employment and shopping centers, the following policies/actions shall be implemented:

  a. Require that the design and siting of new residential development meet *locational* and development standards that ensure compatibility with adjacent land uses and community character. (Italics added).

  This last policy is critical, because the proposed project (and zone change) would be contrary to the General Plan's locational standards, incompatible with adjacent National Forest land use, and incompatible with north shore's scenic open space and the Fawnskin community character.

- The following policy and its clarifications indicate why the Moon Camp parcel has been given its rural low-density designation. Along with the previous goals and policies cited, it shows that a change in the zoning would not be consistent with the General Plan.

  LU-7 Because long-term, area-wide commitments to levels of service and development standards are necessary to efficient capital improvement programming and will promote the orderly provision of the needed and desired improvements to maintain the quality of life, the following policies addressing service level boundaries and development standards shall be implemented:

  a. Designate those lands within Improvement Levels (ILs) 1 and 2 as "urban", those lands within IL 3 as "rurban" *and those* ***lands within ILs 4 and 5 as "rural"*** *in order to indicate where the most intensive development, and less intensive development will be permitted.* (Italics and bold added).

  f. Designate land uses on the Official Land Use Districts Map in such a way that the *least intensive uses are permitted in areas with minimal infrastructure facilities and public service*, while the more intensive use types are permitted in areas where urban level infrastructure facilities and public services currently exist or are planned. (Italics added). FOF b-121

  g. Areas designated for low-intensity development *shall not be converted to accommodate higher intensity development* until the infrastructure facilities and public services required of higher intensity development are provided or acquired by the applicant, and *only* if the project *conforms with the overall growth management and open space policies of the County*. (Italics added).

  h. Proposed Land Use Map amendments must be consistent with Improvement Levels as described herein and proposed amendments to expand or create higher intensity Improvement Levels (ILs) must include findings that the changes are consistent with the following:

  i) General Plan Land Use District locational criteria.

  If a higher intensity Improvement Level (IL) is created as a result of the amendment, cumulative environmental impacts must be addressed during an environmental review procedure especially in regards to regional concerns such as water quality, air quality, etc. and appropriate finding must be adopted.

- The General Plan places significant emphasis on the distinctions between "urban" and "rural" land uses. These are largely delineated by the location, distribution and intensity of various uses. The plan sets out the purpose, locational criteria and uses permitted within the Official Land Use Districts and the improvement standards required for different levels of development intensity. These are found in the Growth Management section, which includes urban/rural service standards and intergovernmental coordination among other factors. FOF b-122

  Location, distribution and intensity of County land uses signify key distinctions in the General Plan between urban and rural characteristics. The proposed Moon Camp zone change from "rural" to an urban-style density increase would significantly conflict with important community values and quality of life issues that are upheld in the General Plan. It is significant that the local citizens of Fawnskin strongly support the

maintenance of the community's distinctly rural character. The rural nature is strongly reinforced by the immediate proximity and dominant influence of the surrounding National Forest. It would be contrary to the public interest to alter the RL zone in this regard and inconsistent with the General Plan.

The Rural Living (RL) zone is intended "to prevent inappropriate demand for urban services." Its locational criteria includes:

> **a.** Areas generally adjacent to urbanizing centers, with existing land uses including limited agriculture, mining and quarrying, energy production operations, public and private recreation areas, *rural residences and vacation cabins, and watershed, wildlife and open space uses.* (Italics added).
>
> **b.** Areas with limited, low-density development or *mountainous areas* with moderate slopes or soils of poorer quality than in agricultural areas. (Italics added)
>
> **c.** Areas where rural residences are the primary use of the land, but where agriculture and other compatible uses such as hunting clubs, dude ranches, RV parks, etc., may be found or located.
>
> **e.** Areas with partial public services and limited public improvements.

FOF b-122

The above locational criteria of the General Plan for a "rural" designation clearly apply to the Fawnskin area. Also, the building intensity standards are significantly less than the urban model that the Moon Camp zoning change proposes. The basic rural standards are;

a.	Maximum Housing Density	--0.40 du/acre (1 du/ 2.5 acres)
b.	Minimum Parcel size	--2.5 gross acres
c.	Minimum District size	--30 gross acres
d.	Maximum Building Coverage	--20%
e.	Maximum Building Height	--35 feet

The typical Improvement Level for the National Forest perimeter area of Fawnskin is IL-5, the most rural. There is a direct relationship between the intensity of land uses and the amount of facilities and services that are needed to support such uses. The Moon Camp project site is classified as IL-5. Improvement Levels are assigned to an area based on the long-term planned development and lifestyle commitment of the area. Given the community preference for rural standards, it clearly is not in the public interest to upgrade this site to IL-1, the most urban.

In respect to Urban/ Rural Service Boundaries, the County is divided into three (3) broad development areas --urban, rurban and rural. County criteria such as the current lot patterns (influenced significantly by the adjacent National Forest), limited water service, limited carrying capacity of existing fire/safety/evacuation services, prominent hazards, damage to environmental resources and rural boundaries all together should dictate continuance of existing rural zoning designations in Fawnskin.

"Urban Areas" are defined as follows in the General Plan:

> Urban areas are areas that are committed or planned for higher density/ intensity uses. A full range of public facilities and services (including water,

sewer, roads, flood control/ drainage, police and fire services, etc.) shall be focused on these areas.

"Rural Areas" by contrast are defined on page11-D6-46 of the General Plan as follows:

> Rural areas are comprised of agricultural [or, similarly, National Forest] and unimproved lands and low-intensity residential development. These areas are not required for urban development at the present time and, according to current population projections, will not be required (for urban development) in the next twenty years. *There is generally a long-term commitment to maintain a rural lifestyle in these areas. Although certain basic public services and facilities are available to these areas, few, if any, urban services are either available, planned or encouraged.* (Italics added).
>
> Rural areas are defined as lands which are generally suitable for lower-density/ intensity land uses because they meet *one or more* of the following criteria:
>
> 1. Used for agriculture, general open space or as a watershed for a public water supply.
>
> 2. Isolated subdivided areas and commercial centers which are not adjacent to incorporated cities.
>
> 3. Divided into parcels of 5 acres or larger, next to an urban incorporated area.

These criteria perfectly fit areas like Fawnskin, where the "long-term commitment to maintain a rural lifestyle" has been strongly voiced by the community and clearly conforms to both the best interest of the public and the prevailing characteristics of the surroundings. FOF b-122

- Other County goals and policies that reinforce the maintenance of present rural zoning are:

  D-54 Direct future growth to areas where infrastructure facilities and public services exist or can easily be provided or acquired and *where other desired attributes of the land, such as open space, watershed areas and scenic resources, will not be adversely impacted.* (Italics added).

  D-56 Provide new services *only* within defined urban and rurban service boundaries.

  D-57 Program the timing and location of public service extensions to support projected levels of development in a manner commensurate with economic capacity, preservation of desired open space and trail alignments, and minimum environmental impact.

  D-58 Promote harmonious and mutually beneficial uses of land among the various public agencies and jurisdictions present in San Bernardino County.

- Specific Land Use/ Growth Management Policies for the Mountain Region are found on page 111-C-6 of the General Plan. These also argue against changing the Moon Camp zoning designation.

--Assign General Plan Land Use Districts on the basis of slope and the carrying capacity of the existing infrastructure.
--The density and character of development shall not detract from the beauty, character and quality of the residential alpine environment.
--The county shall regulate the density and configuration of residential development along the shore of all mountain lakes in order to protect their scenic qualities.
--Through the development review process, permit new development *only* when new public services required to safely provide for the development are existing or assured.
--Approve Land Use District changes only when adequate services exist or are assured.

The forest wildland fire hazard and its continuing significant impact (as recognized in the conclusion of the EIR for the 2007 General Plan) make it difficult to responsibly reach findings of "adequate services" in respect to existing over-extended fire protection services in the mountain area.

FOF b-122

- Other Mountain Policies provide added emphasis on Open Space/ Recreation/ Scenic values (page 111-C-17) of the General Plan as follows:

  --Because the Mountain region contains special issues and opportunities, as well as significant open space resources, the following directed policies shall apply:

  --In the Mountain region, the County shall utilize setbacks, building coverage, the Planned Development concepts and other measures to protect the forest environment.
  --The County shall encourage the use of the Planned Development concept in environmentally sensitive areas that have been assigned residential land use category.

  --The County shall encourage conservation and sound management of the mountain forest character and natural resources, including water, streams, vegetation soils, and wildlife

Taken altogether the above referenced guidelines for County land use planning indicate that the proposed Moon Camp zoning change would not be consistent with the goals and policies of the County General Plan. The EIR fails entirely to analyze this inconsistency and thus erroneously concludes that land use impacts would be less than significant. The EIR must be revised to provide an accurate analysis of these impacts and identify feasible mitigation measures or alternatives to the project that would be capable of eliminating or reducing these significant effects.

(c) Must Not Conflict with Development Code

According to the third condition of the four Development Code requirements for a zoning change in Section 83.020110, a proposed change cannot be permitted if it does not comply with all provisions of the Development Code itself. In the explanations above it has been shown that the first two code requirements for a Land Use District Change have not been met by the Moon Camp proposal. It will be shown in heading (d) below (pertaining to effects on surrounding property) that the project fails to meet that forth requirement as well. So, rather than meeting all the criteria, this proposal fails to meet any of them.

FOF b-123

- Additionally, the Moon Camp proposal appears to violate the County Development Code section 83.040205, subdivision (a)(2), which requires identification of a water source before approving a Tentative Tract Map:

FOF b-124

The tentative maps shall show or be accompanied by the following information:

(B) Source, name of supplier, quality and an estimate of available quantity of water, or, if to be served by an established mutual water company or an established public utility, a letter shall be furnished to indicate that satisfactory arrangements have been made or can be made for water supply.

The situation is similar to a 50-unit subdivision in Lake Arrowhead, where speculative water sources were described in the EIR without evidence that the source and supply were actually available. A local court decision was handed down in 2008 indicating that the project did not comply with the requirement of the County Development Code. In this Lake Arrowhead case, the court said:

"The CEQA findings adopted by the Planning Commission, as noted above, expressly state that water for the onsite project reservoir will come from "an alternative water source(s) as may be secured by the Project and approved by LACSD. . . . Evidence of the alternative water supply must be provided prior to recordation of the Final Map." Because no other evidence was presented to the Planning Commission that identified the source of the water for the project, the Planning Commission approved the tentative tract map for the Blue Ridge project without requiring compliance with County Development Code section 83.040205."

FOF b-124

The Moon Camp project likewise attempts to assert a water source and supply that has not been adequately verified or validated. In this respect the proposed project is not in compliance with the County Development Code referenced above.

- The Moon Camp project is also in violation of the County Development Code by not providing the required topographical maps of onsite slopes with a breakdown description of percentage gradients in three categories. The absence of a slope analysis is in violation of County General Plan fire safety policy S-3.3, which is intended to minimize fire danger. It states:

Minimize the fire hazard posed by expanding development in wildland/urban intermix areas.

Programs

1. Apply the regulations of the Fire Safety Overlay Ordinance, as found in the Development Code; to all County areas subject to wildland/urban intermix fire hazards including all mountain and foothill areas.

FOF b-125

In the County's Fire Safety Overlay District chapter of the Development Code, Section 82.13.040 (f) **Application Requirements** states:

Each land use and other project application shall include the following information and materials, in addition to what is required by section 85.03.060 (Application Forms and Information Packets).

(1) Slope analysis. Each project application shall include a slope analysis. The slope analysis shall include the following information:

(A) A topographic map of the proposed project area and all adjoining properties within 150 feet at a scale of not less than one-inch to 200 feet. The contour interval shall not be more than two feet except that the contour interval may be five feet if the general natural ungraded slope is more than 10

percent. Contour lines shall be obtained by aerial or field survey, done under the supervision of a licensed Land Surveyor or Registered Engineer.
(B) The natural, ungraded, slope categories to be computed are zero percent to less than 15 percent, 15 percent to less than 30 percent, and 30 percent or greater. The minimum area (polygon) used for slope calculation shall be 5,000 square feet.
(C) The area, in acres, shall be tabulated for each category.

FOF b-125

For these reasons the proposed zoning change does not comply with the provisions of the County Development Code. The EIR fails to recognize this inconsistency as a significant effect of the Project.

(d) Must Not Adversely Affect Surrounding Property

The fourth condition of a proposed zoning change is that it must not have a substantial adverse effect on surrounding property. The extent of local public involvement in challenging the Moon Camp proposal over a period of many years is strong evidence that it would indeed impose a substantial adverse effect on the community. The community would not have been so strongly engaged for so long and at such great cost if there were not a profound threat to a significant public asset at stake.

- <u>The National Forest is a Significant Factor</u>

  Because this project is proposed within a National Forest and adjacent to public forest land, the public has a major stake in the process. Recognizing how valuable the San Bernardino National Forest is as a premier scenic and recreational asset in Southern California is fundamental for responsible mountain planning. The Moon Camp property occupies an open space area that links the National Forest to the lake shore. Shoreline and National Forest constitute 60 percent of the area adjacent to Moon Camp. This is the surrounding property that would be substantially impacted if the zoning change were permitted.

FOF b-126

  If the site were subdivided into a dense housing complex, it would impair a unique public benefit. The integrity of forest values such as wildlife habitat, open space serenity and scenic qualities inevitably overlap between the boundaries of public and private lands within the National Forest setting. Compatible zoning is vital to sustaining these values and protecting the surrounding public forest.

  Too often the National Forest has been treated as if it were not any different than any other area where developers aim to maximize housing densities and profits. Lack of deference and understanding for the National Forest's overall benefits (as well as its hazards) has resulted in many problems and incompatibilities over the years, such as the overly developed wildland-urban intermix that is one of the worst in the country.

  In the 1960s and 70s a similar opportunity for responsible forest protection was lost in the Lake Arrowhead area, when large tracts of private forestland were uniformly converted into high-density housing subdivisions without regard to National Forest surroundings, resulting in a mountain lake without any public access at all. For those who remember how the lake was once more harmoniously integrated within its National Forest setting, the loss of that outstanding quality represents an unfortunate sacrifice of public value for private gain.

For these reasons, the proposed general plan amendment and zoning change fail to meet the fourth requirement as well as the preceding three conditions. FOF b-126

The discussion above shows how the Moon Camp proposal fails to meet any of the four conditions required by the County for approval of general plan amendment and zoning change. For a zoning change recommendation, the EIR must address each of the County's four criteria above to show how a zoning change would be in compliance. Without that, there is substantial basis for the proposal not to be approved.

Some additional comments on the details of the Land Use section of the DEIR:

- Page 4.5-12 states that Exhibit 2-4 shows the required 100-foot fuel modification zone, but it does not. FOF b-127

- The statement on page 4.5-12 discusses the Fire flow storage capacity, but nowhere does it discuss the danger of storing this amount of water for long periods of time due to potential bacteria contamination. The Big Bear City CSD discusses concerns about this even for water storage of only a few days. How will this water be recycled and maintained free of harmful material? FOF b-128

- The second paragraph on page 4.5-13 is very misleading in its omissions and therefore arrives at an erroneous conclusion. The proposed project site does have steep topography, up to 40% slopes as defined by the DEIR itself, and it does have many other environmental constraints, including habitat of the bald eagle, endangered pebble plain habitat and habitat of the federally listed species, ashy grey paintbrush, as well as several other sensitive species. It addition, it has the environmental constraints of four major drainages, of being on a 50-year flood plain and of bordering the national forest and requiring 100-foot fire modification zone. The majority (over 60%) of the proposed project actually borders national forest and shoreline rather than homes. The claim that the proposed project has infrastructure adjacent to support it is also erroneous in that there is not water service available and very special situations and circumstances would have to be created to provide water service to the majority of this parcel. All of this fits the RL-40 designation perfectly. FOF b-129

- The much less density described in the third paragraph of page 4.5-13 does not meet the criteria of County standards which says that for slopes over 30%, a minimum lot must be 3 acres, not ½ acre. What justifications are there for ignoring this key fire hazard related requirement? FOF b-130

- On page 4.2-4, the DEIR states that the designation of RL-40 indicates that future development proposals will be considered based upon a demonstrated ability to provide adequate infrastructure and maintain consistency with the goals and policies of the Community Plan. The above discussion on zone change criteria shows that it would not be consistent with the General Plan goals and policies. Discussion points below under the sections Public Services and Utilities shows that there is not a demonstrated ability to provide adequate infrastructure. Therefore, this development proposal does not qualify for consideration. FOF b-131

- As discussed above, it has been shown that this proposed project conflicts with the County General Plan and the Development Code. Since this is one of the thresholds of significance, defined on page 4.5-6, the project's inconsistency with the General Plan and zoning FOF b-132

constitutes a significant impact. The DEIR compares this proposed project with the original but does not discuss the Project's compliance with County code. FOF b-132

- Given the list on page 4.5-6 for the Bear Valley Community Plan, this project would be inconsistent with all three of the listed provisions. Consequently, this inconsistency with the Bear Valley Community Plan constitutes a significant impact. The predetermined General Plan land use policy has zoned it RL-40 and as discussed above, the proposal does not meet any of the four conditions required for a change in zoning. Since over 60% of the boundaries are either National Forest or shoreline, it is incompatible with the surrounding areas. Also, many of the proposed project's features, including the private marina, are inconsistent with the community character. FOF b-133

- The statement on page 4.5-11 that reducing the size of the project and the mitigation measures in Aesthetics and Biological Resources would adequately address the potentially significant impacts to land uses that rely on scenic resources is invalid since many of the mitigations listed, such as putting out flyers, have little to no value in reducing the potential impacts. Unless these mitigations can be demonstrated to actually reduce impacts (and so far the experiences in Big Bear Valley demonstrate that they do not), the potential impacts remain significant. FOF b-134

- Several of the lots would actually be undersized for the requested zoning if set asides were done in a way that actually created proper mitigation. The 100-foot fuel modification area, per County Development Code regulations (see Public Services section) should be designated as common open space rather than being counted as part of the lots. Also, the jurisdictional drainages (including the one that has been omitted in the new DEIR even though it was marked in the original one) should be designated as conservation areas rather than being considered part of someone's yard (see comments in Biological Resources.) This makes lots 23-26 undersized, as well as lots 41 (because it is split across the drainage), 42 and possibly 43. FOF b-135

The potential impacts to Land Use from this proposed project clearly remain significant. FOF b-136

Noise

The draft Environmental Impact Report addresses noise factors and considerations beginning at page 4.6-1. As with the other portions of this draft report, the document primarily focuses on changes from a previously proposed 92-lot project instead of focusing on the impact of changing the existing zoning and circumstances from one lot per 40 acres to the proposed 57 lots, 50 of which would be residential parcels. The report should be revised to more clearly address the change between one or two units, which us currently permitted by the zoning laws to the proposed 50 plus units. In this way, instead of claiming benefit from "mitigating" a project already found unacceptable the authors of the study would provide to the county and its staff data to adequately assess the change from one or two dwelling units under current zoning to 50 dwelling units and adjacent activity, as they are now proposing. FOF b-137

- **Location of Project**

Next, the report is misleading and deficient in that it purports to evaluate impact of noise at the Stanfield cutoff and on Big Bear Boulevard, both of which are miles away from the proposed project site, as well as along North Shore Boulevard. To be an adequate source of information for the decision makers, the report should assess the current noise conditions in the project area, at the adjacent camp grounds, and on the adjacent residences and parks, and the adjacent FOF b-138

commercial property such as the Inn at Fawnskin. It ought to be of less concern to decision makers whether traffic along the Stanfield cutoff or Big Bear Boulevard would increase, or by how much, since the more significant generators of traffic in these areas are separate from the project. Further, the data provided in the noise appendix is based on a very small number of samples and on projections made from those samples. Since the projections of future noise levels with and without the project were based on such flimsy data, they are of little use in reaching a decision. FOF b-138

Also, and perhaps more significantly, the study does not address the focusing effect which slope at the back of the project has on directing noise to adjacent residences along Flicker Drive, or back toward the highway. It makes no attempt to evaluate the impact of project noise on the forest service camp grounds which are less than one mile away from the proposed project site. An important feature of the Big Bear Valley economy is the attractive nature of camp grounds as support for fishing, camping, hiking and bicycling activity. The proposed project, in particular its proposed marina which is discussed later, is likely to significantly increase noise levels on the north shore of the lake near the camp grounds and the residential activities. FOF b-139

- **Impact of Marina**

The county should also require that the report be re-done to consider the cumulative impact not only of the Moon Camp marina but of the current Cluster Pines/Marina Point project which is within one-half mile. Both projects are described as containing marinas and the proponents of this study should be required to consider, describe and propose mitigation measures to deal with the cumulative impact.

By using potentially misleading data such as average boats per day, when it is well known that peak usage occurs on weekends and holidays, the study minimizes motorized boat traffic noise and its impact, as well as minimizing the impact of jet skis or other personal water craft. The study further fails to adequately address the focusing impact a marina has on motor noise. Although it also is inadequate in describing the impact of water craft operated on the lake, it almost completely ignores the impact of focusing noise directly on one part of the shoreline as a result of locating a marina. It does not adequately break down or attempt to assess the added noise generated by a parking lot, loading and unloading of boats, starting up and provisioning of boats in the marina itself, and the inevitable near-shore approach from entering or leaving the proposed marina. FOF b-140

Further, the report is defective in minimizing the impact of construction activity. The report several times refers to the project only as grading the existing roadways and fails to address fully the impact of constructing 50 homes. The likely noise impact from construction activities would be concentrated in the warmer months, when residents in adjacent areas are also more likely to have windows and doors open or to seek to use their yards, balconies or decks. Further, as the report acknowledges, there does not appear to be a simple way to limit construction activity to weekdays since applicable county ordinances permit construction on Saturdays. The report does not adequately address the fact that Fawnskin is a recreational area, with well over half the residences occupied by weekend residents, and construction on a Saturday therefore significantly impacts these users for half of the time when they would generally be using their properties. Weekend construction is likely to adversely impact recreational use of part time residences, risking adverse impacts on businesses not only in Fawnskin but throughout the Big Bear Valley if such construction activity curtails use by part time residents. FOF b-141

The report fails to note that the construction noise is likely to be stretched over several years. Previous experience with other developments (some by this same developer) such as Castle Rock and Eagle Point shows that build-out occurs over multiple years rather than happening in a short, concentrated period after a project is started. FOF b-142

The report should be revised to describe in some detail the number of sensitive receptors based upon actual sound measurements, given the channeling effect that the structure of the current property is likely to have. This noise impact should be evaluated not only from the FOF b-143

standpoint of residences but also from the standpoint of wildlife in the adjacent national forest. If construction noise and activity disrupts feeding patterns or approaches to the lake, this noise impact ought to be considered a significant impact of the project. FOF b-143

- **General Plan Requirements**

The general plan noise element, as quoted in the report, is designed to limit exposure of the community to excessive noise levels by requiring local agencies to analyze and quantify noise levels and noise exposure, preferably through actual measurement. The plan requires that areas should be designated as noise impacted if exposed to existing or projected future exterior noise levels, and to ensure that new development of residential land is not permitted unless effective mitigation measures are incorporated to reduce noise levels. Further, commercial uses such as the proposed marina must demonstrate they will not exceed the performance standards in the general plan. Finally, the plan requires that county agencies prevent incompatible land uses by reason of excessive noise levels from occurring in the future. FOF b-144

This report fails to adequately allow the county to review the information necessary to accomplish these goals. By constantly comparing the proposed project to the previous larger proposed project, it ignores the impact of adding significant construction activity over a period of several years, the impact of likely rental and visitor noise use during periods of peak use by other residents, and the noise very likely to be generated by the proposed marina. In this regard, it should be noted that the San Bernardino County noise standards deem residential areas adversely impacted if there is a 55-decibel noise level provided by a new proposed activity during the daytime and a 45-decibel level proposed at night. The proposed project is very likely to generate noises in excess of this amount. FOF b-145

- **Construction Noise**

The draft EIR attempts to describe construction noise as temporary and ambient. This ignores the fact that construction of 50 lots, together with related grading, installation of roadways, sewers and utilities is likely to take several months and that this activity will not, as the project is described, be limited to periods when adjacent residents are least likely to be disturbed. The report does not point out the seasonal nature of the time when construction can occur in the Big Bear Valley and the fact that this seasonal warm weather period which allows construction to proceed also coincides with the peak period of usage of the valley by residents and tourists. It is well known that the Fawnskin area includes many homes occupied on a part time basis, primarily on the weekends, and more during summer periods than the winter. Even considering only the initial construction period when lots are graded, roads, sewers and utilities are constructed, much of the heavy and disruptive noise from such construction activities will be during the summer period when it is most likely to impact adjacent residents both because of greater usage and because doors and windows are left open and decks are occupied more in the summer. It should consider that camp ground use is greater in the summer. Further, the report does not adequately describe the longer term impact of construction, which is likely to take place on a near-continuous basis, over several years, if 50 homes are to be constructed. The county should require that the report analyze the impact of constructing 50 homes over at least three summers, and more likely more summers, because experience with previous projects has shown that not all lots are sold immediately after they are constructed and that development of lots takes places on a periodic basis over several periods. FOF b-146

Further, a revised report should include a revised Table 4.6-6. Construction equipment evaluated should include drills, electric saws and chain saws both because trees will need be cut to develop the proposed lots, and because such noises are particularly irritating. The higher pitch of such equipment and the fact that it starts and stops during a construction project should be evaluated. FOF b-147

Even items now identified in the Table 4.6-6 show noise significantly exceeding the levels generally considered acceptable adjacent to residential and park usage. The report should not FOF b-148

only address this factor but point out that this noise will also affect the lake areas adjacent to the project, thus rendering usage of the lake less attractive to visitors and damaging the local economy by reducing the attractiveness of recreation activities. FOF b-148

- **Noise from Rentals**

At the scoping session for the report, concern was raised about the possible impact of short term renters from the project creating noise. As a review of county records will show, calls from residents already report significant noise problems with part time rental users. These persons are more prone to use jacuzzis in the evening, to play radios and musical devices loudly, and otherwise to create noise from recreational activities. It is not uncommon for residents on Flicker Drive to experience problems from short-term rental users, with large numbers of vehicles and large amounts of noise from residents. The proposed report dismisses this concern by stating that the Covenants, Conditions and Restrictions for the proposed alternative project would prohibit short-term rentals. This ignores the fact that existing CC&Rs in the area already contain such prohibitions and there is no effective enforcement mechanism. The report should state that such CC&Rs have been ineffective in other instances and should propose an effective mitigation measure. Perhaps a mitigation measure could include CC&Rs not only restricting short-term rental use but also permitting those CC&Rs to be enforced by adjacent landowners or by community organizations whose membership includes adjacent landowners, together with a significant penalty for violations which could be awarded to or shared with the complaining parties. More significantly, the report should describe the fact that this increase in noise from the project could be eliminated by not expanding the present zoning to allow the project. FOF b-149

- **Potential Noise from the Marina**

The draft EIR attempts to minimize the noise impact from the marina by focusing on an assumed minimal increase in the average number of boats on the lake on a per-day basis. This is deficient because it does not address the fact that most use of the lake and the marina is not on an average number of boats per day but on a weekend basis, particularly summer weekends and holiday weekends during the summer. Further, the report should be required to address the impact of having 50 boat slips in a new marina. Presumably the proponents of the project are seeking to have 50 boat slips because they anticipate at least one water vehicle per lot. The project should be evaluated as if this is assumption is correct and 50 motorized water craft, or more, are added to the lake. The impact of these water craft should be evaluated not only based on the number of other water craft on the lake but based on the fact that since these watercraft are located in the marina, they will necessarily impact the adjacent areas at least twice per trip, once on leaving the marina and once on returning to it. FOF b-150

A separate analysis should be required with respect to jet skis and out board motors. Especially with jet skis, the report should evaluate the factors discussed in the report "Drowning in Noise, Noise Costs of Jet Skis in America" prepared for the Noise Pollution Clearing House by Charles Kamanoff and Howard Shaw, PhD in April of 2000. The report should disclose and address in some fashion this impact, noting that the Shaw report concludes that the average jet ski imposes $47 of noise pollution costs (using year 2000 dollars) on adjacent users of the shoreline in the course of a single use. It should be noted that the summer boating season in Big Bear, even if assumed to last only from Memorial Day through Labor Day, would include 35 or more days of weekend use per year, not counting Friday evening usage. If outboard motors, jet skis or other personal water craft are used by the owners of slips in the proposed marina, especially if there are multiple trips per day, this weekend usage could be quite significant. FOF b-151

The report should be revised to address this and to evaluate the impact of noise being concentrated on the weekends, instead preferring to focus on average numbers of trips per day throughout a year. This is misleading as noted because the lake is not significantly used during the colder weather months and usage is concentrated on weekends and because a marina FOF b-152

concentrates noise in one area rather than all over the lake. The report should be corrected to address and analyze this impact. FOF b-152

Further, the report should address in particular some of the reasons jet ski noise is more annoying than other noise. As the "Drowning in Noise Report" and the related report from the Noise Pollution Clearing House in 2003 noted, jet ski noise is different from the noise of other water craft. For one thing, jet skis continually leave the water. They are designed to do this and minus the muffling effect of water the jet ski engine's exhaust is much louder. The "Drowning in Noise Report" estimates that when the jet ski noise is not muffled by water it is typically 50 decibels or more louder. As reported by Shaw "an airborne jet ski has the same noise impact on a listener at the water's edge as an in-water jet ski eight times closer or the same as 32 identical in-water jet skis at the same distance." Secondly, each time a jet ski re-enters the water it smashes the surface with an explosive whomp sound or a series of such sounds. As the Shaw report notes, leaving the water is central to the fun of jet skiing and even if unintentional, the short hull of a jet ski being ridden fast "on even a slightly choppy surface will lift out of the water naturally." FOF b-153

Furthermore, the noise effect of a jet ski is compounded by the variable nature of its noise. Rapidly varying noise has been found to be much more annoying than the constant noise by decades of psycho-acoustic research. A variable noise commands the ear's continuous attention, making it specially bothersome and difficult to ignore. The Drowning in Noise Report from 2003 prepared by the Noise Pollution Clearing House for testimony before the Canadian Senate points out that in typical jet ski maneuvers the jet impeller has no consistent water load. As a result, the engine's speed rises and falls through a wide range from moment to moment, generating a "penetrating, whining sound, rising and falling rapidly in pitch like a dentist's drill and forcing the attention" of anyone within range. In its 2003 report, the Noise Pollution Clearing House includes a table pointing out that the impact of leaving the water frequently and constant maneuvers adds between 20 and 35 decibels to the impact of a jet ski. It concludes that an 80 decibel jet ski feels four to six times louder than an equivalent decibel output motor. In other words, it feels 15 to 30 times closer to the listener than it actually is. FOF b-154

The draft EIR proposes no mitigation levels for the noise of jet skis and outboard motors entering or leaving the marina or operating close to the marina, and thereby disrupting adjacent residential owners and campers. Mitigations used in other areas such as requiring operation of water craft at a considerable distance from shore would be ineffective since the very nature of a marina requires that the water craft approach the shoreline when entering or leaving the marina. Accordingly, a suggested mitigation would be to eliminate the marina from the proposed project. FOF b-155

The fact that there are existing marinas on the lake which already provide a launch area for jet skis should not be used as an excuse to avoid analyzing the impact of the proposed marina and the likely addition of outboard motors and jet skis to an area which is presently relatively quiet. Grout Bay is currently significantly used by kayakers and canoeists, in part because of its shallow depth, and these activities would be significantly disrupted by the introduction of additional motorized boats and jet skis to the area by the proposed marina from the Moon Camp project and the proposed marina from the Cluster Pines project. This environmental impact report should be re-written to analyze this impact and to disclose the number of sail boats, kayaks and canoes presently using county licensed facilities at the Dana Point marina. Reduction in the utility of Big Bear Lake and particularly Grout Bay through the introduction of vehicle noise ought to be considered, evaluated and if possible, mitigated. It should be noted that Lake Tahoe currently has an ordinance banning the use of jet skis, and that Vermont prohibits jet skis on lakes less than one-half mile wide. Since similar restrictions on Big Bear Lake might be impracticable, the report should address the impact of adding additional spaces for jet skis and additional housing lots designed to cater to the users of motorized water craft. FOF b-156

Conclusions

The draft EIR is deficient in addressing noise impact primarily on stationary sources and impacted areas such as churches and schools a great distance from the project rather than focusing on the damage to immediately adjacent residential activity and recreational activity in the nearby camp grounds and on the waters of Grout Bay which are currently a significant source of use by kayakers and canoeists. Although the report concedes that construction noise would be "considered substantially disruptive to residents," (see page 4.6-14) it still states that the project would likely have a "negligible impact on the noise environment because it represents a "very low density neighborhood" in comparison to existing developments. This is deficient in that it fails to address the impact of significant construction activities during grading and completion of roads, and then the longer term impact of constructing 50 houses, and fails to note that this noise impact and activity would be concentrated significantly on the summer months, the very period when the Fawnskin area is most likely to see its part time population in residence and the period during which doors and windows are open and decks and campgrounds are used. Rather than being permitted to address construction activity as "short term" in nature, the report should address the likely impact over several building seasons, of at least three, and perhaps 5 years in duration. FOF b-157

The report should also address the impact of possible renter usage and should contain a more effective mitigation measure than it currently is proposed, as recommended below. As the report concedes that noise and vibration levels "may temporarily exceed county standards" it should be required to address the fact that this "temporary" excess noise it is very likely to occur in the times of peak usage by residents, hikers, bikers, kayakers and campers over a period of several years. The conclusion that "due to the relatively short period of construction, noise impacts are anticipated to be less than significant." should be rejected and effective measures to minimize noise damage over three to five years should be required. Finally, the effect of the marina should be much more fully analyzed. The use of "average daily use of the lake" data should not be accepted but rather data from peak weekend usage should be considered and data from entering and leaving the marina added. Rather than considering a "nominal increase in daily boating numbers" the report should be required to address the impact of one or more trips per day from each of the slips in its proposed marina. Since the report has not shown any need for additional launch facilities, its impact on diverting launching activity from areas already impacted by such noise and instead focusing it in areas near residential usage should be conceded and analyzed. Although the report acknowledges that its proposed surface parking lot from the proposed marina would generate instantaneous noise from tire squeals, trash pick-up, delivery trucks, lot sweeping, door slamming, back up alarms and engine startups, it proposes that this would not have a significant impact because it believes the noise would remain primarily on site and be temporary. The report should address the fact that his "temporary" increase in noise would occur the warmer months and during the periods of peak use by residents, campers, hikers and bikers and thus analyze and acknowledge the impact of deterioration on community life and ambiance created by this proposed parking structure. FOF b-158

- **Requested Additional Mitigation Measures.**

In addition to adequately addressing the increased noise to be generated by the proposed project, the report should evaluate additional mitigation measures, including:

  - Establishing Covenants, Conditions and Restrictions (the CC&Rs) for the community which include effective enforcement mechanisms. All CC&R requirements should be enforceable not only by a neighborhood association [which has proved unworkable in existing mitigation programs] but by third parties. To give third parties an incentive to enforce CC&Rs designed to benefit or protect the public, these enforcement rules should include a "bounty hunter" provision providing for the successful enforcers to recover attorney fees and costs plus all or a portion of a monetary penalty to be paid by the person violating the CC&Rs. FOF b-159

    If private CC&Rs cannot be made perpetual, they should not be considered effective mitigation, and the project proponents should be required to

establish, up-front, a fund which provides sufficient income to pay for periodic inspection and enforcement of conditions in any approval of a project. Inspection reports should not only be provided to county and national forest officials, but made publicly available and advertised as such.

The proposed community should include an initial assessment and an annual fee to be paid by each landowner to generate a fund to pay for an enforcement officer dedicated to this area, and/or for periodic, no less than semiannual, inspections to verify that restrictions on cutting trees, requirements to maintain open space and drainage, requirements, restrictions on marina and parking activities ,etc. are enforced. Any such restrictions should explicitly be stated as designed to benefit the public and enforceable on a third-party beneficiary basis by any member of the public. FOF b-159

- CC&Rs should prohibit construction on weekend periods, including 3-day weekends, perhaps beginning as early as the afternoon on Friday. These CC&R restrictions should be established in a manner that they are enforceable by persons within a designated radius of the project, such as 1,500 meters, or by community organizations representing such persons, and should provide for "bounty hunter' benefits and significant financial penalties to the offending landowner or contractor such that enforcement is more likely to be effective. Past experience has shown that homeowner associations and similar organizations are loathe to enforce their own restrictions, particularly during a period when the persons running the association may be chosen by the developer or may include landowners who wish to engage in the same noise-generating activities as the offenders. For this reason any CC&R , association rule or similar mitigations must contain an economic incentive for third party monitoring and enforcement. FOF b-160

- CC&Rs which prohibit temporary rental use should be enforceable by neighbors and community associations and should carry significant penalties. These penalties should be available to the complainant in the form of a 'bounty hunter' benefit, and a portion should be put into a fund to hire additional compliance officers for the county, assigned to the North Shore and Fawnskin areas. Any lesser 'restrictions" should be considered ineffective mitigation. FOF b-161

- The report should evaluate the reduction of noise and mitigation of noise effects which could be accomplished by eliminating the parking lot and marina. FOF b-162

- If the parking lot and marina are not eliminated, the report should evaluate the feasibility of limiting marina usage to minimize the impact on neighboring properties. For example, it should consider CC&Rs requiring the marina not be used before 9 a.m., and not be used after 6 pm. FOF b-163

- **Additional Questions and Comments Concerning the Report**
  - Why does the draft report not focus to a greater extent on noise impact on residential activities and campgrounds close to the project? FOF b-164
  - Why does the report consider noise levels at Stanfield Cutoff or on Big Bear Boulevard relevant to analyzing the proposed project? FOF b-165

- Why has the report not focused on the fact that the project sits directly beneath residences on Flicker Drive and that sound carries upward both during the construction period and after? FOF b-166
- Why is there so little focus on the operation of a marina, and day-to-day use of 50 residences, including musical devises, automobiles, power tools and similar measures? FOF b-167
- What justification does the report have for the addition of a marina with its accompanying noise, when there are already public launch facilities on the north shore of Big Bear Lake and significant boat storage facilities on the south shore of Big Bear Lake? FOF b-168
- Why does the report not provide for effective third party enforcement of regulations against short term rentals? FOF b-169
- Why does the report not address the impact of residential noise and marina noise on wildlife migration, foraging and perching patterns? FOF b-170
- The primary noise is developed on weekends when people come here from the city. During the week the level of noise is down significantly from weekend levels. The use of averages for noise is therefore not valid and must be recalculated. FOF b-171
- The Moon Camp EIR refers to the reduction to 50 residential lots as being wonderful. Any lots will create substantial noise. Initially there would be significant noise when the infrastructure is installed, roads, water lines, electricity and sewers. None of these are ever done at the same time; so with winter weather restrictions, these could take more than one or two years. After the infrastructure is complete and the lots are sold, how many years more will we be subjected to construction noise during build out? This proposed project threatens to raise the overall noise level for the Fawnskin area for an extended period of time and that drawn out process has not been accounted for in the calculations, nor taken into consideration in evaluating the level of impact. Please evaluate that consideration. FOF b-172
- Many statistics are included regarding noise levels, but none of them are calculated from the proper basis, which should be mid-week at the site of the proposed project. This would be a much lower basis from which to measure the difference that would be created by this proposal. The noise levels have therefore been understated from their true impact and must be recalculated to determine the true level of significance. FOF b-173
- Construction is to be allowed from 7:00 AM to 7:00 PM, Monday through Saturday. The forest and wild life are never mentioned as "Existing sensitive receptors". What impact would this construction noise have on those resources? FOF b-174
- Wouldn't 7:00 AM until 5:00 PM be sufficient for construction and on only Monday through Friday? The DEIR document states that we can keep our doors and windows closed during the noisy construction. Are we to be prisoners in our own homes? What emotional impact is there from not being able to enjoy to natural outdoors for what could be several years just to avoid the noise of the construction? Many of us like to work in our yards. Is the DEIR suggesting that everyone give up FOF b-175

yard work during this trying period in order to reduce the significance of the impacts of noise? FOF b-175

- The basis for measuring existing traffic noise is erroneous in that it measures the traffic at three very busy intersections a few miles from the actual site. The noise levels at those sites (see Table 4.6-3) have no relevance to the existing noise levels in Fawnskin and at or near the proposed project site. This basis creates a falsely elevated level for existing noise and artificially reduces the measurements of the actual increases in noise level. These calculations must be redone with a more accurate basis level. FOF b-176

- The DEIR does not discuss that the threshold for excessive noise in the Fawnskin area is much lower than most other places being measured to the County standards. Fawnskin noise levels are just above those for forest land, not for other residential areas in the county. Using county standards of residential noise levels (table 4.6-4) is insufficient and leads to artificially reduced measurements of the severity of the impacts. The noise calculations must be based on existing noise levels in this area, not on County standards which serve for urban areas. FOF b-177

- The CC&R restriction prohibited house rentals of less than 30 days is irrelevant and unenforceable. The Flicker Rd. CC&R's also have such a restriction and yet there are homes on that street that do weekend rentals and attempts to stop them have been unsuccessful. This cannot be counted as a reduction in the noise levels. FOF b-178

- The location for the dock is not relatively isolated, as the DEIR states on page 4.6-13, from the homes that currently exist along North Shore Drive, nor from the national forest just beyond that. FOF b-179

- The measurements of noise for the marina are based on boat noise on the lake, but the basis for the noise level increase would be the proximity of boats to the east Fawnskin area where very few now come. No calculations were done in the DEIR to measure the difference in noise from this perspective and the measurements of increase and impact are therefore artificially low. FOF b-180

- Noise from a marina on the east end of Fawnskin is not something that exists at present so this would be a whole new type of noise added to the ambient level. That, along with another layer of noise from people and cars in the marina parking lot when added to the new traffic and residential noise would be a substantial increase in ambient noise and even if this only existed on weekends, according to the threshold criteria would merit a finding of significance. FOF b-181

- Noise level of dBA 60 or more is INTRUSIVE, see Table 4.6.1. The large trucks and excavations of construction would be much noisier than that level and could go on for years. This is definitely a substantial temporary increase in ambient noise levels of the area and therefore merits a finding of significance. FOF b-182

- Vibration is a very technical measurement that may affect the adjacent properties. If damage does occur AND can be proven, the owner has ten years to file a claim. What measures would be taken to protect adjacent properties from this potential damage? FOF b-183

- The EIR responses to comments received from the public on the prior EIR refers to how much less noise will be generated because the project is now proposed to be 50 building lots instead of 90. Given the topography of the site, 50 are still too many to reduce the noise significantly, especially with the addition of a marina. The EIR states that only 50 lots would have a negligible impact on the ambient noise due to its low-density nature. Most of the lots adjacent to the "Existing sensitive receptors" did not reduce in size enough to have a negligible impact from the previous 90-lot proposal, so this conclusion is erroneous. FOF b-184

- Regarding the 55 capacity marina, on the significant weekends mentioned above, the noise would NOT be at acceptable levels. The EIR states that the proposed dock is relatively isolated. Noise travels across water as loudly as it is generated and does not reduce significantly over land when it is unobstructed as it is in the canyons running up Fawnskin. FOF b-185

- Mitigation Measures NOI-1,2,3,4 assumes that all contractors would maintain their equipment at the highest levels to live up to these measures. What is the inspection process that would be put in place to assure these measures are adhered to? What remedies would residents have if they were not? What agency would be enforcing these measure? FOF b-186

- The potential impacts of offsite construction noise for such things as the extensive water pipelines that could possibly be installed all through the east side of Fawnskin have not been even discussed let alone included in the measurements of noise level differences. This impact would pass the threshold of significance according to the criteria listed in the DEIR. FOF b-187

- All mitigation measures cover installation of the infrastructure. There is no mention of the noise generated from home construction, which would probably last for years. This possibility must be included in the calculations for raising the ambient noise level. FOF b-188

- The traffic mitigation is only considering daily average. This is not valid. The weekends represent the worst-case scenarios and must be used separately from weekdays to provide accurate information. The daily average on the EIR chart from the 2006 information shows 57.92 dBAs. That tells me that weekends will be well over the 60 dBA level that is considered intrusive and it is the worst case scenarios that must be used for calculated the potential increases. FOF b-189

In summary, many of the measurements in the increase of noise levels have been artificially reduced in this analysis, making it invalid in substantiating that noise increase would be less than significant. Since the previous EIR determined findings of significance and since the reductions from the smaller project have been artificially enhanced over what the actual reductions would be, a finding of significance would be a more accurate determination. FOF b-190

Public Services

County policy clearly emphasizes that all necessary infrastructure and public services must be adequate to support new subdivision proposals. This is even more imperative when there is a zoning change involved. FOF b-191

Land Use policy LU-7(g) states that:

> Areas designated for low-intensity development shall not be converted to accommodate higher intensity development until the infrastructure facilities and public services required of higher intensity development are provided or acquired by the applicant, and only if the project conforms with the overall growth management and open space policies of the County.

FOF b-191

There is substantial evidence that the proper infrastructure facilities and public services necessary to safely and reliably support the higher intensity development proposed --without adversely impacting the surrounding community-- are lacking.

- **Wildfire protection**

The San Bernardino Mountains are widely regarded as the most hazardous fire-prone area in the country. Global climate change is projected to worsen the situation. In a potential repeat scenario of the 2003 Old Fire or worse, the current population of the mountain region could not be safely evacuated during such a major disaster. Below is a February 2008 newspaper column written by former SBNF Supervisor Gene Zimmerman cautioning the County against careless land use decisions in the face of these facts. Making a major zoning change to unnecessarily increase density in a dangerous fire zone would be inconsistent with responsible public safety planning guidelines. The only valid conclusion is that adequate infrastructure and public services do not currently exist to prevent this. It is unreasonable in the face of this fact to allow unnecessary zone changes that only compound the problem.

FOF b-192

- <u>The Scope of Mountain Wildfire</u>

The Environmental Impact Report for the County's 2007 General Plan acknowledges that: "Development in high fire hazard areas will be subject to periodic wildland fires that occur in these areas." It is further recognized that "structures may be damaged or destroyed during major wildland fire conflagrations" and that "People occupying these structures during a wildland fire will also be subject to injury or death." It is noted that: "The majority of catastrophic wildland fires occur in the mountain region and impact both mountain and foothill communities."

FOF b-193

In regard to these facts, the County's EIR for the General Plan concludes that: "Despite the imposition of certain mitigation measures presented in Section 4 below, the impact cannot be fully mitigated to a level below significance." By this analysis the County itself has concluded that wildland fire hazard in the mountain area is an unavoidable significant impact. This presents a formidable overview of the issue, against which it is inconsistent for the Moon Camp DEIR to contradict and downplay the cautionary implications.

Only recently has wildfire become more accurately recognized for the extreme danger it truly is. Given the recurrence of major wildfires during the past decade, the hazard level cannot be overstated. Lives have been lost and hundreds of homes have been burned. All planning guidelines such as mountain zoning, basic land use assumptions and policies, circulation plans, and existing substandard roads all predate the present awareness that fire danger is much greater than previously believed. This creates a difficult challenge for land use planning in the mountain area, where former practices have been at cross purposes with public safety and responsible development.

FOF b-194

For this reason, it is of primary importance that a true assessment of wildfire be disclosed in every EIR for the mountain region. Otherwise this major hazard will continue to be underestimated as has occurred in the past, and the danger to public safety will become

worse rather than be lessened. It is irresponsible that the Moon Camp EIR has analyzed only the potential on-site fire incidents plus emergency medical service, while disregarding the extreme wildfire danger that faces everyone on the mountain.

FOF b-194

The EIR does not take into account that the number and density of existing structures in the mountain region are already greater than the combined firefighting capability of county, state, and federal agencies can adequately defend. The enormous losses of hundreds of structures from fires in 2003 and again in 2007 have clearly demonstrated this fact.

- Wildfire is Unpreventable as a Recurring Force in the Mountain Ecosystem

After a decade of major fires, there is no dismissing the fact that wildfire is a recurring part of the ecosystem of the San Bernardino Mountains. The mountains are effectively designed by nature to have multiple fires on an annual basis. Some pine trees will only drop their seeds when the heat of a fire opens the cones. The annual pattern of drought from May to November creates notoriously dry flammable vegetation in the arid Mediterranean climate of inland southern California. Annual summer electrical storms can ignite as many as 100 fires in a season. Steep southern slopes covered with thick chaparral provide extensive perennial fuel. Under such built-in hazardous circumstances, major fires cannot be avoided.

FOF b-195

Another unpreventable factor is the annual occurrence of severe wind conditions. In the driest season of the year, the mountain region is prone to fierce gale force winds. Hot dry Santa Ana winds often whip through the mountains at speeds up to 75 mph and more. Whenever wind and fire converge, major catastrophes become highly probable, if not inevitable. With evidence of global climate change affecting weather patterns, the frequency and intensity of extreme wildfires can be expected to increase. This fact may partly explain the unprecedented recurrence of two major mountain fires in the short four-year span between 2003 and 2007. The prospect of increased drought cycles combined with high winds greatly heightens the danger and threat of future wildfires as well as the odds of a worst-case scenario disaster.

FOF b-196

- Difficult Fire Conditions to Combat

Recognizing that major wildfires cannot be avoided as a recurring event in the mountain region, it is also important to acknowledge the extreme difficulty of fighting fires in steep rugged terrain of the mountains. Weather, access, economic fluctuations and other contingencies often hamper firefighting agencies from effectively responding to wildfire events. The wildland-urban intermix (as found in the mountain region) is the most difficult of fire conditions to combat. Although aircraft provides one of the most effective suppression weapons, this tactical option is typically grounded in conditions of high wind and at night. From year to year county, state, and federal budgets fluctuate, so that future firefighting resources cannot be predicted or depended on at the same levels over the next five to 20 years and beyond, even as severe wildfires will continue to recur. Moreover the county has no control over federal and state firefighting budgets, which are more relevant to wildfire defense than the county's own budget. This means that future public safety and fire protection capabilities are unpredictable by the county. In such an extremely volatile and hazardous region, placing more people and structures at risk is a needless compromise of public safety.

FOF b-197

The Moon Camp EIR does not fully disclose that the defense of every new project is linked to the wildfire danger of the entire mountain region, a situation where the County's

jurisdiction, responsibility and accountability are largely subordinate to other authorities. Yet these other authorities, such as the California Department of Forestry and Fire Protection (CalFire) and the federal Forest Service, are not granted any veto power over the proposed actions by the county, which significantly and negatively impact the safety, management policies, and financial resources of the state and federal jurisdictions. The County has disproportionate project approval authority without comparable accountability or responsibility for adverse consequences.

Often multiple fires occur in California or nearby states causing local firefighting agencies to be scattered and deployed away from the mountain region. In 1999 the Willow Fire expanded to a then record-breaking magnitude, partly because local forces were deployed elsewhere at the outset. Altogether the long-range capability to fight future major wildfires in the mountain region is uncertain at best, and availability of adequate services and infrastructure cannot be reliably counted on in either near- or long-term projections.

FOF b-197

The County fire agency is only one small component in the overall defense against wildfire in the mountain region. The failure to defend hundreds of existing structures in recent fires is compelling evidence that the present situation is neither safe nor secure and that the current firefighting infrastructure is inadequate to defend the existing levels of development in the mountain region. Given the inadequate capability to defend the status quo, it would be unreasonable to increase the number of structures and persons at risk. This holds true for the best of projects and even more so for one like Moon Camp, which has many problems and also requires a major zone change on top of everything else.

Members of the public, having experienced firsthand the panic, evacuation and destruction caused by multiple wildfires during the past several years will not be persuaded by false claims that these devastating and vividly experienced dangers can be sufficiently mitigated to a level of "less than significant" and routinely dismissed.

- Perspective of Retired Forest Supervisor

County public safety policies would be more effective if land use designations were not so inconsistent with fire danger and the wildland interface hazards. This is particularly true with mountain zoning, where excessive density is a critical factor in the increased hazard of the area. By the loss of hundreds of homes in 2003 and 07, it is evident that the ratio of structures to wildland in the Mountain Region already exceeds what is defensible in such an extreme example of recurring fire danger.

This point was emphasized by retired Forest Supervisor Gene Zimmerman of the San Bernardino National Forest who published an editorial in February 2008 about the increasing fire danger and cost (see copy on following page). He indicates how important it has become that local governments like the County of San Bernardino begin "to shoulder their fair share of responsibility for keeping their citizens safe." He points out: "when the next mega-fire strikes, heroic efforts will again be expected by firefighters. Can we, in good conscience, continue to ask our firefighters to defend homes built in increasingly dangerous areas?" His fundamental question comes down to "should we even be building –and rebuilding– in these high risk places?" How would the County handle the increased burden if the Federal or financially strapped state government decide to hold the County responsible for fire-fighting costs in areas where they have increased the risk with unnecessary development?

FOF b-198

RE: "DRAFT RE-CIRCULATED ENVIRONMENTAL IMPACT REPORT FOR THE MOON CAMP DEVELOPMENT PROJECT/RCK PROPERTIES INC. (SCH #2002021105)."
30 May 2010

When new development proposals are fraught with as many problems, inconsistencies with planning guidelines and incompatibilities with their surroundings as is the Moon Camp project, then the answer to that question should certainly be "no."

COMMENTARY

Sunday, February 10, 2008 • The Sacramento Bee

Fire risk needs to be factored into zoning

By Gene Zimmerman
Special to The Bee

Gov. Arnold Schwarzenegger's proposal to bolster the state's firefighting efforts by charging property owners an insurance fee is like fighting wildfire with a garden hose – it may help, but it won't put out the fire.

There is no question that California needs to reform how we pay for wildfire suppression. The cost of protecting homes near fire-prone wildlands has spiraled out of control throughout the West. It's time to look differently at wildfires that occur where forests and urban areas merge, and consider new ways to manage the ever-present risk.

Suppression costs of California's fires have more than doubled in the last decade to more than $1 billion every year. The indirect costs of these fires total many more billions – often affecting individuals, communities and businesses far removed from the fires. And even with the best efforts of the fire agencies, there continues to be tragic losses.

Now the governor is asking all property owners to pay a little more to support the state's fire department. That's reasonable, but only if those folks who choose to live in high-risk areas pay the real costs of the fire protection they receive. As new development pushes deeper into wildlands, we must take into consideration planning and zoning decisions made by local governments and make sure those governments shoulder their fair share of responsibility for keeping their citizens safe.

Cities and counties continue to approve an unprecedented amount of development where wildland and urban areas merge. And when the next mega-fire strikes, heroic efforts will again be expected of firefighters. Can we, in good conscience, continue to ask our firefighters to defend homes built in increasingly dangerous areas?

With a few exceptions, federal and state governments assume most costs to fight wildfires, which actually creates an incentive for local governments to approve homes in fire-prone wildlands. By incorporating wildfire risk into land-use planning, counties need to play a critical role in guiding new construction away from risky areas.

While some jurisdictions have aggressive building codes and enforcement, others are less stringent. Strengthening the laws related to where houses can be built, coupled with aggressive enforcement, would reduce costs and help protect homes and lives.

Fortunately, California's recent building code revisions on "ember-safe construction" are a good start, but more needs to be done.

A few Southern California counties have demonstrated that homes built to strict fire safe codes, incorporating substantial defensible space, can often withstand intense fires. But the bigger question remains; should we even be building – and rebuilding – in these high-risk places?

We cannot continue the current planning processes that allow local governments to permit building near rugged, hard to access areas and then not be responsible for the higher firefighting costs.

We can't begin to tackle the wildfire problem until we alleviate the factors that are making it worse. We will only get out of this hole if we quit digging.

Fire is a natural occurrence on our arid landscape and has been for thousands of years. The dilemma is how we plan – or fail to plan – to mitigate risks to people and property.

We need to start with where we decide to build new homes and follow the same principle as buying a home – location, location, location. We need to make sure that development incorporates enough clearance between homes and the natural fire-prone vegetation, which a wildland fire can and will burn.

Californians who get the direct benefit of state and federal fire protection need to pay their fair share and not expect other property owners to subsidize their fire protection.

And finally, we need to make local governments financially accountable for their zoning and planning decisions.

The governor's proposal is a starting point for discussion, but we need to make sure that those who benefit the most from the state's services are the ones who will pay the lion's share of the cost. It's time for our leaders to provide some leadership on this issue.

■ ■ ■

Gene Zimmerman is the retired forest supervisor of San Bernardino National Forest.

FOF b-198

- In the proposal, there are two exits for the 50 lots. In an emergency, there are about 18 homes on the east end of the development that would need to use the emergency entrance/exit. What if the Fire Dept. is tied up with a general emergency (very likely in wildfire conditions) and is not available to open the emergency, east end gate? What happens if the emergency blocks one or the other two roads that exit to North Shore Road? None of this has been taken into consideration in the DEIR in evaluating the level of significance. FOF b-199

- The project does not properly set aside the 100-foot fuel modification area. County fire overlay development code states, "Where feasible, the area hall be designated as common open space rather than private open space." Since this proposed project has sufficient space to do this, there is no justifiable reason that it is not feasible to designate the fuel modification area as common open space. FOF b-200

- As discussed on page 3 of this comment letter, as well as confirmed in the County Development code Applicable Fire Code Requirements included in Appendix F, only 1 dwelling unit per 3 acres is allowed on slopes of 30% or greater. The DEIR acknowledges that slopes go up to 40%, but does not include the required slope analysis and has not designated any lots as 3 acres. The proposed project is clearly out of compliance with County Fire code requirements. With the recent fire experiences, proposing or approving a project that does not even comply with current fire codes is irresponsible. FOF b-201

- An evacuation analysis has not been included in the DEIR to evaluate the impact on the evacuation of the area of Fawnskin. The analysis must, as a minimum, include analysis of the impacts of four additional entrances to the highway and the additional population relative to the current population of Fawnskin since there are limited exit strategies from the entire town. FOF b-202

- Page 4.7-5 discusses fire evacuation but does not mention or evaluate that in the last evacuation there was over a three hour period when no progress was made heading east due to a fire west of Fawnskin. This issue must be evaluated more thoroughly. FOF b-203

- No analysis has been provided on the potential increase in forest wildfire danger due to the addition of more house along the National Forest border. The increase in housing within the forest and especially along the boundary of the forest increases risk of wildfire. This impact on Fire danger needs to be analyzed. FOF b-204

- The EIR discusses (PS-3) that fuel modification may be greater than 100 feet in steeper areas, even up to 300 feet. There is no analysis showing that the fuel modification zone designated in the proposed project design is sufficient. Without details on this how would this mitigation be properly carried out? FOF b-205

- The mitigation (PS-4) assigning the fuel modification responsibility to the Homeowners Association has no enforceability. Without strict measures of enforcement, this mitigation does not reduce the impact. FOF b-206

- **Police services**

  - The EIR has not done any relevant analysis of the impact additional residences and population would have on police services. The Sheriff's Department already has FOF b-207

difficulty handling the needs and response times are long. Paying a few extra fees to add more load to County services and the Sheriff's Department is not sufficient mitigation to offset the impact. FOF b-207

- **General County Services**

  - In the winter, where would the plows store the snow when they clear the roads? Is the developer leaving the responsibility and cost for additional roads to plow to the County? What impact would this have on the already taxed system when large storms like the one in January of this year happen?

The public service infrastructure is already substandard in many areas and adding any additional burden to substandard services would clearly have a substantial impact. The 2010 major snow storms overwhelmed all the public service agencies. The 2003 fire evacuations did the same. Little or no mitigation has been proposed to reduce the impacts of this proposed project on public services. The potential impact remains significant. FOF b-208

Transportation, Circulation, and Parking

- The DEIR fails to analyze the fact that there is not adequate parking for the marina since there is insufficient parking for boat trailers. In addition, there is not sufficient parking for boat trailers specified within the complex on each individual lot. The DEIR's statement on page ES-9 that there is adequate parking completely ignores these facts and is therefore invalid. FOF b-209

- The additional roads and parking entrances, especially in the proposed marina area, would create congestion and safety issues that have not been addressed sufficiently by the DEIR. These entrances are in the midst of very winding roads and create hazards that even adding turn lanes cannot remedy. From the provided map, the entrance to the parking lot for the marina is just west of a sharp curve. The EIR fails entirely to analyze the increased risk of accidents along the roadway at this location. The revised EIR must provide this analysis. FOF b-210

- The DEIR uses traffic measurements for the entire valley as the existing condition from which to calculate increases due to this proposed project. Since Fawnskin traffic is much less than other areas in the valley, this is an invalid starting point that artificially lowers the increase. The significance of the impact due to an increase in traffic would therefore be much greater than has been determined by the EIR and must be reanalyzed. FOF b-211

- The Marina Point project has been completely omitted from this DEIR so no cumulative impacts of the two adjacent projects have been included in the traffic analysis. The cumulative effect of traffic from the Marina Point project together with the Moon Camp project would be significant, based on the threshold of significance criteria on page 4.8-10. FOF b-212

- The proposed County recycling center/transfer station planned for North Shore Drive just east of Division has been omitted from this DEIR and the cumulative traffic impacts of that project have not been included in the traffic analysis. The revised EIR must identify the increase in daily truck traffic from the recycling center and evaluate the cumulative effects of this project. FOF b-213

- The DEIR fails to take into account the increase in traffic and impact on parking supply that would result from the development of over 1000 (according to the County assessor's office) already approved vacant lots. FOF b-214

- The DEIR does not address the impact on parking at the Fawnskin post office. Currently all residents use this post office for mail services and parking is already constrained. The revised EIR must evaluate how the increase in patrons will affect this already deficient condition. FOF b-215

- All increases in population create an increase in the amount of supplies that local stores, gas stations and vendors require to supply needs and thus an accommodating increase in the truck traffic to bring those supplies to the community. What percentage of these increases could be attributed to this proposed development? And how much would that increase contribute to the significance level? FOF b-216

- The DEIR's traffic analysis fails to take into account the substandard roadway conditions in the project vicinity. State code requires that lanes be a minimum of 12 feet wide, and that anywhere that curves are sharp must be calculated to be wider with the width based on the radius of the curves. North Shore Drive lanes, in the middle of most of the curves are only 12 feet wide. At the same time, the County should not widen these lanes because doing so would impact aesthetic and biological resources and would result in construction-related impacts on air quality and noise. At a minimum, the analysis of the project's traffic impacts must take these substandard highway widths into account. FOF b-217

- The criteria for establishing significance on page 4.8-20 lists two criteria for significance that would make the transportation impacts significant for this project: Item c) – the four new entrances to the development and to the marina parking that would be located in the midst of or immediately after sharp curves in the highway would result in an intense change in the traffic patterns, especially on busy weekends. This impact has been downplayed or underestimated. Item f) – since no boat trailer parking is provided and since with a private launch ramp it must be assumed that many of the owners would have visitors with boat trailers, this would result in inadequate parking and thus a finding of significance. On busy weekends there are major parking problems around all of the marinas around the lake. Since the DEIR is supposed to analyze the worst-case scenarios, assume the parking lot would be over capacity. Without sufficient parking for the marina (and more parking would worsen impacts to biological resources and would increase air and noise pollution), it would be reasonable to expect cars pulling trailers to be shuttling back and forth between the homes and the marina, creating dangerous highway cross traffic. The DEIR must analyze these impacts. FOF b-218

- The DEIR must analyze the increased impacts that would accompany certain of the mitigation measures. For example, the installation of a traffic signal anywhere on the North Shore would adversely affect the character of this rural community. The fact that the traffic already cannot be improved without a signal, along with the fact that a signal would completely change the rural nature of the area says that the area infrastructure is already overloaded and demands a finding of significance for any increase in traffic. FOF b-219

- Regarding page 4.8-7 of the DEIR, how is it possible, with 50 units considered, to come to the conclusion that there might be 51 in/out trips on a weekday, with the same number of trips quoted on a Sunday? The large lot sizes and potential price of the subject parcels indicate there could easily be a larger density. Based on observations of current traffic in adjacent neighborhoods, this weekday estimate is unrealistically low. In addition, the study adds a "16% variance for summer traffic conditions", which again is greatly underestimated. Traffic patterns can change significantly (easily 100% or more) during summer weekends. The impact from that increase and the effect of the proposed project must be considered. FOF b-220

- It seems the traffic count done in 2007 was a 2 hour "peak" window as well as a 2 hour "Sun off/peak" count. At the least, a proper count should be done, specifically looking at volumes in early morning hours. No consideration has been made for traffic and noise from 3-6AM when our actual "morning commute" happens. The notion that traffic follows "city patterns" with morning and evening peak periods is inaccurate for a proper study of local conditions. FOF b-221

- The traffic conditions in the mountain area has changed dramatically in the past few years since data from a 2007 study was gathered, including a sharp increase in truck traffic. This data is insufficient to address today's conditions and impacts. The increase in traffic in general and the impact this proposed project would bring cannot be accurately measured from a count that is almost 4 years old. FOF b-222

- Sufficient analysis has not been provided by the EIR regarding the potential impacts to the aesthetics, to biological resources and to land use (in terms of changes to the character of the area and degrading of public interests) on the addition of turn lanes and major changes to North Shore drive that have been defined as mitigations for the traffic impacts. FOF b-223

- How can the proposed project have an insignificant impact, while at the same time, a pro-rated cost be established for the improvements the county deems necessary, including traffic signals at the dam and at Stanfield cutoff, as well as left turn lanes at various intersections? If this project is contributing sufficiently to traffic impacts to warrant paying for part of those very changes which would result in very significant additional impacts, then the traffic impacts from this project are significant. FOF b-224

In summary, the transportation, circulation and parking issues have been insufficiently analyzed based on old data, as well as understated and compared to the previous proposal rather than existing conditions to create a false result of below significance. This section must be reanalyzed. FOF b-225

Utilities

All the utilities in the Big Bear Valley are already severely overburdened and can no longer accommodate the current and projected population. The General Plan criteria for a zone change requires that the area have sufficient infrastructure to handle the added FOF b-226

development. With every aspect of the infrastructure already at or beyond capacity, this criteria cannot be met and the zone change cannot be granted. FOF b-226

- **Electrical Service**
  - The electrical service defined for the proposed project is very nebulous. It may be from Bear Valley Electric, but there is no assurance that they have sufficient electricity to supply this project. A generator may be placed on site to supply service. To be approved with a zoning change, the EIR must demonstrate that infrastructure services are available and that has not been done. FOF b-227
  - The option of placing a generator on the property to supply electrical service to the development has not been analyzed at all in the DEIR as to where it would be placed and what the impacts from that would be to noise, to biological resources, to air quality and to water quality. FOF b-228
- **Sewer service**
  - The study done to determine equivalent dwelling unit assignment, costs/fees and evaluate sewer service alternatives was valid for a period of one year (as per the letter in Appendix G-1) and that study was done in early 2007. It is now long out of date and invalid. FOF b-229
  - The sewer impact report states there is insignificant impact on the sewer system caused by the proposed development. However, the sewer system between Fawnskin and Stanfield Cutoff is near capacity. This area is very flat and requires pumping. In the past, there has been a problem with strong odors due to sewage backing up in the manholes. None of this has been discussed in the DEIR or taken into consideration in evaluating the significance of the impact on the sewer system. FOF b-230
- **Water**

Water availability is one of the primary prerequisites for proof that there is adequate infrastructure to accommodate a zoning change and remain in compliance with the County General Plan. The DEIR does not specify a proven, reliable source of water nor a reliable plan for water service.

  - The well test analysis in appendix G-3 has some major flaws that render the well test completely invalid. Therefore, the DEIR conclusion that sufficient water would be available to serve this proposed project cannot be drawn due to insufficient and erroneous data: FOF b-231
    - Several of the assumptions on page 7-8 that were used to establish the basis for modeling are not true:
    - *"The aquifer is considered to be homogeneous, isotropic, of infinite aerial extent, and of constant thickness throughout."* Many reports show that our valley aquifers are exactly opposite of this description. In the Moonridge area a test well drilled pumped over 100 gpm and when they drilled the actual well about 100 feet away, it pumped less than 1/4th of that, so the well could never be put into service. It cost more to maintain this well than the value of the water it provided.

- *"Water is release from (or added to) internal aquifer storage instantaneously upon change in water level."* The material throughout the valley moves the water slowly, nothing is instantaneous.

- *"No storage occurs in the semi-confining layers of leaky aquifers."* There are agency wells in the valley which depend on this being false (in VanDusen Canyon and probably other places)

FOF b-231

- *"The pumping well penetrates the entire aquifer and receives water from the entire thickness by horizontal flow."* This is very unlikely since most wells here do not and the adjacent wells certainly do not penetrate the entire aquifer and probably are only deep enough to get water, so any drawdown could impact them significantly.

- The report does not disclose where they pumped the water to. This is important because there were no large tanks on site during the test sufficient to contain the amount of water pumped out over 3 days. Where was this water pumped to? Was the water pumped only a short distance away? If so, with the high water table during the test so close to the surface, it is highly likely that the pumped water was simply recharging the well. If the water was not stored or pumped completely off-site, what guarantees are there that no recharge was occurring? What tests were done to assure that no recharge was coming from the lake?

FOF b-232

- The statement in the 2nd paragraph of page 12 and the Figure 5 confirm that recharge was most likely occurring during the test. The paragraph essentially states that the test was not run for a sufficient amount of time to fully discern the effect. The limited number of data points on the graph in the figure imply that the faster the water is pumped out of the aquifer, the more water is available in the aquifer. The only way that is possible is for the well to be receiving recharge. This would also negate another assumption, "...with no natural (or other) recharge occurring."

FOF b-233

- If the aquifer was being recharged, this test is completely invalid. If the aquifer was not being recharged, the data points on the graph in Figure 5 are insufficient to draw any valid conclusions.

FOF b-234

- Page 10 paragraph 2 describes the method of testing, but that method is clearly insufficient to prove that there would not be significant draw down over a longer period of time. The well drew down the monitoring well (900 feet away) nearly a foot in only 3 days and since the water moves slowly through the substrate, it is very likely that in only 3 days it had not fully affected the monitoring well yet. Therefore this test is insufficient and inconclusive and there is no proven water availability without potentially significant impacts.

FOF b-235

- Steve Foulkes, the President of the Board for the DWP has stated on multiple occasions during board meetings that it takes over a year and most likely longer before one can determine the effect that pumping rate has on well draw down in the aquifer. How can that be true for other wells around the valley, but not for this one? What unique characteristics of this well justify the DEIR pronouncement that this well test proves there would be insignificant draw down on nearby private wells?

FOF b-236

- The Big Bear Valley is running out of water. A review of data compiled by the Big Bear Metropolitan Water District over the past 125 years (1884 through 2009) shows a dramatic decrease in annual precipitation available for natural recharge. The annual averages are as follows:

  125 year = 3.25 inches
  60 year = 3.05 inches (93.7% of 125 year total)
  50 year = 3.07 inches (94.4% of 125 year total)
  40 year = 3.14 inches (96.7% of 125 year total)
  30 year = 2.98 inches (91.6% of 125 year total)
  20 year = 2.06 inches (63.2% of 125 year total)
  10 year = 2.66 inches (62.2% of 125 year total)

  None of this information has been disclosed in the EIR. Proper analysis of water availability including this downtrend must be included.

FOF b-237

- The likelihood of increased droughts, dry lake and decreasing aquifer water levels due to climate change is high. None of this has been analyzed or taken into account in the calculations of water availability for this project.

FOF b-238

- All three water service options described in the EIR would result in significant impacts that have not been fully disclosed:

  - All three alternatives utilize a well (FP-4) that draws from same aquifer as the Fawnskin system. There has been minimal testing on this well and none that guarantees the draw down on this aquifer would not significantly impact current Fawnskin residents.

    Alternative 1:
    - Alternative 1 requires that the entirety of Fawnskin be annexed by the City of Big Bear Lake so that water service could be provided by the City's DWP. The significance of this impact is beyond comprehension yet it has been glossed over and downplayed in the EIR. No analysis of the severe impacts in all categories that this would have on the area has been done and no mitigations offered. The impacts of Alternative 1 remain significant.
    - The Fawnskin water system is a stand-alone system and already has limited capacity for the number of residents. DWP readily admits that even a small percentage increase in the number of full time residents would be enough to create a water shortage. Plus previous Geosciences reports state that the Fawnskin sub-basin is already overdrawn. No analysis has been done to determine the impacts of this proposed project on the Fawnskin water system that includes a percentage increase in full time residents or that includes additional service being required on some number of the already existing 1076 buildable lots in Fawnskin. The impacts of Alternative 1 remain significant.

FOF b-239

    Alternative 2:
    - Alternative 2 requires that a dormant CSA district supply water to this proposed development. The analysis offers no information on how 50 homes could financially support an entire CSA district to provide that service. There is no assurances or mitigations proposed that the whole

of Fawnskin would not be required to change to having their water service be maintained by this CSA district and both the cost impact and the level of service from that could be huge. The impacts of Alternative 2 remain significant.

- This Alternative would also tie into the Fawnskin water system. If there were a tie-in, what long-term guarantees assure that water would not be drawn from the Fawnskin system if the wells on site proved either to be insufficient or if they drew down and depleted the wells of other As stated above under Alternative 1 points, the Fawnskin system is already over-burdened. The impacts of Alternative 2 remain significant.

Alternative 3:

- Alternative 3 has the system be stand-alone, but the well tests on draw down, as stated above were not run for a long enough period to generate valid results. There is still no assurance that the private wells on the east side of the proposed project would not impacted. In fact, with some draw down in the very short well test, there is more proof that those wells would be impacted. Some of those wells have gone dry several times already, one as recently as last month. The mitigations of limiting the water pumped do nothing to specify how the water would be served if over the long term it was discovered that FP-2 did draw down those wells. Nor are any remedies offered to those homeowners if that would be the situation. The idea of simply moving forward and seeing what happens leaving the existing residents as well as future residents of the proposed development in limbo in a worst-case scenario is irresponsible at best. The impacts from Alternative 3 remain significant.

FOF b-239

- There must be some potential impact from pumping water from well FP-2 as the County asked the developer to limit the pumping to 9 gallons a minute. The report indicates that well FP-4 only pumps 3.5 gallons a minute. If well FP-2 breaks down would the development have enough water? Would water be drawn from the Fawnskin system under any circumstances? What impact would all of these situations have on the residents of the development and on the residents of Fawnskin?

FOF b-240

- There are questions about storage capacity for water in alternatives 1 and 2 of the water service report. Storage capacity for the development is added but no consideration is taken of the unimproved lots between the storage facilites and the proposed subdivision.

FOF b-241

- FP-2 is very near the lake and with continuous pumping could draw into lake water. In the Geoscience report dated August 7, 2008, there is mention of pine pollen in the test results. It is possible the pollen entered from the lake water. In Geoscience's conclusions in the same report they mention there should be testing to verify their conclusion that the pine pollen did not enter from the lake water. There is nothing in the DEIR to show that this test was ever conducted. DWP Board President, Steve Foulkes, has stated at several public meetings that it is likely that the low wells near the lake in the Valley do draw water from the lake. Tests need to be conducted to show whether water is being drawn from the lake and if it is mitigation measures must be presented.

FOF b-242

- The DEIR states there was insignificant draw down from the neighboring well during the FP-2 test, but the test was run for a very short time. What impact would pumping this well steadily for a long period, such as several weeks, have on the neighboring wells? FOF b-243

- The maps showing where the water lines would run if either of the first two water service Alternatives were to be implemented. These lines seem to run through private property on the east side of Fawnskin. What easement rights have been granted to allow for this to happen? FOF b-244

Years ago, Big Bear Lake went dry on occasion and recently, Grout Bay became Grout Meadow. TV ads inform us that state water resources are at 50%. The area currently is under water-use restrictions. We won't have 'wet years' every year. So the effort, then, is to cut back – to conserve. But it is not just a concern regarding water. The economics of the time have resulted in diminished city services. Fire, police, snow removal, rubbish collection, lake services, emergency response and many more have felt the sting of a sour economy. With so many reasons against urban development, it is inconceivable to even consider such folly. FOF b-245

The impacts to all utilities remain significant. FOF b-246

Cumulative Impacts

The DEIR fails entirely to evaluate the proposed project's cumulative impacts. The mountain area of the San Bernardino National Forest and the general public has suffered enormously in prior years by the County failing to adequately take into consideration the cumulative impacts of persistent development. This has led to overdraft of water supplies in the Big Bear Basin and water shortages in the Lake Arrowhead area. Waste water treatment facilities are routinely located on pubic lands of the National Forest. Infrastructure in general is pushed to insupportable levels so that taxpayers are eventually forced to underwrite the cost of improvements necessitated by poorly planned developments, which steadily downgrade the basic quality of life of the rural setting within the National Forest. The proposed project is no exception.

Proposals such as the Moon Camp Project likely will have a significant impact in accelerating the overall conversion of the community to a primary resident population. This creates significant conflicts with prior planning assumptions, density projections and land use designations. None of this has been addressed by the County in relationship to growth inducing trends, impacts to the National Forest, carrying capacity of the mountain infrastructure, projected build-out and the previously unforeseen fire hazard crisis. In view of so many unpredictable variables and existing excessive demands on infrastructure, it is wise not to amend the General Plan in a way that would only make conditions worse. FOF b-247

We believe that the severity of adverse impacts resulting from the combined proposals of this project would be extremely detrimental to the community of Fawnskin, the Big Bear Valley, the San Bernardino National Forest and the general public. We are surprised, given the number of land use development projects on the horizon that the DEIR pays scant attention to the cumulative environmental effects of this development. Given the severe fire hazard crisis currently facing the mountain region, overdraft of water resources, insupportable infrastructure, public safety risk from limited evacuation capability and excessive fragmentation of wildlife and National Forest resources, this project should be denied sending the clear message that important public values will not be compromised for the sake of private development interests.

- The cumulative impacts chart of projects does not define the projects in a way the public can possibly know what projects are being referred to. With numerous phone calls to the County, the County surveyors' office was finally able to find definitions for some of the county projects listed, but even that office could not define 3 of them. When attempts were made to get definitions from the planning department of the City of Big Bear Lake, they had no idea which projects the list in this document was referring to. This feels like purposefully obscuring the information. FOF b-248

- Two major projects have been left out of the DEIR analysis. Such an omission is extraordinarily egregious since both projects are immediately adjacent to the Moon Camp project site. The projects they included, while adding to the significance of the impacts, are all on the other side of the Valley. The two omitted projects are:

  - Marina Point – 133 condos and a 175 boat slip public marina on 12.5 acres – this project was approved in the 1980's. When they started to build it, Friends of Fawnskin sued them on violations of CWA and ESA and won both, but eagle was de-listed and appellate court overturned CWA, so not the project can move forward if they choose. It is immediately adjacent to proposed Moon Camp on the west. (It is labeled "Marina Point" on the attached map)

  - Deer Trail – proposal for 27 homes on 30 acres has been turned in to the county (though I do not think it has been accepted yet, but it is common knowledge around the area, so I'm sure the Moon Camp owners are aware of it). It is one parcel north of Moon Camp (on the attached map, it is 30 of the 38 acres marked "Klein Prop"—8 acres were sold off separately and still remain open at the moment)

  A total of 200 new residential units would be created by these two developments. At an average of 2.3 persons per unit used in the current EIR, this translates into an additional 460 people in Fawnskin. The current population is approximately 600 people, so the cumulative impact is an *over 75% increase in the population of Fawnskin*, with the associated impacts on air quality as well as water, traffic, etc. Statements that there are no cumulative impacts from this project are misleading and erroneous. FOF b-249

The tact that has been taken in the DEIR to say for nearly every category of impact that the impacts from all the projects would be so huge that the ones from this project would be negligible is beyond misleading. It completely negates the true meaning of cumulative impacts and makes an attempt to obscure the truth and misinform the public and the officials that represent them.

A true cumulative impact analysis must be performed in each and every category of impact. The cumulative impacts must define the individual impacts of each of those projects on the individual category and discuss the total impact of the summation. For example, the cumulative impacts on the bald eagle would be the combined impacts of Marina Point, the proposed Moon Camp project and any other project in the list that had any impacts on the bald eagle.

Alternatives

Even though this re-circulated DEIR is analyzing one of the alternative proposals, to properly evaluate impacts it must note the impacts compared with existing conditions, rather than with the FOF b-250

previously proposed project as is done throughout the DEIR. This tactic appears to be a crude attempt to misinform, mislead and obscure the truth. FOF b-250

Summary and Conclusions

Moon Camp is a facet in the North Shore jewel – one square on the grid. It is most radiant in its natural state. Construction defaces the beauty of this facet in the jewel. Saturation dictates that the 'open' squares on the grid remain so – not only for the short-term enjoyment of the current population and visitors, but as a legacy for future generations to enjoy and appreciate. This is why the decision to maintain the current zoning for Moon Camp is so important. Protecting the interests of the public – both today's as well as tomorrows, is of the highest calling for government officials in the political arena. Private individual financial concerns should never be placed ahead of the public interest. Residential development is not consistent with "Scenic Highway" designation. Changing the zoning would be unconscionable. Certainly the County should not consider this Project any further in the absence of a legally adequate EIR. FOF b-251

Current housing exists for sale. Many residents are 'part-time' dwellers and/or own undeveloped lots within existing zoning. Given this excess, how could rezoning Moon Camp be considered in the public interest? On the contrary, it is squarely in the interest of the developer. The fabric of the forest is not in buildings; it is the quiet solitude of open space. Fawnskin is saturated. It needs to retain its open spaces; not absorb unsustainable development. FOF b-252

Even with so many tangible concerns not to 'over-saturate' the area with additional construction, the most important reason not to re-zone is the negative impact on the area aesthetics. The open land of the North Shore, with its proximity and availability to millions 'down the hill' is truly a jewel of southern California. There is no other place quite like it with regard to beauty, accessibility and open forestland. This area must be viewed as a California asset. FOF b-253

The proposed project requires a General Plan Amendment to offset the existing conflict and actively confer special advantages to the applicant. These special advantages can only be granted at significant expense and detriment to the public. For this reason the proposed General Plan Amendment should be denied. We strongly disagree with the analysis in the Draft EIR that changing the existing land use designation to accommodate a major development would result in a less than significant impact to the surrounding community, the San Bernardino National Forest, environmental quality, public resources, public values and public rights. FOF b-254

We appreciate the opportunity to comment on this Draft Environmental Impact Report and thank you for your consideration of our comments. FOF b-255

Sincerely,

Sandy Steers

Sandy Steers
Executive Director, Friends of Fawnskin

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Friends of Fawnskin (FOF (b))

Response to FOF (b)-1
The commenter provides introductory remarks to preface the comment letter and does not raise any issue with the EIR. No substantive response is necessary.

Response to FOF (b)-2
The RRDEIR No. 1 analyzes the Proposed Alternative Project's environmental impacts against the environmental baseline, not the impacts of the Original Proposed Project.

The commenter asserts that the RRDEIR No. 1 improperly minimizes the actual impacts to the proposed Project by comparing the impacts of the Proposed Alternative Project to those of the Original Proposed Project, not the existing environment as required by CEQA. In determining whether environmental impacts of a project are significant, an EIR is required to compare potential impacts of the Project with pre-project environmental conditions, or the "environmental baseline" (CEQA Guidelines Section 15125(a)). The environmental baseline against which the Proposed Alternative Project's potential environmental impacts are determined is the current, vacant condition of the property. Although the RRDEIR No. 1 does compare the identified impacts of the Proposed Alternative Project analyzed therein to the characteristics and impacts of the Original Proposed Project analyzed in the 2005 EIR, this comparison is in addition to the analysis included in the document analyzing the potential impacts of the Proposed Alternative Project. The RRDEIR No. 1 generally focuses on those impact areas where the 2005 EIR concluded the original Project would result in a significant impact (Biology, Aesthetics, Water Supply, Air Quality, Public Services and Utilities), as well as areas such as, Land Use, Noise and Traffic. Where changes in the existing environment (noise, traffic) or applicable law (land use) occurred since 2005, the County of San Bernardino believed it was important to include a detailed analysis to confirm that the impacts of the Proposed Alternative Project are still less than significant. Considering the Proposed Alternative Project is a variation of the reduced intensity alternative analyzed in the 2005 EIR, and considering the Proposed Alternative Project was specifically designed to reduce or eliminate specifically identified significant impacts resulting from implementation of the Original Proposed Project, County believed it was imperative that impacts to the Proposed Alternative Project be compared with those identified in the 2005 EIR to inform the reviewing public of the impact of the Proposed Alternative Project. The specific revisions to the Project design embodied in the Proposed Alternative Project directly result in a finding less than significant impact for several of the impact areas, including aesthetics, water supply, public utilities, and air quality. However, for each of those impact areas the RRDEIR No. 1 expressly provides an analysis of the potential impacts of the Proposed Alternative Project against the existing environmental baseline.

Response to FOF (b)-3
The RRDEIR No. 1 does relate impacts compared with the current site as well as compared with the Original Proposed Project (92 lots). The findings of less than significant throughout the RRDEIR No. 1 are made related to the current status of the site. The commenter asserts that the RRDEIR No. 1 improperly minimizes the actual impacts to the proposed Project by comparing the impacts of the Proposed Alternative Project to those of the Original Proposed Project, not the existing environment as required by CEQA. In determining whether environmental impacts of a project are significant, an EIR is required to compare potential impacts of the Project with pre-project environmental

conditions, or the "environmental baseline" (CEQA Guidelines Section 15125(a)). The environmental baseline against which the Proposed Alternative Project's potential environmental impacts are determined is the current, vacant condition of the property. Although the RRDEIR No. 1 does compare the identified impacts of the Proposed Alternative Project analyzed therein to the characteristics and impacts of the Original Proposed Project analyzed in the 2005 EIR, this comparison is in addition to the analysis included in the document analyzing the potential impacts of the Proposed Alternative Project. The RRDEIR No. 1 generally focuses on those impact areas where the 2005 EIR concluded the original Project would result in a significant impact (Biology, Aesthetics, Water Supply, Air Quality, Public Services and Utilities), as well as areas such as, Land Use, Noise and Traffic. Where changes in the existing environment (noise, traffic) or applicable law (land use) occurred since 2005, the County of San Bernardino believed it was important to include a detailed analysis to confirm that the impacts of the Proposed Alternative Project are still less than significant. Considering the Proposed Alternative Project is a variation of the reduced intensity alternative analyzed in the 2005 EIR, and considering the Proposed Alternative Project was specifically designed to reduce or eliminate specifically identified significant impacts resulting from implementation of the Original Proposed Project, County believed it was imperative that impacts to the Proposed Alternative Project be compared with those identified in the 2005 EIR to inform the reviewing public of the impact of the Proposed Alternative Project. The specific revisions to the Project design embodied in the Proposed Alternative Project directly result in a finding less than significant impact for several of the impact areas, including aesthetics, water supply, public utilities, and air quality. However, for each of those impact areas the RRDEIR No. 1 expressly provides an analysis of the potential impacts of the Proposed Alternative Project against the existing environmental baseline.

Further, according to subdivision (a) of Section 15125 of CEQA Guidelines, an EIR must include a description of the existing physical environmental condition in the vicinity of the Project as they exist at the time when the Notice of Preparation (NOP) is published. This "environmental setting" will normally constitute the "baseline condition" against which project-related impacts are compared. Therefore, the baseline conditions for this EIR, is based on existing conditions. While the commenter correctly notes that the Project is compared, at times, to the previously proposed project, the purpose of that evaluation is to better inform the public and the reader of the extent of the revised Project. It is simply inaccurate to conclude that environmental impacts were not evaluated against the existing conditions at the time when the NOP was published. Each environmental impact area was evaluated against the existing condition, not the previously proposed project. Notably, this comment is not sufficiently specific so that the agency has the opportunity to evaluate and adequately respond. The comment is of a global nature and no specific section or example if offered. Nevertheless, the agency did evaluate whether the proper baseline was utilized and concluded it was for all environmental impact areas

Response to FOF (b)-4

A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. All mitigation measures for the project meet this standard. A broad statement that "mitigation proposed throughout the RRDEIR No. 1 are 'paper' mitigations" is not sufficiently specific so that the agency has the opportunity to evaluate and adequately respond. However, comments with specific examples of concern are provided below.

The Eagle Point Estates was a different developer, same landowner. In addition, the Eagle Point Tennis Courts were designed between perch trees and no trees were lost. The City approved the design and construction and was the responsible agency for the Eagle Point EIR and mitigation measures. All the perch trees that existed before the tennis courts are still alive and well. The "replacement perches" were artificial perches and were voluntarily installed to prove the concept. They were not required mitigations by the EIR/Tract approval. Unlike the vast majority of Conditions, Covenants, and Restrictions (CC&Rs), the mandated CC&Rs are fully enforceable by several entities, including San Bernardino County. Given that the CC&Rs are a mitigation measure, they cannot simply expire or be canceled. Moreover, the restrictions to be included in the CC&Rs are not the sole mechanism to mitigate impacts. While the comment generally discusses the efficacy of CC&Rs, no specific comment is made with regard to any specific mitigation measure or how the CC&Rs will be ineffective. Instead, a general comment is made that enforcement of other CC&Rs have been problematic. Such a comment is not sufficiently specific so that the agency has the opportunity to evaluate and adequately respond.

Response to FOF (b)-5
The FOF comment letter was received during the RRDEIR No. 1 45-day public review period. However, the RRDEIR No. 1 Biological Resources Section was recirculated in the 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document (which includes Sierra Club comments 1 through 23).

Response to FOF (b)-6
An active HOA will assure that all new homeowners/resale homeowners receive all the flyers and copies of the Mitigation Measures they are required to adhere to. These are mitigation measures that are used in connection with various other CEQA documents across the mountain and county.

Response to FOF (b)-7
The commenter argues that the EIR makes comparisons with laws in effect for both previous and current General Plan, whichever is in the best interest of the Developer. This comment misstates the analysis included in the RRDEIR No. 1. The RRDEIR No. 1 analyzed the revised Project's consistency with the 2007 General Plan and Development Code and not the General Plan and Development Code in existence prior to 2007. The RRDEIR No. 1 acknowledges that pursuant to County Development Code Section 81.01.090, Land Use Applications are to be processed pursuant to the provisions of the General Plan and Development Code in effect at the time the application was deemed complete (RRDEIR No. 1, at page 4.5-2). Because the County of San Bernardino accepted the Moon Camp application as complete prior to April 12, 2007 (the date of the adoption of the current General Plan), County Development Code Section 81.01.090 directs the County to consider the application under the prior version of the General Plan and Development Code. However, the RRDEIR No. 1 goes on to acknowledge that CEQA requires a lead agency to analyze whether a project is consistent with existing zoning, plans, or other applicable land use controls (RRDEIR No. 1, at page 4.5-2). Accordingly, the RRDEIR No. 1 analyzes whether the proposed Project is consistent with the existing General Plan and Development Code, not the prior version of the General Plan and Development Code in existence at the time the application was submitted. Therefore, the RRDEIR

No. 1 does not improperly analyze the Project's consistency with the County General Plan and Development Code.

Response to FOF (b)-8

As noted in RRDEIR No. 1, Section 1.3.3 (pages 1 through 4), the comments provided during the public scoping process going as far back as 2002 were addressed. As such, the RRDEIR No. 1 adequately addresses all the issues that were presented in the public scoping sessions.

Response to FOF (b)-9 and -10

A slope density legend is provided below, showing a 0 percent to 40 percent slope and the Project's compliance with USFS slope density requirements for total area, percentage of total area, maximum allowed density and total units allowed on-site.

SLOPE DENSITY LEGEND

SLOPE CATEGORY	AREA		PERCENT OF TOTAL AREA	MAXIMUM ALLOWED DENSITY	UNITS ALLOWED
0% – LESS THAN 15%	860,520 SF.	19.75 AC.	31.62%	4.0 DWELLING UNITS/ACRE	79 UNITS
15% – LESS THAN 30%	1,325,708 SF.	30.43 AC.	48.72%	2.0 DWELLING UNITS/ACRE	60 UNITS
30% – LESS THAN 40%	441,509 SF.	10.14 AC.	16.23%	1.0 DWELLING UNITS/3 ACRES	3 UNITS
40% OR GREATER	93,143 SF.	2.14 AC.	3.43%	1.0 DWELLING UNITS/10 ACRES	0 UNITS
TOTAL SITE AREA	2,720,880 SF.	62.46 AC.	100.00%	TOTAL DWELLING UNITS ALLOWED:	142 UNITS

Response to FOF (b)-11

The FOF comment letter was received during the RRDEIR No. 1 45-day public review period. However, the RRDEIR No. 1 Biological Resources Section was recirculated in the 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to FOF (b)-12

Surrounding property land use percentages include the following: 42 percent residential, 26 percent lakefront, and 32 percent USFS lands. In addition, the Tentative Tract Map has been designed as an extension of the existing land use pattern (i.e., neighboring single-family residential uses), but with much less density (minimum 7,200 square feet for neighboring lots and minimum 20,000 square feet for the Project). The Project offers a cohesively planned development, which would be subject to compliance with the County of San Bernardino's administrative design guidelines and development standards specific to the BV/RS-20M District. The minimum lot size in the Project is 20,000 square feet; however, all of the proposed residential lots are at least 0.5 acre in size, with the average lot size of 0.90 acre, and 12 lots are over 1 acre in size.

Response to FOF (b)-13

The small, westernmost drainage is an on-site drainage area and was determined not to meet jurisdictional requirements (see Appendix C of the RRDEIR No. 1). FCS biologist Dennis Peterson visited the site on May 18, 2018, to verify and confirm that the jurisdictional delineation boundaries

have not changed. Please see Appendix E of this 2020 Final EIR for the memorandum dated May 28, 2018, describing the site conditions during the jurisdictional delineation confirmation visit.

Response to FOF (b)-14
The proposed launch ramp has been removed from the Project by the developer. No additional response is necessary.

Response to FOF (b)-15
Installation of off-site water lines will be located within existing public streets and will be constructed in accordance with County of San Bernardino Code requirements. All referenced impacts are temporary and considered less than significant upon consistency with County Code requirements. In addition, the RRDEIR No. 1 provides mitigation measures (A-1a, A-1b, AQ-1, AQ-2, and NOI-1 through NOI-4) to further reduce referenced temporary impacts to a level of less than significant.

Response to FOF (b)-16
The commenter notes a typographical error in RRDEIR No. 1 regarding project commencement date. This comment does not raise an issue regarding the adequacy of the EIR and, therefore, no substantive response is necessary.

Response to FOF (b)-17 and -18
As outlined within Section 2, Project Description, of the RRDEIR No. 1, the Project will have a minimum lot size of 0.5 acre and an average lot size is 0.9 acre. Ultimately, as previously stated, the Tentative Tract Map has been designed as an extension of the existing land use pattern (i.e., neighboring single-family residential uses), but with much less density (minimum 7,200 square feet for neighboring lots and minimum 20,000 square feet for the Project). The Project offers a cohesively planned development, which would be subject to compliance with the County of San Bernardino's administrative design guidelines and development standards specific to the BV/RS-20M District. The minimum lot size in the Project is 20,000 square feet; however, all of the proposed residential lots are at least 0.5 acre in size, with the average lot size of 0.90 acre, and 12 lots are over 1 acre in size.

In addition, the views in the Original Proposed Project (2005 EIR) were significantly disrupted by the introduction of 31 residences to the lakefront and along the highway. These residences were highly visible from the lake, from the road, and in the viewshed of existing residences situated above. In contrast, the revised Project has eliminated the lakeshore residences and a number of lots on the north side of the highway by the introduction of 6.2 acres of open space conservation easements and a minimum lot size of 0.5 acre. Another major difference between the Original Proposed Project and the revised Project is the removal of the highway realignment segment of the Original Proposed Project. The realignment would have dramatically affected the aesthetics, both by destroying the rural, undulating character of the scenic highway and by removal of significantly more trees to achieve the objective. Over 600 trees were spared with the elimination of the realignment feature.

Further, Section 4.1, Aesthetics, of the RRDEIR No. 1, provides mitigation measures for short-term and long-term impacts upon development of the Project (i.e., A-1a, A-1b, A2a through A-2e, A-3a, A-3b and A-4a through A-4f [page 4.1-8 through 4.1-10]). Although the Project will permanently alter the aesthetics of the area near the Lake and the scenic highway from natural open space to low-density residential use. While some impact is unavoidable, implementation of mitigation measures along with

standard conditions and CC&Rs will assist in blending this new neighborhood into the overall general character of the Fawnskin Community and reduce overall impacts to less than significant.

Response to FOF (b)-19

The commenter states a quick survey was conducted regarding proposed homes disturbing the lake view; however, no such survey was provided as part of the comment letter. Without reviewing the referenced survey, it is not possible to provide a constructive response to the comment provided. However, as outlined within Section 4.1, Aesthetics, of the RRDEIR No. 1, the revised Project differs substantially from the Original Proposed Project (2005 EIR) in the way it affects both the short range views and the long range views. The views in the Original Proposed Project were significantly disrupted by the introduction of 31 residences to the lakefront and along the highway. These residences were highly visible from the Lake, from the road, and in the viewshed of existing residences situated above. In contrast, the 2010-revised Project has eliminated the lakeshore residences and a number of lots on the north side of the highway by the introduction of almost 6 acres of open space conservation easements and a minimum lot size of 0.5 acre. Another major difference between the Original Proposed Project and the Proposed Alternative Project is the removal of the highway realignment segment of the Original Proposed Project. The realignment would have dramatically affected the aesthetics, both by destroying the rural, undulating character of the scenic highway and by removal of significantly more trees to achieve the objective. Over 600 trees were spared with the elimination of the realignment feature.

Further, Section 4.1, Aesthetics, of the RRDEIR No. 1, provides mitigation measures for short-term and long-term impacts upon development of the Project (Mitigation Measures A-1a, A-1b, A2a through A-2e, A-3a, A-3b, and A-4a through A-4f [page 4.1-8 through 4.1-10]). The Project will alter the views of the Project site from the Lake and Highway. While some impact is unavoidable, implementation of mitigation measures along with standard conditions and CC&Rs will assist in blending this new neighborhood into the overall general character of the Fawnskin Community and reduce overall impacts to less than significant.

Response to FOF (b)-20

The commenter re-emphasizes the revised Project's potential impacts on scenic views.

Please see Response to FOF (b) 17 and 18.

Response to FOF (b)-21

The commenter re-emphasizes the revised Project's potential impacts on scenic views and absence of building size and height regulation.

Please see Response to FOF (b)-17 and -18. In addition, the County of San Bernardino Municipal Code provides maximum height and floor area ratio for buildings located within the BV/RS-20M District. The Proposed Alternative Project offers a cohesively planned development, which would be subject to compliance with the County's administrative design guidelines and development standards specific to the BV/RS-20M District.

Response to FOF (b)-22
The Big Bear Municipal Water District regulates Big Bear Lake and its docks. The District allows docks to be "wintered" in sheltered coves pursuant to existing regulations.

Response to FOF (b)-23
The commenter states that there is no enforcement procedures regarding long-term light and glare. Long-term light and glare enforcement procedures are included within the below mitigation measures, located within Section 4.1, Aesthetics, Light and Glare of the RRDEIR No. 1, which include stricter control of light sources than provided by County of San Bernardino ordinances. To minimize light pollution, lighting in the project area will be directed downward, be fully shielded and will be the minimum amount necessary for safe operations. The following mitigation measures were developed in the December 2005 Final EIR and are included and modified as a result of the reduced density and redesign of the Proposed Alternative Project:

Long-Term Aesthetic Impact Mitigation

- **A-2a:** All homes shall provide a two-car garage with automatic garage doors.
- **A-2b:** New development shall be subordinate to the natural setting and minimize reflective surfaces. Building materials including siding and roof materials shall be selected to blend in hue and brightness with the surroundings. Colors shall be earth tones: shades of grays, tans, browns, greens, and pale yellows; and shall be consistent with the mountain character of the area.
- **A-2c:** Outside parking/storage areas associated with the boat dock activities shall be screened from view by the placement of landscaping and plantings which are compatible with the local environment and, where practicable, are capable of surviving with a minimum of maintenance and supplemental water.
- **A-2d:** Construction plans for each individual lot shall include the identification and placement of vegetation with the mature height of trees listed. Landscaping and plantings should not obstruct significant views, within or outside of the project, either when installed or when they reach maturity. The removal of existing vegetation shall not be required to create views.
- **A-2e:** A Note shall be placed on the Composite Development Plan stating that during construction plans review and prior to issuance of building permits for each lot, the building inspector shall refer to the Mitigation Monitoring and Compliance Program regarding these aesthetic impact mitigation measures. The building inspector shall coordinate with the Advance Planning Division the review and approval of building plans in relation to these aesthetic impact mitigation measures, prior to approval and issuance of building permits.

Long-Term Scenic Highway Impact Mitigation

- **A-3a:** Any entry sign for the development shall be a monument style sign compatible with the mountain character, preferably, rock or rock appearance.
- **A-3b:** Prior to recordation of the tract map (and/or any ground disturbance, whichever occurs first), landscaping or revegetation plans for lettered lots shall be submitted to and approved by the San Bernardino County Planning Department.

Long-Term Light and Glare Impacts

- **A-4a:** All exterior lighting shall be designed and located as to avoid intrusive effects on adjacent residential properties and undeveloped areas adjacent to the Project site. Low-intensity street lighting and low-intensity exterior lighting shall be used throughout the development to the extent feasible. Lighting fixtures shall use shielding, if necessary to prevent spill lighting on adjacent off-site uses.
- **A-4b:** Lighting used for various components of the development plan shall be reviewed for light intensity levels, fixture height, fixture location and design by an independent engineer, and reviewed and approved by the County Building and Safety Division to ensure that light emitted from the Project does not intrude onto adjacent residential properties.
- **A-4c:** The Project shall use minimally reflective glass. All other materials used on exterior buildings and structures shall be selected with attention to minimizing reflective glare.
- **A-4d:** Vegetated buffers shall be used along SR-38 to reduce light intrusion on residential development and on forested areas located adjacent to the Project site. The vegetation buffers shall be reflected on the master landscape plan submitted to and approved by the County Land Use Services Department prior to the issuance of the first grading permit.
- **A-4e:** All outdoor light fixtures shall be cutoff luminaries and only high- or low-pressure sodium lamps shall be used.
- **A-4f:** Mitigation Measures A-4a thru 4e shall be included within the Conditions, Covenants, and Restrictions (CC&Rs) of the Home Owner's Association (HOA).

The County will adopt a Mitigation Monitoring and Reporting Program that will provide enforcement mechanisms to ensure all applicable mitigation measures are implemented and monitored as part of Project development. Therefore, implementation of the above mitigation measures, along with standard conditions and CC&Rs, will assist in blending the Project into the overall general character of the Fawnskin Community and reduce overall impacts to less than significant.

Response to FOF (b)-24
All utility lines developed and installed to serve the Project will be placed underground.

Response to FOF (b)-25
The commenter states Exhibit 4.1-4 and 4.1-6 underestimate the obstructed marina's views due to non-inclusion of boats, boat trailers, and cars. No launch ramp or boat trailer parking will occur at the marina. In addition, the marina parking is for day use only and not for trailers. Further, Exhibits 4.1-4 and 4.1-6 are provided as visual resources for the natural and cultural features of the environment that can be seen by the public, and influence the aesthetic appeal an area may have for viewers. The overall objective of Section 4.1, Aesthetics, Light and Glare, is to describe existing landscape and visual resource conditions at the affected portions of the Project site and surrounding vicinity and to identify the impacts that could result from the implementation of the Proposed Alternative Project. Section 4.1 takes into consideration all potentially affected areas (including views from the shoreline to the National Forest) and mitigates those potential impacts to a level of less than significant.

Response to FOF (b)-26
The commenter opines that the landscape buffer will take decades to grow and that the EIR does not consider this impact. Implementation of the landscaping within the Project site will not take decades to grow. As outlined within Section 4.1 of the RRDEIR No. 1, the intention of the landscape buffer is to be minimally obtrusive even in the closer views. Landscaping and plantings will not obstruct significant views, either when installed or when they reach maturity. The landscape buffer, coupled with the reduction of the overall density of the lots, helps blend the sparse development into the trees and natural landscape. In addition, the vegetation buffers shall be reflected on the master landscape plan submitted to and approved by the County of San Bernardino Land Use Services Department prior to the issuance of the first grading permit.

Response to FOF (b)-27
Please see Response to FOF (b)-25.

Response to FOF (b)-28
No streetlights are proposed or required. The only outdoor lighting is within the 50 lots, which are spread out over 62 acres, 1.25 acres per lot. Significantly, these would be less dense than the surrounding residential areas. Moreover, project development and design will have to comply with County lighting requirements to minimize impacts to night skies and surrounding residential uses. The Project will also be required to implement Mitigation Measures A-4a through A-4f (RRDEIR No. 1, page 4.1-9, and 4.1-10) to reduce light and glare impacts to less than significant levels.

Response to FOF (b)-29
No lakefront lots are included in the Project. This completely maintains the entire lake view and views of the southerly ridgeline. The lake views are the most scenic views within the entire Project area.

Response to FOF (b)-30
Approximately 10.0 percent (6.4 acres) of the entire Project (62.43 acres) is natural open space that is visible from the scenic highway.

Response to FOF (b)-31 and -32
The overall density of the Project is one lot per 1.25 acres. No lakefront homes are to be built. This is much less dense than the entire Fawnskin area it adjoins and this low-density provides a natural, open aesthetic for this area of the North Shore.

Response to FOF (b)-33 and -34
The commenter states implementation of the Project (new construction) will be a blight to the marina and the scenic byway corridor. Please see Response to FOF (b)-15.

Response to FOF (b)-35
As part of the Standard Conditions and Uniform Code, as outlined within Section 4.1 of the RRDEIR No. 1, the Project shall be designed to blend into the natural landscape and maximize visual attributes of the natural vegetation and terrain. Project design should also provide for the maintenance of a natural open space, which should be visible from the right-of-way. No additional response is necessary.

Response to FOF (b)-36
The commenter states the current zoning of the site is intended to preserve the aesthetic resources of the area. Please see Response to SM&W-1.

Response to FOF (b)-37
No streetlights are proposed or required in connection with project development. No additional response is necessary.

Response to FOF (b)-38
The marina parking is for day use only and the launch ramp has been eliminated as a project component. Therefore, it is highly unlikely that there would be any trailer parking in the marina parking lot. Determining where and how many boat trailers will park in and near the Project site is speculative at this point.

Response to FOF (b)-39
There will be CC&Rs and deed restrictions prohibiting short term rentals. These provisions will be enforced by the HOA.

Response to FOF (b)-40
There will be CC&Rs and deed restrictions prohibiting owners from cutting trees down that are marked and designated as a preserved resource. These provisions will be enforced by the HOA.

Response to FOF (b)-41
The developer has withdrawn his proposal to construct a launch ramp. The Project will not include any launch ramps.

Response to FOF (b)-42
The commenter states the Project is contrary to the General Plan's Scenic Highway Overlay. As outlined within Section 4.1 of the RRDEIR No. 1, the San Bernardino County General Plan lists several Goals, Policies, and Actions related to the Aesthetics for this Project and they will be incorporated into the development plan for this Project. The February 2007 Final Program EIR states that:

> Many of the vistas that have been deemed as 'scenic' are located along roadways, especially throughout the Mountain and Desert regions. To ensure the quality and character of these locations are not compromised through obtrusive development, improvements of any kind are subject to additional land use and aesthetic controls outlined under the County's Scenic Highway Overlay.

These controls include, but are not limited to, the following:

- Review of proposed development along scenic highways to ensure preservation of scenic values for the traveling public and those seeking a recreational driving experience.
- Expanding the established right-of-way of a designated Scenic Corridor to extend 200 feet to either side, measured from the outside edge of the right-of-way.
- Development along these corridors will be required to demonstrate through visual analysis that proposed improvements are compatible with the scenic qualities present.

- More restrictive sign ordinance standards regarding visual quality and size will be imposed.
- New development will be required to provide ample recreation and scenic opportunities along Scenic Corridors.
- Development will be restricted along prominent ridgelines and hilltops.
- Site plans will be reviewed to determine that specific architectural design, landscaping and grading are done to prevent obstruction of scenic views and to blend with surrounding landscape.
- Off-site advertising signs (i.e., billboards) will be prohibited within and adjacent to all scenic corridors.

Implementation of all recommended mitigation measures (A-1a, A-1b, A2a through A-2e, A-3a, A-3b, and A-4a through A-4f [page 4.1-8 through 4.1-10]) will provide consistency with the County of San Bernardino's Scenic Highway Overlay.

Response to FOF (b)-43
The commenter states that there is no mitigation measure to enforce cars to park within the two-car garage. The CC&Rs will include the requirement that cars park within the two-garage.

Response to FOF (b)-44 and b-45
The commenter states that Mitigation Measures A-2a, A-2c, A-2d, and A-2e have no practical way of being enforceable. County of San Bernardino acknowledges its obligation under CEQA. County will adopt a Mitigation Monitoring and Reporting Program, which will provide enforcement mechanisms to ensure all applicable mitigation measures are implemented and monitored as part of Project development.

Response to FOF (b)-46
The commenter states that open space/preserved lots A through D will be impacted from implementation of landscape. The FOF comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within the 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Notwithstanding, as indicated within the RRDEIR No. 2, the Mitigation Measures BR-1a through BR-1d (page 2-57) are proposed to reduce impacts to open space/preserved lots A through H to a level of less than significant. No addition response is necessary.

Please note, Mitigation Measures BR-1a through BR-1c will be modified to the following to further clarify its intent using a strike-out/underline revision format. Please refer to the Errata section of this FEIR document for more information:

MM BR-1a Prior to the initiation of clearing or grading activities on the Project site, a conservation easement shall be placed upon the 10-acre Dixie Lee Lane property. The conservation easement shall be in favor of a ~~qualified~~ California Department of

Fish and Wildlife approved conservation entity and shall be recorded in the San Bernardino County Recorder's Office. The easement shall provide for the continued protection and preservation of the property through development of a Long-Term Management Plan (LTMP). The LTMP shall provide for the preservation, restoration, and enforcement of the Conservation Areas so that each area is maintained, and restored where needed, to its natural condition. The LTMP will also include documentation of baseline conditions, any needed site preparation, anticipated restoration/enhancement activities, a biological monitoring program, the creation of a set of success criteria for managing the site, anticipated maintenance activities, an annual reporting process, and a set of contingency or adaptive management measures to be implemented in case success criteria are not being met; to ensure that the implementation of the LTMP is fully funded, a Property Action Report (PAR) will be prepared that will document costs for site security, maintenance activities, site preparation, restoration/enhancements activities, biological monitoring, contingency measure and annual reporting. The costs identified in the PAR will be used to develop a non-wasting endowment that will ensure all costs will be available to establish the site, conduct any needed restoration and enhancements, and to fund reoccurring annual cost needed to manage the site in perpetuity. The easement shall, at a minimum, restrict all use of the property that has the potential to impact the quality of pebble plain soils and other valuable biological habitat, including the occurrences of the Federally Threatened ashy-grey Indian paintbrush. The property shall be fenced and signs shall be placed on the fencing indicating the sensitive nature of the property habitat and warning that any entry would be prosecuted as a trespass. ~~Project proponent shall also create a perpetual, non-wasting endowment for the management and preservation of the mitigation property. The management entity will be approved by the CDFG.~~

MM BR-1b Prior to the initiation of clearing or grading activities on the Project site, the ~~5.38~~9.1-acre on-site conservation easements ~~(including Lot-A and Lot-H)~~covering Lots A, B, C, D, and H shall be established. The conservation easement shall be in favor of a California Department of Fish and Wildlife approved qualified conservation entity and shall be recorded in the San Bernardino County Recorder's Office. The easement shall provide for the continued protection and preservation of the American Bald Eagle and Rare Plant habitat through development of a Long-Term Management Plan (LTMP). The LTMP shall provide for the preservation, restoration, and enforcement of the Conservation Areas so that each area is maintained, and restored where needed, to its natural condition. The LTMP will also include documentation of baseline conditions, any needed site preparation, anticipated restoration/enhancement activities, a biological monitoring program, the creation of a set of success criteria for managing the site, anticipated maintenance activities, an annual reporting process, and a set of contingency or adaptive management measures to be implemented in case success criteria are not being met; to ensure that the implementation of the LTMP is fully funded, a PAR will be prepared that will document costs for site security, maintenance activities, site preparation,

restoration/enhancements activities, biological monitoring, contingency measure and annual reporting. The costs identified in the PAR will be used to develop a non-wasting endowment that will ensure all costs will be available to establish the site, conduct any needed restoration and enhancements, and to fund reoccurring annual cost needed to manage the site in perpetuity. The easement shall, at a minimum, restrict all use of the property that has the potential to impact Bald Eagle perch trees, the quality of ~~pebble plain soils and other~~ valuable biological habitat, including the occurrences of the Federally Threatened ashy-grey Indian paintbrush. The property shall be fenced and signs shall be placed on the fencing indicating the sensitive nature of the property habitat and warning that any entry would be prosecuted as a trespass. ~~The easement shall provide for the continued protection and preservation of the property. The easement shall, at a minimum, restrict all use of the property that has the potential to impact the occurrences of the Federally Threatened ashy-grey Indian paintbrush. Project proponent shall also create a perpetual, non-wasting endowment for the management and preservation of the mitigation property. The management entity will be approved by the CDFG.~~

MM BR-1c The Project Applicant shall take the following actions to further ensure the permanent preservation of the Conservation Areas ~~(Lot A and Lot H)~~:

- Except for access by residents to Lot B & C between April 1 and December 1, ~~R~~restrict access by pedestrians and motor vehicles to the Conservation Areas. The Conservation Areas shall be secured through installation of fencing or other barriers to prevent access to Conservation Areas. Barriers shall be installed prior to commencement of any construction activities on-site. The Project Applicant shall also include provisions in the CC&Rs for the Project instituting penalties to residents who violate the restrictions and cause any damage to the protected plant habitat and Bald Eagle perch trees.
- Include enforcement provisions in the CCR's ~~allowing~~ requiring the Homeowner's Association, individual resident within the Project, the Conservation Entity, and/or County of San Bernardino to enforce any violation of the provisions intended for the protection of sensitive plant species located within Lot A and Lot H.
- Install appropriate signage identifying Conservation Areas and the sensitive nature of such areas on the Project site and that access is prohibited. The Conservation Areas shall be monitored on a regular basis by the Conservation Entity.
- Prohibit use of invasive plant species in landscaping. Each lot owner shall be given a list of prohibited invasive plant species upon purchase of lot with the parcel. Landscape plans for individual parcels shall be approved by the County prior to development to ensure no inappropriate plant material is incorporated into the design of any individual lot or common area which may compromise the quality of the Conservation Areas.
- Development may not change the natural hydrologic conditions of the Conservation Areas. All grading plans shall be reviewed by the County to ensure hydrologic conditions of the conservation lands are not adversely changed by development.

- The Project Applicant or ~~a~~Appointed ~~c~~Conservation ~~e~~Entity shall monitor Conservation Areas on a periodic basis to ensure invasive, non-native species are not present. All non-nature invasive plant species shall be removed from Conservation Areas.
- Fuel modification zones and programs shall not be implemented in Lots A and H.
- The Conservation Entity shall prepare an annual biological monitoring report identifying the current status of the rare plant species and any necessary actions to further enhance and protect the habitat.
- The Conservation Entity shall conduct routine monitoring of rare plant resources on Lot A and H. The occurrence of non-native species outbreaks, or other examples of ecological disturbance as a result of indirect impacts of development in and around Lots A and H shall be reported in the annual biological monitoring reports and remedial action shall be recommended and implemented by the Conservation Entity.

MM BR-1d Construction to the rear portions of Lots 47, 48, 49, and 50 shall be restricted by means of building envelopes or building setback lines to prevent construction in the occupied ashy-grey Indian paintbrush habitat, wherever feasible.

Response to FOF (b)-47
The commenter states an analysis should be required for consistency with County of San Bernardino dark sky ordinance. Please see Response to FOF (b)-23. In addition, the Project is conditioned to comply with County Code Section 83.07.040, Glare and Outdoor Lighting—Mountain and Desert Regions.

Response to FOF (b)-48
The commenter identifies a typo: this is intended to be “A 4f “ not “A 4r.” Please see Response to FOF (b)-4.

Response to FOF (b)-49
The commenter provides a general statement that does not raise an issue regarding the adequacy of the EIR.

Response to FOF (b)-50
CSA 53C will not be the water supplier for the Project. As the commenter notes, CSA 53C does not currently maintain and operate potable water facilities in the Fawnskin area. Because of the impracticability of having CSA 53C provide water to the Project, CSA 53C and Big Bear Department of Water and Power entered into an Outside Service Agreement for Potable Water Service dated November 17, 2015, whereby the Department of Water and Power has agreed to provide water service to the Project site.

Response to FOF (b)-51
The commenter questions the use of fireplaces within the Project. Mitigation Measure AQ-3 (RRDEIR No.1, page 4.2-38), in particular, prohibits open-hearth fireplaces and permits only EPA Phase II certified fireplaces and wood stoves, pellet stoves, and natural gas fireplaces. The use of certified fireplaces and stoves will significantly increase the heating efficiency of fireplaces and reduce the

amount of smoke particles and toxics emitted into the air compare to an ordinary open-hearth fireplace present in many homes in the neighboring area. See Response to Pitts 12 for additional related information.

Response to FOF (b)-52
The commenter questions enforcement measures on Mitigation Measure AQ-3 (RRDEIR No.1, page 4.2-38). Please see Response to Pitts 2.

Response to FOF (b)-53
The commenters question the use of flyers and enforcement. Please see Response to Pitts 14.

Response to FOF (b)-54
The commenter questions the baseline used within the air quality and related EIR analysis. Please see Response to FOF (b)-2

Response to FOF (b)-55
The commenter states that mitigation measures within the Air Quality Section are essentially toothless. Please see Response to Pitts 10.

Response to FOF (b)-56
The commenter questions the use of fireplaces within the Project. Please see Response to FOF (b)-51.

Response to FOF (b)-57
The generator mentioned on page ES 11 is not needed due to the construction of a natural gas generating plant at Bear Valley Electric's (BVE's) Garstin Yard location. The generator mentioned on page E 8 is not constructed as a part of the preferred Water Service Alternative #2. This generator is only constructed if Water Service Alternative #3 is constructed. As a part of that Alternative, the generator is only used when BVE's power to the Project area is temporarily disrupted. Under those conditions, impacts to Air Quality are not significant.

Response to FOF (b)-58 through -95
The FOF comment letter was received during RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within the 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to FOF (b)-96
Groundwater level declines referenced on Pg. 4.4-2 were measured in the City of Big Bear Lake Department of Water and Power's Division Well No. 6. The groundwater level decline observed in these wells is a result of pumping the wells and may also reflect hydrologic (i.e., precipitation) conditions, depending on the period of observation. These wells are on the eastern end of the North Shore Hydrologic Subunit and are not in direct hydraulic connection with the aquifers beneath North Shore Subarea A and Grout Creek Subarea D. Historical groundwater levels observed in Well FP-2 and other wells in the Grout Creek Subunit are stable and have not varied significantly from historical high levels.

Response to FOF (b)-97
The drainage outlet structures would be monitored and maintained by the homeowners association as part of its maintenance obligations under the CC&Rs.

Response to FOF (b)-98
The small, westernmost drainage is an on-site drainage area and was determined not to meet jurisdictional requirements.

Response to FOF (b)-99
Bioretention basins will be constructed by the developer at each lot. Homeowners will be responsible for the minimal maintenance that the basins require. These are design requirements that will be enforced by the County of San Bernardino during the construction plan review process.

Response to FOF (b)-100
Contrary to commenter's assertions, the Project is designed to preserve existing site drainage to the extent possible. As discussed on page 4.4-7 of the RRDEIR No. 1, "Post-project runoff flows are proposed to generally remain in the existing drainage pattern, with culverts crossings occurring at low points along the highway…." The post-development drainage pattern will remain largely unchanged in both location and quantity.

Response to FOF (b)-101
Seeding and planting for erosion control will not occur within sensitive plant areas. There are no sensitive plants in the open space parcel below the highway.

Response to FOF (b)-102
The details of HYD-7 will be included in the Project CC&Rs and enforceable by the County.

Response to FOF (b)-103 through -105
This comment appears to address two separate issues: 1) comparison of the long-term average annual recharge of the North Shore Subunit with annual groundwater discharge (i.e., pumping) from the subunit and 2) short-term groundwater level trends in one portion of the North Shore Subunit. Groundwater level trends are a function of both groundwater pumping and available recharge from precipitation. The groundwater level trends described for the eastern portion of the subunit are likely associated with pumping near the perennial yield for that area during a period of below normal precipitation. In either case, the referenced area is not in direct hydraulic communication with the aquifers associated with the Project. In addition, no significant groundwater level declines have been observed in wells in the Grout Creek Hydrologic Subunit. Please see Thomas Harder Groundwater Consulting response, pages 20 and 21, appended to Response to Comment SM&W 72 for additional related information.

Response to FOF (b)-106
The developer is subject to regulatory and statutory performance standards that protect water quality during construction activities. The developer will be required to obtain coverage under the Construction General NPDES permit, which requires implementation of a number of BMPs to protect water quality.

Response to FOF (b)-107 through FOF (b)-110
The commenter provides conclusive statement that does not raise an issue regarding the adequacy of the EIR.

Response to FOF (b)-111 through -122
The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre. The commenter requests a valid reason for changing the zoning, when there is sufficient infrastructure and if the change is in the best interest of the public. No lakefront lots are included in the Project. This completely maintains the entire lake view and views of the southerly ridgeline. The views from the lake are the most scenic views within the entire Project area. The minimum lot size is 0.5 acre. The average lot size is 0.9 acre. Fifty lots on 62 acres equates to 1.25 acres per lot. A total of 9.8 percent (6.12 acres) of the entire Project (62.43 acres), is natural open space that is visible from the scenic highway. In addition, see Response to SM&W-1 and SM&W-4 for a response regarding zoning consistency for the Project site.

Response to FOF (b)-123
The Geoscience report "Focused Geohydrologic Evaluation of the Maximum Perennial Yield of the North Shore and Grout Creek Hydrologic Subunit Tributary Subareas" (Geoscience 2003a) was prepared because previous estimates of the perennial yield of the North Shore Hydrologic Subunit addressed the subunit in whole and did not account for the fact that the east side of this relatively long subunit is hydrologically separated from the west side. This was significant because pumping on the east side accounted for most of the perennial yield. Geoscience 2003a divided the North Shore Hydrologic Subunit into six individual tributary subareas (A through F) and provided a basis for evaluating groundwater pumping and recharge for smaller portions of the North Shore Subunit that were not in direct hydraulic connection with the eastern portion (Subarea F) where most of the pumping has historically occurred. The perennial yield of Tributary Subarea A has not been fully utilized and the shallow groundwater levels in this portion of the North Shore Subunit indicate that this area is not in overdraft. In addition to Geoscience 2003a, pumping tests have been conducted since 2004 on Well FP-2 and FP-4 to provide an analysis of the hydrogeologic conditions in the area and the potential impacts from pumping on existing wells and groundwater resources. These analyses, based on available data, are sufficient to conclude that there are adequate groundwater resources to support the Project.

In November 2015, the Local Agency Formation Commission Board (LAFCB) and the Board of Supervisors approved domestic water service be provided to the Moon Camp Tract by the City of Big Bear Lake, Department of Water and Power. On March 23, 2018, the Bear Lake Department of Water sent a letter to the County of San Bernardino (Appendix G of this 2020 Final EIR) stating that: "Bear Lake Department of Water has sufficient capacity within its existing Fawnskin Water System to provide potable water service to the proposed Moon Camp Development." As a result of the DWP serving water to the Moon Camp Tract, Wells FP-2 and FP-4 will not be solely relied upon to provide a water source to the Tract."

Response to FOF (b)-124
See Response to FOF (b)-123.

Response to FOF (b)-125
The commenter states the EIR does not provide a slope analysis in comparison to the Project's proposed uses. Please see Response to FOF (b)-9 and 10.

Response to FOF (b)-126
The adjoining lakeshore includes a Project provided 0.82-acre public access area with 891 lineal feet of public lake access. The adjoining USFS land abuts 16 Moon Camp low-density parcels that are 0.6 acre up to 2.7 acres in size.

Response to FOF (b)-127
The commenter states Exhibit 2-4 incorrectly portrays the Project's 100-foot fuel modification zone. Descriptions within Section 4.5, Land Use, contains a typographical error stating Exhibit 2-4 incorrectly portrays the Project's 100-foot fuel modification zone. Section 4, Errata of this response to comment corrects the typographical error. The revision and minor modification to the document do not result in any new significant environmental impacts of the Project or substantial increases in the severity of any environmental impact identified in the Draft EIR. Further, the current version of the revised Tract Map accurately designates the Fuel Modification Zone.

Response to FOF (b)-128
The fire flow storage is within the domestic reservoir(s). Such water is tested for bacteria and required to meet all state water quality standards.

Response to FOF (b)-129
The FOF comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within the 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document. In addition, see Response to WINCH (b)-5 for wildfire hazards and setbacks. Further, see Response to SM&W-1 for information on water supply and infrastructure.

Response to FOF (b)-130
See Response to FOF (b)-9 and -10.

Response to FOF (b)-131
See Response to SM&W-1 and SM&W-4 for a response regarding zoning consistency for the Project site.

Response to FOF (b)-132
See Response to FOF (b)-111 through 122.

Response to FOF (b)-133
See Response to SM&W-1 and SM&W-4 for a response regarding zoning consistency for the Project site.

Response to FOF (b)-134
The commenter questions the use of flyers and enforcement. Please see Response to Pitts 14.

Response to FOF (b)-135
See Response to WINCH (b)-5 for discussion of wildfire hazards and setbacks.

Response to FOF (b)-136
The commenter provides a conclusive statement that does not raise any issue concerning the EIR's adequacy. No further response is necessary.

Response to FOF (b)-137
The comment states that the Section 4.6 of RRDEIR No. 1 focuses on changes from a previously project to the revised project. No comment is necessary as the RRDEIR No. 1, in evaluating the environmental impacts, addresses the existing conditions, not a previously project. The noise section evaluates the "existing noise levels" against the project. Please refer to Appendix D of the RRDEIR No. 1.

Response to FOF (b)-138
Section 4.6 of the RRDEIR No. 1 contains a comprehensive analysis of noise impacts resulting from the Project. The commenter correctly notes that part of the analysis includes a determination of impacts from additions of project traffic along area roadways. The analysis concludes that impacts related to traffic-related noise generated by the Project would be less than significant. The commenter asserts that analysis of traffic-related noise impacts on roadways located farther from the Project site and the community of Fawnskin are of little value. Comment noted. Roadways located farther from the Project site, such as North Shore Drive at Stanfield Cutoff and Big Bear Boulevard at Stanfield Cutoff, were analyzed because these roadways currently have higher existing traffic trips.

Response to FOF (b)-139
The commenter asserts that the noise analysis conducted for the Project fails to analyze noise impacts on the Forest Service campgrounds. As noted by the commenter, the Forest Service campgrounds are a significant distance from the Project site. Based on attenuation of sound when receiver is farther away from the source of the noise, construction and operational impacts on the Forest Service campgrounds will be negligible. As concluded in the RRDEIR No. 1, construction and operational noise impacts of the Project will be less than significant.

Response to FOF (b)-140
The commenter asserts that the noise analysis was deficient because it fails to take into account noise generated by boats using the marina. Section 4.6 of the RRDEIR No. 1 analyzes potential noise impacts from watercraft use, including boats and jet skis, that may be using the Project's marina. The analysis concluded that existing watercraft noise levels for a ski-boat were 46 to 59 A-weighted decibel (dBA) at 100 feet and a jet-ski was 103 dBA at 80 feet with an outboard motor on a fishing boat reaching noise levels of approximately 100 dBA. Big Bear Municipal Water District estimates that daily use of boats on the lake is approximately 106 with peak day average use being 207 on the weekends. The Project will result in the development of a 55-slip marina that could potentially add additional watercraft in proximities to the existing Fawnskin community. Where the proposed marina is located, there are no residential sensitive receptors within 300 feet of the marina. Therefore, even assuming the sound levels of watercraft as stated above, the noise attenuation resulting from the distance between the marina and residential uses would result in impacts being less than significant.

Response to FOF (b)-141
The commenter asserts the construction noise analysis is defective because the analysis only focuses on roadway construction activities and not the construction of individual residential units. The

RRDEIR No. 1 and associated Noise Impact analysis included in Appendix D, focus on maximum potential impacts to the Project in determining whether there is a potentially significant impact under CEQA. Contrary to the commenter's assertions, the analysis looks at noise impacts from each phase of the development, including the development of the individual residential units and acknowledges that there would be short-term impacts to residential uses along Canyon Road and southeast of the Project site across SR-38. However, the analysis concludes the impacts will be temporary in nature and, with compliance with County of San Bernardino Codes regarding construction activities and Mitigation Measures NOI-1 through NOI-4 (RRDEIR No. 1, page 4.6-16), impacts can be reduced to less than significant levels.

Response to FOF (b)-142

At this time, ultimate buildout of the Project and exact construction schedule will be based on market-driven factors unknown at this time. However, the noise analysis does analyze hypothetical developments of the Project and reaches conclusions regarding potential impacts of developing individual uses within the Project site.

Response to FOF (b)-143

The noise analysis does identify the location of sensitive receptors such as residential uses in the Fawnskin community, residential uses southeast of the Project site across SR-38, as well as other sensitive uses in the general project vicinity, as identified in Table 4.6-2 of the RRDEIR No. 1. The Biological Resources Section of the RRDEIR No. 1 was recirculated in 2011 and, therefore, any comments regarding impacts to Biological Resources will not be responded to here.

Response to FOF (b)-144

The commenter recites and interprets the County of San Bernardino Code regarding noise impacts this general statement does not raise any issue regarding the EIR's adequacy and, therefore, no further response is necessary.

Response to FOF (b)-145

Contrary to the commenter's assertion, the analysis included in the RRDEIR No. 1 compares the project and analyzes its impact with regard to the existing environmental baseline. The analysis does not compare the proposed project with the Project as analyzed in the original EIR. Any discussion and comparison between the two iterations of the Project are for informational purposes only and are not the basis of any significance determinations.

Response to FOF (b)-146

The construction impact analysis included in the RRDEIR No. 1 analyzes potential impacts on adjacent sensitive receptors, such as residents in the adjacent community of Fawnskin along Canyon Drive and residential uses southeast of the Project site across SR-38. The analysis specifically focuses on construction impacts at the sensitive receptors in determining the significance of the impact. The season or time of year during which construction activity takes place is immaterial in that the identified closest sensitive receptors to the Project site remain year-round and form the basis of the analysis. The exact schedule of construction is speculative at this point and therefore has not been specifically determined. The noise analysis analyzes the worst-case construction scenario, which includes construction of those portions of the Project that are the closest to existing sensitive

receptors. Any construction activity that is further away from the sensitive receptors, due to noise attenuation, would be less intense than the impacts analyzed in the RRDEIR No. 1.

Response to FOF (b)-147
The commenter suggests analyzing additional equipment to be used in construction activity, including saws and drills. Table 4.6-6 includes a list of typical construction equipment utilized in this type of development and, the County of San Bernardino believes forms a reasonable basis for the assumptions used in the construction portion of the noise analysis.

Response FOF (b)-148
The commenter asserts that the construction noise analysis should analyze potential impacts on the recreational areas adjacent to the Lake, in addition to the residential sensitive receptors. The analysis does indicate noise levels for various distances from the Project site. However, when, where, and how many visitors are going to visit to use recreational areas adjacent to the Project site is speculative. The analysis included in the EIR contains sufficient information regarding construction noise impacts to the important decision-maker of the impacts to the Project pursuant to the mandates of CEQA.

Response to FOF (b)-149
The CC&Rs for the Project will include a prohibition on rentals for less than 30 days.

Response FOF (b)-150
Please see Response to FOF (b)-140.

Response FOF (b)-151
Please see Response to FOF (b)-140.

Response FOF (b)-152
Please see Response to FOF (b)-140.

Response to FOF (b)-153
Please see Response to FOF (b)-140.

Response to FOF (b)-154
Please see Response to FOF (b)-140.

Response to FOF (b)-155
Please see Response to FOF (b)-140.

Response to FOF (b)-156
Please see Response to FOF (b)-140.

Response to FOF (b)-157
Please see Response to FOF (b)-141 through FOF (b)-148.

Response to FOF (b)-158
Please see Response to FOF (b)-140 through FOF (b)-148.

Response to FOF (b)-159

Consistent with the commenter's comment, the Project will be subject to a recorded set of CC&Rs that will be enforceable by the Project's HOA, the County of San Bernardino, and in some instances, the Conservation Entity that holds the conservation easement for the conservation areas of the Project.

Response to FOF (b)-160

As indicated in Section 4.6 of the RRDEIR No. 1, the Project will not result in a significant noise impact due to construction activities. Therefore, a restriction on periods of construction activity is not required to reduce impacts to less than significant levels. Compliance with existing County regulations governing liable construction periods are adequate.

Response to FOF (b)-161

Please see Response to FOF (b)-149. The Project CC&Rs will include a provision prohibiting short-term rental of residential units.

Response to FOF (b)-162

As indicated in Section 4.6 of the RRDEIR No. 1, the inclusion of the proposed marina and parking lot will not result in noise impacts to sensitive receptors that exceed applicable thresholds of significance and, therefore, no significant impact will result. Accordingly, removal of the parking lot and marina are not warranted in this instance.

Response to FOF (b)-163

The commenter requests limiting the marina/parking lot hours of operation to 9 a.m. to 6 p.m. in order to minimize impacts on neighboring properties. The nearest neighboring property is Lot 39 within the subdivision, which is over 100 feet from the parking lot and over 200 feet from the marina. The nearest existing improved neighboring lot is over 200 feet from the marina and over 400 feet from the parking lot. Marinas on Big Bear Lake traditionally have two main types of users: (1) fishermen who may use the parking lot and marina in the early morning and evening hours, and (2) recreational boaters who mainly use the parking lot and marina during the daytime hours. There are no hourly restrictions on any of the existing Big Bear Lake marinas. The CC&Rs will include a section that discusses how the subdivision's property owners can minimize the noise they create as they leave and return to the marina.

Response to FOF (b)-164

The commenter questions why the noise analysis does not analyze impacts on residential uses and recreational campground uses. Section 4.6 of the RRDEIR No. 1 does analyze potential impacts on sensitive residential receptors, as well as recreational uses, such as the campgrounds.

Response to FOF (b)-165

The noise analysis included in the RRDEIR No. 1 analyzes potential noise impacts from additional traffic generated by the project. The analysis analyzes additional traffic noise levels at Stanfield Cutoff and along Big Bear Boulevard, primarily because these roadways currently exhibit the highest number of daily trips and, therefore, the highest traffic noise levels in the Project area. Additional traffic on these roadways is most likely to result in potentially significant increases in ambient noise

level due to the relatively high ambient noise level in the area when compared with the roadways in the vicinity of the Project site where ambient noise levels are relatively low.

Response to FOF (b)-166
Contrary to commenter's assertions, the noise analysis included in the RRDEIR No. 1 analyzes potential noise impacts on the closest sensitive receptors to the Project site, which include single-family residential uses adjacent to the northwest boundary of the Project site, along Canyon Drive and Flicker Drive.

Response to FOF (b)-167
Please see Response to FOF (b)-140 through FOF (b)-166.

Response to FOF (b)-168
The commenter questions the justification of including the marina as a project component. This comment does not raise an issue regarding the adequacy of the EIR and, therefore, no further response is required.

Response to FOF (b)-169
The Project will be governed by CC&Rs that prohibit short-term rental of residential units.

Response to FOF (b)-170
The Biological Resource Section of the RRDEIR No. 1 was recirculated in 2011, and, therefore, comments regarding the adequacy of the Biological Resource section of the RRDEIR No. 1 will not be responded to here.

Response to FOF (b)-171
Please see Response to FOF (b)-140 through FOF (b)-166.

Response to FOF (b)-172
Please see Response to FOF (b)-146.

Response to FOF (b)-173
With regard to construction noise levels, the analysis focuses on whether the Project would result in an exceedance of an applicable threshold of significance; in this instance, the County of San Bernardino standard for noise impacts at sensitive land uses, such as the adjacent residential uses. This analysis does not focus on the existing ambient environment but merely whether the sound introduced by the construction activities would reach levels that exceed applicable standards. With regard to traffic noise generated by the project, the analysis does consider the ambient noise environment in determining whether the addition of traffic would result in a temporary or permanent increase in the ambient noise environment. The analysis included in Section 4.6 of the RRDEIR No. 1 concluded that additional traffic noise impacts would be less than significant.

Response to FOF (b)-174
The Biological Resource Section of the RRDEIR No. 1 was recirculated in 2011. Any comments regarding the adequacy of the analysis included in the Biological Resource section will not be responded to here.

Response to FOF (b)-175
Please see Response to FOF (b)-160.

Response to FOF (b)-176
The commenter is incorrect in her interpretation of Table 4.6-3. Table 4.6-3 in the RRDEIR No. 1 looks at traffic noise emanating from project-related traffic along Northshore Drive, west of Stanfield Cutoff, which is where the Project site is located.

Response to FOF (b)-177
In comparing the noise analysis for this Project, the County of San Bernardino felt it was appropriate to apply the general County noise standards as applicable to residential land uses anywhere in the County. The County believes it is not appropriate to differentiate between types of residential uses, thereby providing greater protection for some over others.

Response to FOF (b)-178
Please see Response to FOF (b)-178. Moreover, this requirement will be included in the Mitigation Monitoring and Reporting Program adopted by the County of San Bernardino should the Project be approved. Examples of ineffective enforcement of similar restrictions in CC&Rs for other projects is not substantial evidence that such restriction cannot be validly and adequately enforced for this Project.

Response to FOF (b)-179
The commenter disagrees with the characterization of the marina as included in the RRDEIR No. 1. Comment noted. This comment does not raise any issue with the adequacy of the EIR and, therefore, no further response is required.

Response to FOF (b)-180
The commenter asserts that the cumulative noise impacts of the proposed marina was not adequately addressed. No launch ramp or boat trailer parking will occur at the marina. In addition, the marina parking is for day use only and not for trailers. Therefore, the only cumulative impact of the Project with other proposed projects in the area would be related to vehicular traffic on local roadways and operation of watercraft on the lake. Cumulative traffic noise impacts were analyzed in the RRDEIR No.1 and were shown to result in a less than significant increase on local roadways under cumulative year 2025 conditions. Noise impacts from project-related watercraft operations are regulated by the Water District's rules and regulations, and the Harbor and Navigational Code 654. The analysis shows that even with the conservative analysis of assuming the weekend usage factor of 9 percent, the Project would not result in a significant increase in the number of boats operating at any time on the lake. Therefore, implementation of the Project would not result in the exceedance of applicable standards, nor result in a significant permanent increase in ambient noise levels and project-related cumulative impacts would be less than significant.

Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to FOF (b)-181
Please see Response to FOF (b)-140. Moreover, Captain John's Marina already exists to the west of the Project site, with its associated auto traffic parking and boat noise.

Response to FOF (b)-182
Please see Response to FOF (b)-140 through FOF (b)-166.

Response to FOF (b)-183
The analysis in the RRDEIR No. 1 concluded that construction activities on-site would not result in a significant impact to adjacent residential uses due to vibration. Because of the low likelihood of any potential impacts from vibration emanating from project constructions activities, no mitigation measures for vibration impacts are included or recommended to be included as part of the Project.

Response to FOF (b)-184
The commenter merely disagrees with the RRDEIR No. 1 conclusion regarding the significance of potential noise impacts on adjacent sensitive receptors. Comment noted.

Response to FOF (b)-185
Please see Response to FOF (b)-150 through FOF (b)-158.

Response to FOF (b)-186
Mitigation measures will be included in a Mitigation Monitoring and Reporting Program adopted by the County of San Bernardino if the Project is approved. The County will ensure that there are mechanisms in place for enforcement and would be the enforcing agency should there be a breach for failure to comply with any of the mitigation measures.

Response to FOF (b)-187
Construction of the off-site infrastructure necessary to support the Project was concluded in the analysis of potential noise impacts in Section 4.6 of the RRDEIR No. 1. Please also see Response to FOF (b)-173.

Response to FOF (b)-188
As indicated in page 4.6-12 of the RRDEIR No. 1, "As discussed in Section 4.6-1 above, even though Proposed Alternative project grading activity would be limited to the construction of the interior streets and infrastructure and no grading of individual lots is proposed, for the purposes of determining the reasonably foreseeable impacts associated with full construction, this analysis assumes the construction of the future homes." Accordingly, construction of the homes was included in the analysis.

Response to FOF (b)-189
The analysis included in Section 4.6 of the RRDEIR No. 1 related to project-related traffic noise focuses on the increase in the ambient noise level as a result of the addition of project-related traffic trips. The analysis shows that in the area of the Project site, the additional project-related traffic trips would increase by 0.42 dBA, which is below the threshold of significance for project-related noise impacts. Therefore, whether the average daily trips or weekend peak hour trips are utilized in the analysis, the impact is less than significant.

Response to FOF (b)-190
The commenter makes a summary comment questioning the noise analysis included in the EIR. Comment is noted.

Response to FOF (b)-191 through FOF (b)-206
See Response to SM&W-1 and SM&W-4 for a response regarding zoning consistency for the Project site. In addition, see Response to WINCH (b)-5 for wildfire hazards and setbacks. Further, see Response to SM&W-1 for information on water supply and infrastructure.

Response to FOF (b)-207
As indicated within Section 4.7, Public Services, of the RRDEIR No. 1, anticipated police calls that may occur include increased burglar alarm calls, general criminal investigations, missing or lost persons, emergency medical calls, thefts of boats, and vandalism. Although there would be an incremental need for increased police service, it is not anticipated that Proposed Alternative Project implementation would require any new police facilities. Each homeowner will be required to pay property taxes and development impact fees based on then-current rates. The Proposed Alternative Project's increase in demand for police services would be offset through project related fees and taxes. The additional service calls required by the Project will not be substantial enough to require the construction of new facilities that could cause a significant environmental impact. Therefore, impacts to law enforcement services are expected to be less than significant, and no mitigation measures are proposed.

Response to FOF (b)-208
As indicated within Section 4.9, Utilities, of the RRDEIR No. 1, the Project would result in an increased demand for infrastructure service. However, the Project Applicant will construct and fund all infrastructure related to the Proposed Alternative Project. In addition, the future residents of the site will pay monthly user fees that offset the cost of service and maintenance. Therefore, the impacts are considered less than significant and no mitigation is required.

Response to FOF (b)-209
No launch ramp is included in the Project; therefore, no boat trailer parking will exist at the marina.

Response to FOF (b)-210
Based upon the Traffic Impact Analysis conducted for the Project, the existing curve radius of the State Highway (which is required to remain as a part of the Project) design provides proper sight distance for the Project. In addition, Caltrans will issue a permit to construct the proposed road improvements, which will include the design of the two intersections, turning movements, signage and striping.

Response to FOF (b)-211
This comment states that the RRDEIR No. 1 uses traffic measurements for the entire valley as the existing condition from which to calculate increases due to this project. This comment is not sufficiently specific so that the agency has the opportunity to evaluate and adequately respond. The traffic study properly uses the existing conditions in the localized study area to assess impacts. This includes utilization of existing traffic along area roadways and the impact of the addition of projected project related traffic trips.

Response to FOF (b)-212
The commenter states that Marina Point was omitted from the Cumulative Projects list and, therefore, the Cumulative Impacts Analysis. Marina Point has been added to the updated Cumulative Projects List as shown in the Errata.

Response to FOF (b)-213
The commenter states that the Big Bear Disposal Transfer Facility was not included in the Cumulative Projects listing. The Transfer Facility is east of Division Drive, over 5 miles to the east of the Project site and does not increase traffic in the vicinity of the Project. As shown in the Errata, the updated Cumulative Projects List shows a 66 percent reduction in the amount of Cumulative Projects due to the downturn in the economy since the original Cumulative Projects Analysis was performed. As a result of the above facts, the Transfer Station will not increase the Cumulative Impacts.

Response to FOF (b)-214
CEQA requires consideration of all past, present, and reasonably foreseeable future projects in the cumulative impacts analysis. There are a number of existing undeveloped subdivided lots in the Big Bear Valley area. However, the majority of these lots were created long ago and have yet to be developed. Under the circumstances, it is not reasonable to assume these lots will all be developed within the foreseeable future. Otherwise, the EIR would present an unreasonable view of the projects cumulative impact.

Response to FOF (b)-215
Big Bear Valley's occupancy rate is 33 percent permanent residents and 67 percent part-time residents. Occupancy of the similar Eagle Point Estates Tract is 17 percent permanent occupancy and 83 percent part-time occupancy. Therefore, the total patrons to park within the local post office will be minimal and impacts will remain less than significant.

Response to FOF (b)-216
The comment appears to suggest that the addition of 50 residences in Big Bear Valley will increase the amount of supplies that retail establishments must obtain as inventory and, therefore, an increase of truck traffic will result. The Project's cumulative impact on traffic and circulation is less than significant and will not result in a significant cumulative impact. There is no evidence to suggest that any increase of truck trips will increase as the result of the proposed development.

Response to FOF (b)-217
Based upon the Traffic Impact Analysis conducted for the Project, the existing curve radius of the State Highway (which is required to remain as a part of the Project) design provides proper sight distance for the Project. In addition, Caltrans will issue a permit to construct the proposed road improvements, which will include the design of the two intersections, turning movements, signage, and striping.

Response to FOF (b)-218
The launch ramp has been eliminated from the project design and, therefore, no boat trailer parking will occur at the marina.

Response to FOF (b)-219

Signalized intersections currently exist within the Project area analyzed within the TIA. Implementation of the proposed Traffic Signal would be consistent with Project area traffic signals and would be constructed in accordance with County of San Bernardino Code. Therefore, aesthetic impacts would remain less than significant.

Response to FOF (b)-220 and FOF (b)-221

The Project's traffic volumes for all future conditions were estimated using the manual approach. The trip generation calculation is based on the "Institute of Transportation Engineers Trip Generation Rates." The project trip distribution was developed from a select zone run of the "San Bernardino Mountain Model" and was reviewed by the County of San Bernardino staff. The project only traffic forecasts have been generated by applying the trip generation, distribution and traffic assignment calculations, consistent with County Congestion Management Plan guidelines.

In addition, the commenter does not provide evidence as to how the additional 16 percent trips during summer traffic conditions is grossly underestimated. The TIA used the most conservative summer traffic increase estimates, consistent with County Staff recommendations.

Response to FOF (b)-222

Section 15125 of the CEQA Guidelines requires EIRs to include a description of the physical environmental conditions in the area of a project that exist at the time that the Notice of Preparation (NOP) is circulated. These environmental conditions normally constitute the baseline physical conditions relative to which the CEQA lead agency evaluates the change in conditions that would result from project implementation. The NOP for this Draft EIR was issued on February 27, 2002. Therefore, environmental conditions analyzed within the 2007 TIA represent a more current baseline than required by Section 15125 of the CEQA Guidelines.

Response to FOF (b)-223

Turning lanes currently exist within the Project area analyzed within the TIA. Implementation of the proposed turning lanes would be consistent with Project area turning lanes and would be constructed in accordance with County Code. Therefore, aesthetic or biological impacts would remain less than significant.

Response to FOF (b)-224

The project is anticipated to address direct impacts through the construction of off-site improvements as conditioned by the County of San Bernardino Impact Fee Program, and contribute toward the funding and construction of transportation improvements necessary to address cumulative traffic impacts through either the construction of off-site improvements, payment of fees, or on a fair share basis as directed by the County of San Bernardino Impact Fee Program. As such, payment of both direct or cumulative traffic impacts and associated mitigation measures are consistent with the County of San Bernardino Impact Fee Program. Comment noted. The comment does not refer to a topic that would affect the TIA analysis or results.

Response to FOF (b)-225

The author provides a conclusive statement that does not raise any issue regarding the EIR. No further response is necessary.

Response to FOF (b)-226
The author provides and introductory statement regarding utility services. No further response is necessary.

Response to FOF (b)-227 and -228
BVE has constructed an 8-megawatt natural gas generating facility that eliminates any need for any distributed (remote) generators.

Response to FOF (b)-229
The County of San Bernardino Special Districts Department has verified that their Sewer Will Serve Letter is still valid and that CSA 53C has the capacity to serve and will provide sewer service to the Moon Camp Tract.

Response to FOF (b)-230
The Big Bear Area Regional Wastewater Agency has adequate pipeline/pumping capacity in this area and has installed odor control stations along their sewer interceptor line.

Response to FOF (b)-231
The commenter questions the assumptions used in the well pump and aquifer test included as Appendix G3 to the RRDEIR No. 1. The referenced report was prepared by Geoscience Support Services, Inc., and stamped and signed by registered Certified Hydrogeologists. The commenter's assertions appear to be her own personal opinion and not based on specific information tending to call the report's methodology into questions. Hydrogeological conditions, including estimates of the perennial basin yield for Grout Creek Subarea D and North Shore Subarea A, are described in detail in Geoscience 2003a (see attached). These subareas encompass the proposed Mooncamp Development. Further information on the hydrogeologic conditions of the Mooncamp development, based on pumping tests and monitoring of the wells on and in the immediate vicinity of the Mooncamp Development, are provided in Appendix G.3 of the RRDEIR No. 1. These studies show that the Project's total anticipated water demand is within the Perennial Yield of the hydrologic subareas that encompass the wells that will provide water supply to the Project.

The Geoscience report "Focused Geohydrologic Evaluation of the Maximum Perennial Yield of the North Shore and Grout Creek Hydrologic Subunit Tributary Subareas" (Geoscience 2003a) was prepared because previous estimates of the perennial yield of the North Shore Hydrologic Subunit addressed the subunit in whole and did not account for the fact that the east side of this relatively long subunit is hydrologically separated from the west side. This was significant because pumping on the east side accounted for most of the perennial yield. Geoscience 2003a divided the North Shore Hydrologic Subunit into six individual tributary subareas (A through F) and provided a basis for evaluating groundwater pumping and recharge for smaller portions of the North Shore Subunit that were not in direct hydraulic connection with the eastern portion (Subarea F) where most of the pumping has historically occurred. The perennial yield of Tributary Subarea A has not been fully utilized and the shallow groundwater levels in this portion of the North Shore Subunit indicate that this area is not in overdraft. In addition to Geoscience 2003a, pumping tests have been conducted since 2004 on Well FP-2 and FP-4 to provide an analysis of the hydrogeologic conditions in the area and the potential impacts from pumping on existing wells and groundwater resources. These

analyses, based on available data, are sufficient to conclude that there are adequate groundwater resources to support the Project.

Additionally, in November of 2015, the LAFCO Board and the Board of Supervisors approved domestic water service be provided to the Moon Camp Tract by the City of Big Bear Lake, Department of Water and Power. On March 23, 2018, the Bear Lake Department of Water sent a letter to the County of San Bernardino (Appendix G of this 2020 Final EIR) stating that: "Bear Lake Department of Water has sufficient capacity within its existing Fawnskin Water System to provide potable water service to the proposed Moon Camp Development." As a result of the Bear Lake Department of Water serving water to the Moon Camp Tract, Wells FP-2 and FP-4 will not be solely relied upon to provide a water source to the Tract."

Response to FOF (b)-232
The referenced assumption is one of several (others referenced below) that are necessary in order to apply the standard equations for interpreting pumping test data. Although the assumptions do not strictly apply to field conditions, they have been proven to be sufficiently representative to yield results that are useful for groundwater planning (Roscoe Moss 1990; Maasland and Bittinger 1963). Groundwater levels were monitored in the nearest private well during the 72-hour pumping test for Well FP-2. Analysis of the data showed that less than 0.3 foot of drawdown is expected in the nearest private well when Well FP-2 is continuously pumped at a rate of 35 gpm. In reality, Well FP-2 will be pumped at a lower pumping rate for shorter periods of time to meet the 9 acre-feet/year demand for the development. At a pumping rate of 8 gpm, the well can be operated 70 percent of the time to meet the 9 acre-feet/year water demand. Given the pumping test results at much higher discharge rates, the long-term drawdown interference in existing private wells due to pumping to meet water demand for the development is expected to be negligible. Groundwater generated during the pumping test was discharged to the sanitary sewer system. No tests were conducted to prevent recharge from the lake during the test.

Response to FOF (b)-233
While it is possible that some recharge from the lake occurred during the pumping test, the 2nd paragraph on page 12 does not imply that the test duration was insufficient. The data points on Figure 5 represent selected data points from Figure 3 (one for each step) and are not indicative of the entire dataset. The potential for recharge during the test does not invalidate the test results, as discussed in Response to Comment FOF (b)-232.

Response to FOF (b)-234
Please see Response to Comments FOF (b)-233.

Response to FOF (b)-235
Groundwater levels were monitored in a nearby private well during the 72-hour pumping test for Well FP-2. Analysis of the data showed that less than 0.3 foot of drawdown is expected in the nearest private well when Well FP-2 is continuously pumped at a rate of 35 gpm. In reality, Well FP-2 will be pumped at a lower pumping rate for shorter periods of time to meet the 9 acre-feet/year demand for the development. At a pumping rate of 8 gpm, the well can be operated 70 percent of the time to meet the 9 acre-feet/year water demand. Given the pumping test results at much higher discharge rates, the long-term drawdown interference in existing private wells is expected to be

negligible. While the molecules of groundwater do flow slowly through the aquifer materials, the release of pressure associated with pumping results in a cone of depression that develops much faster. A better evaluation of the equilibrium of the aquifer system during a pumping test is the relative change in groundwater level towards the end of the test. Observation of groundwater levels at the end of each step during the 72-hour test shows that groundwater levels in the observation well stabilized, indicating equilibrium conditions. These data show that recharge had balanced discharge and further drawdown would not be expected at that pumping rate.

Response to FOF (b)-236
Please see Response to Comments FOF (b)-235. On a regional scale, long-term groundwater level declines occur when groundwater pumping exceeds the perennial basin yield of the area. Since proposed groundwater pumping for the development is within the estimated perennial yield of the area, groundwater level declines are not anticipated.

Response to FOF (b)-237
In responding to this comment, it is assumed that the writer intended to report annual average precipitation in feet and not inches. It is further assumed that the precipitation record is from the Big Bear Dam precipitation station. The average annual precipitation for the same periods were independently confirmed using data from this precipitation station, compiled as calendar years. The results of this compilation are available in Response to Comment FBBV 1-3, Table 2-1 of this document.

These data do show that the last 30 years has been drier than the preceding approximately 100 years. The annual average over the last 10 years was not included because it is not a long enough period to provide a meaningful average. Despite the apparent reduction in precipitation, the City of Big Bear Lake Department of Water and Power has been able to maintain a stable groundwater supply through careful management of groundwater levels in the basin. The impacts of future variations in available precipitation can be addressed through groundwater management practices and conservation.

Response to FOF (b)-238
The analysis is based on historical groundwater levels and average recharge.

Response to FOF (b)-239
Well FP 4 draws from Grout Creek Subarea D which has an annual Perennial Yield of 66 acre-feet per year (Geoscience 2003). The only other groundwater production in this subarea is from 11 private wells and is calculated to be 3 acre-feet per year (no Department of Water and Power wells in Fawnskin are within this subarea). Combined with FP 4's 5 acre-feet per year, this results in 8 acre-feet per year of groundwater withdrawal which is well below the Perennial Yield of 66 acre-feet per year.

Since circulation of the RRDEIR No. 1, the Project Applicant has finalized the source of potable water for the Project. Because of the lack of potable water facilities owned and operated by CSA 53C, by way of an Outside Service Agreement for Potable Water Service dated November 17, 2015, the Department of Water and Power has agreed to provide potable water service to the Project site. The Project will construct all necessary transmission facilities that will be transferred by deed along with the production wells on-site to the Department of Water and Power subsequent to project approval.

In calculating the amount FP 2 and FP 4 can provide to the Tract, the most conservative annual groundwater yields have been used. In addition, the demand calculation is based upon 100 percent occupancy of all 50 lots for 365 days per year. Big Bear Valley's occupancy rate is 33 percent permanent residents and 67 percent part-time residents. Occupancy of the similar Eagle Point Estates Tract is 17 percent permanent occupancy and 83 percent part-time occupancy.

Response to FOF (b)-240
Well FP 2 is limited to 5.6 gpm, which equates to 9 acre-feet per year. Well FP 4 is limited to 3 gpm which equates to 5 acre-feet per year. Together the two wells produce the maximum expected demand of 14 acre-feet (50 lots occupied 100 percent, 365 days per year). The Department of Water and Power will provide emergency backup water in case either of the wells needs to be taken out of service for repairs.

Response to FOF (b)-241
The existing Department of Water and Power Fawnskin Water System reservoir storage is adequate for all the lots within the Fawnskin service area as well as the 50 Moon Camp lots.

Response to FOF (b)-242 and -243
Testing to verify the presence of pine pollen in the discharge for Well FP-2 will be conducted prior to putting the well into service. Groundwater levels were monitored in a nearby private well during the 72-hour pumping test for Well FP-2. Analysis of the data showed that less than 0.3 foot of drawdown is expected in the nearest private well when Well FP-2 is continuously pumped at a rate of 35 gpm. In reality, Well FP-2 will be pumped at a lower pumping rate for shorter periods of time to meet the 9 acre-feet/year demand for the development. At a pumping rate of 8 gpm, the well can be operated 70 percent of the time to meet the 9 acre-feet/year water demand. Given the pumping test results at much higher discharge rates, the long-term drawdown interference in existing private wells is expected to be negligible. While the molecules of groundwater do flow slowly through the aquifer materials, the release of pressure associated with pumping results in a cone of depression that develops much faster. A better evaluation of the equilibrium of the aquifer system during a pumping test is the relative change in groundwater level towards the end of the test. Observation of groundwater levels at the end of each step during the 72-hour test shows that groundwater levels in the observation well stabilized, indicating equilibrium conditions. These data show that recharge had balanced discharge and further drawdown would not be expected at that pumping rate.

Response to FOF (b)-244
The water lines will be constructed within the Fawnskin road rights of way.

Response to FOF (b)-245
The commenter makes a general statement that impacts to all utilities from project development remain significant. This is a general statement without specific references to parts of the EIR. No further response is necessary.

Response to FOF (b)-246
The commenter makes a general statement that impacts to all utilities from project development remain significant. This is a general statement without specific references to parts of the EIR. No further response is necessary.

Response to FOF (b)-247
The Moon Camp Tract provides its own water supply from on-site wells in groundwater subareas that have adequate unused capacity to serve the 50 lots at 100 percent occupancy, 365 days per year. Wastewater facilities in Big Bear Valley are on private land, not National Forest land. Adequate infrastructure exists to serve the 50 lots without affecting existing residents. The Moon Camp Tract will not accelerate the conversion to a primary resident population. Just the opposite: the most similar tract—Eagle Point Estates—has a 17 percent permanent resident population, compared with the average in Big Bear Valley of 33 percent.

Response to FOF (b)-248
Each project listed is detailed by its legal number and name and its common, local designation, as well as a location. This is adequate for information purposes and complies with the requirements of CEQA.

Response to FOF (b)-249
The Marina Point Project has been added to the updated Cumulative Projects list and Deer Trail Project is not shown on the current County of San Bernardino Projects list.

Response to FOF (b)-250
See Response to FOF (b)-3. The purpose of several comparisons is to better inform the public and reader of the changes in the Project and resulting change in the significance of a number of impacts previously determined to be significant and unavoidable. However, these comparisons were not used as the basis of the significance determinations. The RRDEIR No. 1 analyzes the impacts of the Project against the environmental baseline which is vacant property.

Response to FOF (b)-251
The commenter provides a conclusory summary statement. No response is necessary.

Response to FOF (b)-252
The commenter provides a conclusory summary statement. No response is necessary.

Response to FOF (b)-253
The commenter provides a conclusory summary statement. No response is necessary.

Response to FOF (b)-254
The commenter provides a conclusory summary statement. No response is necessary.

Response to FOF (b)-255
Comment noted. No response is necessary.

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SBVAS

Slowik, Matt - LUS - Advance Planning

From: Drew Feldmann [drewf3@verizon.net]
Sent: Friday, June 04, 2010 3:30 PM
To: Slowik, Matt - LUS - Advance Planning
Cc: DoriMyers1@aol.com; kstitt@earthlink.net
Subject: Comments on Moon Camp
Attachments: Audubon Moon Camp DEIR Comments June 2010.pdf

Mr. Slowik,

SBVAS-1

The San Bernardino Valley Audubon Socierty's comments on the Moon Camp project DEIR are attached.

Thank you for the extension on the Church of the Woods.

Thank you.

Drew Feldmann
SBVAS Conservation Chair

San Bernardino Valley Audubon Society

P. O. Box 10973, San Bernardino, California 92423-0973

June 4, 2010

Matt Slowik, Senior Planner
COUNTY OF SAN BERNARDINO
Land Use Services Department
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182

By email to mslowik@lusd.sbcounty.gov

RE: Draft Revised and Recirculated Environmental Impact Report for the MOON CAMP 50-Lot Residential Subdivision, Tentative Tract No. 16136; SCH #2002021105

Dear Mr. Slowik,

The *San Bernardino Valley Audubon Society* (Audubon) appreciates the opportunity to comment on the Draft Revised and Recirculated Environmental Impact Report (DEIR) referenced above for the Moon Camp development project and marina in Fawnskin. SBVAS-2

Our local Audubon Society represents 2000 members within the Inland Empire and regards the San Bernardino National Forest as one of our most outstanding public assets, a unique mountain environment that offers excellent habitat for a remarkable range of wildlife as well as refuge, recreation and spiritual renewal to everyone who enjoys these valuable alpine qualities. When actions are proposed that threaten to inappropriately diminish these exceptional values, we feel compelled to speak out in defense of the best interests of our members and the general public.

We believe the adverse impacts resulting from the proposed project would be highly detrimental to the community of Fawnskin, the Big Bear Valley, the San Bernardino National Forest and the general public. Given the on-going crisis of severe fire hazard in the mountain region, overdraft of water resources, insupportable infrastructure, public safety risk from limited evacuation capability and excessive fragmentation of wildlife and National Forest resources, it is disappointing that the project impacts have been largely understated and inaccurately represented in the DEIR.

Adverse Impacts

The recirculated Draft EIR is presented as an analysis of one of the project alternatives from the prior Environmental Impact Report for the original 92-unit proposal. However, it is not an acceptable alternative. By simply focusing on reduction of impacts between the first proposal and the present lesser density proposal, the DEIR fails to adequately disclose the most important consideration, which is the adverse impacts that the new 50-unit proposal would produce in contrast to the *existing* low-density rural zoning of the General Plan. SBVAS-3

The DEIR inappropriately treats the proposed General Plan amendment to change the site's land use designation as if the proposed change were simply an entitlement. The proposed zone change is a discretionary action that is not guaranteed. It is a misleading diversionary devise to simply compare the revised proposal solely to the invalidated prior proposal –used as an artificial straw man that is easily SBVAS-4

knocked-down so the new proposal might appear in a better light. The proper test for disclosing and identifying the full adverse impacts of the proposal is to compare the project to the current zoning designation, which is the one true baseline against which the significance of the adverse impacts should be legitimately considered. SBVAS-4

The real issue is not whether the revised proposal is less terrible than the prior proposal but whether it is appropriate for the actual site and surroundings, given the existing low-density zoning. When the facts are examined impartially, the answer is clearly no. Rather than face this question directly, the DEIR obscures its analysis by using the prior proposal as a straw man, minimizing the threshold of significance, ignoring impacts to adjacent national forest and overlooking conflicts with County General Plan. It is by and large a very unsatisfactory EIR that goes through the legal motions, but essentially misleads rather than informs. SBVAS-5

Audubon would like to address our comments primarily to the proposed General Plan Amendment for a land use designation change, the impacts to the bald eagle, the cumulative effects and the unprecedented fire danger of the mountain area. SBVAS-6

General Plan Amendment

A zoning change is not an automatic prerogative of land ownership and should not be considered as an entitlement by developers. It is a discretionary action on the part of the county and is governed by what best serves the overall public interest. Because a zone change is not an entitlement, it would be a mistake to take it too much for granted as the DEIR appears to do.

As it stands, the proposed Moon Camp Project is in conflict with the County of San Bernardino's General Plan. A General Plan Amendment is required to eliminate the land use conflict, which in this case would confer a special favor to the applicant. However, at the same time it would be a significant detriment to the public. Audubon strongly disagrees with the analysis in the Draft EIR that changing the existing land use designation to accommodate a major development would result in a less than significant impact to the local community. The local community is strongly opposed to the change. The DEIR fails to adequately disclose the negative impacts to the surrounding San Bernardino National Forest and the environmental quality of the public resources.

As indicated in the Development Code, zoning is not supposed to be changed unless it is determined to be in the public interest as well as provide a community benefit. The Moon Camp owners did not properly take this into account, since the DEIR does not address this particular Development Code requirement, instead treating the proposed change as if it were simply an entitlement. There are compelling reasons why a Moon Camp zoning change would not provide any realistic community benefit and would not be in the best interest of the public. SBVAS-7

The proposed General Plan Amendment to change the land use designation from BV/RL-40 to BV/RS-20,000 is insupportable in view of the lack of a reliable water source and the extreme fire danger in the San Bernardino Mountains. The California Department of Forestry and Fire Protection (Calfire) indicates that these mountains face one of the most severe fire conditions in the world. The severe wildfires of 2003 and 2007 demonstrated that present firefighting capabilities are insufficient to defend existing structures in the mountains much less any additional structures, especially ones unauthorized by existing General Plan guidelines.

Fire danger cannot be expected to decrease in the foreseeable future. These facts ought to preclude any further mountain development that is not already prescribed in the General Plan. Each additional

structure added to the hazardous mountain environment worsens the already out-of-balance ratio of wildland-to-urban intermix. Defending against fire in wildland terrain is the most costly and difficult firefighting condition of all. Given such circumstances, a General Plan Amendment that worsens the already hazardous situation would be an irresponsible disservice to the public. The prospect of relaxing zoning restrictions to allow 50 additional units and the accompanying increase in population would be unreasonable. SBVAS-7

Moreover a change in the land use designation cannot be justified on the grounds that adjacent property is approved for higher residential density. In actual fact the majority of the adjacent land is National Forest and shoreline within the scenic corridor of the scenic highway. Compatibility with such valuable open space values strongly argues for the maintenance of the existing zoning at one unit per 40 acres.

Bald Eagles

Recent increased development in the Big Bear Valley has corresponded with a simultaneous decline in the population of wintering bald eagles that inhabit the area. In addition to being the national bird, the bald eagle has also come to symbolize the unique wildlife values of the Big Bear Lake area in the San Bernardino National Forest. Beyond its importance as a threatened species, the presence of the bald eagle in Big Bear is a popular attraction for the visiting public, widely featured in media publications. Such attention is a considerable benefit to the tourist economy that thrives on a major destination like the National Forest. The Forest Service Discovery Center on the north shore is the main visitor center for the local mountains. Eagle tours are the primary attraction in winter. The health and sustainability of the bald eagle is a critical indicator of the overall natural resource values of the National Forest in the Big Bear Lake area. SBVAS-8

The Moon Camp site is important roosting habitat for the remaining bald eagle population in the Big Bear area. It is clear that the proposed project, depending for its approval upon an extreme zoning change would have a significant adverse effect on this species. The quantity of trees that would need to be removed for the extensive building and road construction proposals would severely compromise the viability of the existing habitat and likely compound the factors causing the population of the bald eagle to decline. It would be a terrible loss if the largest population of wintering bald eagles in Southern California were allowed to dissipate due to unwarranted projects like this.

Cumulative Impacts

The mountain area of the San Bernardino National Forest and the general public has suffered enormously in prior years by the County failing to adequately take into consideration the cumulative impacts of persistent development. This has led to overdraft of water supplies in the Big Bear Basin and water shortages in the Lake Arrowhead area. Waste water treatment facilities are routinely located on public lands of the National Forest. Infrastructure in general is pushed to insupportable levels so that taxpayers are eventually forced to underwrite the cost of improvements necessitated by poorly planned developments, which steadily downgrade the basic quality of life of the rural setting within the National Forest. The proposed project is no exception. SBVAS-9

The Draft EIR for the Moon Camp Project raises many red flags in this context. As is abundantly clear in the DEIR, the project will generate serious adverse impacts to aesthetics, air quality, biological resources, hydrology, public services, traffic and fire hazard. If the DEIR was impartial and honest, it would clearly recognize the "No Project/Existing Designation" Alternative as the environmentally responsible alternative, insofar as it clearly meets this criteria and the applicant clearly has no inherent right to develop the land to the extent that is proposed.

The cumulative impacts assessment in the DEIR, despite its deficiencies, particularly strikes a strong cautionary note in recognizing that the proposed project could result in increased demand for public services, which typically means higher taxes for existing residents. However, it fails to properly acknowledge that the inability of water providers to confirm services, which is a significant adverse effect. This fact in conjunction with the general overdraft in the Big Bear Basin represents a critical flaw in the project that is improperly glossed over in the DEIR.

SBVAS-9

The problem is compounded by the fact that the County has never properly analyzed the potential for build-out of existing lots and the increased conversion of second homes into full-time occupancy. These unavoidable changes will have a substantial impact on the Fawnskin infrastructure that has not been adequately taken into account. The Moon Camp proposal will have a significant impact in accelerating the overall conversion of the community to a primary resident population. The project would adversely affect growth inducing trends, impacts to the National Forest, carrying capacity of the mountain infrastructure, and the completely ignored wildland fire hazard. In view of so many unpredictable variables and existing excessive demands on infrastructure, it is unreasonable to amend the General Plan in a way that would only make conditions worse.

Fire Hazard

Failure to acknowledge the existing fire hazard in the San Bernardino Mountains and the recurring cycles of drought, excessive fuels and savage winds, it is a significant deficiency of DEIR. Even the county's land use planning for the mountain region does not incorporate realistic precautions against a major wildfire catastrophe, which presents a much greater threat to public safety than the county fully recognizes. It is a serious problem that has not been sufficiently addressed. This is especially alarming in view of the fact that the county appears to accept no liability or accountability for decisions that compromise public safety on such a large scale.

The situation as it stands is inherently unpredictable and unsafe, due to the overlap of firefighting jurisdictions and responsibilities. Although the county makes decisions placing excessive numbers of structures inside the wildland-urban intermix of the National Forest, the responsibility of fighting wildland fires largely falls to the Forest Service and Calfire. To some extent the county accepts responsibility for defending structures from fire, but the overlapping jurisdictions are subject to many fluctuations. For example both the Forest Service and Calfire have obligations to fight fires in other areas. That means there are times when the San Bernardino Mountains will be less protected than others.

SBVAS-10

As more and more second homes convert to full-time occupancy, the population will significantly increase. More people mean more ignition sources, as the majority of fires are started by human actions. Incidence of arson is increasing for this reason. None of these considerations have been properly addressed by the county. Wildfire professionals will attest that the recurrence of major wildland fire is an on-going fact. Elements such as extreme combustible fuels, annual gale force winds, dangerous roads subject to closure, arson activity and firefighters dispersed to cover other emergencies, make these mountains highly susceptible to a catastrophic incident that would overwhelm existing capabilities to defend existing communities, let alone build-out densities or a conversion from second homes to full-time populations. Given such extreme hazardous conditions and recent harrowing examples of major fires, which caused unprecedented destruction, there can be no excuse for compounding this situation unnecessarily. It is irresponsible that the DEIR ignores the severity and significance of this issue.

The county should not ignore the guidelines in the General Plan that prescribe the use of open space as a protective fire hazard reduction method. The existing land use designation for the project site fulfills that purpose and should not be removed.

Citizen Participation

Audubon is appreciative of the extraordinary amount of volunteer hours, research and consultation with experts that has been undertaken by the local Friends of Fawnskin community organization in opposing the misguided Moon Camp proposal. The county should take note that the testimony from the community in regard to the adverse impacts of the project represents a much more accurate perspective than what has been provided in the Draft EIR. Certainly equivalent amounts of time, expertise and expense have been invested by citizens in placing their case before the county. There are abundant and compelling reasons why the existing General Plan guidelines ought to be maintained and not be irresponsibly overturned. Maintaining the status quo is in the best interest of the public, for its safety, well-being and continued protections of a priceless National Forest. The county is fortunate to have local concerned advocates and their clear reminder of what represents the county's primary responsibilities. SBVAS-11

We thank you for your consideration of these comments.

Sincerely

Drew Feldmann

Drew Feldmann
Conservation Chair

San Bernardino Valley Audubon Society (SBVAS)

Response to SBVAS-1 and SBVAS-2
The commenter provides an introductory statement to preface the comment letter. No response is necessary.

Response to SBVAS-3 through SBVAS-7
The commenter states the Project is inconsistent with current zoning and may have potential impacts. In addition, the commenter expresses concern regarding wildfire hazards. Please see Response to SM&W-1 for zoning consistency. In addition, see Response to WINCH (b)-5 regarding wildfire hazards.

Response to SBVAS-8
SBVAS comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1.

Response to SBVAS-9
The commenter remarks that the DEIR fails to acknowledge that the water purveyor cannot provide water service. On November 17, 2015 CSA 53 C and the Big Bear Department of Water and Power entered into an agreement whereby the Department of Water and Power will provide water service to the Tract. The commenter also remarks that the cumulative impacts have not been adequately addressed. As shown in the Errata, the updated Cumulative Impacts List shows 66 percent fewer single family units being developed that was originally identified—due to the significant downturn in the economy and development industry.

Response to SBVAS-10
The commenter expresses concern regarding wildfire hazards. Please see Response to WINCH (b)-5 regarding wildfire hazards.

Response to SBVAS-11
The commenter provides a conclusive statement. No response is necessary.

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June 10, 2010

RECEIVED
JUN 11 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Via Federal Express

Matt Slowik, Senior Planner
County of San Bernardino Land Use
Services Department
385 North Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: **Revised and Recirculated Environmental Impact Report for the Moon Camp Residential Subdivision**

Dear Mr. Slowik:

This firm represents Friends of Fawnskin ("FOF") on matters related to the Moon Camp Residential Subdivision project ("Project"). FOF is dedicated to protecting the unique resources of Big Bear Lake, protecting the area's forests and open space lands, preserving Fawnskin's unique character and upholding the integrity of the County General Plan and the Bear Valley Community Plan. The purpose of this letter is to inform the County of San Bernardino that the Revised and Recirculated Draft Environmental Impact Report ("RDEIR") for the Project fails to comply with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq.*, and the CEQA Guidelines, California Code of Regulations, title 14, § 150000 *et seq.* ("CEQA Guidelines"). SM&W-1

FOF submitted extensive comments on the RDEIR in its June 4, 2010 letter. This letter does not seek to repeat the valid issues raised in FOF's letter. There are, however, additional deficiencies in the RDEIR that were either not addressed by the FOF letter or that warrant additional comment. In short, we have determined the RDEIR suffers from several essential defects. First, the document fails to adequately describe key components of the Project related to the provision of water supply and to the changes in the County Development Code that would be required to approve the Project. Second, the RDEIR fails to recognize the Project's numerous inconsistencies with the Bear Valley Community Plan ("Community Plan") and the County of San Bernardino 2007 General

Plan ("General Plan"). Third, the RDEIR lacks a legally adequate analysis of the Project-specific and cumulative impacts on groundwater resources. Fourth, the document fails to provide a legally adequate analysis of the Project's growth-inducing and cumulative impacts. Finally, the RDEIR fails to identify and analyze a reasonable range of alternatives to the Project. For the reasons described below, a new EIR that analyzes the Project's significant environmental impacts must be prepared and circulated for public review and comment. CEQA Guidelines 15088.5(a)(4). Only then can the public and the County be adequately informed about the environmental repercussions of the Project and meaningfully consider alternatives and mitigation measures to address the Project's adverse environmental impacts.

SM&W-1

In addition, the Project demonstrates a disturbing disregard for the Community Plan provisions that only allow development to be approved when there is a demonstrated adequate water supply and when the Project would be compatible with the community's character. Although the applicant proposes an amendment to the General Plan, this amendment would only serve to undermine the integrity of the County's planning efforts. Thus, because the Project conflicts with fundamental General Plan and Community Plan provisions so as to result in significant environmental impacts, and because the County has failed to adequately identify these conflicts in the EIR, approval of the Project would violate not just CEQA, but also the California Planning and Zoning Law, Gov't Code § 65000 *et seq.*, and the Subdivision Map Act, Gov't Code §§ 66473.5, 66474. Therefore, the County may not legally approve the Project, certify the EIR, or rely on the EIR to approve the Project.

I. THE PROJECT VIOLATES THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

An EIR must provide a degree of analysis and detail about environmental impacts that will enable decision-makers to make intelligent judgments in light of the environmental consequences of their decisions. CEQA Guidelines § 15151; *Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d 692 (1990). To this end, the lead agency must make a good faith effort at full disclosure of environmental impacts. In order to accomplish this requirement, it is essential that the Project is adequately described and that existing setting information is complete. *See County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185, 199 (1977). Both the public and decision-makers need to fully understand the implications of the choices that are presented related to the project, mitigation measures, and alternatives. *Laurel Heights Improvement Ass'n v. Regents of University of California*, 6 Cal.4th 1112, 1123 (1988). In this case, the Moon Camp RDEIR fails to provide sufficient information to enable informed decision-making by the County.

SM&W-2

A. The RDEIR's Project Description is Inconsistent and Vague.

In order for an EIR to adequately evaluate the environmental ramifications of a project, it must first provide a comprehensive description of the project itself. "An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 730 (quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 193). As a result, courts have found that even if an EIR is adequate in all other respects, the use of a "truncated project concept" violates CEQA and mandates the conclusion that the lead agency did not proceed in the manner required by law. *San Joaquin Raptor*, 27 Cal. App. 4th at 729-30. Furthermore, "[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." *Id.* at 730 (citation omitted). Thus, an inaccurate or incomplete project description renders the analysis of significant environmental impacts inherently unreliable. SM&W-3

Moreover, according to CEQA, an EIR's project description must contain "[a] general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities." CEQA Guidelines § 15124(c). Here, the RDEIR for the Moon Camp Project does not come close to meeting these clearly established legal standards because it fails to provide a stable and finite project description with respect to key components of the proposed Project that have the potential to result in significant environmental impacts not analyzed in the RDEIR. The most obvious example of this deficiency is the RDEIR's cursory and cryptic plan for a key component of the Project – water service. SM&W-4

The RDEIR identifies three alternative approaches to providing water service to the site. Yet, the only alternative that has been described in any detail -- Water Service Alternative 1 -- appears to be infeasible. Because the majority of the Project site is outside the Department of Water and Power ("DWP") service area as well as outside the City of Big Bear Lake's Sphere of Influence ("SOI"), Water Service Alternative 1 would require the Local Agency Formation Commission ("LAFCO") to approve an expansion of the City's SOI to include the entire existing DWP Water Service Area in Fawnskin as well as the entire Project site. RDEIR at 2-14. Yet as LAFCO makes clear, this alternative is not viable "since it would require consideration under section 56133 which precludes service outside an agency's sphere of influence. None of the Fawnskin community is within the City of Big Bear Lake sphere of influence." *See* Appendix G: Letter from County of San Bernardino LAFCO, January 24, 2008. Clearly, this is not a SM&W-5

feasible alternative for water service and we question why it was even included in the RDEIR. SM&W-5

While Water Service Alternative 2 may be a viable approach to supplying water to the site, the RDEIR provides too little information to evaluate the feasibility of this approach. The document does nothing more than state the obvious when it asserts that County Service Area 53C (CSA 53C) would own and operate the water facilities within the Project site and contract with DWP for a water interconnection to the existing Fawnskin water system. RDEIR at 2-19. Yet, the provision of water service under this alternative is discussed in such a superficial manner that the description amounts to no more than a self-evident rumination that water service would be implemented. The RDEIR never describes CSA 53C, the feasibility of CSA 53C providing service, how this entity would provide this service, or the on-site and off-site improvements that would be necessary to serve the Project site. The RDEIR includes a feasibility study for another CSA to provide sewer service for the Project site (*see* Appendix G); the RDEIR should have provided a similar feasibility study for water service. SM&W-6

The RDEIR fares no better in its description of Water Service Alternative 3. This alternative would require the developer to construct an on-site 238,600 gallon reservoir, an on-site booster station and an emergency electrical generator. RDEIR at 2-19. Other than a statement that this alternative would include a 75-foot-diameter pad for the reservoir, and that CSA 53C would own and operate the water system, the RDEIR is devoid of details. *Id.* at 2-19, 4.9-7. In order to evaluate the Project's environmental impacts, the RDEIR must provide details about the design and operation of each component of this water service infrastructure. SM&W-7

As will be discussed below, the County cannot approve this Project in the absence of a secure water supply. The physical act of providing the water to this relatively remote site – a site that is outside of an established agency service area – is a critical aspect of water supply. The lack of detail and the failure to resolve this issue are particularly ominous inasmuch as the Project applicant has had the last six years to come up with a solution to this critical Project component. Water service is not trivial, speculative, or optional—it is part of the Project, and therefore must be included in the project description. *See San Joaquin Raptor*, 27 Cal. App 4th at 714-16 (holding EIR inadequate where project description failed to include sewer expansion which was "required element of the development project"). SM&W-8

In addition to the RDEIR's deficiencies with regard to a meaningful description of water service, the RDEIR also errs because it fails to identify the fact that the Project would require an amendment to the San Bernardino County Development SM&W-9

Code. The RDEIR identifies the need for a General Plan Amendment (*see* 2-26) but does not identify a re-zoning as one of the necessary Project approvals. This information is important, not only because CEQA requires an EIR to list the lead agencies' potential approvals (*see* § 15124 (d)(2)), but also because, pursuant to the Development Code, the County must make findings if a General Plan amendment proposes to change a land use zoning designation from one zone to another. San Bernardino County Development Code § 86.12.060 (a)(2). The revised EIR must provide this information. SM&W-9

B. The RDEIR Does Not Properly Analyze the Project's Land Use Impacts.

1. The RDEIR Fails to Adequately Analyze the Project's Inconsistency With the General Plan, Including the Bear Valley Community Plan.

CEQA requires that environmental impact reports analyze the consistency of a project with applicable local plans, including General Plans. *See Napa Citizens for Honest Govt. v. Napa County Board of Supervisors* 91 Cal. App. 4th 342, 386-87 (2001); CEQA Guidelines Appendix G, § IX (b). Inconsistencies with a General Plan or other local plan goals and policies that were enacted in order to protect the environment are significant impacts in themselves and can also be evidence of other significant impacts. *See id.; Pocket Protectors v. City of Sacramento*, 124 Cal. App. 4th 903, 929 (2004). SM&W-10

The RDEIR acknowledges that the Project must be consistent with the General Plan, and analyzes the Project's consistency and inconsistency with various specific Community Plan priorities. However, in its analysis, the RDEIR glosses over numerous glaring inconsistencies in order to reach the contrived conclusion that the Project "would not violate any community policy or standard set forth in the Big Bear Valley Community Plan or County General Plan." RDEIR at 4.5-14. In addition to misinforming decision-makers and the public about the Project's consistency with these Plans, this analysis underestimates the actual impacts of the Project and ignores some of the Project's most significant impacts.[1] The FOF June 4, 2010 letter identifies an extensive list of the Project's inconsistencies with these Plans; that letter is incorporated by reference, herein. This letter highlights a few of the most egregious Plan inconsistencies and the failure of the RDEIR to analyze or mitigate for the impacts SM&W-11

[1] Additionally, the RDEIR's conclusion that the Project is consistent with various General Plan goals and policies is fatally undermined by the fact that the EIR does not contain an adequate discussion of the Project's impacts on the resources which those goals and policies are meant to protect. *See Napa Citizens for Honest Govt.*, 91 Cal. App. 4th at 381.

relating to these inconsistencies. In any event, the RDEIR must be revised and recirculated to provide a comprehensive and accurate analysis of all of the Project's inconsistencies. SM&W-11

(a) The Project Is Flatly Inconsistent With Community Plan Provisions Calling For Adequate Infrastructure.

A cornerstone principle of the Community Plan states that the County may consider revisions to the land use designation for a project site, and increases in density, only if the project is able to provide an adequate water supply to support the proposed density of development. Community Plan at 11, 22 (Policy BV/LU 1.2), 38, 46 (Goal BV/CI 5, and Policy BV/CI 5.1); and RDEIR at 4.5-13. While the RDEIR determines that the Project "has produced a secured water source" (at 4.5-14), this is not the case. As discussed below, the RDEIR lacks the evidentiary basis to conclude the Project has an adequate source of water. Consequently, if implemented, the Project would be directly at odds with the General Plan. SM&W-12

The Community Plan embodies values and principles that recognize the scarcity of water in Big Bear Valley. (*See e.g.*, Community Plan at 11: "One of the major issues that was addressed in the 1988 Community Plan was that of an adequate water supply..." and "[o]ne of the most significant constraints on future growth and development in Big Bear Valley was identified as the availability of water for potable domestic and fire flow purposes."). Indeed, in a deliberate effort to address this scarce water supply the County developed specific *very low density* land use strategies:

> In recognition of several large parcels of undeveloped private property that was suitable for future residential development that occur in the unincorporated portion of the valley, residential land use designations were assigned to these properties, *but with very low density of development allowed.* Appropriate density of future development was intended to be considered at the time that specific development proposals were submitted. Individual projects would address the *availability of adequate water supplies*, traffic circulation and other infrastructure to support the individual project's proposed density of development. This concept came to be known as the "Holding Zone" approach. The 2006 Bear Valley Community Plan incorporates this strategy from the 1988 Plan. Current residential land use zoning designations on large parcels with low development densities are reflected in such designations as BV/RL-40 (Rural Living, 40 acre minimum parcel size) and other similar low density designations. *Future development proposals will be considered based on a*

SM&W-13

demonstrated ability to provide adequate infrastructure and maintain consistency with the goals and policies of the 2006 Community Plan.

SM&W-13

See Community Plan at 11 (emphasis added). This land use strategy is indisputably linked to protecting Big Bear Valley's scarce water resources.

In addition, the Community Plan makes clear that this approach to planning was intended to implement the community's priorities. *See* Community Plan at 13: "[a] key consideration in developing this plan has been acknowledging the potential impacts that future development will have on the area's valued natural resources. The goals and policies included in this community plan emphasize the protection of these sensitive resources…". The Community Plan further identifies the following "principle planning issue:" "[a]cknowledge service and infrastructure capacity and limitations of the areas, particularly roads and water, to serve future development." *Id.*

SM&W-14

The Project site was designated Rural-Living-40 (designating a 40 acre minimum parcel size) and placed in this "Holding Zone" specifically because of Bear Valley's limited water supplies. Inasmuch as there is no assurance that adequate water supplies exist to serve the proposed Moon Camp Project, approval of the Project would be directly at odds with the Community Plan's cornerstone principle that calls for approving development *only upon demonstration of an adequate water supply*.

SM&W-15

(b) The Project Is Flatly Inconsistent With General Plan Provisions Calling For the Preservation of Bear Valley's Community Character.

If approved, the Moon Camp Project would conflict with the Community Plan's vision of preserving the character of this unique mountain community. As the Community Plan acknowledges, Bear Valley "is known as a charming, small-town, mountain-recreation community that is attractive to tourists and residents alike for its climate, recreational amenities, scenic resources and sense of remoteness from urban life." Community Plan at 12. Its residents believe that their community's priorities are not consistent with those of the adjacent municipality, particularly in terms of its approach to development. *Id.* "Residents of the Bear Valley community have expressed their desire to follow a measured and carefully managed approach to future development." *Id.* A principal concern of residents is the conversion of natural open space to development, and particularly to a type of development that detracts from the natural setting and rural-mountain character currently enjoyed by the community. *Id.* at 13.

SM&W-16

The Moon Camp RDEIR suggests that because the proposed subdivision would allow one-half acre lots, this would allow lot owners to minimize grading and preserve existing trees and other natural features on their lots and that consequently the forest and natural environment – and consequently the community's character -- will be maintained. RDEIR at 4.5-14 and 15. However, it is not debatable that the development patterns associated with the Moon Camp Project would ruin the visual integrity of this beautiful lakeside setting. California courts agree on this issue. As explained by the court in *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas*, 29 Cal.App.4th 1597, 1606 (1994), it is "self-evident" that replacing open space with a subdivision will have an adverse effect upon "views and the beauty of the setting." The court also found that aesthetic impacts are not mitigated to below a level of significance where there is evidence that the project will continue to impact the view. Here, the Moon Camp RDEIR's conclusion that the proposed Project's significant aesthetic impacts could be mitigated to a less than significant level defies common sense inasmuch as the proposed Project would clearly detract from the pristine forest setting and views of Big Bear Lake. *See* RDEIR at 4.1-10. SM&W-17

Equally troubling, the RDEIR asserts that the Moon Camp Project would be compatible with the community's character based on the incorrect assumption that the Project has been designed as an extension of the existing land use patterns (i.e., neighboring single-family residential uses). *Id.* at 4.5-13. As the FOF June 4, 2010 letter explains, this assessment is simply wrong. While there is one very small older subdivision to the east of the proposed Project site, over 60 percent of the Project site is bounded by either National Forest land or lakefront. The Project site is a National Forest inholding and its development certainly would not be an extension of an existing community. In fact, the RDEIR concedes this point concluding that the Project would change the visual character of the site from a forested, undeveloped nature to a developed residential areas. *Id.* at 7-11. Although the RDEIR finds this impact to be significant (at 7-31), it fails to take the necessary next step and acknowledge that the Project's inconsistency with the General Plan's goals and policies calling for the preservation of these critical community characteristics is also a significant impact. SM&W-18

Furthermore, as the FOF letter explains, the Project would destroy the visual integrity of the forest setting by adding structures, roads and curbs, pedestrian walkways, parking and storage areas, and lighting. Indeed, there are no residential streetlights in Fawnskin at all, nor does the community any curbs. These suburban/urban style type improvements have no place in a mountainous community. The development of a subdivision and marina would also degrade views from SR-38, a State of California and County designated "Scenic Highway" and a U.S. Forest Service designated "scenic SM&W-19

byway." RDEIR at 4.1-2. As the General Plan recognizes, San Bernardino's "vast undeveloped tracts of land that offer significant scenic vistas" are in "danger of deteriorating under growing pressure from urban development..." General Plan at III-6. The General Plan goes on to state that a highway's designation as "scenic" depends upon:

> the amount of natural landscape [that] can be seen by individuals traveling along its route and the extent to which development intrudes upon this view. The boundaries of a scenic corridor generally encompass the land adjacent to and visible from the highway, using a motorist's line of sight. A reasonable boundary is selected when the view extends to the distant horizon.

Id. The General Plan's goals and policies call for maintaining and enhancing the visual character of scenic routes in the County. *See* General Plan at VI-12 and VI-13. Finally, the U.S. Forest Service' Forest Land Management Plan 2006 Revision identifies high scenic integrity objectives for the area surrounding the Project site. RDEIR at 4.5-11.

SM&W-19

Despite these serious discrepancies between the County's stated goals in the Community Plan and the Forest Service' objectives in the Forest Land Management Plan, on the one hand, and the reality of the proposed Moon Camp Project, on the other hand, the RDEIR fails to include "definite affirmative commitments to mitigate the adverse effect" of these discrepancies. *See Napa Citizens for Honest Govt.*, 91 Cal. App. 4th at 379. Instead, the RDEIR offers merely a pittance of mitigation designed only to imbue the Project with the image of not detracting from the scenic views of the forest or the Lake. For example, to mitigate for the Project's aesthetic impacts, the Project includes measures such as using earth tone colors and adding and building the development entry sign out of rock or rock appearance. RDEIR at 4.1-8 and 4.1-9. Needless to say, these measures are simply not sufficient to mitigate for the loss of the forested lake views.

SM&W-20

The introduction of these man-made structures into this pristine environment would be visually intrusive and would be an abrupt interference in an otherwise natural setting. The Project's visual impacts are significant and for that reason, the Project would conflict with the General Plan, the Community Plan and the Forest Land Management Plan. The revised EIR must acknowledge these inconsistencies as significant impacts of the Project.

SM&W-21

(c) The Project Is Flatly Inconsistent with Policies and Programs in the General Plan Land Use Element.

The RDEIR's deficient land use analysis extends beyond the document's failure to adequately analyze impacts relating to the Project's inconsistency with the Community Plan. In addition, the RDEIR fails entirely to examine the Project's inconsistency with important provisions in the General Plan. A selection of certain of these General Plan programs and policies include:

- Policy D/LU 1.1: Encourage low density development by retaining Rural Living (RL) zoning in Community Plan areas that are outside of city spheres of influence and removed from more urbanized community. General Plan at II-46.

- Policy CI 11.10: Because the recharge of groundwater basins is vital to the supply of water in the County, and because these areas can function only when retained in open space, the County will consider retaining existing groundwater recharge and storm flow retention areas as open space lands. *Id.* at III-34. SM&W-22

- CI 11.12: Prior to approval of new development, ensure that adequate and reliable water supplies and conveyance systems will be available to support the development, consistent with coordination between land use planning and water system planning. *Id.* at III-35.

- Program 9: Encourage new development to locate in those areas already served or capable of being served by an existing approved domestic water supply system. *Id.* at III-36.

The revised EIR must examine each of the General Plan policies for which the Project may be inconsistent. If inconsistencies exist, the RDEIR must identify these as significant impacts and identify feasible mitigation or Project alternatives capable of minimizing or eliminating these impacts.

(d) The RDEIR Fails to Address the Project's Significant Impacts Relating to the Findings For General Plan Amendment and Zoning Change.

The RDEIR fails to adequately analyze the ability of the Project to comply with the findings required to amend the General Plan and San Bernardino County Development Code ("Development Code"). *See* section 86.12.060. In order to legally proceed with these amendments, the County must make six findings pertaining to issues such as: 1) the Project's consistency with the General Plan, 2) the Project's logical SM&W-23

extension of the existing land use pattern; 3) and, adverse effects on surrounding properties. *Id.* If *any one* of the six findings is invalid, the County may not proceed with the Moon Camp Project. SM&W-23

FOF's June 4, 2010 letter provides extensive evidence as to why the County cannot make the required findings. Moreover, inasmuch as inconsistencies with a General Plan or other local plan goals and policies that were enacted in order to protect the environment are significant impacts in themselves and can also be evidence of other significant impacts (*See Pocket Protectors*, 124 Cal. App. 4th 903, 929 (2004)), the RDEIR is deficient in that it has not adequately analyzed the ability of the County to make these findings. The revised EIR must provide a comprehensive analysis. SM&W-24

C. The RDEIR Fails To Adequately Analyze Impacts Relating to Water Supply.

As the Community Plan explains, Big Bear Valley faces serious limitations with regard to ground water supply. Indeed, one of the most significant constraints on future growth and development in Bear Valley is the availability of water. Community Plan at 11. In large part because of the recent population change from part-time to full-time residents in the area, water availability has become severely restricted. *Id.* at 38. At the same time, not withstanding the rains of the 2009/10 El Nino, California is in the midst of a prolonged drought. *See* California Drought: Hydrological and Regulatory Issues, December 7, 2009, attached as Exhibit A. Throughout Big Bear Valley, and particularly in Fawnskin, the quantity of water supplies cannot be taken for granted. Nonetheless, that is precisely the tack taken by the RDEIR, which assumes, or rather speculates, that water supply can keep up with demand. SM&W-25

The Project's impact on water supply is discussed in two places in the RDEIR: as part of the Hydrology and Water Quality analysis and as part of the Utilities analysis. Under CEQA, an EIR must clearly identify the proposed water supply for the entire project under review, and must then analyze the reliability of that supply. *See, e.g.*, *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 431-32; *Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal. App. 4th 715, 722-24; *Napa Citizens for Honest Government v. Napa County Board of Commissioners* (2001) 91 Cal. App. 4th 342, 373-74. If it is uncertain whether the proposed supply can provide the needed water, the EIR must also identify an alternative source. *Vineyard Area Citizens*, 40 Cal. 4th at 432. The EIR must finally analyze and disclose the potential environmental impacts of tapping this additional source. *Id.* SM&W-26

The RDEIR fails to comply with these requirements in several ways: (1) it underestimates the Project's water demand; (2) it fails to adequately analyze the Project's impact on the region's groundwater resources; (3) it fails to take into account declining water supplies due to climate change; (4) it fails to provide the necessary detail and analysis of impacts relating to the provision of water service; and (5) it lacks an analysis of the cumulative effect on water supply. SM&W-27

1. The RDEIR Underestimates the Project's Water Demand.

The RDEIR's water supply analysis underestimates the demand for water generated by the proposed Project. The estimate of water demand utilized in the analysis (14 acre-feet per year) appears to be substantially understated given the type of homes that would be constructed on the site's lots. According to a "Water Availability Analysis" prepared by Napa County, residential water use can vary dramatically from house to house depending on the number of occupants, the number and type of appliances and water fixtures, and the amount and types of lawn and landscaping. *See* "Water Availability Analysis Policy Report" August 2007, attached as Exhibit B. Two homes sitting side by side can consume dramatically different quantities of water. The Napa Analysis offers two examples to demonstrate the variability in water use:

Example 1: Home #1 is 2500 square feet. Outside the house there is an extensive lawn, a water-loving landscaping, and a swimming pool with no pool cover. Inside the house all the appliances and fixtures, including toilets and shower-heads, which are not water saving types. The owners wash their cars weekly but they do not have nozzles or sprayers on the hose. They do not shut off the water while they are soaping up the vehicles, allowing the water to run across the ground instead. Water is commonly used as a broom to wash off the driveways, walkways, patio, and other areas. The estimated water usage for Home #1 is 1.2 acre-feet of water per year. SM&W-28

Example 2: Home #2 is also 2500 square feet. Outside of the house there is a small lawn of drought tolerant turf, extensive usage of xeriscape landscaping, and no swimming pool. Inside the house all of the appliances and fixtures, including toilets and showerheads, are of the low flow water saving types. The owners wash their cars weekly, but have nozzles or sprayers on the hose to shut off the water while they are soaping up the vehicles. Driveways, walkways, patios, and other areas are swept with brooms instead of washed down with water. Estimated water usage for Home #2 is 0.5 acre-feet of water per year.

The above are only examples of unique situations. The estimated water use for any project will vary depending on existing parcel conditions. Here, the applicant SM&W-29

assumes that each residence would use 0.28 acre-feet per household per year for a total projected water consumption of 14 acre-feet of water per year. RDEIR at 4.9-8. Even assuming water use commensurate with example #2 above, the water demand from the proposed Project would be closer to 25 acre-feet per year. Water use commensurate with example #1 would be about 60 acre-feet per year. Given the severe groundwater constraints in Big Bear Valley, any increase in water use, let alone consumption greater than 14 acre-feet per year per lot, could result in a significant burden on groundwater resources, beyond that acknowledged in the RDEIR. SM&W-29

Moreover, the applicant apparently already realizes that 14 acre-feet would not be sufficient to supply the proposed Project inasmuch as the water purveyor may seek to extract additional groundwater. *See* RDEIR at 4.9-15, Mitigation Measures U-1b and U-1c. Thus, we question whether the 14 acre-feet figure is an accurate assessment of the Project's water demand. This uncertainty also implicates the RDEIR's Project Description inasmuch as CEQA requires a stable, finite project description. *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 730 (quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 193). SM&W-30

Clearly, if the applicant intends to use water in addition to the 14-acre feet identified, the RDEIR must analyze the ability to provide this water now, not after Project approval. Decision-makers must be "presented with sufficient facts 'to evaluate the pros and cons of supplying the amount of water that the [project] will need.'" *Id.* at 431 (quoting *Santiago County Water Dist. v. County of Orange*, 118 Cal. App. 3d 818, 829 (1981)). The "future water sources for a land use project such as this and the impacts of exploiting those sources are not the type of information that can be deferred for future analysis." *Id.* The RDEIR's analysis of water supply for the Project fails to meet this standard. SM&W-31

2. The RDEIR Fails to Adequately Analyze Whether the Project Would Substantially Deplete Groundwater Supplies or Interfere With Recharge.

The RDEIR fails to adequately document existing geohydrological conditions and thus fails to analyze the Project's effect on groundwater supplies. Consequently, the RDEIR lacks the evidentiary basis to conclude that the Project would not substantially deplete groundwater supplies or interfere with groundwater recharge. SM&W-32

To serve the Moon Camp Project, the Project applicant intends to rely on groundwater from the North Shore Subunit groundwater basin (referred to as Subarea A) and the Grout Creek Subunit groundwater basin (referred to as Subarea D). The February SM&W-33

11, 2009 "Water Supply Analysis" prepared by California Collaborative Solutions ("CSS") concludes that the combined pumping capacity of Well FP2 (Subarea A groundwater basin) and Well FP4 (Subarea D groundwater basin) are more than adequate to meet the long term water supply needs of the proposed 50 lot subdivision without adverse impacts to either Sub-Area A of the North Shore Basin or the Grout Creek groundwater basin. *See* Appendix C.5 at 2. The CSS Water Supply Analysis, however, relies in large part on a 2003 Focused Geohydrologic Evaluation prepared by Geoscience Support Services ("2003 Evaluation).[2] Yet, the 2003 Evaluation was entirely inadequate and failed to document existing groundwater conditions.[3] Consequently, the prior DEIR prepared for the original Moon Camp Project identified the Project's water supply impacts as significant and unavoidable because the 2003 Evaluation contained "inconclusive testing of potential overdraft conditions for the groundwater basin."

SM&W-33

[2] While a 72-hour pumping test was conducted for Well FP2 in 2008 to establish the FP-2 well's discharge rate, such a test is certainly not sufficient to identify the aquifer's sustainable yield. *See* Appendix G: "Results of Rehabilitation and Aquifer Testing Moon Camp Well FP-2," CSC, August 7, 2008.

[3] A critical omission in the RDEIR is the actual 2003 Evaluation itself. The RDEIR Technical Appendices include only the cover page and page 3 of this Evaluation. Thus, the RDEIR cannot support the RDEIR's conclusion that an adequate water supply exists for the proposed Project. It is inappropriate to rely upon this type of incorporation by reference as a substitute for an important analysis of a key environmental impact. "Incorporation by reference is most appropriate for including long, descriptive, or technical materials that . . . do not contribute directly to the analysis of the problem at hand." CEQA Guidelines § 15150(f). Clearly the analysis of groundwater resources in the Big Bear watershed "contributes directly" to the analysis of the Moon Camp's water supply impacts, and therefore should have been included directly in the text of the RDEIR, not merely incorporated by reference. Moreover, even if the RDEIR could legitimately rely upon an outside document for its analysis and conclusions, it would need to include a thorough description of the 2003 Evaluation's scope and methodology. *See Emmington v. Solano County* (1987) 195 Cal. App. 3d 491, 502-03 (outside reports do not support environmental document where they are not adequately summarized and analyzed). In addition, CEQA requires that an agency relying on another document must comply with specific procedures, including notifying the public about where a copy of the other document can be obtained. CEQA § 15150 (b). The RDEIR contains no such information about the 2003 Evaluation. As a result, the County cannot rely on that Evaluation in analyzing the Project's impacts.

RDEIR at 1-5. Now, six years later, no subsequent detailed groundwater investigations have been conducted. Accordingly, because the RDEIR did not comprehensively study groundwater resources, but relies, in large part, on the inadequate 2003 study, the agency lacks the evidentiary basis to conclude that adequate groundwater resources exist to serve the Project. SM&W-33

Independent hydrological experts confirmed that the 2003 Evaluation provided uncertain and unreliable results regarding the Project's potential effects on local water supplies.[4] Tom Perina, Ph.D, P.G. (6636), C.H.G. (572) and Tain-Shing Ma Ph.D, P.E., hydrologists, reviewed the 2003 Evaluation and each expert independently determined that the Evaluation lacked the necessary data to determine the maximum perennial yield of the North Shore and Grout Creek groundwater basins. The Perina and Ma Reports are attached to this letter as Exhibits C and D. SM&W-34

The Ma Report explains that the 2003 Evaluation relies on a U.S. Environmental Protection Agency Hydrological Simulation Program Fortran watershed model but fails to describe how this model was calibrated. *See* Ma Report at 1. The input parameters to this model were estimated or assumed specifically because measured field hydrological data were not available. *Id.* Ma concludes that it is not possible to determine whether the modeled data represent local conditions. *Id.* Indeed, the 2003 Evaluation itself concedes that most of the input parameters that are required for a detailed evaluation of the average annual groundwater recharge had to be estimated or assumed "from data collected outside the Grout Creek and North Shore subunits or outside the Big Bear Lake Watershed *due to lack of measured data in the area.*" 2003 Evaluation at 3 (emphasis added). Similarly, the September 2, 2004 Letter from Geoscience to the City of Big Bear Lake Department of Water and Power warns, "[h]owever, the relatively wide range of potential yield reflects the *limited data available to determine the estimate.*" Appendix G (emphasis added). SM&W-35

The Perina Report is also highly critical of the 2003 Evaluation. Perina finds that if increased production results in a decline of the water table, the yield of existing wells will drop and wells may become dry. Lowering of the water table may also impact the ecosystem in the area. Perina states, "this issue was not addressed in the study and should be part of an ecological impact assessment." Perina Report at 1. The Perina Report also explains that the 2003 Evaluation itself acknowledged that, given the wide variation in precipitation levels, future groundwater production and development SM&W-36

should rely on established ground water level thresholds rather than perennial yield estimates. The 2003 Evaluation states:

> The groundwater recharge analysis is based on long-term precipitation records. However, short-term periods (5-10 years) of relatively low precipitation have been observed throughout the period of record. These short-term periods of low precipitation are anticipated to have a significant impact on the groundwater levels in the North Shore and Grout Creek Hydrologic Subunits because the storage capacity of the groundwater reservoir is relatively small. For this reason, future groundwater production, and development, in each tributary subunit should rely more on established groundwater level thresholds than the perennial yield estimates.

SM&W-36

See Perina Report at 1,2.

Perina confirms that watershed yield calculations presented in the 2003 Evaluation were only "rough estimates" that *should not* be depended on for quantitative determination of water availability. *Id.* (emphasis added). Indeed, an accurate assessment of future groundwater production should have been based on "hard data" – or actual measured groundwater levels throughout the watershed -- to determine actual water availability. *Id.*

Further evidence that the 2003 Evaluation preparers recognized the weakness in the data-collection efforts is the report's statement that: "priority should be given to the construction of monitoring wells and the development of a reliable ground water level baseline for the tributary subareas." 2003 Evaluation at 3. Thus, because the 2003 Evaluation failed to provide an accurate assessment of groundwater availability in the Project vicinity and because we can find no evidence of any subsequent groundwater investigation, the RDEIR fails to analyze accurately whether there is adequate water supply for the level of development allowed by the Moon Camp Project, in violation of CEQA. *See Santiago County Water Dist.*, 118 Cal.App.3d at 831.

SM&W-37

CEQA further requires that if there is uncertainty as to the adequacy of the water supply to serve a proposed project, the EIR must identify additional sources of supply and discuss the environmental consequences of tapping those resources. *See Napa Citizens*, 91 Cal.App.4th at 373. We can find no indication that there has been any attempt to identify additional sources of supply, let alone evaluate the environmental consequences of tapping this groundwater source for the Project. *See Napa Citizens*, 91 Cal.App.4th at 373.

SM&W-38

Water supply is serious business in Big Bear Valley. Indeed, water resources are so constrained that all DWP customers in the Valley are already under Stage I Water Shortage Emergency Restrictions. *See* DWP Current Water-Use Regulations; DWP Board of Commissioners Resolution No. DWP 2007-02 available at: http://www.bbldwp.com/Board/Meetings/Resolutions/WaterShortageEmergencies.pdf. These regulations were enacted in May 2008 and include extensive restrictions on water consumption. The failure to even acknowledge these emergency-based water restrictions is yet another example of the RDEIR's superficial treatment of the Project's groundwater resource impacts. SM&W-39

In sum, the RDEIR lacks the evidentiary support to conclude that the Project would not adversely affect groundwater resources. Surrounding residents have valid concerns about the effect that this new development will have on their drinking water supply. Sufficient water supply is also critical to protect biological resources. We are dismayed that additional data collection has not occurred since the original EIR was published in 2004. Over the last six years, the applicant certainly could have collected multi-year data reflecting extraction versus recharge over time. CEQA, and good public policy, demand that the County ask itself the hard questions necessary to ensure that the Project does not substantially deplete groundwater supplies in this fragile area. SM&W-40

3. The RDEIR Fails to Analyze Global Warming's Effect on Water Supply in Determining the Project's Water Supply Impacts.

Significant for the state, as well as the Project area, is global warming's impact on water supply. The Intergovernmental Panel on Climate Change ("IPCC") specifically identified the American West as vulnerable, warning, "Projected warming in the western mountains by the mid-21st century is very likely to cause large decreases in snowpack, earlier snow melt, more winter rain events, increased peak winter flows and flooding, and reduced summer flows." IPCC 2007b. As the Moon Camp RDEIR makes clear, rain and snow amounts are critical in the Bear Valley watershed, as the watershed relies on this precipitation for groundwater and there is no supplementation or intentional recharging of the aquifers. RDEIR at 4.4-2. SM&W-41

Recently, researchers found that the increase in atmospheric greenhouse gases has contributed to a "coming crisis in water supply for the western United States." *See* Climate Change Primer, Climate Change Resource Center, attached as Exhibit E. Using several climate models and comparing the results, the research found that warmer temperatures accompany decreases in snow pack and precipitation and the timing of runoff, impacting river flow and water levels. *Id.* The California Center on Climate Change also recognize the problem global warming presents to the state's water supply SM&W-42

and predicts that if greenhouse gas emissions continue under the business-as-usual scenario, this snowpack could decline up to 70-90 percent, affecting winter recreation, water supply and natural ecosystems. *See* Our Changing Climate: Assessing the Risks to California, California Climate Change Center, attached as Exhibit F. Global warming will affect snowpack and precipitation levels, and California will face significant impacts, as its ecosystems depend upon relatively constant precipitation levels and water resources are already under strain. *Id.* SM&W-42

Clearly, the decrease in snowpack in the Sierra Nevada will lead to a decrease in California's already "over-stretched" water supplies. *Id.* It could also potentially reduce hydropower and lead to the loss of winter recreation. This means "major changes" in water management and allocation will have to be made. *Id.* As one study explains, anthropogenic change of Earth's climate is altering the means and extremes of precipitation, evapotranspiration, and rates of discharge of water sources. Stationarity is Dead: Whither Water Management, Science, attached as Exhibit G. This report concludes that water supply experts must update the analytic strategies used for water supply planning under uncertain and changing conditions. SM&W-43

Inasmuch as Southern California creates a great demand for water during the spring and summer (*see* Exhibit F), global warming may directly affect the ability to supply clean, affordable water to Southern California residents and change how the Project will utilize water. The revised EIR for the Moon Camp Project must address these changes in water supply availability. SM&W-44

4. The RDEIR Fails to Adequately Analyze How the Project Would Provide Water Service to the Project Site and the Environmental Impacts Associated With This Service.

As discussed above, the RDEIR leaves unanswered important questions pertaining to the provision of water service for the proposed Project. In addition to the uncertainty relating to the water supply provider, the RDEIR fails to identify or analyze the environmental impacts that would result from providing the water supply infrastructure to the Project site. The RDEIR states that under Water Supply Alternatives 1 and 2, the developer would be required to construct the on-site and off-site facilities as described in the DWP's Water Feasibility Study. RDEIR at 2-14 through 2-20. The RDEIR does not describe this DWP study or identify the facilities that the study purportedly describes. SM&W-45

The RDEIR further notes that "significant transmission improvements" in the Fawnskin system would be needed to provide fire flow to the Project site. *Id.* Again, SM&W-46

the RDEIR text does not identify the nature of these improvements. The Alda Engineering letter dated March 6, 2007, located in the RDEIR's technical appendix, mentions the need for an additional storage of 30,000 gallons in the Upper Fawnskin pressure zone to supply fire flow for the project. *See* Alda Letter at 4. This letter also states that this additional storage could be provided by either constructing a second reservoir adjacent to the existing Raccoon Reservoir or conveying surplus storage in the Lower Fawnskin pressure zone through an existing booster station. *Id.* The letter further mentions the potential for improvements to the booster station and the need for a back-up generator. *Id.* Finally, the letter suggests that additional storage facilities may need to be constructed on U.S. Forest Service lands." *Id.* at 6. The RDEIR does not provide any detail as to these systems and facilities. Are they, or are they not, a part of the Project? Members of the public and decision-makers should not have to guess as to the nature of the necessary infrastructure to supply the Project's water. SM&W-46

The RDEIR asserts, absent any evidence or analysis, that impacts related to the installation of the off-site and on-site water improvements would be temporary and therefore less than significant, and also suggests that the improvements would occur primarily within existing paved roads. RDEIR at 2-19 and 4.9-6. We question the validity of these statements inasmuch as RDEIR Figure 2-6 shows extensive new off-site water supply lines. Certainly, new reservoirs and generators would not be constructed within existing roads. Moreover, even if water lines would be constructed within existing roads, there would be noise, air quality and traffic impacts associated with such an extensive project. The RDEIR must analyze the environmental impacts resulting from the installation of all facilities, systems and equipment for the Project's daily water, emergency storage and fire flow storage. SM&W-47

Water Supply Alternative 3 would involve the construction of a new 238,600-gallon on-site reservoir and an on-site booster station. RDEIR at 4.9-7. The booster station would include an electrical generator. *Id.* Here too, the RDEIR lacks any detail as to how and where this reservoir would be constructed and how it would operate or be maintained. Until these critical design details are identified, it is not possible to evaluate the environmental impacts that would result from construction of this proposed on-site water system. SM&W-48

5. The RDEIR Fails to Adequately Analyze and Mitigate the Project's Cumulative Water Supply Impacts.

The RDEIR lacks the required analysis to determine the Project's cumulative effect on groundwater resources. While the document identifies certain other projects that would be built in the area, as discussed below, this list is incomplete. SM&W-49

Beyond this deficiency, however, the RDEIR fails entirely to identify the cumulative water demand from each of these projects and compare this demand to available water resources. In the revised and recirculated EIR, the County must conduct a quantitative analysis of this cumulative impact. The purpose of such quantitative analysis is clear: if it demonstrates that there will be insufficient water supplies to meet cumulative development demands, the County must (a) identify the steps required to increase capacity or obtain new water sources, and (b) consider the environmental impacts of obtaining this supply, including the impacts of constructing any required infrastructure. *Vineyard Area Citizens*, 40 Cal. 4th at 432. If this analysis reveals that groundwater resources are not sufficient to satisfy the demands from proposed development, the County must consider limiting growth. The absence of this analysis deprives the public and decision-makers of sufficient information to draw their own conclusions about the wisdom of this Project and its environmental costs. *See Citizens of Goleta Valley*, 52 Cal. 3d at 568; CEQA § 21080(e)(1)-(2). SM&W-49

D. The RDEIR Fails to Adequately Address the Project's Growth-Inducing Impacts.

CEQA requires that an EIR contain an analysis of a project's growth-inducing impacts. Growth-inducing impacts are those that encourage or facilitate other activities or projects that could significantly affect the environment. *See* Pub. Res. Code § 21100(b)(5); CEQA Guidelines § 15126(d). Growth-inducing impacts include aspects of a project that "could foster economic or population growth, or the construction of additional housing," that "encourage or facilitate other activities that could significantly affect the environment," or that "remove obstacles to population growth." CEQA Guidelines § 15126.2(d). Expansion of public infrastructure, such as community service facilities and roadways, is a classic example of a growth-inducing impact of a project. SM&W-50

Here, the Project would require the extension of water and wastewater service to the site. RDEIR at 4.9-4 and 4.9-10. As discussed above, under Water Service Alternative 1, DWP would own and operate the Project's water system and, in the unlikely event that LAFCO approved an expansion of the City of Big Bear Lake's SOI, the DWP service area would be expanded to include all of Fawnskin as well. *Id.* at 2-14. Similarly, under Water Service Alternatives 2 and 3, CSA 53C would have water authority sufficient to encompass the whole of the north shore of Big Bear Lake including the entirety of the community of Fawnskin. *See* Appendix G: LAFCO Letter dated January 28, 2008. Consequently, since water service would be extended beyond the Project site itself, such service could serve future development. Other landowners in Fawnskin or the north shore of Big Bear Lake could request a tie into the new service, thus allowing increased development and increased demand on the watershed's already SM&W-51

scarce supplies. The RDEIR is deficient in its failure to analyze these growth-inducing effects. *City of Antioch v. City Council of Pittsburg (1986) 187 Cal.App.3d 1325, 1337.* SM&W-51

The RDEIR's analysis of growth-inducing impacts is further deficient because it fails to consider the precedent that approval of an amendment to the General Plan could set for interpretation of the County's planning policies. Specifically, if the County approves this Project – in violation of its General Plan's and Community Plan's clear policies calling for development not to proceed in the absence of a demonstrated water supply, such an action would undoubtedly encourage other developers to seek similar approvals. By creating such a precedent, this Project could induce additional development that would not be allowed under a proper reading of the County's Plans. The associated environmental impacts to, for example, water supply, community character, biological resources, traffic, air quality, and noise must be addressed. SM&W-52

E. The RDEIR Fails to Adequately Analyze the Project's Cumulative Impacts.

An environmental document must discuss significant "cumulative impacts." CEQA Guidelines § 15130(a). "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." CEQA Guidelines § 15355(a). "[I]ndividual effects may be changes resulting from a single project or a number of separate projects." CEQA Guidelines § 15355(a). A legally adequate "cumulative impacts analysis" views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable future projects whose impacts might compound or interrelate with those of the project at hand. "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." CEQA Guidelines § 15355(b). The cumulative impacts concept recognizes that "[t]he full environmental impact of a proposed . . . action cannot be gauged in a vacuum." *Whitman v. Board of Supervisors* (1979). 88 Cal.App.3d 397, 408 SM&W-53

A cumulative impact analysis is especially important in the present case because growth in Big Bear Valley has already severely taxed the area's roads and other public utilities and services. The Community Plan took specific action to limit the amount of growth and development in the Valley, taking into account the area's natural resources and its infrastructure. Community Plan at 11. Over the years, the County has allowed a disproportionately high level of development and this growth has placed extraordinary demands on the Valley's natural resources. Loss of habitats for native species, increased pollution of Big Bear Lake and area streams and rivers, and of course, dwindling water resources have all worsened with this continued development. SM&W-54

Given the current conditions and constraints, one would expect that the cumulative impact analyses in this RDEIR would have thoroughly evaluated the effect that the Moon Camp Project together with other development would have on the area's environmental resources. Unfortunately, this is not the case. Rather, the RDEIR's cumulative impact analysis suffers from several serious flaws. First, while the document identifies 17 development projects that are either pending, recently approved, or in process of being constructed in the Project area, the RDEIR does not provide sufficient information to determine what these projects are or where they are located. For the most part, Table 5-1 simply lists the projects by tentative tract number. Without a description of each of these projects, it is not possible to cumulatively evaluate the projects' environmental impacts. SM&W-55

Second, Table 5-1 omits certain projects. For example, the list excludes the following:

- In the area surrounding the Moon Camp Project site, there are 1,076 developable lots of record;
- Marina Point: This project includes 133 condominiums and a 175- boat slip public marina on 12.5 acres, located immediately west of the proposed Moon Camp Project site. *See* Map of Fawnskin, attached as Exhibit H. SM&W-56
- Deer Trail: An application for 27 dwelling units on 30 acres has been submitted to the County. This property is located just north of the Moon Camp Project site. *See* parcel identified as Klein Property in Exhibit H.
- A large County Recycling Center on the North Shore about four miles east of the Project site.

The revised EIR must include these projects and developable lots in its cumulative impact analysis.

Even more troubling than the failure of the RDEIR to accurately describe the projects and to include all of the relevant projects in the cumulative impact analysis is the document's failure to *actually analyze* the listed projects' cumulative environmental impacts. With the exception of cumulative impacts on the bald eagle and traffic/circulation, the RDEIR's analysis of cumulative impacts never actually evaluates the combined effects of both the proposed Moon Camp Project and the other listed projects. Such an analysis is required in order to determine whether the effects of the SM&W-57

Moon Camp Project, together with other projects, are cumulatively significant. (*Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 120.) SM&W-57

In violation of CEQA, the RDEIR merely summarizes the project-specific impact analysis and casually concludes that the cumulative impacts would be less than significant. For example, as discussed above, with regard to water supply, the RDEIR should have quantified the increase in water demand from all relevant projects and compared that demand to available groundwater resources. Similarly for the analysis of cumulative air quality impacts, the RDEIR should have evaluated the increase in emissions from all relevant stationary and mobile sources and compared this increase to applicable air quality standards. This type of quantitative analysis should have been performed for *each* impact area. SM&W-58

As for the RDEIR's evaluation of the cumulative impacts on the bald eagle, the RDEIR correctly identifies the cumulative impact as significant. The document fails, however, to take the legally required next step and identify feasible mitigation. *See* CEQA Guidelines sections 15126.4 (a)(1)(A) and 15130 (b)(5). SM&W-59

The EIR must be revised to analyze the Project's cumulative impacts and identify feasible mitigation for any impacts determined to be significant. SM&W-60

F. The RDEIR Analyzes an Inadequate Range of Alternatives and Thus Fails to Identify Alternatives that Reduce Impacts.

An EIR must describe a range of alternatives to the proposed project, and to its location, that would feasibly attain the project's basic objectives while avoiding or substantially lessening the project's significant impacts. Pub. Res. Code § 21100(b)(4); CEQA Guidelines § 15126.6(a). A proper analysis of alternatives is essential for the County to comply with CEQA's mandate that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code. § 21002; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126.6(a); *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443-45. As stated in *Laurel Heights Improvement Association v. Regents of University of California*, "[w]ithout meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process. . . . [Courts will not] countenance a result that would require blind trust by the public, especially in light of CEQA's fundamental goal that the public be fully informed as to the consequences of action by their public officials." 47 Cal.3d 376, 404 (1988). Here, the RDEIR's discussion of alternatives fails to live up to these standards. SM&W-61

The primary flaw in the RDEIR's alternatives analysis is its failure to identify and consider a reasonable range of alternatives that reduce project impacts, as CEQA requires. *See* CEQA Guidelines § 15126.6(c); *Citizens of Goleta Valley v. Board of Supervisors*(1990) 52 Cal.3d 553, 566. Under CEQA, the discussion of alternatives must focus on alternatives capable of avoiding or substantially lessening the adverse environmental effects of a project, "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." CEQA Guidelines § 15126.6(b). The alternatives to be discussed need not be identical to, or even substantially similar to the project as originally described by the applicant, so long as they can be accomplished within a reasonable period of time, taking into account economic, environmental, social and technological factors. *Citizens of Goleta Valley*, 52 Cal.3d at 574. SM&W-62

Other than the two no-project alternatives, the RDEIR considers only two alternatives to the proposed Project. Remarkably, both of these alternatives actually call for an *increase* in the number of residential lots and therefore would result in *greater* environmental impacts than the Proposed Project.[5] Indeed, the "Reduced Density, Utilizing Proposed Project Redesign Alternative" includes 66 residential lots, while the "Reduced Density Without Road Alignment and Without Marina Alternative" includes 62 residential lots. *See* Table 7-2: Comparison of Alternatives. The intensity of both these alternatives is far too high for the proposed site, both in terms of the overall massing of development and in terms of the alternatives' impacts upon hydrology and drainage, water supply, biological resources, aesthetic resources, traffic, public services and utilities, and cumulative effects. Thus, rather than imparting serious information about potentially viable options that could reduce adverse impacts, the RDEIR offers alternatives that serve as "straw men" to provide justification for the Project. Such an approach violates the letter and spirit of CEQA. SM&W-63

While the "Reduced Density Without Road Alignment and Without Marina Alternative" would eliminate the roadway realignment and the marina, this alternative still results in significant impacts because it authorizes a level of development that would place extraordinary strains on the area's natural resources. For example, like the proposed Project, this alternative would result in significant and unavoidable impacts to SM&W-64

[5] The RDEIR Project Description identifies the Proposed Alternative Project (i.e., subdivision of the site into 57 lots, which consist of 50 residential lots and 7 lots for other purposes). RDEIR at 2-13. The tentative tract map has been revised to reduce the number of residential lots from 92 lots to 50 lots. *Id.*

the bald eagle. *Id.* at 7-13. In addition, this alternative still results in significant aesthetic impacts in that it would transform the visual character of the Project area and severely impair views of the lake and the distant mountain ranges. RDEIR at 7-18 and 7-31. SM&W-64

At the same time, the "Reduced Density, Utilizing Proposed Project Redesign Alternative" is even more impactful, as this option would allow 66 lots and retain the marina. The RDEIR's failure to identify even one reduced-intensity alternative does not begin to satisfy CEQA's mandate. As the case law instructs, an EIR must analyze a reasonable range of alternatives that "offer substantial environmental advantages over the project proposal." *Citizens of Goleta Valley*, 52 Cal.3d at 566. As a result of this omission, the RDEIR is of little utility to the public and decision-makers, who are left with no reasonable, less damaging option for development of this uniquely important site. Under CEQA, an agency may not approve a proposed project if a feasible alternative exists that would meet the project's objectives and would diminish or avoid its significant environmental impacts. Pub. Res. Code § 21002; *Kings County Farm Bureau*, 221 Cal. App. 3d at 731. Given the extensive, significant environmental impacts the Project will have, the consideration of alternatives is critical and CEQA compliance will not be complete until the County presents decision-makers and the public with a rigorous, good-faith assessment of options that reduce these impacts. SM&W-65

G. The DEIR Must Be Recirculated.

Given the foregoing deficiencies, the RDEIR must be revised and recirculated. The present RDEIR cannot properly form the basis of a final EIR. CEQA and the CEQA Guidelines describe the circumstances which require recirculation of a draft EIR or circulation of a supplemental draft EIR. Such circumstances include (1) adding significant new information to the EIR after public notice is given of the availability of the DEIR but before certification, or (2) where the draft EIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. CEQA Guidelines § 15088.5. "Significant new information" includes the identification of new significant impacts; a substantial increase in the severity of impacts; and the identification of a new feasible project alternative or mitigation measure that could clearly lessen the project's significant impacts but the project's proponent declines to adopt it. *Id.* SM&W-66

Here, in order to cure the numerous defects described above, the new RDEIR would necessarily include substantial new information that triggers CEQA's recirculation request. Failure to recirculate the new RDEIR would thus violate CEQA. SM&W-67

II. APPROVAL OF THE PROJECT WOULD VIOLATE CALIFORNIA PLANNING AND ZONING LAW AND THE SUBDIVISION MAP ACT.

The State Planning and Zoning Law (Gov't Code § 65000 *et seq.*) and California case law require that development decisions be consistent with the jurisdiction's general plan. Similarly, the Subdivision Map Act specifically prohibits the approval of a tentative subdivision map unless the agency finds that "the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan. . . ." Gov't Code § 66473.5; *see also* Gov't Code § 66474. SM&W-68

As reiterated by the courts, "[u]nder state law, the propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements." *Resource Defense Fund v. County of Santa Cruz* (1982) 133 Cal.App.3d 800, 806. Accordingly, "[t]he consistency doctrine [is] the linchpin of California's land use and development laws; it is the principle which infuses the concept of planned growth with the force of law." *Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1336. SM&W-69

General plans establish long-term goals and policies to guide future land use decisions, thus acting as a "constitution" for future development. *Lesher Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540. To promote coordinated land use policies and practices, state law requires local governments not just to formulate theoretical land use plans, but also to conform their development and land use projects and approvals with those duly certified plans. *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 570; *see also* Gov't Code §§ 65860 (requiring consistency of zoning to general plan), 66473.5 & 66474 (requiring consistency of subdivision maps to general plan, and 65867.5 (requiring consistency of development agreements to general plan). It is an abuse of discretion to approve a project that "frustrate[s] the General Plan's goals and policies." *Napa Citizens for Honest Gov't v. Napa County* (2001) 91 Cal.App.4th 342, 379. The project need not present an "outright conflict" with a general plan provision to be considered inconsistent; the determining question is instead whether the project "is compatible with and will not frustrate the General Plan's goals and policies." *Napa Citizens*, 91 Cal.App.4th at 379. SM&W-70

For the reasons described in Part I of this letter, the Project is inconsistent with the General Plan and Bear Valley Community Plan. Because of the Project's glaring inconsistencies with these planning documents, approval of this Project would violate State Planning and Zoning Law and the Subdivision Map Act. SM&W-71

III. CONCLUSION

As set forth above, the Moon Camp RDEIR suffers from numerous deficiencies, many of which would independently render it inadequate under CEQA. Taken as a whole, the deficiencies of the RDEIR necessitate extensive revision of the document and recirculation for public comment. Moreover, as currently designed, the Project conflicts with the General Plan and the Community Plan, and therefore cannot be legally approved. FOF respectfully requests that the County reevaluate the Project in light of its inconsistencies with County plans. Further, we specifically urge the County to take no further action on this Project until a legally adequate EIR is prepared and recirculated.

SM&W-72

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Laurel L. Impett (RH)

Laurel L. Impett, AICP

Rachel B. Hooper

Exhibits:

Exhibit A: California Drought: Hydrological and Regulatory Issues (excerpts), CRS Report for Congress, December 7, 2009
Exhibit B: Water Availability Analysis Policy Report, August 2007
Exhibit C: Letter from Tom Perina, Ph.D, P.G. (6636), C.H.G. (572), February 2, 2008
Exhibit D: Review Comments on Maximum Perennial Yield of the North Shore and Grout Creek Hydrologic Subunit Tributary Subareas, Tain-Shing Ma Ph.D, P.E., January 29, 2008
Exhibit E: Climate Change Primer, Climate Change Resource Center
Exhibit F: Our Changing Climate: Assessing the Risks to California, California Climate Change Center
Exhibit G: Stationarity is Dead: Whither Water Management, Science, February 2008
Exhibit H: Map of Fawnskin

cc: Sandy Steers, Friends of Fawnskin

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Shute Mihaly & Weinberger LLP (SM&W)

Response to SM&W-1
The Project is not inconsistent with County of San Bernardino General Plan provisions calling for the preservation of Bear Valley's community character (Shute Mihaly & Weinberger, page 7).

The commenter asserts that the Moon Camp Project would conflict with the County General Plan and Bear Valley Community Plan's vision of preserving the character of its unique mountain community. Specifically, the commenter asserts that the County cannot approve new development projects within the Bear Valley, unless they are consistent with the goals and policies of the 2007 Bear Valley Community Plan. The commenter asserts that the Moon Camp Project, by proposing development of 50 custom home sites on minimum half-acre lots, is inconsistent with the existing community character and, therefore, is inconsistent with the County's General Plan. Initially, the County General Plan, through the Bear Valley Community Plan, guides development of land within the Bear Valley Community Plan area in a manner that preserves the character and independent identity of individual communities within the area (BVCP, page 7). Land use goals and policies applicable to the Bear Valley community are distinct from those applicable to development on a countywide basis. The ultimate goal of the Bear Valley Community Plan is to regulate growth in a manner that retains the community attributes that make Bear Valley unique. However, retention of unique community character is not synonymous with preservation of the existing conditions in the community. To the contrary, the Bear Valley Community Plan clearly contemplates additional development and, in certain circumstances, development that is more intense than allowed under existing land use designations. As discussed in the Bear Valley Community Plan, undeveloped private property within the Bear Valley, suitable for future residential development, were assigned General Plan Land Use designations allowing very low-density development with appropriate density of future development to be considered at the time the specific development proposals were submitted (BVCP, page 11). Individual projects are required to address the availability of adequate water supplies, water and wastewater facilities, traffic circulation, and other infrastructure in support of an individual project's proposed density of development (BVCP, page 11). This concept, known as the "Holding Zone" approach, has traditionally been applied by the County transitioning individual parcels of property from low-density land use designations to higher density land use designations in the Bear Valley Community. The County General Plan clearly contemplates and sets out very specific requirements for increasing the allowable density of development through General Plan amendments. As indicated in the RRDEIR No. 1, the proposed Project will provide adequate water, wastewater, utility, and roadway infrastructure to support the proposed Project consistent with the mandates of the Bear Valley Community Plan.

The Bear Valley Community Plan acknowledges that Bear Valley will continue to experience growth in residential population and merely acknowledges that new development must be consistent with the rural-mountain character of the community (BVCP, page 13). The Moon Camp Project is consistent with the existing Bear Valley community character. Although the proposed Project will convert currently vacant, unoccupied land to residential uses, as indicated above, a mere increase in development density does not make the Project inconsistent with the surrounding community character. The Project site is bordered to the west/northwest by the community of Fawnskin, which is comprised mainly of a mix of commercial uses and single-family residences with minimum lot size

of 7,200 square feet. The Project site is bordered to the north and east by property under the jurisdiction of the USFS with a few parcels under private ownership.

Despite requesting a General Plan amendment changing the land use designation from BV/RL-40 to RS-20000, the average lot size is 0.90 acre with 12 lots over 1 acre in size. The development proposed by the Moon Camp Project is significantly less intense than the existing development within the community of Fawnskin and is a logical transition of land use from higher density residential uses to open space represented by undeveloped property in the jurisdiction of the USFS. The Project has been designed to be compatible with surrounding uses and provide a logical transition in the area's development. The design of the Project was specifically tailored to preserve quality of visual resources as experienced by travelers along SR-38 and recreational visitors observing the area from the lake. The Project will set aside approximately 9.1 acres of the site for open space/conservation, as well as avoid development along the lake's edge, south of SR-38. The location of the open space/conservation easements limits the number of residential lots bordering SR-38, including no lots south of SR-38 bordering Big Bear Lake. This limitation of residential lots abutting SR-38 will preserve scenic views along SR-38, including unobstructed views of Big Bear Lake. As reflected in the aesthetics discussion in Section 4.1 of the RRDEIR No. 1 and supported by the visual simulations included therein, the Project will be designed to reduce visual impacts to less than significant levels. Section 4.1.6 of the RRDEIR No. 1 lists numerous mitigation measures that will ensure that the Project is developed in a manner which maintains its compatibility with community character and surrounding environment. Moreover, the Project is required to leave trees and downed logs in place to the extent that clearing is not required by the development process to maintain the existing visual character of the Project site. The Project is also required to avoid impacts to trees that are larger than 24 inches in diameter and if such trees are required to be removed, a replacement ratio of 2:1 is required to mitigate any such impacts. Finally, development standards will be incorporated into the Conditions of Approval which will result in the custom homes being developed in a manner which complements the surrounding environment and natural setting, including requiring the use of building materials that will be complimentary to the surrounding community and environment.

The Proposed Alternative Project is also consistent with the San Bernardino National Forest Land Use Management Plan to the extent applicable. The San Bernardino National Forest Land Use Management Plan is a land use plan that directs management of lands under the jurisdiction of the United States Forest Service. The Plan in and of itself does not regulate development of privately-owned parcels of property. The San Bernardino National Forest Service Land Use Management Plan does identify high-scenic integrity objectives for the areas surrounding the Project site managed by the Forest Service. However, as designed, the Proposed Alternative Project will not impact any recognized scenic vistas or other areas designated for high-scenic value in the area. The Project is designed so that lots that abut the National Forest have adequate depth between the developed area of the site and the National Forest boundary. As required by the Forest Plan and County Fire Marshal, lots abutting the forest will maintain a 100-foot fuel modification zone, which precludes development within 100 feet of the lot boundary abutting the National Forest. The Project is designed so that the 10 lots adjacent to the forest range from 0.56 acre to 2.7 acres with an average lot size of 1.4 acres, which significantly exceeds the minimum density permitted under the RS-20000

land use designation. Lot depths for the 10 lots range from 206 feet to 474 feet with an average of 271 feet deep. Additionally, no direct access between the residential lots and the National Forest is proposed; no trails between the site and forest are proposed as part of the Proposed Alternative Project. Moreover, mitigation measures identified in the RRDEIR No. 1 require the Project to be designed to avoid removal of trees and downed logs to the extent feasible and to replace large trees that unavoidably need to be removed on a 2-to-1 basis, thereby increasing tree density on-site. These mitigation measures will ensure that the Project is designed in a manner to complement the existing natural environment and preserve scenic integrity of the surrounding area consistent with the San Bernardino National Forest Land Use Management Plan.

Response to SM&W-2
The commenter provides an introductory statement to preface potential deficiencies the EIR may have regarding sufficient information to make an informed decision by the County of San Bernardino decision making authorities. No response is necessary

Response to SM&W-3
The commenter alleges that the Project Description is inadequate and fails to comply with the mandates of CEQA. Section 2.3 of the RRDEIR No. 1 includes comprehensive description of the proposed Project, which includes the location of the Project, the density of the Project, public infrastructure necessary to accommodate development of the Project, and potential features of the Project, such as the marina, open space areas, and list of discretionary entitlements necessary to develop the Project. The commenter alleges that the Project Description is specifically inadequate due to failure to adequately discuss proposed water service options and necessary facilities. At the time the RRDEIR No. 1 was released for public review, there were a number of options for water service proposed but no definite plan determined. The RRDEIR No. 1 provides a comprehensive analysis of several water service options to apprise the reviewing public and decision-makers of all of the potential water service options available to the Project. Lack of certainty about the exact method of water service at the time the RRDEIR No. 1 was released for public review is not grounds for concluding the Project Description is legally inadequate. The possible water service alternatives known to the Project Applicant and the lead agency at the time the document was prepared were discussed in detail.

Response to SM&W-4
Please see Response to SM&W-3.

The commenter asserts that due to a project's inconsistency with the County of San Bernardino General Plan and Development Code, approval of the Project will result in violation of the State of California's Planning and Zoning Laws. As discussed in Response to Comment SM&W-1, the Moon Camp Project is not inconsistent with the County General Plan or Development Code and accordingly, any approval of the Project will not result in the violation of the State's Planning and Zoning Laws.

Response to SM&W-5
Since circulation of the RRDEIR No. 1, a definitive source of water service has been secured. Currently, CSA 53C does not own or operate any potable water facilities in the Project area. Therefore, it would be inefficient to have CSA 53B take ownership of the Project's water facilities and

be the water purveyor. Accordingly, on November 17, 2015, the County of San Bernardino and Big Bear Lake Department of Water and Power entered into an Outside Service Agreement for Potable Water Service, whereby the Department of Water and Power will be the water purveyor to the Project site. The Project Applicant will construct the necessary transmission facilities that, along with the wells, will be transferred to the Department of Water and Power for incorporation into its facilities in the area.

Response to SM&W-6

A Water Availability/Feasibility Study dated January 13, 2011, was prepared for the Project, which presents the improvements necessary for the District to provide water service to the Moon Camp Tract. The CSA 53C Feasibility Study uses the water demand projections and fire flow requirements contained in the Department of Water and Power's Water Feasibility Study dated March 6, 2007, (ALDA) concluding that the Project will require 14 acre-feet of water per year and 1,750 gpm of fire flow. The CSA 53C Feasibility Study storage requirements are 250,000 gallons for domestic and fire flow. The Department of Water and Power (ALDA) Feasibility Study identified 238,600 gallons of storage for domestic and fire flow. The CSA 53C Feasibility Study and the Department of Water and Power (ALDA) Feasibility Study detail the requirements for (1) the on-site Tract water lines and (2) the off-site water lines needed to interconnect the Tract's water system to the Department of Water and Power Fawnskin Water System and provide an estimated cost for the construction $1,030,000. ALDA has verified the final alignment of the off-site pipelines in its February 7, 2011, letter to the Department of Water and Power.

Response to SM&W-7

Please see Response to SM&W-6.

Response to SM&W-8

The Project is providing its secure water supply from two existing on-site wells as described in Section 4.9.5 of the RRDEIR No. 1 and Appendices C.5, C.6, G.3 and G.4. Thomas Harder Groundwater Consultant (formerly with Geoscience) has concurred that the two on-site wells provide an adequate, reliable and secure water supply for the Project (Harder, November 22, 2010, Response to Comments).

Response to SM&W-9

The commenter asserts that the Project Description is defective because it fails to identify a zone change as a necessary discretionary approval. Unlike many other jurisdictions, San Bernardino County of San Bernardino utilizes a "one map" system, whereby the General Plan Land Use Designations and corresponding zoning designations are the same. Hence, approval of a General Plan Land Use Designation from BV/RL-40 to RS-20000 automatically results in the revision of the applicable zoning designation. The use of the one map system ensures continued zoning and General Plan consistency.

Response to SM&W 10

Please see Response to SM&W-1. Please also see Response to FOF-b-1 through FOF-b-255. Section 4.5 of the RRDEIR No. 1 includes a comprehensive analysis of the Project consistency with various applicable local plans, including the County of San Bernardino General Plan and associated Bear

Valley Community Plan. As concluded in Section 4.5, the Project, upon receiving approval of the requested General Plan Amendment and zone change, will be consistent with such local plans.

Response to SM&W 11
Please see Response to SM&W-1 and SM&W-10.

Response to SM&W-12, 13, 14, 15
See Response to SM&W-1 through SM&W-8.

Response to SM&W-16
The commenter asserts that the RRDEIR No. 1 incorrectly concludes that the Project is consistent with the Bear Valley Community Plan. Contrary to the commenter's assertion, the discussion in the EIR supports the conclusion that the Project is consistent with the goals and policies of Bear Valley Community Plan. Initially, the Bear Valley Community Plan itself recognizes that there are several large parcels of undeveloped private property that are suitable for future residential development (BV1.2.2) Moreover, the Bear Valley Community Plan acknowledges that development of these privately owned parcels for residential development are appropriate where individual projects adequately address the availability of water supplies, traffic circulation, and other infrastructure necessary to support the individual projects. The Bear Valley Community Plan, BV2.2 Goals and Policies, Policy BV/LU1.1 requires that any proposed changes to the Land Use Policy Map be consistent with the community character. Elements of community character that the public have identified as important include providing adequate infrastructure, promoting sustainable and beneficial economy, balance between locals and tourists, and promoting both single-family residential development and local level business. All of these factors are part of the ultimate determination of whether the Project is consistent with the existing community character. The Project actually represents development densities that are lower than existing residential uses on the adjacent property to the northwest of the Project site. Property to the northwest of the Project site is zoned to allow four dwelling units per acre, with minimum lot sizes of 7,200 square feet. Here the Project is proposing a minimum lot size of 20,000 square feet, representing a 300 percent reduction in allowable density. Moreover, the Project does not propose any lakefront development which would otherwise inhibit views of the lake from the existing residential uses.

Response to SM&W-17
See Response to SM&W-16.

Response to SM&W-18
See Response to SM&W-16.

Response to SM&W-19
The commenter asserts the mere development of the Project site with residential uses would in and of itself destroy the visual integrity of the forest setting and thereby lead to inconsistency with the General Plan/Bear Valley Community Plan. As indicated throughout the RRDEIR No. 1, the Project Applicant has designed the Project to minimize visual and aesthetic intrusions and to protect existing views of the lake. The Project has been designed so that all residential lots are at least 0.5 acre in size, with the average lot size of 0.9 acre and with 12 lots over 1 acre in size. This allows the individual lot owner to develop their lots, while minimizing grading and preserving existing trees and

other natural features on their lots. In addition, no residential development will occur along the lakefront. This lack of development south of SR-38 will preserve lake views not only from existing residents to the northwest of the Project site but also for motorists travelling along SR-38. The County of San Bernardino respectfully disagrees with the commenter that the mere existence of streetlights, roads and curbs, pedestrian walkways, and parking areas destroy the community character. Additionally, development of Project will not adversely impact scenic views of motorists traveling on SR-18. Initially, as mentioned above, there is no lakeside development on the south side of SR-38, which would otherwise impede views from traveling motorists. Additionally, lots adjacent to SR-38 on the westernmost portion of the Project site have been designated as open space, thereby precluding development. Finally, there is already extensive residential development along SR-38 both north and south of the highway, to the southeast of the Project site. As mentioned above, this Project represents development which is consistent with development already in existence in the Fawnskin area.

Response to SM&W-20

As discussed in detail in Sections 4.1 and 4.5 of the RRDEIR No. 1, development of the Project as designed with incorporation of mitigation measures will not result in a significant environmental impact pursuant to CEQA. The commenter identifies several of the Mitigation Measures, such as including using earth-tone colors for the buildings and developing entry signs out of rock or rock appearance, as being inadequate to mitigate aesthetic and land use impacts. However, taken as a whole, implementation of the identified mitigation measures is sufficient to reduce any potentially significant impacts to a less than significant level.

Response to SM&W-21

Contrary to the commenter's assertions, there is substantial evidence included in the RRDEIR No. 1 to conclude that the Project's visual impacts can be reduced to less than significant levels with implementation of identified mitigation measures. Moreover, the Project is not inconsistent with nor does it conflict with the General Plan, Community Plan, and the Forest Land Management Plan.

Response to SM&W-22

Please see Response to SM&W-1 and SM&W-10-11. Commenter asserts that the RRDEIR No. 1 failed to adequately analyze impacts related to the Project's consistency with certain policies and programs of the County of San Bernardino General Plan. Specifically, the commenter asserts that the Project is inconsistent with Policy D/LU 1.1. This policy encourages low-density development by retaining Rural Living (RL) zoning in Community Plan areas that are outside of City's spheres of influence and removed from more urbanized community. This General Plan policy is only applicable to development within the Desert Region. On the contrary, the Project is located within the Mountain Region as defined by the County General Plan. Additionally, the commenter cites Policy CI 11.10. This policy does not apply to the Project, as Project site is not currently identified as a groundwater recharge or storm flow retention area. Additionally, contrary to the commenter's assertions, the Project is consistent with General Plan Policy CI-11.12, which requires the County to ensure that adequate and reliable water supplies and conveyance systems are available to support the development prior to the approval of new development. As discussed in detail in the RRDEIR No. 1 and response to comments on the RRDEIR No. 1 and associated 2020 Final EIR, adequate water supplies have been identified for this Project and the Project will be required to construct and install

appropriate water conveyance systems as a condition of Project approval. Accordingly, the Project is consistent with all applicable provisions of County General Plan and Bear Valley Community Plan.

Response to SM&W-23
Please see Response to SM&W-1, SM&W-10 and -11, and SM&W-22. The RRDEIR No. 1 includes a comprehensive analysis of the Project's consistency with applicable General Plan policies and programs and concludes that the Project is consistent with County of San Bernardino General Plan.

Response to SM&W-24
Potential impacts associated with groundwater production for the Project have been evaluated in the context of perennial yield estimates from Geoscience 2003a and pumping tests described in Geoscience 2008. Groundwater supply for the project will be from Well FP-2, located within Subarea A of the North Shore Subunit, and Well FP-4, located within Subarea D of the Grout Creek Subunit, as defined in Geoscience 2003a. Annual groundwater production for the proposed Moon Camp Development, in combination with estimates of existing private well production and production for other planned developments, will not exceed the most conservative estimates of perennial yield for the hydrologic subareas encompassing the supply wells. Further, pumping tests on Wells FP-2 and FP-4 have shown that operation of these wells at the pumping rates necessary to supply water to the development will result in minimal interference with existing wells in the area. The scope and findings of these studies are adequate to demonstrate the proposed Project's impact on the region's groundwater resources.

Response to SM&W-25
In calculating the amount Wells FP 2 and FP 4 can provide to the Tract, the most conservative annual groundwater yields have been used. In addition, the demand calculation is based upon 100 percent occupancy of all 50 lots for 365 days per year. Big Bear Valley's occupancy rate is 33 percent permanent residents and 67 percent part-time residents. Occupancy of the similar Eagle Point Estates Tract is 17 percent permanent occupancy and 83 percent part-time occupancy.

Response to SM&W-26
Well FP 4 draws from Grout Creek Subarea D, which has an annual Perennial Yield of 66 acre-feet per year (Geoscience 2003). The only other groundwater production in this subarea is from 11 private wells and is calculated to be 3 acre-feet per year (no Department of Water and Power wells in Fawnskin are within this subarea). Combined with FP 4's 5 acre-feet per year, this results in 8 acre-feet per year of groundwater withdrawal which is well below the Perennial Yield of 66 acre-feet per year. Well FP 4 draws from the North Shore Subarea A which has a Perennial Yield range of 14 44 acre-feet per year. The most conservative Annual Yield of 14 acre-feet per year was used for the Tract's water supply.

Response to SM&W-27
Potential impacts associated with groundwater production for the Project have been evaluated in the context of perennial yield estimates from Geoscience 2003a and pumping tests described in Geoscience 2008. Groundwater supply for the project will be from Well FP-2, located within Subarea A of the North Shore Subunit, and Well FP-4, located within Subarea D of the Grout Creek Subunit, as defined in Geoscience 2003a. Annual groundwater production for the proposed Moon Camp Development, in combination with estimates of existing private well production and production for

other planned developments, will not exceed the most conservative estimates of perennial yield for the hydrologic subareas encompassing the supply wells. Further, pumping tests on Wells FP-2 and FP-4 have shown that operation of these wells at the pumping rates necessary to supply water to the development will result in minimal interference with existing wells in the area. The scope and findings of these studies are adequate to demonstrate the proposed Project's impact on the region's groundwater resources.

There are no other planned developments within Subarea A, which is the tributary subarea encompassing Well FP-2 where the majority of groundwater production for the proposed Project will occur. The combination of existing private groundwater production and planned production from Well FP-2 is within the most conservative estimates of perennial yield for this subarea.

The cumulative impact of Well FP-4 on groundwater supply in the Grout Creek Subunit has to be addressed in context of the entire subunit because all other potential future developments would be connected to the City of Big Bear Lake Department of Water and Power water system. Water demand from private production in the Grout Creek Subunit is estimated to be 7 acre-feet/year (CDM 2006). Based on its latest Water Master Plan, the Big Bear Lake Department of Water and Power (BBLDWP) estimates that the ultimate water demand of the Grout Creek Subunit at buildout will be 204 acre-feet/year (CDM 2006). Groundwater production from the Grout Creek Subunit for the Project (Well FP-4) will be 5 acre-feet/year. Thus, the maximum cumulative groundwater production from the Grout Creek Subunit is estimated to be 216 acre-feet/year. The estimated perennial yield of the Grout Creek Subunit is 280 acre-feet/year (Geoscience 2003a; Geoscience 2006). The estimated perennial yield exceeds the anticipated water demand from the proposed Mooncamp Development (groundwater production from FP-4), the existing private wells, and future buildout of the area.

Response to SM&W-28 through -30

Water demand for the Tract is based upon the two Water Feasibility Studies conducted by Department of Water and Power and CSA 53C. Both Studies agreed with the 250 gallons per day per lot, which equates to 14 acre-feet per year. As Shute states at the bottom of page 12 of its June 10, 2010, letter, "The estimated water use for any project will vary depending on existing parcel conditions." The commenter cites a Napa County report which in no way represents existing water demand/conservation conditions in Big Bear Valley. The Department of Water and Power and CSA 53C Reports reflect the existing conditions in Big Bear Valley and apply them to the water demand for this Tract.

Response to SM&W-32

Hydrogeological conditions, including estimates of the perennial basin yield for Grout Creek Subarea D and North Shore Subarea A, are described in detail in Geoscience 2003a. These subareas encompass the proposed Mooncamp Development. Further information on the hydrogeological conditions of the Mooncamp development, based on pumping tests and monitoring of the wells on and in the immediate vicinity of the Mooncamp Development, are provided in Appendix G.3 of the RRDEIR No. 1. These studies show that the Project's total anticipated water demand is within the Perennial Yield of the hydrologic subareas that encompass the wells that will provide water supply to the Project.

Response to SM&W-33
See Response to SM&W-32. The complete version of the report entitled "Focused Geohydrologic Evaluation of the Maximum Perennial Yield of the North Shore and Grout Creek Hydrologic Subunit Tributary Subareas," dated December 2, 2003, is provided in Appendix 15-11 of the 2005 Final EIR (included as Appendix A-1 of the 2020 FEIR). The Geoscience report "Focused Geohydrologic Evaluation of the Maximum Perennial Yield of the North Shore and Grout Creek Hydrologic Subunit Tributary Subareas" (Geoscience 2003a) was prepared because previous estimates of the perennial yield of the North Shore Hydrologic Subunit addressed the subunit in whole and did not account for the fact that the east side of this relatively long subunit is hydrologically separated from the west side. This was significant because pumping on the east side accounted for most of the perennial yield. Geoscience 2003a divided the North Shore Hydrologic Subunit into six individual tributary subareas (A through F) and provided a basis for evaluating groundwater pumping and recharge for smaller portions of the North Shore Subunit that were not in direct hydraulic connection with the eastern portion (Subarea F) where most of the pumping has historically occurred. The perennial yield of Tributary Subarea A has not been fully utilized and the shallow groundwater levels in this portion of the North Shore Subunit indicate that this area is not in overdraft.

In addition to Geoscience 2003a, pumping tests have been conducted since 2004 on Well FP-2 and FP-4 to provide an analysis of the hydrogeological conditions in the area and the potential impacts from pumping on existing wells and groundwater resources. These analyses, based on available data, are sufficient to conclude that there are adequate groundwater resources to support the project. See Response to SM&W-32 for additional related information.

Response to SM&W-34 and 35
Watershed models are typically calibrated to measured stream flow data. The watershed model described in the Geoscience 2003a report was not calibrated because there were no gaged streams in the Grout Creek or North Shore Subunits with which to calibrate the model. The model is, however, developed based on precipitation data and evapotranspiration data specific to the Big Bear area and is a reliable tool for water resource planning.

Precipitation input data to the watershed model are based on daily precipitation measurements from precipitation stations within the Big Bear Lake Watershed and are representative of local conditions. Evaporation data is based on an evaporation pan located within Big Bear Valley and is also representative of local conditions. These two input parameters are the two most important factors for the recharge estimated by the model. As with any model, it was necessary to use assumed values for many of the input parameters required to run the model. The modeling approach incorporated a wide range for the assumed input parameters, resulting in a relatively wide range of potential recharge for the area of the Moon Camp development. The low end of this range of recharge, which is the estimate being relied upon for water resources planning for the development, is only 2.5 percent of average annual precipitation for the area and is considered a very conservative estimate of available water resources.

However, the low end of the perennial yield, which is the estimate being relied upon for water resources planning for the development, is conservative and the actual perennial yield of Tributary

Subarea A is more likely higher. Accordingly, significant declines in the groundwater table associated with groundwater pumping for the development are not anticipated.

Response to SM&W-36

This would eventually happen in any well in any groundwater basin where production substantially exceeds perennial yield. Since the proposed groundwater production necessary to support the Project is at the low end of the range of estimated perennial yield for the area, significant declines in the groundwater table are not anticipated. Substantial lowering of the groundwater table is not anticipated because groundwater pumping for water supply will be maintained at the low end of the range of estimated perennial yield of the subarea. Until additional data can be collected to refine the perennial yield estimate of Subarea A, producing up to 14 acre-feet/year of groundwater from this subarea for existing pumpers and the proposed Moon Camp development is a very conservative approach to developing the groundwater resources of the area. Groundwater levels in the production wells will be monitored over time to assess groundwater level trends, which can be used to re-evaluate the perennial yield.

Given the potential uncertainty of the recharge estimates, total groundwater production for Subarea A has been planned to remain within the low end of the recharge range (14 acre-feet/year). The low end of the range of natural recharge estimates is a conservative estimate of the perennial yield (available groundwater supply) for the subarea. This amount of recharge is only 2.5 percent of the long-term average annual precipitation for the subarea, which is approximately 28 inches/year based on the San Bernardino County Flood Control District isohyetal map for the area (see Geoscience 2003a; Figure 4). This amount of recharge is also below the range of accepted recharge estimates for other groundwater basins in Southern California, which is generally 3 to 7 percent of precipitation (Geoscience 2003a). In some areas of Southern California, groundwater recharge as a percent of precipitation has been reported to be greater than 10 percent (Manghi et al. 2009).

It is not possible to establish the relationship between pumping and groundwater levels (sustainable yield) without first pumping the basin. This has to be conducted over a long period of time (i.e., decades) and encompass multiple wet and dry precipitation cycles. Given that groundwater pumping for the Project would be within the low end of the current estimate of recharge for the area, it is anticipated that groundwater level monitoring will show that the perennial yield of the area is higher, not lower.

Response to SM&W-37

The Geoscience 2003 report also recommends that “development planning for tributary subareas be initially based on the maximum perennial yield estimates” described in that report. It goes on to say that “as groundwater production is initiated in each subarea, it will be very important to monitor groundwater levels . . .” Planned production for the Mooncamp Development is very conservatively based on the best available data and uses the low end of the perennial yield.

Response to SM&W-38

Contrary to the commenter’s assertions, there is no uncertainty with regard to adequacy of water supply to serve the proposed Project. Section 4.9 of the RRDEIR No. 1 includes a comprehensive analysis of proposed water consumption, of the Project, amount of water available to serve the

Project and a method by which water service would be provided to the Project (RRDEIR No. 1, page 4.9-1 through 4.9-10). The proposed Project site lies primarily within a tributary aquifer of the Northshore Sub-Unit designated in Sub-Area A. There are three groundwater wells within the Project site which were constructed and are owned by the Project's property owner and developer. The Project will be served by groundwater extracted from the Northshore Sub-Unit through the identified groundwater wells. Based on a significant amount of hydrogeologic modeling and analysis, evidence shows that there is sufficient groundwater within the Northshore Sub-Unit Sub-Area A to support Project development and its consumption needs which are conservatively projected to be 14-acre-feet per year. In addition, and to be conservative in the analysis, considering the existing wells currently extracting water from the Northshore Sub-Unit, an additional well on-site will produce water from the Grout Creek Sub-Unit which is a hydrologically distinct and separate aquifer. Water service will be provided by Big Bear Department of Water and Power. Pursuant to the Outside Service Agreement for Potable Water Service entered into by CSA 53C and the Department of Water and Power dated November 17, 2015, the Department of Water and Power has agreed to be the water service agency for the Project. The Department of Water and Power will own the on-site wells and distribution infrastructure.

Response to SM&W-39
The Project provides its own, on-site secure water supply. The Department of Water and Power is no longer under Emergency Water Restrictions. An additional well on-site will also provide additional source of water to the Project.

Response to SM&W-40
Thomas Harder, Groundwater Consultant, has concurred that the two on-site wells provide an adequate, reliable and secure water supply for the Project. A more detailed explanation is located in Response to SM&W-72 of this document where the Harder, November 22, 2010, Response to Comments has been appended. A new well, FP-4, will provide further water supply to the Project.

Response to SM&W-41 through -44
The commenter states that the RRDEIR No. 1 fails to analyze global warming's effect on water supply in determining the Project's water supply impacts. Any potential change in available groundwater supply associated with global warming is not quantifiable. While warming could result in increased evapotranspiration, increased peak winter flows may result in increased groundwater recharge. Any climate-related impacts will need to be addressed through prudent groundwater management practices.

Response to SM&W-45 through -47
CSA 53C has provided a Water Availability/Feasibility Study dated January 13, 2011 which states that the District has completed a Feasibility Study which presents the improvements necessary for the District to provide water service to the Moon Camp Tract. The CSA 53C Feasibility Study uses the water demand projections and fire flow requirements contained in the Department of Water and Power's Water Feasibility Study dated March 6, 2007, (ALDA) concluding that the Project will require 14 acre-feet of water per year and 1,750 gpm of fire flow. The CSA 53C Feasibility Study storage requirements are 250,000 gallons for domestic and fire flow. The Department of Water and Power (ALDA) Feasibility Study identified 238,600 gallons of storage for domestic and fire flow. The CSA 53C

Feasibility Study and the Department of Water and Power (ALDA) Feasibility Study detail the requirements for: (1) the on-site Tract water lines and (2) the off-site water lines needed to interconnect the Tract's water system to the Department of Water and Power Fawnskin Water System and provide an estimated cost for the construction $1,030,000. ALDA has verified the final alignment of the off-site pipelines in its February 7, 2011, letter to the Department of Water and Power. Please see Response to SM&W-5 for further discussion.

Response to SM&W-48

Please see Response to SM&W-5. The Department of Water and Power is now going to serve as the water purveyor for the project.

Response to SM&W-49

Any potential change in available groundwater supply associated with global warming is not quantifiable. While warming could result in increased evapotranspiration, increased peak winter flows may result in increased groundwater recharge. Any climate-related impacts will need to be addressed through prudent groundwater management practices.

Response to SM&W-50 and 51

The extension of the water and sewer pipelines are only within the Tract and within the interconnection to the Fawnskin Water System. These pipelines will not be available to serve any other parcels of land. All other surrounding parcels are already served by water and sewer. There are no growth inducing aspects to the water and sewer improvements.

Response to SM&W-52

The EIR's growth inducing impact analysis is not deficient. The commenter asserts that the analysis is deficient because the approval of a General Plan Amendment could set precedent for interpreting the County of San Bernardino's policies which could lead to further General Plan amendments, leading to additional residential growth within the Bear Valley Community. CEQA requires that an EIR consider all phases of the Project when evaluating its impacts on the environment. The consideration and discussion in an EIR must include analysis of potential growth inducing impacts of a project. The EIR must discuss the ways in which the Project could foster economic or population growth, where the construction of additional housing, either directly or indirectly, in the surrounding environment (CEQA Guidelines Section 15126.2(D)). Projects that result in significant growth-induced impacts are typically those that remove obstacles to population growth. Section 6.3 of the RRDEIR No. 1 discusses the growth inducing impacts of the proposed Project, implementation of the proposed Project would result in the development of up to 50 residential lots. Using the City of Big Bear Lake average household size multiplier of 2.31 persons per household, the proposed Project has the potential to increase population by approximately 115 persons at buildout. The RRDEIR No. 1 analyzed potential for the increased population to result in physical changes to the environment from such things as need for additional public facilities, infrastructure, such as roadway improvements to accommodate additional traffic, and the need for new and expanded utilities services, such as water distribution facilities and wastewater facilities. However, CEQA does not require the lead agency to speculate or make unreasonable assumptions in its environmental impact analysis. There are no facts in the record to support a conclusion that the mere approval of a General Plan Land Use Designation amendment to facilitate development of the proposed Project would

directly or indirectly lead to further growth in the Big Bear area due to changes in County policy related to General Plan Amendments making it easier for future residential developments to exceed stated land use intensities. Therefore, County respectfully declined to include such assumptions in the RRDEIR No. 1 analysis.

Response to SM&W-53
The commenter recites statutory regulatory law relating to Cumulative Impacts analysis under CEQA. This comment does not allege any substantive deficiency with the RRDEIR No. 1 and, therefore, no further response is necessary.

Response to SM&W-54 through -56
The commenter asserts that the Cumulative Impacts analysis included in the RRDEIR No. 1 was inadequate. The RRDEIR No. 1 included an analysis of the Project's potential to have a cumulatively significant impact with regard to every impact area analyzed in the EIR. CEQA requires an EIR to discuss cumulative impacts of a project when the Project's incremental effect is cumulatively considerable. The cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. An appropriate cumulative impact analysis looks at a project's potential impacts in relation to past, present and future probable projects within a cumulative impact area resulting in similar impacts. CEQA Guidelines Section 15130, Section 5 of the RRDEIR No. 1, includes the Cumulative Impacts discussion. Consistent with CEQA Guidelines Sections 15130, the RRDEIR No. 1 analyzed the Project's potential to result in cumulatively considerable impacts in light of the past, present and future probable projects within the Big Bear Valley, both within the jurisdiction of the County of San Bernardino and the jurisdiction of the City of Big Bear Lake. Contrary to the commenter's assertions, sufficient information is provided regarding the identified cumulative projects listed in Table 5-1, to provide meaningful information regarding potential cumulative impacts to the public and decision-makers alike. First, the discussion of cumulative impacts need not be detailed or exhausted as the discussion project-specific impacts in an EIR. Second, the specific location of the identified cumulative projects does not impact the adequacy of the cumulative impact analysis. The impact areas for which the Project could result in a cumulatively significant impact, such as traffic and air quality, are regional in nature and not dependent upon specific location of a cumulative project. With regard to water supply and project impacts on groundwater levels, the EIR contains an exhaustive discussion of the issue in Section 5.3.9. As indicated in the EIR, water supply for the Project will be comprised of 100 percent groundwater extracted from wells located on the Project site; additionally, the DWP has agreed to serve the project, and the DWP's Hydrogeologist, Thomas Harder, has shown that there are adequate groundwater supplies to serve the buildout of the Fawnskin area, including the Project (Appendix F). The RRDEIR No. 1 discusses the impact of the Project in association with other existing wells producing water from the same groundwater basin in concluding that the Project will not result in a cumulatively significant impact (RRDEIR No. 1, pages 5-10 and 5-11). Accordingly, the Cumulative Impact analysis is adequate.

Response to SM&W-57
CEQA requires an EIR to analyze the cumulative impacts of a project. However, CEQA Guidelines Section 15130 makes it clear that an EIR shall discuss the cumulative impacts of a project only when the project contributes to the impact. If a project does not have an "incremental effect" on a

particular impact, no analysis is necessary. The commenter does not identify any specific impact that it believes was inappropriately omitted from the cumulative impact analysis.

Response to SM&W-58

The RRDEIR No. 1 adequately analyzed the cumulative impact on water supply resulting from the Project. As discussed, all potable water for the Project is from on-site wells carefully designed to ensure that the amount of groundwater utilized for the Project did not exceed the minimum annual recharge in the groundwater basin, even considering other existing groundwater extraction activity. Accordingly, the RRDEIR No. 1 concluded there would be no cumulative impacts based on the anticipated annual recharge of the groundwater basin. There are no new projects identified that would increase pumping from the Northshore and Grout Creek Sub-Unit.

Response to SM&W-59

The Biological Resources section of the RRDEIR No. 1 has subsequently been recirculated and, therefore, responses to comments on the Biological Resources section will not be responded to here.

Response to SM&W-60

The commenter generally states legal requirements for preparation of an EIR. No further response is necessary.

Response to SM&W-61 through -65

The commenter asserts that the Alternatives analysis included in the RRDEIR No. 1 is inadequate and failed to comply with CEQA. CEQA requires a discussion of Alternatives to the Project that may avoid or substantially lessen identified Project impacts to be included in an EIR. CEQA Guidelines Section 15126.6, requires the EIR to describe a reasonable range of alternatives to the Project, or to the location of the Project which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant impacts of the Project. An EIR need not consider every conceivable Alternative to a project, rather it must consider a reasonable range of potential feasible Alternatives that will foster informed decision-making and public participation. The 2005 EIR prepared for this Project analyzed development of lots, hundred-slip marina, realignment of SR-38 through the Project site, as well as substantial lakefront development. The 2005 EIR concluded that the Project would have numerous significant unavoidable environmental impacts. One of the Alternatives analyzed in the 2005 Draft EIR was a reduced intensity Alternative. After considering the conclusions of the 2005 Draft EIR and evaluating input from the public and governmental agencies, the Project Applicant chose to proceed with the reduced intensity Alternative. Although the County of San Bernardino, as CEQA lead agency, has the power to approve an Alternative to the proposed Project, the Project Applicant and County instead decided to recirculate the Draft EIR to provide more detailed information regarding a reduced intensity Alternative to both the reviewing public and decision-makers. Based on the findings of the RRDEIR No. 1, the only significant unavoidable impact on both a project level and cumulatively is to the American bald eagle. However, based on the County's strict threshold of significance for impacts to the bald eagle, essentially any development on the Project site would likely have triggered a significance determination, thereby making any Project Alternative at eliminated or substantially less than the impact to the bald eagle, infeasible. The RRDEIR No. 1 analyzed a number of Alternatives to

the Project, thereby comparing the proposed impacts of the Project to the Alternatives in a manner consistent with the mandates of CEQA.

Response to SM&W-66 and -67
CEQA requires that a Draft EIR be recirculated for public review where significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review but before certification (CEQA Guidelines Section 15088.5). Significant new information requiring recirculation includes new information identifying a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible project Alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the Project. The commenter asserts that the EIR needs to be recirculated prior to consideration and certification by the County. Contrary to the commenter's assertion, there is no evidence in the record consisting of new information that otherwise requires County to recirculate the EIR.

Response to SM&W-68 through -71
The commenter asserts that the proposed Project is inconsistent with the County of San Bernardino's General Plan and Bear Valley Community Plan. As discussed in Responses to SM&W-16 through 21, the proposed Project is not inconsistent with the County General Plan or Bear Valley Community Plan. The proposed Project is seeking a General Plan Amendment to revise the land use and zoning designation of the site from BV/RL40 to RS-20000. Despite the increase in proposed density of the Project, the Project is still consistent and compatible with the policies of the Bear Valley Community Plan and portions of County General Plan as discussed in detail in Section 4.5 of the RRDEIR No. 1.

Response to SM&W-72
The commenter asserts the EIR needs to be revised and recirculated for public comment. The commenter also generally concludes that the proposed Project will conflict with the County of San Bernardino General Plan and Bear Valley Community Plan. As discussed in Responses to SM&W-1 through 71, the proposed Project does not conflict with County General Plan and Bear Valley Community Plan nor are there any legal deficiencies precluding the County from certifying the 2020 Final EIR.

Appended to SM&W Response below is Harder's November 22, 2010, response to comments, which also includes a detailed response to Perina and Ma.

Perina Report: Letter dated February 2, 2008

Page 1, 2nd paragraph, 1st sentence: The report presents minimum background information about the purpose and context of the study performed.

RESPONSE: The background, purpose, and scope of the Geoscience (2003) report are provided on pages 7 and 8 of that report.

Page 1, 2nd paragraph, 5th sentence: Groundwater production from the fractured bedrock will be considerably more expensive because of the higher cost of well installation and likely lower well capacity compared to wells screened in alluvium.

RESPONSE: None of the wells for the proposed Project are completed in the bedrock aquifer.

Page 1, 2nd paragraph, 6th and 7th sentence: The viability of groundwater production from bedrock must be further questioned in the context of existing domestic well construction. If increased production results in water table decline, the yield of existing domestic wells will drop and wells may become dry.

RESPONSE: Groundwater production from the fractured bedrock will be considerably more expensive because of the higher cost of well installation and likely lower well capacity compared to wells screened in alluvium.

Page 2, 1st paragraph, 4th sentence: The watershed yield calculations presented in this study are rough estimates that can be useful for comparative ranking of watersheds or their subareas, but they should not be depended on for quantitative determination of water availability.

RESPONSE: Perennial yield estimates will always be estimated because it is not possible to collect all of the data necessary to determine with absolute certainty the available water resources of any given area. Estimates of perennial yield for the tributary subarea encompassing the proposed Project have been developed based on available data. As more data become available, primarily through long-term production and monitoring of groundwater levels in the area, it will be possible to refine the perennial yield. Regardless, the low end of the estimates of perennial yield is conservative and can be relied upon for water resource planning.

Page 2, 2nd paragraph: The estimate of the potential water yield is based on a model that uses 20 parameters. Of these, only two were site-specific and 18 were taken from the literature (i.e., nationwide studies by the U.S. Environmental Protection Agency). For these 18 parameters, the study used the means of ranges of "typical" and "possible" parameter values. The choice of parameters should be location-appropriate (i.e., the elimination of values typical for other climatic settings, etc.). It would be more appropriate to use, for the most sensitive parameters, the maximum and minimum values instead of the mean, and to generate a range of model results.

RESPONSE: The most sensitive model parameters are precipitation and evapotranspiration. Measured values specific to the Big Bear area were used for the model. Short of measured data for the remaining 18 parameters, the use of "typical" and "possible" parameters provides the range in model results. The parameters used result in a low recharge estimate that is only 2.5 percent of average precipitation for the area, which is approximately 28 inches/year based on the San Bernardino County Flood Control District isohyetal map for the area (see Geoscience 2003a; Figure 4). This amount of recharge is also below the range of accepted recharge estimates for other groundwater basins in Southern California, which is generally 3 to 7 percent of precipitation (Geoscience 2003a). In some areas of Southern California, groundwater recharge as a percent of precipitation has been reported to be greater than 10 percent (Manghi et al. 2009).

Page 2, 3rd paragraph: Water management decisions should account for increased runoff and reduced perennial watershed yield resulting from future development.

RESPONSE: Most of the groundwater recharge within Subareas A and D occurs at the alluvium/bedrock interface at the base of the mountains to the north of the proposed development. This area is outside the proposed development and will not be impacted. Soils beneath the Project area have been mapped as containing a high percentage of clay and have slow infiltration rates. Project design features are planned to limit runoff during storm events and maximize infiltration and groundwater recharge.

Page 2, 4th paragraph: he calculation of outflow (Section 3.2, page 12) was based on aquifer properties estimated from pumping tests and lithologic data. The transmissivity values given on page 27 and saturated thickness values (page 26) correspond to hydraulic conductivity between 0.5 and 2.5 feet per day, indicative of a relatively low permeability aquifer material. The aquifer test analysis was not available for review. Review of these data and conducting aquifer tests to obtain representative estimates of aquifer properties that would allow more accurate calculation of outflow is recommended.

RESPONSE: A more detailed description of the underflow analysis for the Grout Creek Subunit is provided in Geoscience 2001. There are no controlled pumping tests currently available from this area to determine aquifer properties. Transmissivity and hydraulic conductivity data were estimated base on specific capacity data and lithologic characteristics from interpretation of the driller's logs for the wells.

Ma Report: Report dated January 29, 2008

Page 1, 2nd comment: The 3rd paragraph on page 2 mentions the boundaries of surface water drainage divides also represent groundwater flow divides. Are there physical evidences or data to support this indecipherable statement?

RESPONSE: It is assumed that drainage divides also represent groundwater flow divides until data is collected that shows otherwise.

Page 1, 3rd comment: The first paragraph in page 3 mentions that the input parameters are either estimated or assumed because measured field data are not available. Chapter 3.3.2.4 in page 18 further mentions that 18 of the 20 required model input parameters are estimated from EPA published data. I do not see any discussion on the confidence of using these estimated data in the report. In addition, how well these estimated data represent the local-scale spatial variability?

RESPONSE: In-lieu of site-specific data, the relative confidence of the parameter set used to obtain the model results was evaluated in the context of general knowledge of the percent of precipitation that is expected to result in groundwater recharge. The low end of the range of potential recharge is only 2.5 percent of the long-term average annual precipitation for the subarea, which is approximately 28 inches/year based on the San Bernardino County Flood Control District isohyetal map for the area (see Geoscience 2003a; Figure 4). This amount of recharge is below the range of accepted recharge estimates for other groundwater basins in Southern California, which is generally

3 to 7 percent of precipitation (Geoscience 2003a). In some areas of Southern California, groundwater recharge as a percent of precipitation has been reported to be greater than 10 percent (Manghi et al. 2009). Thus, there is a relatively high degree of confidence that the actual average annual recharge for the Project Area is greater than the low end of the range of recharge estimated by the watershed model. Accordingly, the low end of the estimates of perennial yield is conservative and can be relied upon for water resource planning. Given the lack of data, there was no basis to vary estimated parameters spatially across the area.

Page 2, 4th comment: This is related to comment 3. This report also mentions that Geoscience did a similar study in 2001. There are some degrees of differences in estimated annual groundwater recharge from both reports, mainly, due to different set of data used. Since many data are assumed in the current report and there is no summary of the 2001 Geoscience report, which report is more representative to the study area?

RESPONSE: The Geoscience 2003a study is considered the most updated and representative study for the perennial yield estimates.

Page 2, 5th comment: The last paragraph in page 6 mentions future groundwater production and development in each tributary subunit should rely more on established groundwater thresholds due to small storage capacity of the groundwater reservoir. Since there is no reference cited to support this statement, are there hydrogeological data to support this statement?

RESPONSE: Reliance on groundwater level thresholds for decision making is an established groundwater management philosophy that has been successfully applied to numerous groundwater basins in California, including the Big Bear Valley (Geoscience 2003b). The small storage capacity of the aquifer system is inferred based on relatively low transmissivity estimates from pumping test data (such as that conducted at FP-2) and observations of groundwater level changes in other wells in the Big Bear Valley.

Page 2, 6th comment: Chapter 3.2 in page 12 describes the estimation of groundwater underflow for an estimate of groundwater recharge. Is this calculation performed by a commercial program? An appendix to detail the underflow calculation in the Grout Creek subunit will help to clarify any question that may arise.

RESPONSE: Groundwater underflow was estimated by applying Darcy's law to the flownet shown on Figure 9 of Geoscience 2001. Details of the flownet calculation are provided in Table 6 of that document.

Page 2, 7th comment: would suggest adding a brief discussion on the calculation of annual groundwater recharge using the HSPF model and a summary table of all annual budget terms for the calculation of yields.

RESPONSE: The methodology used to estimate groundwater recharge using the HSPF model is described on pages 13 through 20 of Geoscience 2003a. The results of the recharge estimates using

the model are summarized on pages 23, 24 and 28 through 30 of that report. Annual budget terms are not summarized in the report and the data is presumably with the author.

Page 2, 8th comment: Chapter 3.3.2.2, the 2nd paragraph in page 17 discusses the estimation of daily precipitation and adjustment factor. How many precipitation stations and data records are available in study area? In addition, the 3rd paragraph in the same page demonstrates the calculation of daily precipitation in Grout Creek Tributary Subarea A. Does that imply a constant daily precipitation applies to the whole Subarea A? In addition, a map showing all weather stations and a table listing precipitation periods of all weather stations are strongly recommended.

RESPONSE: There are no precipitation stations within North Shore Subarea A and Grout Creek Subarea D that have public records on file with the San Bernardino County Flood Control District. Precipitation in the watershed model was varied daily as described on Page 17 of Geoscience 2003a. A table summarizing precipitation stations within the Big Bear Lake Watershed is as follows:

Table 2-2: Precipitation Stations in the Big Bear Lake Watershed

Precipitation Station	SBCFCD[1] Number	Coordinates		Period of Record	Average Yearly Precipitation Latitude Longitude (inches/year)
		Latitude	Longitude		
Big Bear Lake Dam	6032	34.241274	-116.9752	1883-Present	36 inches/year
Fawnskin	6334	34.267063	-116.95282	1974-Present	19 inches/year
Big Bear Lake Fire Department	6090	34.244422	-116.91072	1950-1980	23 inches/year
Big Bear Hospital	6363	34.246059	-116.88578	1980-2001	22 inches/year
Big Bear Ranger Station	6722	34.264030	-116.90075	1976-1983	22 inches/year
Big Bear Community Services District	6091A	34.261343	-116.84403	1951-Present	14 inches/year

Note:
[1] San Bernardino County Flood Control District Number

Page 2, 9th comment: Chapter 4.3 in page 23 mentions few pumping tests in production wells at various places.

I would suggest add a summary table of these pumping tests and hydraulic properties derived from these tests. By the way, a description of the spatial distribution of these hydraulic properties in the study area is also needed.

No pumping tests have been conducted other than that reported in Appendix G.3 of the RRDEIR No. 1. A spatial distribution of hydraulic properties cannot be conducted until additional wells are drilled and/or tested.

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Big Bear Group

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LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Attn: Matthew W. Slowik Senior Planner

RE: Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc.
(SCH#2002021105)

SIERRA CLUB-1

The Big Bear Group of the Sierra Club representing over180 local members in the Big Bear Valley would like to thank you for the opportunity to comment on the above referenced Environmental Impact Report. Our comments are as follow:

Biological Resources

- **The proposed project contains some of the most utilized Bald Eagle roosting and perching habitat in the Big Bear Valley.** The Big Bear Lake Eagle Count Survey in Volume II revised and recirculated EIR shows a significant reduction in the Bald Eagle count from the late1970's to date. A primary reason is thought to be development around the lake. (See attached testimony by Robin Eliason, a biologist for the United States Forest Service in Big Bear, before the Big Bear Lake City council on another project) The EIR states that the project will result in significant impact to the eagle habitat. What reduction in eagle count would you expect as a result of your proposed project?

SIERRA CLUB-2

- The EIR states that even after the proposed mitigation is enacted for the proposed alternate project that significant and unavoidable impacts have been identified to Bald Eagles. An alternative that could significantly further reduce the impact on Bald Eagles would be one that eliminates the marina and its parking lot.

SIERRA CLUB-3

Presently, there is an abundance of public marinas that residences of the proposed development could use to dock their boats. Why destroy the last remaining habitat unnecessarily? Why was this not evaluated as alternative? What would be the resulting impact on Bald Eagle habitat if this were done? SIERRA CLUB-3

- Ash- gray paintbrush a federally listed threatened plant is acknowledged to occur on the project site. There is a large difference between the extent of the occurrence reported by Scott White Consulting (reported in 2007) and that reported by Tim Krantz in 2008.In the 2007 report White states that he confirmed the occurrence of ash-gray paint brush and noted no substantial changes to densities or distribution from previous reports. Has this differenced been reconciled? If so how? If not, why not? Until this is done the reports and suggested mitigation are suspect. The attached map (M-1obtained from the USFS) shows the location of sensitive plants on the proposed site. This map is a compilation of studies done over the years and seems in conflict with the study done by Krantz. Can you please explain the difference? SIERRA CLUB-4
- The proposed project will result in a "take" of threatened plant species. Is a permit from Fish and Game required? If so, has such a permit been applied for? SIERRA CLUB-5
- Is the small amount of acreage left as on site mitigation for the loss of pebble plain and threatened plant habitat enough to assure the long term viability of the species? If you conclude it is. What studies, if any, can you cite to support this conclusion? SIERRA CLUB-6
- The purchase of the Dixie Lee Lane pebble plain has been suggested as mitigation for the loss of pebble plain habitat. It is our understanding that this pebble plain was totally set aside as mitigation for the pebble plain lost as a result of the construction of Big Bear High School, its parking lots and outdoor athletic facilities and thus cannot be used for further mitigation. The 2 acres suggested by Tim Krantz does not seem reasonable considering the size of the High School complex. Do you have documentation to support the claim made by Tim Krantz? SIERRA CLUB-7
- What plant species are contained in the Dixie Lee pebble plain? How does this match up in species and number with the Moon Camp pebble plain? SIERRA CLUB-8
- If the Dixie Lee Lane pebble plain can be used for mitigation it would seem to concentrate a great amount of the viable remaining pebble plains to a relatively small area (South side of the lake below Sugarloaf). If we had a fire in this area, would this not wipe out a large amount of our remaining pebble plain habitat? Are we not guilty of putting too many of our eggs in one basket? SIERRA CLUB-9
- If the Dixie Lee Lane pebble plain can be used for mitigation, explain how the non wasting endowment you propose works and how much money it can be expected to raise yearly to cover the cost of management and preservation. Is this amount sufficient? Has this amount been confirmed by the management entity? How will the capability of the management entity be judged? What if they fail? How will they be replaced? Please explain the mechanism and who is responsible? SIERRA CLUB-10
- Please explain how 11.8 acres of pebble plain identified by reputable authorities in 2002 shrank to 0.69 acres in 2007.Why should we believe the 2007 acreage over the 2002 acreage? This needs to be justified in detail. Why not hire an independent expert to reconcile the difference? The attached map (M-1) seems to support the larger acreage. SIERRA CLUB-11
- BR-1c states that building envelopes or setbacks will be established to prevent SIERRA CLUB-12

construction in the occupied ash- gray paint brush habitat. The lots are sold individually. What is the mechanism to assure this happens? When these homes are occupied what assurance is there that the various owners over the years will recognize and protect this habitat? Who enforces? What are the penalties for non-compliance? Can this really be considered long term mitigation? SIERRA CLUB-12

- BR-1d states that as a mitigation measure the long term conservation areas will be actively managed to prevent edge effects from existing and proposed adjacent land uses. How will the responsible manager be picked? Do you have a list of candidates? Do they have experience with this type of management? How is this effort to be funded in perpetuity? If funding is from the interest from an endowment, how much is the endowment? What are the projected costs? What do you assume as interest rates? SIERRA CLUB-13
- We have seen problems with management of conservation easements in the past. Who evaluates the performance of such management in perpetuity and what is the mechanism for changing out poor management? SIERRA CLUB-14
- BR-1d also states that a habitat management plan will be developed. Who develops this plan? How and by whom will its adequacy be evaluated? How will the development of this plan be funded? What is the projected cost of such a plan? SIERRA CLUB-15
- BR-2 states as a mitigation measure to maintain wildlife habitat for the rubber boa that all trees and logs be allowed to remain in place. The lots will be sold individually. If this is a true mitigation measure, how do you propose to enforce it in perpetuity with multiple owners over time? What is the penalty for non-compliance? SIERRA CLUB-16
- In order to mitigate the loss of habitat for San Bernardino flying squirrels BR-3 proposes to place nest and aggregate boxes on USFS land adjacent to the project site. Have you received permission from the USFS to do this? If permission is not granted what is your backup plan? SIERRA CLUB-17
- BR-4 suggests that artificial perch trees will be used to replace any existing perch trees that need to be taken down. Our observation is that the artificial trees have a short life span due to rotting and wind and will need to be replaced on a regular basis. If this is an acceptable mitigation measure who is responsible for maintaining and replacing these trees? How will this be funded in perpetuity? What is the projected cost on a yearly basis? SIERRA CLUB-18
- BR-11 proposes as a mitigation measure to limit human disturbance on adjacent natural open space that signs warning that the open area contains sensitive plant and wildlife habitat and will be placed where the project property boundary abuts USFS property. How will this be enforced? The USFS is understaffed and will not have the personnel to monitor. The attached map (M-1) shows a large amount of sensitive habitat on adjacent Forest Service land that needs protection. SIERRA CLUB-19
- U-1a allows for at least 500 SF of turf and perhaps more if allowed by the water purveyor. What will be the effect from fertilization on native plant life on the remaining portion of the lot and in the drainage system? SIERRA CLUB-20
- This project limits the access of wild life to the lake which is important in dry years. The EIR does not substantially address this issue. Will fencing that blocks access be allowed around properties? SIERRA CLUB-21
- What prevents individual lot owners from planting non-native invasive plants around there home? If a part of the terms and conditions for residents, who is SIERRA CLUB-22

responsible in perpetuity for enforcement? Who is responsible for removing invasive plants from open space and the surrounding National Forest in perpetuity if enforcement fails? How would this work to be funded? What are the projected costs?

SIERRA CLUB-22

- How is BR-8 enforced? Who is responsible? What are the penalties for non-compliance?

SIERRA CLUB-23

Utilities and Air Quality

- U-1a proposes 13 measures to reduce water usage that will be spelled out in a conservation guideline booklet produced by the Moon Camp Home Owners Association. Some of these measures need to be addressed prior to any housing construction. How will this be handled in the absence of any home owners? A guideline booklet suggested that the measures may or may not be followed. Is this the intent? If it is, how can it be considered a mitigation measure?

SIERRA CLUB-24

- AQ-3 and 4 outline the requirements for wood burning stoves and fire places. From a fire safety point and an air quality point of view gas burning fire places would be superior. Was this considered? If not, why?

SIERRA CLUB-25

Aesthetics

- The Pacific Crest Trail is approximately 1 mile north of the project site on the ridgeline. What will be the visual effect from the trail? Has this been evaluated? If there is an effect what mitigation do you suggest?

SIERRA CLUB-26

Fire

- Any project built in the San Bernardino Mountains today that significantly increases the temporary or permanent population of the area creates a major problem should the Big Bear Valley need to be evacuated. The evacuation routes out of Big Bear are limited and subject to major traffic jams during an evacuation. This is further exacerbated should one of these routes be shut down. This needs to be thoroughly evaluated. Why was this not addressed under cumulative impacts? What is the cumulative impact?

SIERRA CLUB-27

- Does the project provide for a fuel break between the proposed homes and the National Forest? If not, why? If there is who is responsible for long term maintenance?

SIERRA CLUB-28

Other

- Table ES- 3 has a reference to Chaffey Joint Union High School at the top of half the sheets that make up this table. Why should we conclude that these sheets are for the Moon Camp development? SIERRA CLUB-29
- In Volume II, Moon Camp Property, Fawnskin Area: Vegetation and Special Status Plants by Scott D White refers to Exhibits 1, 2, 3, and 4 in the text. These Exhibits were not provided. Why not? We cannot evaluate or comment on items not included. SIERRA CLUB-30

Respectively submitted

Ed Wallace

Conservation Chair
Big Bear Group
Sierra Club

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Sierra Club (SIERRA CLUB)

Response to SIERRA CLUB-1
The Sierra Club comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1.

Response to SIERRA CLUB-24
The commenter states infrastructure and water supplies in the Fawnskin system are limited and the Department of Water and Power says that the supply cannot support any significant increase in the percentage of full-time residents.

See Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to SIERRA CLUB-25
The commenter questions if wood-burning fireplaces were analyzed within the EIR.

This topic is discussed on page 4.2-37 of the RRDEIR No. 1. Mitigation Measure AQ-3 (RRDEIR No. 1, page 4.2-38), in particular, prohibits open-hearth fireplaces and permits only EPA Phase II certified fireplaces and wood stoves, pellet stoves, and natural gas fireplaces. The use of certified fireplaces and stoves will significantly increase the heating efficiency of fireplaces and reduce the amount of smoke particles and toxics emitted into the air compared with an ordinary open-hearth fireplace present in many homes in the neighboring area.

Response to SIERRA CLUB-26
As addressed within Section 4.1, Aesthetics, the 2011 Project would have substantially fewer aesthetic impacts than the Original Proposed Project. The views in the Original Proposed Project (2005 EIR) were significantly disrupted by the introduction of 31 residences to the lakefront and along the highway. These residences were highly visible from the lake, from the road, and in the view shed of existing residences situated above. In contrast, the revised Project has eliminated the lakeshore residences and a number of lots on the north side of the highway due to the introduction of 6.2 acres of open space conservation easements and a minimum lot size of 0.5 acre. Another major difference between the Original Proposed Project and the revised Project is the removal of the highway realignment segment of the Original Proposed Project. The realignment would have dramatically affected the aesthetics, both by destroying the rural, undulating character of the scenic highway and by removal of significantly more trees to achieve the objective. Over 600 trees were spared with the elimination of the realignment feature.

Further, Section 4.1, Aesthetics of the RRDEIR No. 1, provides mitigation measures for short-term and long-term impacts upon development of the Project (A-1a, A-1b, A2a through A-2e, A-3a, A-3b, and A-4a through A-4f [page 4.1-8 through 4.1-10]). Although the Project will permanently alter the aesthetics of the area near the lake and the scenic highway from natural open space to low-density residential use. While some impact is unavoidable, implementation of mitigation measures along

with standard conditions and CC&Rs will assist in blending this new neighborhood into the overall general character of the Fawnskin Community and reduce overall impacts to less than significant.

Although the opinions of the commenter regarding the merits of the project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to SIERRA CLUB-27 and -28
The commenter expresses concern regarding wildfire hazards.

See Response to WINCH (b)-5.

Response to SIERRA CLUB-29
Descriptions within Table ES-3 contains a typographical error stating Chaffey Joint Union High School versus the Moon Camp header. Section 4, Errata of this FEIR document corrects the typographical error. The revision and minor modification to the document do not result in any new significant environmental impacts of the project or substantial increases in the severity of any environmental impact identified in the RRDEIR No. 1.

Response to SIERRA CLUB-30
The Sierra Club comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

ABATES

Slowik, Matt - LUS - Advance Planning

From: Alison Bates [bates.alison@gmail.com]
Sent: Friday, June 04, 2010 3:17 PM
To: Slowik, Matt - LUS - Advance Planning
Subject: URGENT: Opposition to Moon Camp Development Project
Attachments: Opposition to Moon Camp development.doc

ABATES-1

Dear Mr. Slowik,

Please read the attached letter in opposition to the Moon Camp Development Project.

Regards,
Alison Bates

County of San Bernardino
Land Use Services Department, Advance Planning Division
385 N. Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

June 4, 2010

ABATES-1

RE: Opposition to Proposed Moon Camp Development Project: Lot Residential Subdivision TT No. 16136 EIR (Fawnskin)

Dear Mr. Slowik,

I am writing because I believe the proposed Moon Camp Development Project should not be built for several reasons.

This project violates the current zoning. To allow this project, zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per ½ acre. There is no valid reason for changing the zoning, since the County General Plan requires that zone changes be done only when there is sufficient infrastructure, when the change is in the best interest of the public and when it will not adversely affect surrounding property. No compelling need has been demonstrated to re-zone this sensitive parcel.

ABATES-2

Additionally, this proposed project will be developed in an area with identified biological sensitivity. America's icon, the Bald Eagle, frequently utilizes this area as winter habitat. In addition, the US Forest Service has been monitoring year-round Eagle nests in Big Bear, in the Fawnskin area, which signals that this is not only critical habitat for eagles, but also has the potential to become nesting ground. Under both the 1940 Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c) and the 1918 Migratory Bird Treaty Act (16 U.S.C. 703-712), by federal law it is mandated that Bald Eagles are protected. This includes prevention of ecosystem degradation. Approved by the Senate on July 12, 1976, public law 95-616 dictates that the United States will take measures to protect identified ecosystems of special importance to migratory birds against pollution, detrimental alterations, and other environmental degradations.

ABATES-3

Furthermore, this development will destroy critical Pebble Plain habitat. The Pebble Plain habitats of Big Bear Valley are both endemic to the area and are habitat for several endangered species that do not live in any other location in the world, including Ash-Gray Paintbrush, Southern Mountain Buckwheat, Bear Valley Sandwort, and others. I have personally seen these species on this property and all three are listed as threatened on the U.S. Fish and Wildlife Service Threatened & Endangered Species List.

ABATES-4

Big Bear Valley is valued for its natural beauty and resources. It is imperative to protect these resources to maintain the intrinsic value of nature, but also to protect borders of the San Bernardino National Forest and the economic impact of visitors spending money in the Valley to enjoy natural beauty. This development will significantly and negatively alter the area and is unnecessary.

ABATES-5

Respectfully Submitted,

Alison Bates
PO Box 907
Big Bear City, CA 92314
(207) 749-6420

2.2.7 - Individuals

Alison Bates (ABATES)

Response to ABATES-1
The author provided introductory remarks to preface the letter. No response is necessary.

Response to ABATES-2
Please see Responses to SM&W 1-4 and SM&W 21 through 26. The Project does not violate the County of San Bernardino's Zoning Codes. County Code allows the Zone Change request when sufficient infrastructure is available to serve the needs of the Project. The Moon Camp RRDEIR No. 1 has demonstrated that sufficient infrastructure is available to provide the necessary services to the 50 half-acre residential lots. The current RL-40 zoning classification is utilized in the Bear Valley Community Plan as a "Holding Zone." This designation was utilized by the County for larger parcels of land that were intended to be further subdivided at a later date. By applying the RL Holding Zone designation, the County allows the landowner to apply for a Zone Change at the time a specific project is presented for County review and approval. Several RL to RS Zone Change applications have been approved by the County in the Bear Valley Community Plan area over the last several years. After examination of the potential impacts of the Project, the RRDEIR No. 1 concludes that the Project is consistent with the Bear Valley Community Plan and the County General Plan and will not have a significant impact on surrounding properties.

Response to ABATES-3
Bates comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to ABATES-4
Bates comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to ABATES-5
The Project identifies, evaluates, and protects the sensitive species and natural beauty of the Moon Camp site. Two Conservation Open Space Lots (A and H) and lakefront open space lots (B and C) create 9.1 acres of open space area within the Project. This equates to over 14.5 percent of the Project being set aside as Conservation and Open Space. In addition to the 9.1 acres of Conservation/Open Space, the average lot size is 0.9 acre (39,000 square feet), which is significantly less densely developed than the surrounding developed lots, which have a zoning of 7,200 square feet. Most significantly, no residential development occurs between the State Highway and Big Bear Lake, thereby maintaining the beautiful, natural vistas as travelers and visitors traverse the site.

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WINCH (a)

BRADLEY & CATHY WINCH

1050 Canyon Road, PO Box 370, Fawnskin, CA 92333-0370
Voice: 909 866-9479/909 866-5960/909 800-1808(cell) Fax: 909 866-2767
E-mail: blwjalmar@att.net

April 16, 2010

RECEIVED
APR 19 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)

Dear Mr. Slowik,

I am a Fawnskin resident and I will be directly impacted by the Moon Camp Development. Therefore, I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. WINCH a-1

The original project notice came in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since

the beginning of this project and since the original DEIR, it will take time for me to re-familiarize myself with the project. In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for me or the public to properly review and comment on within 45 days.

WINCH a-1

Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Bradley L. Winch

Bradley L. Winch, PhD, JD, MinSP
1050 Canyon Road
Fawnskin, CA 92333

Bradley and Cathy Winch (a) (WINCH (a))

Response to WINCH (a)-1

The commenter requests the County of San Bernardino to extend the close date of the public review period. The County extended the public review ending date for the RRDEIR No. 1 from May 19, 2010, to June 3, 2010. No additional response is necessary.

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WINCH (b)

BRADLEY & CATHY WINCH

1050 Canyon Road, PO Box 370, Fawnskin, CA 92333-0370
Voice: 909 866-9479/909 866-5960/909 800-1808(cell) Fax: 909 866-2767 E-mail: blwjalmar@att.net

5/28/10

County of San Bernardino
Advance Planning Division
Land Use Services Department
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Neil Derry, Supervisor Third District
County of San Bernardino
385 N. Arrowhead Ave.; Fifth Floor
San Bernardino, CA 92415-0110

WINCH b-1

Gentlemen,

My wife Cathy and I have been residents in Fawnskin since 2002. We also have three rental properties here because we believe people that come up the mountain to visit the Big Bear Valley and Fawnskin in particular want the fresh air, the forest, the lake and the general rural atmosphere that we have been able to keep here so far.

We have watched, with sadness in our hearts, as new developments have been proposed for our very special

area. Now we have another one, Moon Camp, that threatens our area, our peace and quiet, the natural beauty of Fawnskin and the access that North Shore Drive in Fawnskin provides to our beautiful lake.

WINCH b-1

Specifically, to allow this project, zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per ½ acre. Can you give us a valid reason for changing the zoning, especially since the County General Plan requires that zone changes be done only when there is sufficient infrastructure, when the change is in the best interest of the public and when it will not adversely affect surrounding property?

WINCH b-2

Let me address each of the above cited concerns individually:

Infrastructure--water supplies in the Fawnskin system are limited and DWP says that the supply cannot support any significant increase in the percentage of full-time residents. There are residents on wells nearby that could be severely impacted by the new wells on Moon Camp. The proposal currently has no clearly

WINCH b-3

defined water service available and every option could end up costing current residents. No analysis has been done to show that this proposed project would not significantly impact cost or availability of water for current residents. One of our rentals in Fawnskin has its own well and I am concerned that it will be left high and dry by the proposed Moon Camp Project. What guarantee can either of you, or the Moon Camp Developer, give me to assure that I will be able to have available water in my well for personal use by our tenant?

WINCH b-3

Other infrastructure concerns include Roads/traffic, Electricity, and Police protection: If you have ever driven North Shore Drive you already know that that narrow highway here is overburdened. Bear Valley Electric has already raised rates to pay for a new generator because valley electric supply is limited. The Sheriff's Department resources are already stretched too thin to handle current needs and response times are often long. I ask, will the Moon Camp Project solve

WINCH b-4

these concerns, or will it instead add to the already existing problems of current homeowners? Everyday we see large semis crossing over the double yellow lines, endangering residents who often have to pull their cars off the road to avoid collision with them. And nothing is being done to prevent such violation of the law. The Moon Camp Project will only compound the problem and further endanger our law abiding citizens. How will you answer this major problem?

WINCH b-4

We have been permanent residents here since 2002 and have had to evacuate the mountain twice. The inefficiency of recent evacuations shows that we already have a challenge getting our current residents off the mountain. Adding the possibility of more residents and visitors could be dangerous for all of us. More homes along the forest boundary increase the risk of wild fires that could devastate our community. Will you allow that to happen or will you step up and say "no" to the new dangers this project will foist on us?

WINCH b-5

We have exceptional Biological Resources in Fawnskin. The project would significantly impact the bald eagle habitat and cause concern to as well as several other endangered species. There is nothing in the DEIR that addresses these environmental issues. Many trees would be cut and natural habitats lost to develop this project. The forest surroundings and wildlife path to the lake would be severely impacted. The bald eagle and forest surroundings bring many visitors to the valley who will not come when these resources are gone or degraded. What *proven* mitigations would be done to eliminate these impacts?

WINCH b-6

The North Shore of Big Bear Lake is unique and treasured by the entire valley for its beauty, lake views, scenic highway and forested character. This project raises serious questions about Aesthetics/Light and Glare/Noise. We currently have dark skies without street lights and it is so quiet most visitors comment on how pleasant that is to them. Unfortunately, the

WINCH b-7

DEIR misapplies and misuses County standards for Aesthetics/Light and Glare/Noise from urban areas. This is an invalid application of data to serve the purposes of the Project. Such data cannot be used to evaluate the impact this project would have on these issues. Will you allow that to happen to our pristine Fawnskin? Both of us, along with our puppy, spend much time walking at night just staring at the stars. Would you take that pleasure away from us? If your answer is yes and you vote in favor of the Moon Camp Project, then please explain to us your reasoning?

WINCH b-7

There are also major issues with air quality, water quality (especially with two potential new marinas right next to each other), and cumulative impacts of all the recent developments around the valley. How will you justify degredation of our sources of beauty and pleasure if you approve this project?

WINCH b-8

Respectfully submitted,

WINCH b-9

Bradley L. Winch Bradley L. Winch

Catherine Winch Catherine Winch

WINCH b-9

PS Blessings to you on your deliberations. May you choose a path that is for the highest and greatest good for all concerned.

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Bradley and Cathy Winch (b) (WINCH (b))

Response to WINCH (b)-1
The commenter provides preface to the letter. No response is necessary.

Response to WINCH (b)-2
The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre. See Responses to SM&W-1 through -4 and SM&W-21 through -26 for a response regarding zoning of the Project site. No additional response is necessary.

Response to WINCH (b)-3
The commenter states infrastructure and water supplies in the Fawnskin system are limited and the Department of Water and Power says that the supply cannot support any significant increase in the percentage of full-time residents. Please see Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to WINCH (b)-4
The commenter expresses concern regarding infrastructure, roads/traffic, electricity, and police protection. An updated Traffic Impact Analysis (2007) (Appendix E of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project, and a 2018 Focused Traffic Impact Assessment was also prepared (see Appendix M of this 2020 Final EIR). According to the Traffic Impact Analysis, no areas are expected to have significant and unavoidable impacts for opening year and Horizon Year 2030 Traffic Conditions nor cumulative traffic impacts with the implementation of Mitigation Measures T-1 and T-2 (RRDEIR No. 1, page 4.8-51). The 2018 Focused Traffic Impact Assessment also confirmed that no additional improvmenets beyond those previously identified in the 2007 updated Traffic Impact Analysis are required to achieve an acceptable level of service. In addition, as indicated within Section 4.7, Public Services, of the RRDEIR No. 1, anticipated police calls that may occur include increased burglar alarm calls, general criminal investigations, missing or lost persons, emergency medical calls, thefts of boats, and vandalism. Although there would be an incremental need for increased police service, it is not anticipated that Proposed Alternative Project implementation would require any new police facilities. Each homeowner will be required to pay property taxes and development impact fees based on then-current rates. The Proposed Alternative Project's increase in demand for police services would be offset through project related fees and taxes. Therefore, impacts to law enforcement services are expected to be less than significant, and no mitigation measures are proposed.

Further, as indicated within Section 4.9, Utilities, of the RRDEIR No. 1, the Project would result in an increased demand for electrical service. Based on a daily average of 16.66 kilowatts per unit, at project buildout the Proposed Alternative Project would utilize 833 kilowatts per day. BVE recently constructed a local power generating station to provide backup power and peak power to supplement the two power lines that feed the valley. According to BVE, service is available and of adequate supplies. The Project Applicant will also construct and fund all infrastructure related to the Proposed Alternative Project. In addition, the future residents of the site will pay monthly user fees that offset the cost of service and maintenance. Therefore, the impacts are considered less than significant and no mitigation is required.

Although the opinions of the commenter regarding the merits of the project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to WINCH (b)-5
The commenter expresses concern regarding wildfire hazards.

As outlined within Section 4.7, Public Services, of the RRDEIR No. 1, wildfire is the primary safety issue in mountainous areas. Fire conditions in the San Bernardino National Forest are more dangerous than ever, according to the USFS (2006). The recent Butler II fire (September 2007) required the evacuation of the Fawnskin community for a short period. Many decades of fire suppression policy, which led to growth of the understory and bark beetle infestation, is partially to blame for this unprecedented fire hazard. Implementation of the San Bernardino National Forest Plan (2006) for mechanical thinning of under-story trees and provision of fire-flow would reduce fire danger in the project area.

The Project site is located adjacent to the National Forest Service on the north and east. The USFS requires a 100-foot firebreak for residential lots that are adjacent to USFS land. The Proposed Alternative Project is designed to include this 100-foot fuel modification zone adjacent to USFS land.

The Project site is in a high fire hazard area and included in the County of San Bernardino's Fire Hazard Overlay District (FS1). The FS1 Area "includes areas within the mountains and valley foothills. It includes all the land generally within the San Bernardino National Forest boundary and is characterized by areas with moderate and steep terrain and moderate to heavy fuel loading contributing to high fire hazard conditions."

Since the Proposed Alternative Project is located within a FS1 designated area, it is subject to compliance with various requirements relative to construction, building separations, project design, and erosion and sediment control. The requirements applicable to each fire safety area are found in the County's Development Code in Section 82.13.050 (General Development Standards), Section 82.13.060 (FS1, FS2, and FS3 Development Standards), and 82.13.070 (FS1 Additional Development Standards). The provisions for the FS1 District include, but are not limited to, fuel modification zones, setbacks, emergency access, water supply (for fire flows), and apply to all phases of project development. For a complete list of applicable codes, see Appendix F, San Bernardino County Development Code, Fire Safety Overlay District.

Exhibit 2-5, in Section 2, Project Description, shows the required 100-foot fuel modification zone required for any development project that abuts USFS land. Ten of the residential lots are affected by this requirement and must abide by the Fuel Modification Plan required to be prepared for the Proposed Alternative Project. In addition, because the proposed residential lots would be sold as custom lots and would be developed as they are sold, fuel modification on individual lots may be required if a lot being developed is adjacent to other lots that have not been sold or remain undeveloped. Under this condition, Development Code Section 82.13.060(6) (B) would apply. This provision states in part that "when a development project is phased, individual phases may be

required to provide temporary fuel modification areas, where the development perimeter of a phase is contiguous to a subsequent phase of a project, which in its undeveloped state is a hazardous fire area. . .”

The fuel modification zone adjacent to the USFS boundary and areas within the site that would be required to maintain temporary fuel modification areas will be maintained by the prospective homeowners of these specific lots. Each homeowner will be required to pay property taxes and development impact fees based on then-current rates. The Project’s increase in demand for fire protection services would be offset through project-related fees and taxes.

Regular thinning of these buffer zones would lessen the fire hazard. A potential loss of habitat could result from the removal of trees required for fire control. However, the County of San Bernardino requires under Chapter 88.01, Plant Protection and Management of the Development Code that development on all private and public lands within the unincorporated areas of San Bernardino County is subject to specific requirements. Removal of any native plant from unincorporated areas of San Bernardino requires the approval of a removal permit. The Proposed Alternative Project would comply with this Plant Protection and Management Ordinance and the design standards specific for high fire areas.

Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to WINCH (b)-6
The commenter expresses concern regarding biological resources.

Based on concerns raised in comments received on the RRDEIR No. 1, Appendix K of this 2020 Final EIR provides an updated analysis on impacts to the ashy-grey Indian paintbrush (a Federally-Listed Threatened Species), which confirmed the findings of RRDEIR No. 1 that impacts are less than significant. Consequently, a partial recirculation of the RRDEIR No. 1 for the 2011 Project will further the basic purpose of CEQA to inform decision makers and the public about the potential significant environmental effects of proposed activities. Responses to comments on biological resources made during the review period for RRDEIR No. 1 are not provided in this FEIR document because the County recirculated the Biological Resources Section in RRDEIR No. 2. Responses to all comments received regarding biological resources during the review period for RRDEIR No.2 are addressed within Section 3 of this FEIR document.

Response to WINCH (b)-7
The commenter expresses concern regarding aesthetics, light, and glare. Generally, the attributes of the 2011 Project, including reduction in development intensity, elimination of the development of lakefront lots, elimination of the realignment of SR-38, reduction and relocation of the proposed marina, increase in permanently protected open space, and reduction in the number of trees removed from the site, enhance the aesthetic values of the project to reduce aesthetic impacts. In addition, with the implementation of Mitigation Measures A-1 through A-4 (RRDEIR No. 1, page 4.1-

8 through 4.1-10), implementation of the 2011 Project would result in less than significant aesthetic, light, and glare impacts.

Further, the Project is conditioned to comply with County of San Bernardino Code Section 83.07.040, Glare and Outdoor Lighting—Mountain and Desert Regions to reduce impacts to the night sky.

RRDEIR No. 1 Mitigation Measures A-1 through A-4 with regard to aesthetics are as follows:

MM A-1a Construction equipment staging areas shall be located away from existing residential uses. Appropriate screening (i.e., temporary fencing with opaque material) shall be used to buffer views of construction equipment and material, when feasible. Staging locations shall be indicated on Project Grading Plans. (MM 5.4-1a)

MM A-1b All construction-related lighting associated with the construction of new roadways, improvements to SR-38 and the installation of utilities shall be located and aimed away from adjacent residential areas. Lighting shall use the minimum wattage necessary to provide safety at the construction site. A construction safety lighting plan shall be submitted to the County for review along with Grading Permit applications for the subdivision of the lots. (MM 5.4-1b)

MM A-2a All homes shall provide a two-car garage with automatic garage doors. (MM 5.4-2a)

MM A-2b New development shall be subordinate to the natural setting and minimize reflective surfaces. Building materials including siding and roof materials shall be selected to blend in hue and brightness with the surroundings. Colors shall be earth tones: shades of grays, tans, browns, greens, and pale yellows; and shall be consistent with the mountain character of the area. (MM 5.4-2b)

MM A-2c Outside parking/storage areas associated with the boat dock activities shall be screened from view by the placement of landscaping and plantings which are compatible with the local environment and, where practicable, are capable of surviving with a minimum of maintenance and supplemental water. (MM 5.4-2c)

MM A-2d Construction plans for each individual lot shall include the identification and placement of vegetation with the mature height of trees listed. Landscaping and plantings should not obstruct significant views, within or outside of the Project, either when installed or when they reach maturity. The removal of existing vegetation shall not be required to create views. (MM 5.4-2d)

MM A-2e A Note shall be placed on the Composite Development Plan stating that during construction plans review and prior to issuance of building permits for each lot, the building inspector shall refer to the Mitigation Monitoring and Compliance Program regarding these aesthetic impact mitigation measures. The building inspector shall coordinate with the Planning Division the review and approval of building plans in relation to these aesthetic impact mitigation measures, prior to approval and issuance of building permits. (MM 5.4-2e)

MM A-3a Any entry sign for the development shall be a monument style sign compatible with the mountain character, preferably, rock or rock appearance. (MM 5.4-3a)

MM A-3b Prior to recordation of the tract map (and/or any ground disturbance, whichever occurs first), landscaping or revegetation plans for lettered lots (A through D) shall be submitted to and approved by the San Bernardino County Land Use Services Department. (MM 5.4-3b)

MM A-4a All exterior lighting shall be designed and located as to avoid intrusive effects on adjacent residential properties and undeveloped areas adjacent to the Project site. Low intensity street lighting and low-intensity exterior lighting shall be used throughout the development to the extent feasible. Lighting fixtures shall use shielding, if necessary to prevent spill lighting on adjacent off-site uses. (MM 5.4 4a)

MM A-4b Lighting used for various components of the development plan shall be reviewed for light intensity levels, fixture height, fixture location and design by an independent engineer, and reviewed and approved by the County Building and Safety Division to ensure that light emitted from the Project does not intrude onto adjacent residential properties. (MM 5.4-4b)

MM A-4c The Project shall use minimally reflective glass. All other materials used on exterior buildings and structures shall be selected with attention to minimizing reflective glare. (MM 5.4-4c)

MM A-4d Vegetated buffers shall be used along State Route 38 to reduce light intrusion on residential development and on forested areas located adjacent to the Project site. The vegetation buffers shall be reflected on the master landscape plan submitted to and approved by the County Land Use Services Department prior to the issuance of the first grading permit. (MM 5.4-4d)

MM A-4e All outdoor light fixtures shall be cutoff luminaries and only high- or low pressure sodium lamps shall be used. (MM 5.4-4f)

MM A-4f Mitigation Measures A-4a through A-4e shall be included in the Conditions, Covenants and Restrictions (CC&Rs) of the Homeowner's Association (HOA). (MM 5.4-4e)

Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to WINCH (b)-8

The commenter expresses concern regarding air quality, water quality and cumulative impacts. Air quality, water quality and cumulative impacts were addressed within the RRDEIR No. 1. Mitigation Measures were implemented where appropriate. Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of

San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to WINCH (b)-9
The commenter provides a closing statement. No response is necessary.

WILSON

LAND USE SERVICES DEPARTMENT

ADVANCE PLANNNING
385 North Arrowhead Avenue • San Bernardino, CA 92415-0182
(909) 387-4147 Fax (909) 387-3223
http://www.sbcounty.gov/landuseservices

COUNTY OF SAN BERNARDINO

DENA M. SMITH
Director

Please take us off from the mailing list:
Willson, Carla + Roger
6949-A Doheny Pl., Alta Loma CA 91701
Thank you
Carla

May 17, 2010

To: Interested Individuals and Organizations:

RE: EXTENSION OF TIME FOR REVIEW AND COMMENT ON THE NOTICE OF AVAILABILITY OF THE DRAFT RE-CIRCULATED ENVIRONMENTAL IMPACT REPORT FOR THE MOON CAMP PROJECT/RCK PROPERTIES INC. (SCH #2002021105): GENERAL PLAN AMENDMENT BV/RL-40 BEAR VALLEY COMMUNITY PLAN (RURAL LIVING- 40AC. MINIMUM LOT SIZE) TO BV/RS-20,000 BEAR VALLEY COMMUNITY PLAN (SINGLE RESIDENTIAL- 20,000 S.F. MINIMUM LOT SIZE); TENTATIVE TRACT MAP (#16136) WITH A TOTAL OF 57 LOTS; AND CONDITIONAL USE PERMIT FOR A BOAT DOCK (MARINA) WITH 55 BOAT SLIPS (ON THE EAST SIDE OF THE PROJECT SITE)

Dear Interested Party:

You are receiving this notice because you are on the mailing list for the proposed Moon Camp Project/RCK Properties Inc. The proposed Moon Camp Project is a 62.43-acre site located on State Highway 38 between Canyon Road and Polique Canyon Road, in the Fawnskin area of San Bernardino County (APNs 03-091-12, 21, and 22; and 0304-082-04).

The review and comment period for the Draft Re-Circulated Environmental Impact Report for the Moon Camp Project was originally scheduled to end on May 21, 2010. This letter is to inform you that the public review and comment period for the Moon Camp Project Draft Re-Circulated Environmental Impact Report has been extended 14 days. **The public review and comment period will now end on June 4, 2010. Any/all comments should be provided to the Land Use Services Department at or before 5:00 p.m. on Friday, June 4, 2010.** The Draft Re-circulated EIR is available for review at the following locations:

WILSON-1

San Bernardino County
Land Use Services Department
Advance Planning Division
385 North Arrowhead Avenue
San Bernardino, CA 92415-0182

San Bernardino County
Building and Safety
Big Bear Regional Office
477 Summit Blvd.
Big Bear Lake, CA 92315

San Bernardino County
Building and Safety
Twin Peaks Regional Office
26010 State Highway 189
Twin Peaks, CA 92391

City of Big Bear Lake
39707 Big Bear Lake Blvd.
Big Bear Lake, CA 92315-8900

Big Bear Lake Library
41930 Garstin Drive
Big Bear Lake, CA 92315

Lake Arrowhead Library
27235 Highway 189
Lake Arrowhead, CA 92317

The text of the Draft Re-Circulated EIR is also posted on the San Bernardino County Land Use Services Department web page at www.sbcounty.gov/landuseservices (see Draft/Final EIRs/EISs). All comments received by the comment deadline will be responded to in the Final EIR which will be available for review prior to commencement of the public hearing and decision making process for the project. Written comments and/or document requests should be addressed to:

County of San Bernardino
Land Use Services Department, Advance Planning Division
385 N. Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

RECEIVED
MAY 26 2010
AND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

GREGORY C. DEVEREAUX
County Administrative Officer

Board of Supervisors
BRAD MITZELFELT.....First District
PAUL BIANE.....Second District
JOSIE GONZALES.....Fifth District
NEIL DERRY.....Third District
GARY C. OVITT.....Fourth District

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Carla and Roger Wilson (WILSON)

Response to WILSON-1

The commenter requests to be taken off the County of San Bernardino's distribution list regarding the Moon Camp Project. The County will take Carla and Roger Wilson off the distribution list and no additional response is necessary.

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EADS

P O Box 368
Fawnskin CA 92333
June 1, 2010

County of San Bernardino
Advanced Planning Division
Land Use Services Department
385 N Arrowhead Ave, First Floor
San Bernardino CA 92415-0182

RECEIVED
JUN 03 2010
AND USE SERVICES DEPT.
DVANCE PLANNING DIVISION

Attn: Matthew Slowik

Moon Camp 2010 DEIR

Dear Mr. Slowik:

As residents of Fawnskin, we are very concerned about the proposed Moon Camp development and request the following questions be answered:

~ Why will the zoning on this parcel be changed (from rural, 1 house/40 acres to 1 house/1/2 acre) when there is insufficient evidence that there is adequate infrastructure (water, roads, electricity, etc.) to support this addition? EADS-1

~ Why, when there are 1076 lots suitable for building already in Fawnskin, do we need 50 more lots? EADS-2

~ Why allow building on these 50 lots in this area, an area of great beauty, much appreciated by all those driving toward Fawnskin? EADS-3

~ What consideration has been given for water supply to these proposed new homes, when there is an insufficient supply for existing homes? EADS-4

~ What consideration has been given to the impact of water supply to the proposed development on surrounding homes? Has an analysis been done on this impact? EADS-5

~ What consideration has been given to impact on traffic patterns of 50 new homeowners to our small town? Northshore Hwy 38 is already congested, especially on weekends. EADS-6

~ What consideration has been given to impact of 50 new homes, adjoining Forest Service land, to enhanced fire hazard? Our home is next to FS land and was endangered during the recent Fawnskin fire. EADS-7

~ What consideration has been given to the impact of the proposed new homes on bald eagle habitat (and other endangered species)? What mitigations would be done to eliminate this impact? EADS-8

~ As residents of Fawnskin, we are concerned that this proposed development will bring more noise and lighting. How can you re-assure us about mitigating this impact? EADS-9

~ Why allow another marina to be built on the Northshore, when there are several already, impacting the health of the lake and the views of existing homes? EADS-10

Thank you for your consideration in this matter.

Very truly yours,

Donald L. Eads, MD

Claudia Eads, MD

Copy to Neil Derry, Supervisor Third District

Donald and Claudia Eads (EADS)

Response to EADS-1 and 2
The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre and sufficient infrastructure. Please see Response to SM&W-1 for a response regarding zoning of the Project site. No additional response is necessary.

Response to EADS-3
The commenter expresses concern regarding aesthetics. Please see Response to WINCH (b)-7

Response to EADS-4 and 5
The commenter states infrastructure and water supplies in the Fawnskin system are limited and the Department of Water and Power says that the supply cannot support any significant increase in the percentage of full-time residents. Please see Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to EADS-6
The commenter expresses concern regarding impacts to roads and traffic. Please see Response to WINCH (b)-4.

Response to EADS-7
The commenter expresses concern regarding wildfire hazards. Please see Response to WINCH (b)-5.

Response to EADS-8
The commenter expresses concern regarding biological resources. Please see Response to WINCH (b)-5 and 6.

Response to EADS-9
The commenter expresses concern regarding aesthetics and noise. Please see Response to WINCH (b)-7 for responses regarding aesthetic impacts. In addition, a Noise Analysis (Appendix D of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Noise Analysis, no areas are expected to have significant and unavoidable impacts with the implementation of Mitigation Measures NOI-1 and NOI-2 (RRDEIR No. 1, page 4.6-16).

Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to EADS-10
The commenter expresses concern regarding the marina and potential health and view of the lake. The Initial Study prepared for the Project in February 2002 addressed the potential impacts associated with Hazards and Hazardous Materials. The Initial Study concluded that the Project would include hazardous materials that are typical of residential developments (household chemicals, pesticides, etc.). It is also stated that the Project would include the storage of fuels associated with the marina facility. All hazardous materials would be subject to all local, state and federal regulations pertaining to the transport, use and storage of such material, which would ensure that any

potentially significant impact regarding hazardous materials would be reduced to less than significant levels (please refer to Response VII (a-c) in the Initial Study). In addition, see Response to WINCH (b)-7 for responses regarding aesthetic impacts.

MYERS

Slowik, Matt - LUS - Advance Planning

From: DoriMyers1@aol.com
Sent: Thursday, June 03, 2010 9:10 PM
To: Slowik, Matt - LUS - Advance Planning
Subject: Moon Camp 2010 DEIR

To:
County of San Bernardino
Advance Planning Division
Land Use Services Department
385 N. Arrowhead Ave. First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowick

Date: June 3, 2010

Re: Moon Camp 2010 DEIR

Dear Sir:

I have often visited Fawnskin and the Big Bear area. When I was young I spent most of my summers in Big Bear. I have camped, hiked and birded in the Fawnskin area for many years and I feel I know the area fairly well.

I have always preferred the north shore of Big Bear Lake for its beauty, lake views, forested character and places for wild life. This is a lovely rural area that should be treasured and preserved because it is one of the last bits of undeveloped shoreline and area around the lake. MYERS-1

If this area were to be developed it would be destroyed as a wild place of scenic beauty and a haven for wildlife such as the Bald Eagle. In the past I have seen Bald Eagles perched in trees near the lake very close or on this proposed development. The Bald Eagle is our national bird and this population is very special and needs all the protection we can give it. The Bald Eagle requires large trees to perch in that are not in developed areas and that are close to its food source --the fish in the lake. MYERS-2

Why should this area be rezoned? It would go from a rural classification to what in effect would become a dense highly developed area that really couldn't be adequately supported by existing services. The road is narrow and already too busy. Water supplies are limited as well as electrical and the infrastructure is just not in place. And the proposed development would degrade the property surrounding it.. MYERS-3

I don't see the need to develop this area at all. This proposed development will degrade the area and adversely affect the community, visitors and wildlife. This is a special place of beauty that should be preserved forever. MYERS-4

Sincerely,

Dori Myers
6011 Saddletree Lane
Yorba Linda, CA 92886

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Dori Myers (MYERS)

Response to MYERS-1
The commenter provides preface to the letter. No response is necessary.

Response to MYERS-2
The commenter expresses concern regarding biological resources.

See Responses to WINCH (b)-5 and -6.

Response to MYERS-3
The commenter expresses concern regarding traffic, water supply and aesthetics.

A Traffic Impact Analysis (Appendix E of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Traffic Impact Analysis, no areas are expected to have significant and unavoidable impacts for Horizon Year 2030 Traffic Conditions nor cumulative traffic impacts with the implementation of Mitigation Measures T-1 and T-2 (RRDEIR No. 1, page 4.8-51). In addition, as indicated within Section 4.7, Public Services, of the RRDEIR No. 1, anticipated police calls that may occur include increased burglar alarm calls, general criminal investigations, missing or lost persons, emergency medical calls, thefts of boats, and vandalism. Although there would be an incremental need for increased police service, it is not anticipated that Proposed Alternative Project implementation would require any new police facilities. Each homeowner will be required to pay property taxes and development impact fees based on then-current rates. The Proposed Alternative Project's increase in demand for police services would be offset through project-related fees and taxes. Therefore, impacts to law enforcement services are expected to be less than significant, and no mitigation measures are proposed.

See Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Generally, the attributes of the 2011 Project, including reduction in development intensity, elimination of the development of lakefront lots, elimination of the realignment of SR-38, reduction and relocation of the proposed marina, increase in permanently protected open space, and reduction in the number of trees removed from the site, enhance the aesthetic values of the project to reduce aesthetic impacts. In addition, with the implementation of Mitigation Measures A-1 through A-4 (RRDEIR No. 1, page 4.1-8 through 4.1-10), implementation of the 2011 Project would result in less than significant aesthetic, light, and glare impacts.

Response to MYERS-4
The commenter provides a closing statement. No response is necessary.

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ALLEN

ATTN: NEIL DERRY
ATTN: MATTHEW SLOWIK 5-10-2010
TENTATIVE TRACT # 16136 MOON CAMP - FAWNSKIN CA

WHEN THE PROJECT BEGINS THERE WILL BE AN IMMEDIATE NEED FOR A PERMANENT TURNING LANE AT THE INTERSECTION OF CANYON (FORMERLY ORIOLE) AND SR 38 (NORTH SHORE DRIVE). CANYON RUNS NORTH AND SOUTH AND BEGINS / ENDS AT EAST / WEST SR 38. THE INCREASED TRAFFIC FLOW DUE TO CONSTRUCTION AND THE FUTURE RESIDENTS CREATES AN UNSTABLE (AND DANGEROUS) INTERSECTION. THERE EXISTS (1) STOP SIGN ON SOUTH BOUND CANYON AT SR 38. CANYON IS A PROPRIETARY ROAD INTO / OUT OF THE NEIGHBORHOOD IT SERVES. ALLEN-1

THIS INTERSECTION ALSO SERVES AS A SCHOOL BUS STOP. FOR THE ELEMENTARY GRADES.

CANYON IS ONLY 300 FEET (EST.) WEST OF THE NEW PROJECT DRIVEWAY # 1.

I SUGGEST AN AMPLE WIDENING OF SR 38 EAST / WEST WHEREBY A DUAL DIRECTION LANE BE PLACED IN THE CENTER BETWEEN THE EAST BOUND AND SOUTH BOUND LANES TO SAFELY ENABLE TRAFFIC TO GET ON TO AND OFF OF CANYON.

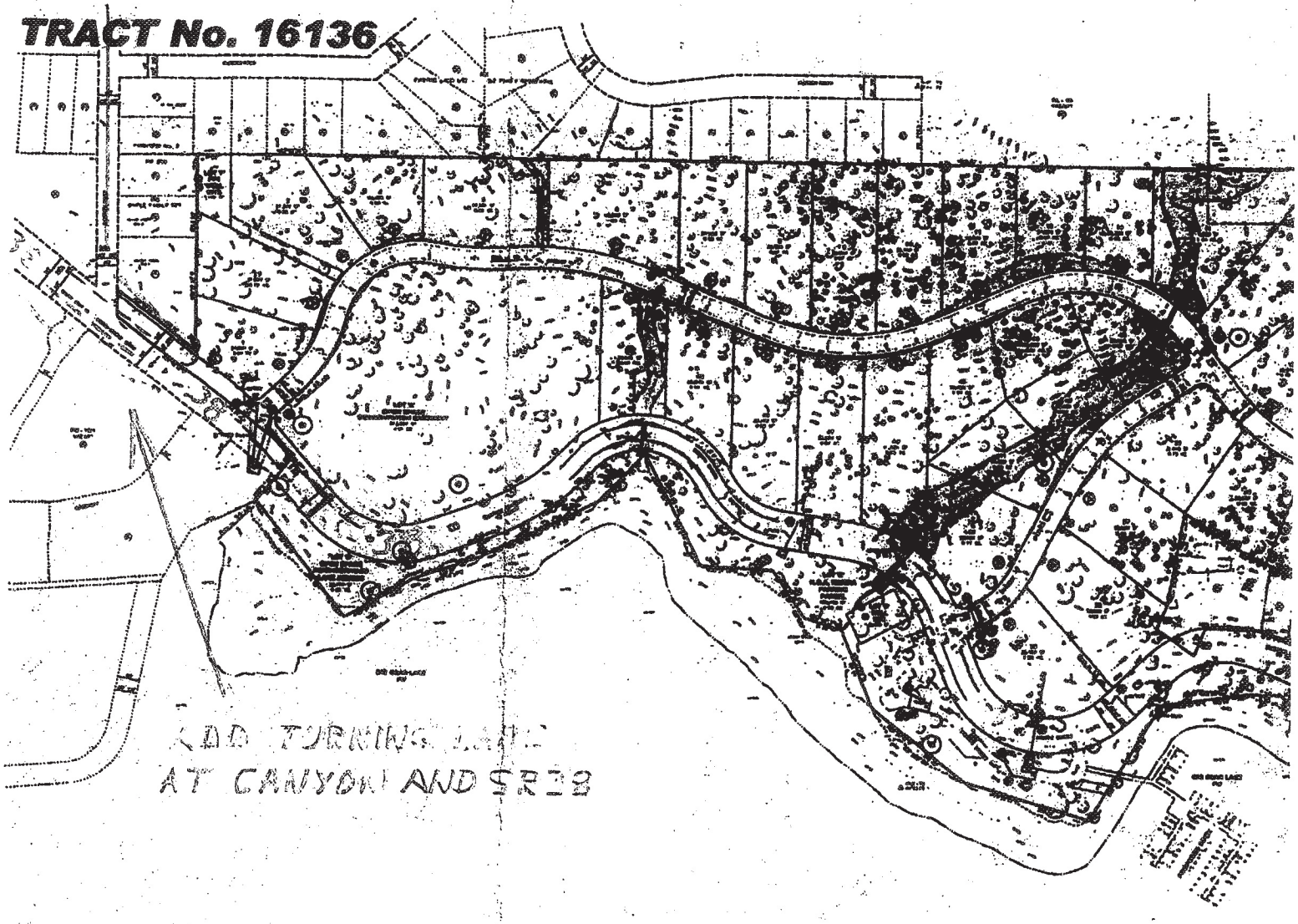
HAROLD ALLEN
39590 OAK GLEN ROAD PO BOX 23
FAWNSKIN CA 92333

Harold Allen

2 of 3

5-10-2010

TRACT No. 16136



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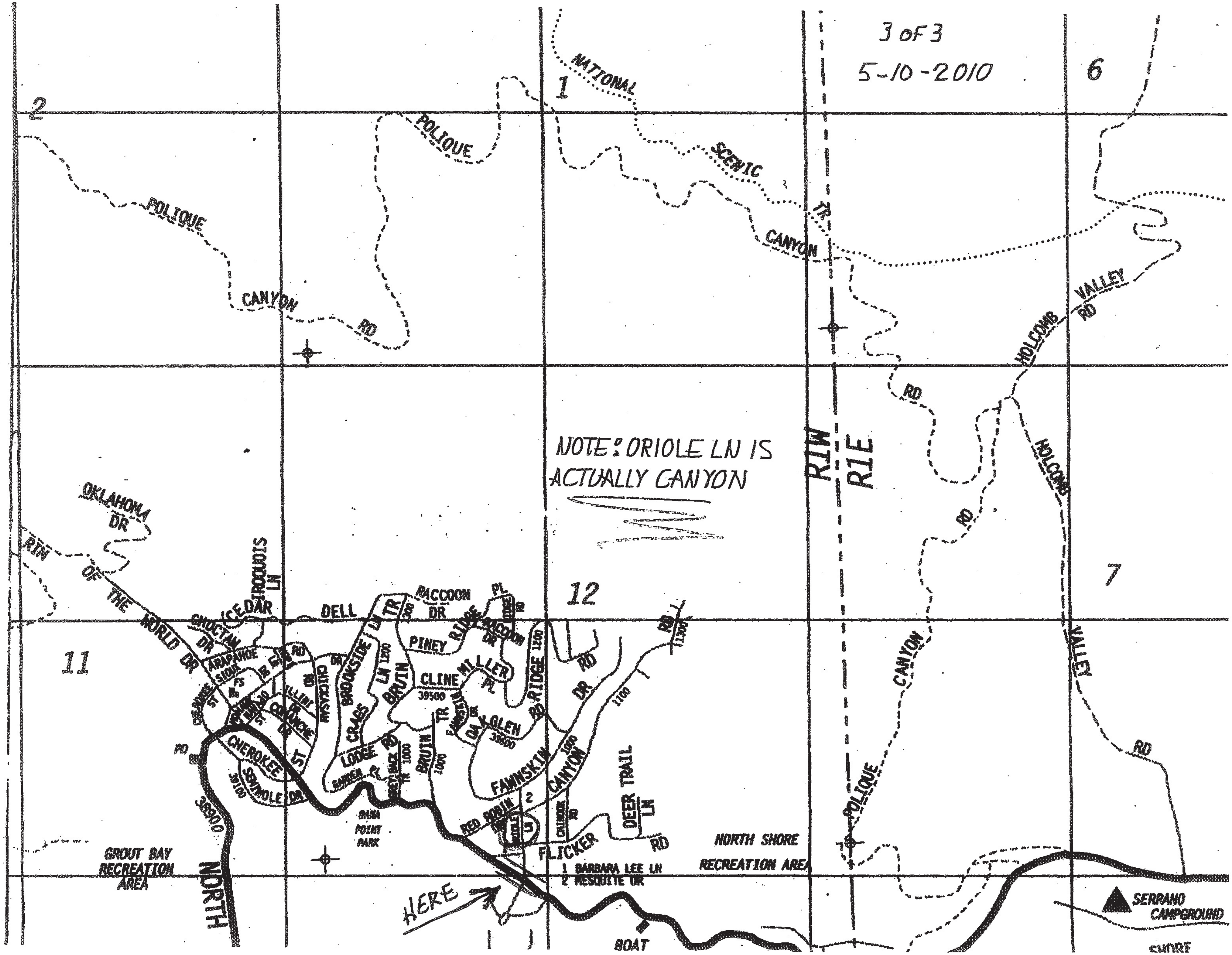
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5-10-2010
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ARAPAHOE
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CHEROKEE
SEMINOLE DR
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Harold Allen (ALLEN)

Response to ALLEN-1
The commenter expresses concern regarding increased traffic to SR-38 and requests widening of the SR-38.

The site plan for the Project proposes two points of access from SR-38: driveway number one, toward the western portion of Tentative Tract No. 16136, and another driveway providing access to the Project from SR-38 further to the east. San Bernardino County Municipal Code § 87.06.030(c)(2)(E) states that "The subdivision in each of its phases shall have two points of vehicular ingress and egress from existing surrounding streets, one of which may be used for emergency use only." Therefore, the Project's vehicular ingress and egress design is consistent with County Code. In addition, a Traffic Impact Analysis (Appendix E of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Traffic Impact Analysis, no areas are expected to have significant and unavoidable impacts for opening year and Horizon Year 2030 Traffic Conditions nor cumulative traffic impacts to SR-38 or the surrounding area with the implementation of Mitigation Measures T-1 and T-2 (RRDEIR No. 1, page 4.8-51). No additional response is necessary.

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STEARNS

HELEN and CHARLES STEARNS
Post Office Box 267
39383 Lodge Road
Fawnskin, CA 92333

May 31, 2010

RECEIVED
JUN 02 2010
AND USE SERVICES DEPT
ADVANCE PLANNING DIVISION

County of San Bernardino
Advance Planning Division
Land Use Services Department Attn: Matthew Slowik
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182

Neil Derry, Supervisor Third District
County of San Bernardino
385 N. Arrowhead Ave., Fifth Floor
San Bernardino, CA 92415-0110

Re: Proposed Moon Camp Development
Fawnskin, CA

Gentlemen:

As residents of Fawnskin we are concerned about the proposed Moon Camp development on North Shore Boulevard in Fawnskin.

1. In 2003 when we were under a mandatory evacuation order due to the fire which was making its way up the mountain, it took us six hours to get off the mountain. There was very little support from emergency personnel, probably because everyone was trying to leave and there were not enough personnel to assist all of us.

Question: If the development is approved, what provision will be made for additional personnel (fire, police, and sheriff) on a regular basis and in emergency situations? STEARNS-1

2 The water supply in Fawnskin is very limited. During weekends and holiday times the water pressure is reduced substantially.

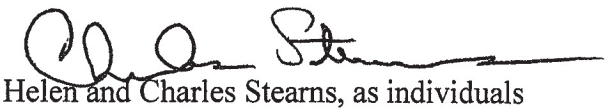
Question: If the development is approved, what provision will be made for sufficient water to service the new development while not further impacting the current residents? STEARNS-2

3. The picturesque beauty of the North Shore, highway 38, is currently an unparalleled view of the shoreline, Big Bear Lake, and mountains.

Question: If the development is approved including fifty (50+) dock slips, that will jetty from the shoreline out into the lake, what provision will be made for the added road and noise congestion, and the water quality with an added marina? STEARNS-3

Thank you for your consideration of these concerns.

Very truly yours,



Helen and Charles Stearns, as individuals
Honorary co-Mayors of Fawnskin

STEARNS-4

Helen and Charles Stearns (STEARNS)

Response to STEARNS-1 through -3
The commenter expresses concern regarding additional fire and police as well as potential impacts to water quality and noise. Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis regarding population, fire and police protection, utilities or noise are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Project-related traffic noise and operational noise impacts are addressed beginning on page 4.6-18 of the RRDEIR No. 1. The traffic noise impact analysis on page 4.6-21 concluded that, "Based on the information cited in Table 4.6-8, all roadway segments comparatively analyzed would experience a noise increase of less than 1 dBA at 100 feet from the roadway centerline. Thus, noise impacts along all the roadway segments would be less than significant based on the significance criteria in Section 4.6.6, Impacts and Mitigation Measures." The noise section also analyzed noise impacts from watercraft noise associated with implementation of the Project on page 4.6-23. The analysis concluded that the Project would result in a nominal increase in daily boating numbers, and in addition, adherence to the Water District's rules and regulations, and the Harbor and Navigational Code 654, would reduce noise impacts from watercrafts to a less than significant level.

Response to STEARNS-4
The commenter provides a closing statement. No response is necessary.

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PITTS (a)

P.O. Box 409
Fawnskin, CA 92333
April 9, 2010

Mr. Matthew W. Slowik
Senior Planner
Advance Planning Division
San Bernardino County Land Use Services Department
385 N. Arrowhead Ave
First Floor
San Bernardino, CA 92415-0182

RE: Draft Re-circulated EIR for Moon Camp Development Project/RCK Properties (SCH # 2002021105)

Dear Mr. Slowik:

Thank you for your notification of the availability of the draft re-circulated environmental impact report for the Moon Camp Development Project/RCK Properties Inc. (SCH # 2002021105). On an initial examination of this EIR, it is apparent that this is not a slight revision, but rather essentially an entirely new document. Furthermore, the conclusions have changed dramatically from the previous EIR. Although the proposed project has been down-sized somewhat, the significant change in assessed impacts is surprising and requires examination in some detail of the differences between the previous assessment and the current one. We are therefore requesting an extension of the review period beyond May 21. Given the more than 1000 pages in the document and appendices, doing an adequate review cannot be done in the less than two months that was allotted. PITTS a-1

We appreciate your consideration of this request and would appreciate being notified of the decision regarding extending the review period.

Yours truly,

James N. Pitts Jr., Ph.D.

Barbara J. Finlayson-Pitts, Ph.D.

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APR 12 2010
AND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

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James and Barbara Finlayson Pitts (PITTS (a))

Response to FINLAYSON-PITTS (a)-1

The commenter requests the County of San Bernardino to extend the close date of the public review period. The County extended the public review ending date for the RRDEIR No. 1 from May 19, 2010, to June 3, 2010. No additional response is necessary.

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PITTS (b)

P.O. Box 409
Fawnskin, CA 92333
May 29, 2010

Mr. Matthew W. Slowik
Senior Planner
Advance Planning Division
San Bernardino County Land Use Services Department
385 N. Arrowhead Ave
First Floor
San Bernardino, CA 92415-0182

RE: Draft Re-circulated EIR for Moon Camp Development Project/RCK Properties (SCH # 2002021105)

Dear Mr. Slowik:

Attached please find comments on the draft re-circulated environmental impact report for the Moon Camp Development Project/RCK Properties Inc. (SCH # 2002021105). We focus on air quality, which is our area of expertise. As you will see in the detailed comments, we believe that the dramatic change in conclusions regarding air quality compared to the 2004 EIR, i.e., that there is no longer a significant negative impact, is based on faulty assumptions that in no way reflect what reality is most likely to be, i.e., that there will be significant negative health and environmental impacts.

PITTS b-1

Thank you for your assistance, and for extending the deadline for comments on this draft EIR.

Yours truly,

James N. Pitts Jr., Ph.D.

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cc: Supervisor Neil Derry, Third District
Jamie Garland, Field Representative
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ADVANCE PLANNING DIVISION

COMMENTS ON DRAFT REVISED AND RECIRCULATED ENVIRONMENTAL IMPACT REPORT (EIR) FOR MOON CAMP 50-LOT RESIDENTIAL SUBDIVISION TT No. 16136

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May 29, 2010

We appreciate the opportunity to comment on the draft revised and recirculated EIR for the proposed Moon Camp subdivision (TT N. 16136). Our comments focus primarily on the air quality assessment, which is our area of expertise. PITTS b-1

General Comments:

This EIR focuses on the "Proposed Alternative Project" that is comprised of:

- 62.43 acres on the north shore of Big Bear Lake that would be subdivided into 50 residential lots;
- Seven lettered lots that would be used as a marina parking lot;
- Boat ramp to serve a 55 boat slip marina;
- Three well sites;
- A potential reservoir site;
- Two open space/lake access/conservation sites. PITTS b-2

There are a number of significant flaws in the draft EIR:

- ***The choice of the basis for comparison is the first major flaw in the EIR.*** The property is currently zoned BV/RL-40, allowing one home in 40 acres, equivalent to approximately 1.5 homes on the 64 acres. This should be the basis for comparison of the proposed development, not an unapproved plan of larger magnitude consisting of 92 homes and a 103 boat slip marina.

- ***There appears to be a major flaw in the revised assessment of air quality impacts.*** The original 2004 EIR concluded that there were severe air quality impacts that could not be mitigated due to long-term emissions associated with 92 homes, compared to 1.5 homes allowed under the current zoning. The present draft EIR for the 50 home proposed development concludes that there would be "less than significant impacts" on air quality, which is rather surprising given that the magnitude of the proposed project has been reduced by not quite a factor of two. If the revised assessment of air quality is the basis for the statement in the Executive Summary that the Proposed Alternative Project "substantially reduces and in some cases completely avoid the significant environmental impacts that were identified in the 2005 Final EIR", then this conclusion is simply wrong. PITTS b-3

  For comparison, Table 1 summarizes the calculated long term emissions of air pollutants in pounds per day in the 2004 EIR for 92 homes and for the present draft

EIR for 50 homes. (This comparison is for the long-term emissions associated with 50 homes, and does not include those during construction).

Since emission factors for various sources have not changed significantly in the five years, one might expect the estimated emissions for the proposed alternative project to be approximately reduced in proportion to the reduction in the number of homes, i.e., to (50/92) × 100 = 54% of those in the 2004 EIR. While this is the case for oxides of nitrogen (NO_x), those for the other air pollutants are now estimated to be only 5-13% of those estimated in the 2004 EIR. For reasons detailed below, it seems highly likely that the astonishing, but erroneous, reduction in emissions from this proposed project is due to a change in assumptions made in the model, not an error in the previous EIR as stated.

PITTS b-3

Table 1. Comparison of Total Estimated Emissions of Air Pollutants in 2010 Draft EIR for 50 Homes to those in 2004 EIR for 92 Homes[a]

Proposed Number of Homes/EIR	**VOC (lbs/day)**	**NO_x (lbs/day)**	**CO (lbs/day)**	**PM_{10} (lbs/day)**
92 (2004 EIR)	1045	32	1265	170
50 (2010 EIR)[b]	51	16	161	18[c]
Percentage of 2004 Estimate	5 %	50%	13%	11%

[a]Numbers in EIR rounded off to be more consistent with uncertainties

[b]Reported separately for summer and winter; numbers here are combined to give annual totals for direct comparison to 2004 EIR estimates.

[c]2010 EIR gives separate values for PM_{10} and $PM_{2.5}$. As discussed below, it is not clear how the $PM_{2.5}$ was calculated and whether it is included in PM_{10}. This emission rate would become 27 lbs/day if $PM_{2.5}$ was not included in PM_{10}.

- ***A third major flaw is that the 2010 draft EIR does not carry out dispersion modeling of pollutants as recommended by the South Coast Air Management District (AQMD) for projects larger than 5 acres Furthermore, there is no photochemical modeling of the formation of ozone, particles and other toxic secondary air pollutants.*** Instead, it uses AQMD look-up tables for "thresholds of significance" for directly emitted air pollutants to assess whether the project will have significant impacts. However, these tables are provided ***only*** for projects of 1-5 acres; for larger projects such as Moon Camp, dispersion modeling is recommended. As discussed in more detail below, this is critical for both the proposed project location as well as downwind of the project where there are a number of residents who have been there for many years.

PITTS b-4

While the EIR summarizes the current state of air quality, i.e., the actual pollutant *concentrations* in air, one cannot connect *emissions* cited in the report to the resulting concentrations and air quality without doing modeling studies. A rough calculation carried out by us for particulate matter from wood smoke shown in detail below

illustrates one reason why this is important. In addition, it is only with the use of a photochemical model that the impact of the project on the formation of ozone and other secondary pollutants that are formed in air, rather than directly emitted, can be assessed. PITTS b-4

- ***A fourth major flaw is that there is no treatment or discussion of toxic air contaminants (TAC's) or hazardous air pollutants (HAPs) as designated by the California Air Resources Board and the U.S. Environmental Protection Agency.*** There would be significant emissions of these associated with the project. For example, diesel exhaust is designated a TAC in California and wood smoke emissions are well known to include designated TAC/HAPs such as benzene, formaldehyde and polycyclic aromatic hydrocarbons, many of which are known carcinogens.[1] PITTS b-5

- ***A fifth major flaw is that the cumulative impacts do not appear to have included the 133- condominium Marina Point project which is immediately adjacent to Moon Camp.*** A total of 183 new residential units would be created by these two developments. At an average of 2.3 persons per unit used in the current EIR, this translates into an additional 423 people in Fawnskin. The current population is approximately 600 people, so the cumulative impact is an *approximately 70% increase in the population of Fawnskin*, with the associated impacts on air quality as well as water, traffic, etc. PITTS b-6

- ***A sixth flaw is that the contribution of soot particles from wood smoke on climate is ignored;*** as discussed in many publications, including IPCC (2007), these are strong light absorbers and contribute to warming of the atmosphere. PITTS b-7

- ***An seventh flaw is that the impact of this development on visibility in Big Bear Valley has been ignored.*** As discussed in detail below, this is highly likely to be a significant impact. PITTS b-8

Detailed Comments (approximately in order found in EIR):

1. There are some errors and omissions in Table 4.2-1. The federal AQS for ozone is 0.075 ppm for 8 hours (same error in Table 4.2-2). For nitrogen dioxide, 0.10 ppm is the equivalent 1-hour federal AQS. PITTS b-9

2. Page 4.2-8. Nitrogen dioxide is not formed by the reaction of nitric oxide with oxygen in air. The conversion of nitric oxide to nitrogen dioxide involves a complex series of photochemical reactions involving VOC. Nitrogen dioxide is not the only oxide of nitrogen of concern for public health. Nitric acid has also been associated with health effects. PITTS b-10

In the description of off-road sources, boats are not included.

3. Page 4.2-9. Particulate matter (PM) does not only consist of "dry solid fragments, droplets of water or solid cores with liquid coatings" and the sources listed are incomplete. For example, a large fraction of PM in air in California is formed by chemical reactions in air of the directly emitted (primary) pollutants, and liquid organics are a major component. PITTS b-11

Elemental carbon is not "carbon that has had hydrogen taken from it". Carbon is a chemical element and you cannot remove a different element from it.

4. Page 4.2-11. The current atmospheric level of CO_2 is about 390 ppm, not 370 ppm. PITTS b-12

5. Page 4.2-15. Recreational boating is stated to be a source of CO and VOC. Is it not also a source of particulate matter and NO_x? PITTS b-13

6. Pages 4.2-16 through 4.2-24. There is no discussion, or even acknowledgement, of the impacts of particles on climate change. Particles from wood smoke will be the major contributors from this project. Such particles consist primarily of black soot that absorbs solar radiation, contributing to warming. PITTS b-14

7. Tables 4.2-4 and 4.2-5 on pages 4.2-24 and -25. As stated above, the thresholds given by the AQMD apply only to projects of 5 acres or less. Dispersion and photochemical modeling need to be carried out for larger projects such as this one. PITTS b-15

8. The EIR apparently uses different versions of available emissions estimates and other data for reasons that are not clear. For example, why were 2003-2005 look-up tables used, rather than the more recent 2006-2008 tables for the local thresholds of significance (page 4.2-25)? On page 4.2-30, the URBEMIS 2002 Version 8.7 model is apparently used to generate the data in Table 4.2-6; similarly, on page 4.2-33, it states that "Landscape emissions... are based on... URBEMIS 2002 model". Why was the more recent URBEMIS 2007 Version 9.2.4 not used? Also, the URBEMIS output in the Appendix indicates EMFAC 2002 was used. Why not the more recent EMFAC 2007? PITTS b-16

In a similar vein, references to climate change issues are out of date. For example, on page 4.2-17, IPCC, 2001 is referenced, which has long been supplanted by IPCC, 2007. There is no mention at all of the 2009 Copenhagen Accord and its impacts on future greenhouse gas emissions. Soot emissions from fireplaces are not treated in terms of their climate impacts, which are thought to be significant.

9. Page 4.2-31. It is stated that the previous analysis of ROG (VOC) emissions during construction showed they were mainly "assigned to architectural coatings off-gas. Used in the old analysis was the default emissions factor for architectural coating; however, that does not reflect the SCAMD's Architectural Coatings Rule (Rule 1113)." However, this is flawed reasoning; assuming an individual source meets some Rule such as 1113 does not guarantee that in aggregate, total emissions will be insignificant. PITTS b-17

10. Page 4.2-32. The construction mitigations are essentially completely toothless as they rely on the contractors' judgment. For example, statements such as "*To the extent that equipment is available and cost effective*,", "construction diesel engines… shall meet the Tier II California Emission Standards… u*nless certified by the contractor that such an engine is not available for a particular use…. if the contract certifies that compliance is not feasible*". This simply says a contractor needs only to say they do not have lower-emission equipment available. PITTS b-18

11. Pages 4.2-34 and 4.2-35, Tables 4.2-9 and 4.2-10. The output of the URBEMIS model in Appendix A only reports PM_{10}, not $PM_{2.5}$. How were the $PM_{2.5}$ emissions calculated and are they part of PM_{10} estimates in Tables 4.2-9 and 4.2-10? That is, are the total PM_{10} particulate emissions in summer for the project equal to 5.55 lbs/day, of which 1.89 lbs/day is in the form of smaller $PM_{2.5}$ particles, or is the total emissions of particulate matter equal to the sum of PM_{10} and $PM_{2.5}$, i.e. (5.55 + 1.89) = 7.44 lbs/day? PITTS b-19

12. Pages 4.2-33 to -35. This is where the major flaw is in the assessment of the air quality impacts of the proposed project.

As summarized in Table 1 above, there has been a remarkable decrease in the estimated long-term emissions between the 2004 EIR and the draft 2010 EIR, much larger for most pollutants (VOC, CO and PM) than expected on the change from 92 to 50 homes. The EIR states that this is because most of the emissions come from wood burning and that: "The [2004] analysis used the URBEMIS model version available at the time (Version 7G) which has been determined to have had an error in calculation emissions from hearth activities". The error, however, is not identified and it appears that the major reason for the vastly decreased estimated emissions due to the project is that the current draft EIR has simply changed the assumptions that went into the calculations.

The 2004 EIR assumed that 100% of the homes would have fireplaces and 25% outdoor wood burning stoves. This is a reasonable "worst case", since having a wood-burning fireplace is quite traditional in a mountain setting. Wood fireplaces have much higher emissions than wood stoves or natural gas fireplaces. PITTS b-20

However, the current 2010 draft EIR assumes that only 10% of the homes (i.e., 5 of the 50 homes) will have wood fireplaces, 35% will have wood stoves and 55% will have natural gas fireplaces. There is no law that would mandate this (AQMD Rule 445 does not apply above an altitude of 3000 ft). In addition, in many mountain homes there is more than one fireplace per home, but only one per home was apparently assumed in the 2010 EIR evaluation.

In short, the dramatic decrease in projected emissions of air pollutants in the 2010 draft EIR compared to the 2004 EIR appears to be due primarily to changing assumptions about the use of fireplaces in the new homes. While this may be the default in the version of URBEMIS they used, it is not "conservative" as they state on page 4.2-33, and certainly not close to the "worst case" assumption that the calculations should be based on.

Whether the original 2004 EIR estimates were reasonable can be examined by applying known emission factors for particulate matter, PM, from wood fireplaces to the 92 homes. The emission factor for PM from a wood fireplace[1] is 57 g/hr. The 2004 EIR assumed a total of 92 homes burning wood 8 hours per day, which given the emission factor of 57 g/hr, would generate 4.2×10^4 g/day, or 92 lbs/day. With a 25% use of outdoor wood systems, the emissions from wood burning alone would be 115 lbs/day. The 2004 EIR estimate of PM_{10} area emissions was 155.8 lbs/day, which is reasonable since it includes other emissions, not just those from wood-burning fireplaces.

The conclusion that must be reached that the original 2004 EIR calculations do not contain significant errors and are appropriate for 92 homes. In that case, the emissions for the revised project of 52 homes should be approximately 54% of the 2004 EIR estimated values. Table 2 shows the emissions estimated by taking 54% of the emissions shown in Table 5.6-5 of the original EIR to adjust for the decreased number of homes in the proposed alternative project. For comparison, the AQMD thresholds are also shown, along with the conclusion that would be reached regarding whether there is a significant impact. *However, note that as discussed above, the latter are not to be used for projects of this size!* They are shown here merely to show the change in conclusions one reaches if the appropriate "worst-case" is taken.

PITTS b-20

Table 2. Comparison of Total Estimated Emissions of Air Pollutants in 2010 Draft EIR for 50 Homes to those in 2004 EIR Adjusted to 50 Homes and to AQMD Threshold Values for Projects of 5 Acres or Less

Proposed Number of Homes/EIR	**VOC (lbs/day)[a]**	**NO_x (lbs/day)[a]**	**CO (lbs/day)[a]**	**PM (lbs/day)[a]**
50 (2004 EIR)[b]	564	17	683	92[c]
AQMD Threshold[d]	55	55	550	150
Significant Impact?	**Yes**	**No**	**Yes**	**No**

[a]Numbers rounded off for ease of comparison

[b]Values in Table 5.6-5 in 2004 EIR multiplied by 0.54

[c]The 2004 EIR did not separate PM_{10} and $PM_{2.5}$ so we have combined these numbers from the 2010 draft EIR, which did give separate estimates.

[d]Only recommended for projects of 5 acres or less. Shown here for illustration only.

Note that now there is a significant negative impact for VOC and CO, in contrast to the conclusions in the 2010 EIR. While PM would not exceed the emission threshold on a regional basis, simple calculations detailed in the following paragraph show that on a local level, PM emissions would have very significant, large, negative impacts on both health and visibility.

Taking an emission rate of 57 g per hr for PM from wood-burning fireplaces based on the PM emission factor,[1] a total of 6.84×10^4 g/day of PM would be emitted by 50 homes using fireplaces (this is not outside of the realm of possibility during holidays such as Thanksgiving and Christmas). Assume there is a radiation inversion over the area that is 100 m high (again, not unusual) and that the PM emitted from the fireplaces is distributed into the volume defined by the project area of 62.4 acres (equivalent to 2.53×10^5 m^2) and a height of 100 m. This volume is 2.53×10^7 m^3. The concentration of PM in air would then be 2.7×10^3 $\mu g\ m^{-3}$ (2.7 mg m^{-3}) solely from wood-burning, without taking account other emissions or background contributions. Note that the California 24-hr air quality standard (AQS) for PM_{10} is 50 $\mu g\ m^{-3}$ (Table 4.2-1). ***Under very stable meteorological conditions, the PM just from fireplace emissions alone could reach 54 times the California AQS!*** As indicated in Table 4.2-1, PM has been demonstrated to have serious health effects, including cardiopulmonary and respiratory impacts, particularly on the most sensitive population including newborns, negative impacts on the development of lung function in children, and increased mortality, as demonstrated in many areas including those heavily impacted by wood smoke.[2]

As another basis for comparison of the potential local effects of PM emissions from the 50 homes, Figure 1 shows data from the "killer smog" that occurred in London in 1952. The concentrations of sulfur dioxide (SO_2) and particles (same as PM) are plotted during this episode, along with the excess deaths that it caused, which are attributed to PM. The red arrow indicates the estimated PM concentrations for 50 homes in Moon Camp using wood-burning fireplaces. Clearly, the Moon Camp situation could present a situation similar to the London episode that caused a dramatic increase in mortality. Note,

PITTS b-20

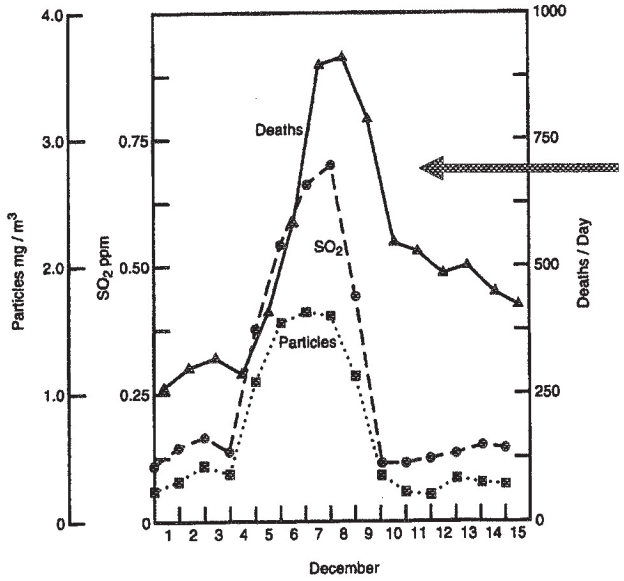

Figure 1. Concentrations of SO_2 and PM as well as excess deaths during 1952 London smog episode. The red arrow indicates the estimated PM concentrations for 50 homes in Moon Camp using wood-burning fireplaces.

however, that the AQS that are set to protect public health are much lower than this, again indicating an expectation of severe health impacts at the project location and downwind.

This result is in direct contradiction to the statement on page 4.2-42 that "..it is not likely that particulate matter emissions from wood-burning devices in an entire day would be enough to violate the 24-hour standards for either PM_{10} or $PM_{2.5}$". Not only would these standards be violated, but by very large amounts.

In fact, the AQS would be violated even under the erroneously small PM emissions in the draft 2010 EIR. Taking total PM_{10} hearth emissions of 7.74 lbs/day from Table 4.2-10 and applying the same calculation as above, the PM concentration in air is predicted to be 140 $\mu g\ m^{-3}$, a factor of almost three above the California AQS. Note that this assumes that the $PM_{2.5}$ included in Table 4.2-10 is actually included in PM_{10}; if it is not, the concentration would be 267 μg m-3, more than five times the California AQS.

This illustrates the importance of doing dispersion modeling as recommended by the AQMD for projects over 5 acres. Emissions of PM as well as the other air pollutants, including a variety of compounds known to be airborne toxic chemicals will impact not only the homeowners in the project, but those downwind as well. It is clear from these first-approximation estimates that there will be significant negative health impacts due to the proposed project.

In addition to the health effects, impacts on visibility will also be significant but are not addressed in the EIR. A major attraction of Big Bear Valley for residents and tourists alike is the clean air and long-range visibility. Impacts on visibility of wood-burning in the more densely populated areas of the South Shore are already obvious on winter mornings when radiation inversions are common (see photo). Given the potentially very large PM concentrations, the effective visual range could well be reduced to several miles or less.

PITTS b-20

Photograph taken from Flicker Drive in Fawnskin, immediately above proposed Moon Camp development. The white haze over the lake is due to wood smoke particles from south shore fireplaces, which impacts not only visibility but also health.

12. Page 4.2-34. The number of older vehicles listed in the "Technology Groups" in Table 4.2-8 for 1987 and older cards is said to be only 2.78% in 2007 and 1.69 % in 2008, so that they have "... negligible effect on total emissions". This reasoning is

incorrect. It is well documented that older vehicles have much larger emissions than current vehicles, and will contribute to a disproportionate extent to the total mobile source emissions.

The statement that the 50 watercraft associated with the project represent only "0.223 percent of the County's total" is irrelevant since the emissions are not dispersed over the entire County. It is not clear how the emissions shown in Table 4.2-9 for watercraft were calculated, since they refer to using "emissions... generated on an average yearly basis". Given the boating season in Big Bear Lake is about 3-4 months long, all of the emissions occur in a quarter to a third of the year. Did the assessment take that into account in determining the emissions in Table 4.2-9? PITTS b-20

13. Page 4.2-37. Table 4.2-11: North Shore Drive does not intersect Big Bear Blvd. PITTS b-21

14. Page 4.2-38. The mitigations for wood-burning are again not realistic. Although the EIR states that "No open-hearth fireplaces will be allowed in new construction", there is to our knowledge no current legal requirement for homeowners not to install fireplaces. Indeed, the public expects a wood-burning fireplace to be part of the "mountain experience". Including giving an informational flyer on a "Good Neighbor Policy for Burning" to each lot purchaser as a serious mitigation measure is almost laughable (were the effects of PM on health not so serious).

15. Pages ES-8 and ES-11. The use of generators is discussed. Have the air pollutant emissions from this been taken into account? PITTS b-22

Summary:

In summary, in addition to many technical errors in the draft EIR, the major change in conclusions with respect to air quality, from significant negative impacts that could not be mitigated to "less than significant" impacts, are based on simply and primarily on changing the assumptions regarding wood-burning fireplaces in the homes. The current draft EIR makes the unsupportable and unrealistic assumption that only 10% of the homes (i.e., 5 of the 50 homes) will have wood-burning fireplaces. This amounts essentially to changing the model input in order to obtain a desired conclusion, rather than examining a worst case as should be done in an EIR. The statement on page ES-3 that the project assessed here "in some cases completely avoids the significant environmental impacts" is incorrect at best and very misleading at worst. PITTS b-23

References

1. J. E. Houck and J. Crouch, "Updated Emissions Data for Revisions of AP-42 Section 1.9, Residential Fireplaces", December 18. 2002. Prepared for the U. S. Environmental Protection Agency.

2. P. A. Sanhueza, M. A. Torreblanca, L. A. Diaz-Robles, L. N. Schiappacasse, M. P. Silva and T. D. Astete, "Particulate Air Pollution and Health Effects for Cardiovascular and Respiratory Causes in Temuco, Chile: A Wood-smoke Polluted Urban Area", *J. Air & Waste Manage. Assoc.* 59 1481 (2009)

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James and Barbara Finlayson Pitts (PITTS (b))

The comment letter provides two sets of comments, a general set of comments (General Comments) that identify perceived flaws in the Revised and Recirculated Draft Environmental Impact Report (identified as the 2010 RRDEIR No. 1), and a second set that provides detailed page-by-page comments (Detailed Comments) from a comparison with the original Draft Environmental Impact Report (identified as the 2005 Draft EIR). Each set of comments is addressed in the following responses.

General Comments

Response to PITTS (General Comments) (b)-1
See Response to SM&W-1 through 4 for a response regarding zoning of the Project site. No additional response is necessary.

Response to PITTS (General Comments) (b)-2
This comment relates principally to the differences in assumptions related to the incorporation of hearth uses in the calculation of operational emissions. The response to this comment is provided in the discussion of Detailed Comment #12 below (PITTS). As described therein, the estimation of operational emissions contained in the RRDEIR No. 1 results in lower emissions than those emission levels contained in the 2005 Draft EIR. This is due to three factors: 1) the reduction in the project size from 92 residential units in the 2005 Draft EIR to 50 units in the RRDEIR No. 1; 2) modification of the distribution of hearth emission sources (wood burning stoves and fireplaces and natural gas fireplaces) to provide a more realistic estimate of the extent of hearth appliances; and 3) the inclusion of Mitigation Measure AQ-3 (RRDEIR No. 1, page 4.2-38) which prohibits the installation of non-certified USEPA wood fireplaces and stoves. All of these factors result in lower estimates of operational emissions in the RRDEIR No. 1 compared to the 2005 Draft EIR.

Response to PITTS (General Comments) (b)-3
The comment dealing with the need to perform air quality modeling is addressed in response to Detailed Comment 7. Even though the project covers a total area of approximately 62 acres, the area to be developed is actually about 18 acres. The URBEMIS land use emission model used to estimate construction emissions assumes that a maximum of 25 percent of the area to be developed would be disturbed in a single day. This amounts to an area of approximately 4.5 acres which therefore allows the estimation of emissions to use the SCAQMD's mass rate emission look-up tables and obviates the need to do dispersion modeling. In addition, because of the relatively small amounts of operational emissions from the Project as estimated in the RRDEIR No. 1, it is highly doubtful that such emissions would have any measurable impact on ozone, particulates, or toxic secondary pollutants in the region surrounding the Project. The current state of photochemical models are neither spatially nor temporally finely resolved enough to identify potential photochemical impacts from the Project's emissions.

Response to PITTS (General Comments) (b)-4
A potential source of TACs associated with the operation of the Project is related to wood burning in residential fireplaces. This topic is discussed on page 4.2-37 of the RRDEIR No. 1. In this discussion, it is noted that wood burning smoke includes toxics and/or cancer causing substances such as benzene, formaldehyde, benzo-a-pyrene, and polycyclic aromatic hydrocarbons. Mitigation Measure AQ-3 (RRDEIR No. 1, page 4.2-38), in particular, prohibits open-hearth fireplaces and permits only

EPA Phase II certified fireplaces and wood stoves, pellet stoves, and natural gas fireplaces. The use of certified fireplaces and stoves will significantly increase the heating efficiency of fireplaces and reduce the amount of smoke particles and toxics emitted into the air compare to an ordinary open-hearth fireplace present in many homes in the neighboring area.

Response to PITTS (General Comments) (b)-5
The Marina Point Project has been added to the updated Cumulative Projects List in the Errata for this FEIR document, Section 5: Cumulative Impacts—Table 5-1: Cumulative Project List.

Response to PITTS (General Comments) (b)-6
This comment is addressed in the response to Detailed Comment 6.

Response to PITTS (General Comments) (b)-7
Visibility is an important intrinsic attribute that attracts people to mountain recreational areas. However, an important source of impediments to local visibility come from the use of uncontrolled $PM_{2.5}$ emissions from wood burning open-hearth fireplaces and stoves. A recent review of the emissions inventory in the South Coast Air Basin estimates $PM_{2.5}$ emissions to range from approximately 10 to 20 tons per annual average day and up to 30 tons per day during periods with greater wood burning (generally, November through February). $PM_{2.5}$ is a major contributor to visibility reduction. Reference: SCAQMD 2007. Preliminary Draft Staff Report Proposed Rule 445—Wood Burning Appliances. This visibility issue is discussed on pages 4.2-37 through 4.2-39 of the RRDEIR No. 1. In particular, Mitigation Measure AQ-3 (RRDEIR No. 1, page 4.2-38) prohibits open-hearth fireplaces and permits only EPA Phase II certified fireplaces and wood stoves, pellet stoves, and natural gas fireplaces. The use of certified fireplaces and stoves will significantly increase the heating efficiency of fireplaces and reduce the amount of smoke particles and toxics emitted into the air compare to an ordinary open-hearth fireplace present in many homes in the neighboring area.

Detailed Comments

Response to PITTS (Detailed Comments) (b)-1
The original Air Quality Report for the Moon Camp Project was prepared in July 2007. The federal ozone standard became effective on May 27, 2008, while the federal 1-hour nitrogen dioxide standard become effective on April 12, 2010, both standards well after the preparation of the original Air Quality Report.

Response to PITTS (Detailed Comments) (b)-2
The commenter is correct in that at tropospheric conditions the main pathway for the formation of nitrogen dioxide is via the photochemical reactions involving nitric oxide and VOC in the presence of sunlight. However, in high temperature combustion processes such as in vehicle and equipment engines, the combustion of a mixture of air and fuel produces combustion temperatures high enough to drive endothermic reactions between atmospheric nitrogen and oxygen in the flame, yielding various oxides of nitrogen, principally nitric oxide. In the presence of excess oxygen (O_2), nitric oxide (NO) will be converted to nitrogen dioxide (NO_2), with the time required dependent on the concentration in air.

The health effects of nitrogen dioxide were described in Section 4.2, Table 4.2-1 (page 4.2-13) of the RRDEIR No. 1:

> (a) Potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups; (b) Risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes;

Response to PITTS (Detailed Comments) (b)-3
The California Air Resources Board describes particulate matter as follows:

> Airborne particulate matter (PM) is not a single pollutant, but rather a mixture of many chemical species. It is a complex mixture of solids and aerosols composed of small droplets of liquid, dry solid fragments, and solid cores with liquid coatings. Particles vary widely in size, shape and chemical composition, and may contain inorganic ions, metallic compounds, elemental carbon, organic compounds, and compounds from the earth's crust. Particles are defined by their diameter for air quality regulatory purposes. Those with a diameter of 10 microns or less (PM_{10}) are inhalable into the lungs and can induce adverse health effects. Fine particulate matter is defined as particles that are 2.5 microns or less in diameter ($PM_{2.5}$). Therefore, $PM_{2.5}$ comprises a portion of PM_{10}.
>
> PM_{10} and $PM_{2.5}$ often derive from different emissions sources, and also have different chemical compositions. Emissions from combustion of gasoline, oil, diesel fuel, or wood produce much of the $PM_{2.5}$ pollution found in outdoor air, as well as a significant proportion of PM_{10}. PM_{10} also includes dust from construction sites, landfills and agriculture, wildfires and brush/waste burning, industrial sources, wind-blown dust from open lands, pollen, and fragments of bacteria.
>
> PM may be either directly emitted from sources (primary particles) or formed in the atmosphere through chemical reactions of gases (secondary particles) such as sulfur dioxide (SO_2), nitrogen oxides (NO_X), and certain organic compounds. These organic compounds can be emitted by both natural sources, such as trees and vegetation, as well as from man-made (anthropogenic) sources, such as industrial processes and motor vehicle exhaust. Reference: California Air Resources Board 2018. Inhalable Particulate Matter and Health ($PM_{2.5}$ and PM_{10}). Webpage: https://www.arb.ca.gov/research/aaqs/common-pollutants/pm/pm.htm

Response to PITTS (Detailed Comments) (b)-4
The commenter is correct in that the current background atmospheric level of CO_2 is around 390 ppm. The level of 370 ppm was taken from an earlier reference and is the approximate level in the year 2000.

Regardless of the value of the global average CO_2, no single project including the proposed project will impact the global average CO_2 level. What is important is the requirement to meet the regulatory requirements regarding the impacts of a proposed project on the environment. As discussed on Page 4.2-49 of the RRDEIR No. 1, the potential of the Proposed Alternative Project to create an impact on GHG is based on whether the Proposed Alternative Project would conflict with the attainment of the state's goals of reducing GHG emissions as dictated by AB 32. The Proposed Alternative Project will not interfere with the state's goals of reducing GHG emissions to 1990 levels

by the year 2020 as stated and an 80-percent reduction in GHG emissions below 1990 levels to 2050. As discussed herein, the Proposed Alternative Project will generate a limited amount of GHG generation during construction, and it will lead to a low amount of on-going operational emissions from the use of the 50 residential units. The Proposed Alternative Project would emit less than 50 percent of the SCAQMD's draft numerical GHG threshold of significance (see Response to Comment Pitts b-8, above), (currently proposed as 3,500 $MTCO_2e$). Moreover, the Proposed Alternative Project will utilize high-efficiency design features that will even further reduce consumption of electricity, natural gas, and will result in a corresponding reduction in GHG emissions. Therefore, the Proposed Alternative Project will not significantly hinder or delay California's ability to meet the reduction targets contained in AB 32.

Response to PITTS (Detailed Comments) (b)-5
As with all combustion engines, powered recreational boating is also an emitter of particulate matter and NO_X. The particulate and NO_X emissions from personal water craft are accounted for in Table 4.2-9 of the RRDEIR No. 1 and discussed on page 4.2-34.

Response to PITTS (Detailed Comments) (b)-6
Black soot (also known as black carbon) and wood smoke is acknowledged as a primary source of local air pollutants in winter and can contribute to global warming; see page 4.2-15 of the RRDEIR No. 1. Black soot is within a group of constituents known as aerosols. Aerosols were not included in the inventory of greenhouse gases for the following reasons:

1. AB 32 does not Define Black Carbon as a Greenhouse Gas
   Black carbon is not identified as a greenhouse gas in AB 32. AB 32 states, "'Greenhouse gas' or 'greenhouse gases' includes all of the following gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride." The Project EIR relies upon the threshold, "The Proposed Alternative Project will be deemed to have a less-than-significant impact on global climate change on a cumulative basis if (1) it does not result in GHG emissions that are considerable when compared to the existing environmental setting, and (2) it is consistent with emissions reduction strategies included in local, regional, or statewide planning documents and from reputable published sources such as the California Climate Action Team's (CAT's) Report to the Governor, CARB Early Action Measures, and OPR's June 19, 2008 Technical Advisory Memorandum." Since black carbon is not one of the greenhouse gases as defined in AB 32, it would not hinder or delay California's ability to meet the reduction targets in AB 32.

2. Black Carbon is not included in California Air Resources Board Emission Inventory
   Aerosols are not defined as greenhouse gases in AB 32; therefore, they are not contained in the California Air Resources Board (ARB) inventories of greenhouse gas emissions, including the Staff Report, California 1990 Greenhouse Gas Emissions Level and 2020 Emissions Limit.

   The ARB Emissions Inventory Analysis Section Manager, Webster Tasai, is essentially responsible for compiling the State's greenhouse gas inventory. Mr. Tasai confirmed that black carbon: 1) is not a greenhouse gas as defined in AB 32; 2) has considerable uncertainty in its global warming potential; and 3) has a very short residence time in the atmosphere (personal communication, August 8, 2008).

3. Uncertainty of Black Carbon and Aerosol Global Warming Potentials
   The global warming potential (GWP) of a gas is essentially a measurement of the radiative forcing (RF) of a greenhouse gas as compared with the reference gas, carbon dioxide. The uncertainty in establishing a GWP for black soot is examined in more detail below.

The Summary for Policymakers of the report, Climate Change 2007: The Physical Science Basis, Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change discusses the RF of aerosols.

> RF is a measure of the influence that a factor has in altering the balance of incoming and outgoing energy in the Earth-atmosphere system and is an index of the importance of the factor as a potential climate change mechanism. Positive forcing tends to warm the surface while negative forcing tends to cool it. In this report, radiative forcing values are for 2005 relative to pre-industrial conditions defined at 1750 and are expressed in watts per square meter (W/m^2).
>
> Anthropogenic contributions to aerosols (primarily sulphate, organic carbon, black carbon, nitrate and dust) together produce a cooling effect, with a total direct radiative forcing of –0.5 [–0.9 to –0.1] W/m^2 and an indirect cloud albedo forcing of –0.7 [–1.8 to –0.3] W/m^2….Changes in surface albedo, due to land cover changes and deposition of black carbon aerosols on snow, exert respective forcings of –0.2 [–0.4 to 0.0] and +0.1 [0.0 to +0.2] W/m^2 (IPCC 2007).

Chapter 2 of the IPCC report (www.ipcc.ch/pdf/assessment-report/ar4/wg1/ar4-wg1-chapter2.pdf) discusses the uncertainty of the RF of individual aerosol species:

> The direct RF of the individual aerosol species is less certain than the total direct aerosol RF. The estimates are: sulphate, –0.4 [±0.2] W/m^2; fossil fuel organic carbon, –0.05 [±0.05] W/m^2; fossil fuel black carbon, +0.2 [±0.15] W/m^2; biomass burning, +0.03 [±0.12] W/m^2; nitrate, –0.1 [±0.1] W/m^2; and mineral dust, –0.1 [±0.2] W/m^2. For biomass burning, the estimate is strongly influenced by aerosol overlying clouds . . .
>
> Black carbon aerosol deposited on snow has reduced the surface albedo, producing an associated RF of +0.1 [±0.1] W/m^2, with a low level of scientific understanding… The spatial patterns of RFs for non-long-lived greenhouse gases (LLGHG) (include ozone, aerosol direct and cloud albedo effects, and land use changes) have considerable uncertainties, in contrast to the relatively high confidence in that of the long-lived greenhouse gases . . .
>
> In summary, the IPCC report indicates that total indirect and direct RF of aerosols result in cooling effects of –1.2 W/m^2. Changes in surface albedo from black carbon deposited on snow produce warming effects of +0.1 W/m^2, though the level of scientific understanding of this phenomenon is low. The certainty of the individual aerosols effects on direct RF is not as well understood as the total effect of aerosols. Nevertheless, the IPCC report indicates that fossil fuel black carbon results in a warming effect of +0.2 W/m^2.

The GWP for short-lived greenhouse gases, such as aerosols, are not included in the IPCC report. The 2nd chapter of the 2007 IPCC report indicates that the GWPs of long-lived GHG do not depend on location and time of the emissions. However, the GWPs for short-lived GHG are regionally and temporally dependent. The IPCC report suggests that, "the GWP concept may be too simplistic when applied to aerosols." In summary, the potential of black carbon to contribute to climate change is uncertain.

Diesel Exhaust Components

Diesel exhaust contains many different chemical species, such as elemental carbon (black carbon), organic carbon, and sulfates. The IPCC report indicates RF values for sulfates are –0.4 [±0.2] W/m^2, fossil fuel black carbon are +0.2 [±0.15] W/m^2, and fossil fuel organic carbon are –0.05 [±0.05] W/m^2. There is a low scientific understanding regarding the net GWP for diesel exhaust, as some of the components of diesel exhaust contribute to a cooling effect.

Response to PITTS (Detailed Comments) (b)-7

Even though the Project encompasses an area of approximately 62 acres, the actual construction would be done on a much smaller area. The estimation of construction emissions contained in the 2005 Draft EIR the RRDEIR No. 1 assumed that the actual home construction would have a footprint of approximately 18 acres. The URBEMIS land use model used to estimate emissions from various types of development projects assumes that a maximum of 25 percent of the area to be developed would be disturbed in a single day, or in the case of the Project, an area of 4.5 acres. Therefore, the SCAQMD LST emission look-up tables were used to estimate construction emissions and dispersion modeling was not required. As for the long-term localized operational impacts, the SCAQMD indicates that the LST methodology would typically not apply to the operational phase of a project because emissions are primarily generated by mobile sources traveling on local roadways over potentially large distances or areas.[3] The Project would not be resolved within a photochemical model and would very likely not affect ozone levels downwind of the Project. The SCAQMD significance thresholds apply emissions of NO_X and VOC as surrogates for potential impacts on ozone.

To ensure that the assumptions dealing with the estimation of construction emissions are adhered to, Mitigation Measure AQ-1 (RRDEIR No. 1, page 4.2-31) will be amended to include the following as underlined text:

AQ-1 Prior to construction of the Project, the project proponent will provide a Fugitive Dust Control Plan that will describe the application of standard best management practices (BMPs) to control dust during construction. The Fugitive Dust Control Plan shall be submitted to the County and SCAQMD for approval and approved prior to construction. Best management practices will include, but not be limited to:

- For any earth moving which is more than 100 feet from all property lines, conduct watering as necessary to prevent visible dust emissions from exceeding 100 feet in length in any direction.

[3] SCAQMD 2005. Sample Construction Scenarios for Projects Less than Five Acres in Size.

- For all disturbed surface areas (except completed grading areas), apply dust suppression in a sufficient quantity and frequency to maintain a stabilized surface; any areas which cannot be stabilized, as evidenced by wind driven dust, must have an application of water at least twice per day to at least 80 percent of the unstabilized area.
- For all inactive disturbed surface areas, apply water to at least 80 percent of all inactive disturbed surface areas on a daily basis when there is evidence of wind-driven fugitive dust, excluding any areas that are inaccessible due to excessive slope or other safety conditions.
- For all unpaved roads, water all roads used for any vehicular traffic once daily and restrict vehicle speed to 15 mph.
- For all open storage piles, apply water to at least 80 percent of the surface areas of all open storage piles on a daily basis when there is evidence of wind-driven fugitive dust.
- Mass grading activities shall be limited to a maximum of 5 acres per day.

Please refer to Section 4: Errata of this FEIR document, showing detailed revisions to mitigation measures.

Response to PITTS (Detailed Comments) (b)-8
As noted earlier, the Air Quality Report for the project was prepared in early 2007. At that time, the version of the URBEMIS model that was publically available was the URBEMIS 2002 Version 8.7. This is the version of the model that was used in the Project Air Quality Report and EIR. The update to the URBEMIS model, Version 9.2, was released in June 2007 and URBEMIS Version 9.2.4 was released in February 2008, after the URBEMIS model runs had already been completed for the Project Air Quality Report and EIR analysis. The EMFAC2002 model that is used in estimating mobile source emissions as identified in the comment is a fundamental component of the URBEMIS model. Thus, the EMFAC2002 model was part and parcel of the URBEMIS2002 model. When the URBEMIS model was updated to the URBEMIS2007 version, the update also included the inclusion of the EMFAC2007 model as well to handle mobile source emissions.

The localized significance thresholds tables from the SCAQMD for the years 2003-2005 were used in the Air Quality Report and EIR since these were the most recent tables available from the SCAQMD at the time of preparation of the report and EIR.

The development of modeling tools is in a constant state of evolution as new information becomes available to update the model foundations. Further to this point, the URBEMIS series of emission calculators was replaced by the California Emissions Estimator Model (CalEEMod) from the California Air Pollution Control Officers Association in 2013, the most current version being Version 2016.3.2. The CalEEMod model consists of the use of new baseline emission databases that reflect a more complete understanding of the governing air pollutant and GHG emission factors as well as the incorporation of new land uses, and new rules and regulations designed to reduce air and GHG emissions from various emission sources.

Due to the age of the modeling presented in RRDEIR No.1, the comment also inquired as to the consequence of relying on the emission estimates from the older URBEMIS models in light of the new CalEEMod model in estimating the Project's emission impacts. To address this comment, the Project's emissions were recalculated using the most up-to-date emission model, the CalEEMod model assuming the Project would be constructed in 2018, a more realistic time period considering the elapsed time since the first air quality impact analyses were prepared and today's date. The emission calculations reflect the levels of emissions that would be generated if the Project were to be analyzed and constructed today. Table 2-3 compares the unmitigated project short-term construction emission estimates from RRDEIR No.1 (Section 4.2, Table 4.2-6 [page 4.2-30]) with the updated emission estimates using the CalEEMod model along with the relevant SCAQMD air quality criteria pollutant significance thresholds. The CalEEMod model construction emissions were estimated using the same construction schedule (1-year duration) and equipment inventory as assumed in RRDEIR No.1 with the exception of construction equipment load factors whose values were taken from the CalEEMod model.

As noted from Table 2-3, with the exception of NO_X emissions, the estimated construction emissions from the CalEEMod model are lower than the corresponding emissions shown in RRDEIR No.1. Further, none of the emissions' estimated using the CalEEMod model exceed any of the regional or localized emission significance thresholds. The estimated emissions shown in RRDEIR No.1 (Table 4.2-6), however, exceed the SCAQMD's localized significance thresholds for PM_{10} and $PM_{2.5}$ thereby requiring mitigation. After mitigation, as shown in Table 4.2-7 of the RRDEIR No.1 (page 4.2-32), the Project's construction emissions would not exceed any SCAQMD's construction emission significance thresholds. What this exercise shows is that the construction emissions contained in the RRDEIR No.1 provide a conservative emission estimate (in terms of overestimating construction emissions) when compared to those emissions calculated using the most up-to-date emissions estimating model, the CalEEMod model. Therefore, the Project's construction emissions provided in the RRDEIR No.1 are sufficient in describing the impacts of the Project's construction emissions.

Table 2-3: Comparison of Project Emission—Construction (Unmitigated)

Analysis	Construction Criteria Pollutants (pounds/day)				
	VOC	NO_X	CO	PM_{10}	$PM_{2.5}$
RRDEIR No.1 (Table 4.2-6)	69.3	53.3	68.7	43.5	10.5
CalEEMod	54.3	59.6	36.2	11.5	6.1
SCAQMD Regional Construction Threshold	75	100	550	150	55
Significant Impact?	No	No	No	No	No
Local Significant Threshold[(1)]	N/A	270	2,075	14	9
Significant Impact?		No	No	**Yes** in RRDEIR No. 1 No for CalEEMod	**Yes** for RRDEIR No. 1 No for CalEEMod

Table 2-3 (cont.): Comparison of Project Emission—Construction (Unmitigated)

Analysis	Construction Criteria Pollutants (pounds/day)				
	VOC	NO_X	CO	PM_{10}	$PM_{2.5}$

Note:
(1) The localized significance thresholds were updated to the latest values shown in the SCAQMD's Mass Rate Emission Tables (2006-2008) for a 5-acre project, in Source Receptor Area 38 and a distance to sensitive receptor of 25 meters; website: http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/appendix-c-mass-rate-lst-look-up-tables.pdf
N/A = the SCAQMD has not defined a localized threshold for VOC emissions
Source of CalEEMod emissions: See Appendix H of this 2020 Final EIR

Table 2-4 below shows the comparison of the long-term operational emissions between emissions shown in the RRDEIR No. 1 (Table 4.2-9 [page 4.2-34] and Table 4.2-10 [page 4.2-35]) and the long-term operational emissions using the CalEEMod model.

Table 2-4: Comparison of Long-Term Operational Project Emissions

Analysis	Operational Criteria Pollutants (pounds/day)				
	VOC	NOx	CO	PM_{10}	$PM_{2.5}$
RRDEIR No. 1 (Table 4.2-9 and Table 4.2-10)(1), (2)	36.8	8.8	104.8	12.6	7.4
CalEEMod(1),(2)	9.5	10.8	32.2	4.5	1.9
SCAQMD Regional Operational Threshold	55	55	550	150	55
Significant Impact?	No	No	No	No	No

Notes:
(1) The higher of the summer and winter emissions is listed for each pollutant
(2) The pollutant emissions' include the operation of personal watercraft, Table 4.2-9 of the RRDEIR
Source: CalEEMod (Appendix H of this 2020 Final EIR)

As noted from Table 2-4, the CalEEMod update to the project's long term operational emissions are lower than the corresponding emissions shown in the RRDEIR No.1 tables with the exception of NO_X emissions. In both the case of the RRDEIR No. 1 and CalEEMod, the respective emissions are less than the SCAQMD's regional operational emission significance thresholds. Therefore, the emissions shown in the RRDEIR No. 1 represent a conservative estimate of the Project's long-term operational emissions and are sufficient in describing the Project's long-term operational impacts. The commenter is correct that the IPCC 2007 reference is more up to date than the IPCC 2001 reference.

On December 6, 2011, subsequent to the preparation of the RRDEIR No. 1 for the Project, the San Bernardino County Board of Supervisors approved a countywide Greenhouse Gas Emissions Reduction Plan (GHG Plan). In connection with this approval, the San Bernardino County Board of

Supervisors adopted a General Plan Amendment detailing a policy designed to reduce GHG emissions within the County boundaries which included adoption of the GHG Plan. With the application of the GHG performance standards, under the GHG Plan, any project that does not exceed 3,000 metric tons of carbon dioxide equivalent ("$MTCO_2e$") per year is considered to be consistent with the Plan and determined to have a less than significant individual and cumulative impact for GHG emissions. The adoption of the GHG Plan has no bearing on, nor does it affect the less than significant finding of the RRDEIR No. 1 as it relates to GHG emissions. As detailed in the Air Quality Analysis Report (Appendix A to the RRDEIR No. 1), the Project's estimated combined construction and operational greenhouse gas emissions are 1955.59 $MTCO_2e$, which is far less than the 3,000 $MTCO_2e$ benchmark under the GHG Plan. Accordingly, even if the Project was analyzed under the GHG Plan, it would only confirm the less than significant finding contained in the RRDEIR No. 1 as it relates to GHG emissions.

Note that in a manner similar to the estimation of Project's construction and operational emissions, the Project's GHG emissions were also recalculated using the CalEEMod model. Table 2-5 compares the Project's GHG emissions as presented in Table 4.2-12 and Table 4.2-13 with the GHG emissions calculated using the CalEEMod model.

Table 2-5: Comparison of Project GHG Emissions

Assessment	Annual GHG Emissions (Mt CO_2e/year)
RRDEIR No. 1 (Table 4.2-12 and Table 4.2-13)	1,604[(1)]
CalEEMod	1,471[(1)]

Note:
[(1)] The pollutant emissions' include the 30-year amortization of construction emissions.
Source: CalEEMod (Appendix H of this 2020 Final EIR)

Table 2-5 indicates that the GHG emissions from the Project estimated using the CalEEMod model are lower than the corresponding GHG emissions contained in the RRDEIR No. 1.

Please refer to Appendix H of this 2020 Final EIR for a memorandum on the above analysis and the data files.

Response to PITTS (Detailed Comments) (b)-9
The calculation of architectural coating emissions is done by totaling up the interior and exterior square footage of all of the residences (assumed in the URBEMIS model to be 1,800 square-feet per residence) and multiplying by the appropriate VOC emission factor for interior and exterior coating as specified by the SCAQMD. Thus, the calculation of VOC emissions attributable to architectural coating represents the total emissions aggregated from all of the residences which in the case of the RRDEIR No. 1 was 50 residences.

In addition, the residential architectural coating VOC emission factor used in the original 2005 Draft EIR as contained in the URBEMIS model had a value of 0.0185 pounds of VOC per square-feet of area

coverage. This is equivalent to approximately 400 grams of VOC per liter of paint. It should be noted further that revisions to SCAQMD Rule 1113 have resulted in a significant lowering of the VOC content of paints after 2008 to 50 grams of VOC per liter of paint for residential interior coatings and 100 grams of VOC per liter of paint for exterior residential coatings. These new VOC paint content limits will significantly reduce the architectural coating emissions to even lower levels than presented in the RRDEIR No. 1.

Response to PITTS (Detailed Comments) (b)-10
Mitigation Measure AQ-2 (RRDEIR No. 1, page 4.2-31) will be modified to the following to further clarify its intent using a strike-out/underline revision format.

AQ-2 To reduce emissions from the construction equipment within the Project site, the construction contractor will:

- ~~To the extent that equipment and technology is available and cost effective, the contractor shall u~~Use catalyst and filtration technologies on mobile construction equipment.
- All diesel-fueled engines used in construction of the Project shall use ultra-low sulfur diesel fuel containing no more than 15-ppm sulfur, or a suitable alternative fuel.
- All construction diesel engines, which have a rating of 50 horsepower (hp) or more, shall meet the Tier II California Emission Standards for off-road compression ignition engines.
- Heavy-duty diesel equipment will be maintained in optimum running condition.

Please refer to Section 4: Errata of this FEIR document, showing detailed revisions to mitigation measures.

Response to PITTS (Detailed Comments) (b)-11
The version of the URBEMIS model (URBEMIS 2002 Version 8.7) that was used to prepare Tables 4.2-9 and 4.2-10 only provided estimates of PM_{10} construction emissions. The estimates of $PM_{2.5}$ contained in the above tables were derived using the methodology published in October 2006 by the SCAQMD in their document entitled: "Final $PM_{2.5}$ Calculation Methodology and $PM_{2.5}$ Significance Thresholds" In that document, the SCAQMD lays out a methodology for generating estimates of $PM_{2.5}$ emissions from the calculated fugitive dust and exhaust PM_{10} emissions. The conversion factors from PM_{10} emissions to $PM_{2.5}$ depend on the type of emission source of concern. For the types of emission sources to be involved in the Project, the following factors were used:

- For construction equipment exhaust: $PM_{2.5} = PM_{10} \times 0.92$
- For construction fugitive dust: $PM_{2.5} = PM_{10} \times 0.21$

The exhaust and fugitive dust $PM_{2.5}$ components are summed to derive a total $PM_{2.5}$ emission. The calculated PM_{10} emissions already include the $PM_{2.5}$ component (PM_{10} and $PM_{2.5}$ emissions are not additive; $PM_{2.5}$ is a portion of PM_{10}).

As noted in response Comment Pitts (b)-8, the Project's construction and operational criteria pollutant and GHG emissions were recalculated using the CalEEMod emission model with direct estimates of PM_{10} and $PM_{2.5}$. The resulting CalEEMod GHG emissions were slightly lower than the GHG emissions presented in the RRDEIR No. 1, Table 4.2-12 (page 4.2-43) and Table 4.2-13 (page 4.2-44). Please refer to Appendix H of this 2020 Final EIR for a memorandum on the CalEEMod analysis and the data files.

Response to PITTS (Detailed Comments) (b)-12
The differences in operational emissions from the Project as shown in the original 2005 Draft EIR and in the RRDEIR No. 1 stem principally from three factors:

- The reduction in the number of residences from 92 in the original 2005 Draft EIR to 50 residences in the RRDEIR No. 1; and the assumptions regarding the extent of fireplace usage in the two documents
- Imposition of Mitigation Measure AQ-3 (RRDEIR No. 1, page 4.238) that prohibits the operation of non-certified wood burning fireplaces and stoves

With regard to the first factor, the emissions associated with a 50-unit development would be expected to be 54 percent of the emissions for a 92-unit development (50/92 = 54 percent) as was pointed out by the commenter.

The second factor dealing with the assumptions regarding the usage of hearth equipment has a larger impact on the estimation of emissions. In the original 2005 Draft EIR, the report assumed that 100 percent of the residences would have wood burning fireplaces that would be used to heat the residences. Additionally, it was assumed that 25 percent of the residences would have outdoor stoves and that there would be no natural gas fireplaces. In the RRDEIR No. 1, a different set of assumptions was used allowing for 10 percent of the homes having wood fireplaces, 35 percent would have wood stoves, and 55 percent would have natural gas fireplaces. Since wood fireplaces emit substantially more than do wood stoves or natural gas fireplaces, the emissions estimated in the original 2005 Draft EIR were substantially greater than the emissions shown in the RRDEIR No. 1. The hearth assumptions used in the RRDEIR No. 1 and resulting emissions reflect two important considerations: 1) it is highly unlikely that the construction of new residences would place a 100 percent reliance on the use of wood fireplaces to supply virtually all of the space heating in the residence. A more likely scenario would be to utilize natural gas heating to supply heating requirements and use natural gas-fired fireplaces to provide perhaps supplemental heating and the "mountain experience." 2) Mitigation Measure AQ-3 (RRDEIR No. 1, page 4.2-38) specifically requires the installation and operation of only EPA Phase II certified fireplaces and wood stoves,[4] pellet stoves, or natural gas fireplaces even though such equipment is exempt from SCAQMD Rule 445—Wood Burning Devices because of the elevation of the Project. The use of EPA Phase II certified fireplaces and stoves, for instance, can reduce particulate matter emissions by about 85 to 90 percent from a conventional open burning wood fireplace.[5] Natural gas fireplaces would reduce fireplace emissions even further to levels that are a

[4] For a list of EPA certified wood appliances, go to http://www.epa.gov/oecaerth/resources/publications/monitoring/caa/woodstoves/certifiedwood.pdf

[5] Current uncontrolled conventional wood hearth fireplaces have a particulate matter emission rate of about 57 grams/hour . The EPA certified wood fireplace particulate matter emission limits that vary from 4.1 grams/hour for catalytic models to 7.5 grams/hour for non-catalytic models.

fraction of a gram of particulate matter per hour of fuel combustion. There is also a corresponding reduction in carbon monoxide, VOC, and toxic air contaminants as well. Thus, the emission estimates contained in the RRDEIR No. 1 provide a more reasonable estimate of the operational emissions expected from the Project than was presented in the 2005 Draft EIR.

Response to PITTS (Detailed Comments) (b)13
North Shore Drive intersects Big Bear Blvd at the west end of Big Bear Lake.

Response to PITTS (Detailed Comments) (b)-14
Regardless of whether the public expects wood burning as part of the "mountain experience" or whether or not an activity is governed by a particular law or regulation, Mitigation Measure AQ-3 (RRDEIR No. 1, page 4.2-38) prohibits open-hearth fireplaces in any residential unit unless the fireplace is an EPA Phase II Certified fireplace and wood stove, pellet stove, or a natural gas fireplace. The mitigation measure would become part of the Project's mitigation monitoring plan and depending on municipal requirements, the measure would be incorporated into the acceptance of the Project's design plan as submitted to the City for approval, as a condition to the approval of a building permit, or as a part of the Project's conditional use permit to ensure that the Mitigation Measure is fully implemented.

The "Good Neighbor Policy for Burning" included as Mitigation Measure AQ-4 (RRDEIR No. 1, page 4.2-38) was intended to provide common-sense guide for new residence in minimizing the emissions from hearth usage.

Response to PITTS (Detailed Comments) (b)-15
The use of a generator would only occur during an emergency power outage and during a small number of hours per year (as many as 50 hours per year as limited by the SCAQMD permit requirements) for maintenance requirements. There is no intent for generator usage to occur on a routine basis.

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MCGREW

May 27, 2010

County of San Bernardino
Advanced Planning Division
Land Use Services Department
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

RECEIVED
MAY 28 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Re: Moon Camp 2010DEIR

Dear Sir,

We are property owners and full time residents in Fawnskin and we are opposed to the zone change from rural R-40 to single residential -20,000 S.F. minimum lot size. We think there is insufficient infrastructure to allow increased development in the Big Bear Valley. We do not think this zone change is in the best interest to the residents of Fawnskin. MCGREW-1

We read in the DEIR that the development has very little effect on traffic. We were here during the Old Fire and traffic was backed up for miles. It took four to five hours to get off the mountain. This was on a normal weekend. Nothing has changed since then to improve traffic flow. What would happen if we had a major fire on a peak summer holiday weekend and the fire was right on top of us? Our Fire Department is staffed by three man crews. Is this enough for existing residents? Why add more? MCGREW-2

The Sheriff's department seldom patrols in Fawnskin. They have limited resources in Big Bear Valley. Why add more homes and residents to increase the burden on them? Bear Valley Electric was over whelmed with outages during this year's major snow storm. Many people in Fawnskin were without power for days. The electric company increased the rates to help pay for a generator because supplies are limited. Will they be able to keep adding customers to the system? MCGREW-3

When we first moved to Fawnskin we would run out of water during the summer holidays. To prevent this, the Department of Water and Power has promoted no watering on holiday weekends. We know many water lines are substandard in Fawnskin. Do we have enough volume for fire fighting now? Do we need to add more homes when we are not sure of our supplies? Residents who have private wells near the proposed development have ran out of water in recent years. What effect will this development have on their wells? MCGREW-4

If approved this project will have an impact on the environment. Many trees will need to be removed for the streets and infrastructure. When the lots are developed many more trees will need to be removed. This site is prime perching habitat for wintering bald eagles. How will the build out of this project effect the bald eagle habitat? MCGREW-5

Although no homes will be built along the shore line views will be obstructed. We will be looking at a parking lot and a marina. Is this in the best interest of Fawnskin residents? MCGREW-6

My wife and I moved to Fawnskin because it is the quiet side of the lake. By adding more homes and more marinas this will change. Please do not approve this zone change. MCGREW-7

Sincerely,

James C. McGrew

Lola E. McGrew

Lola E. McGrew
39760 Flicker Road
P.O. Box 493
Fawnskin , CA 92333

Cc: Neil Derry, Supervisor Third District
County of San Bernardino
385 N. Arrowhead Ave.; Fifth Floor
San Bernardino, CA 92415-0110

James and Lola McGrew (MCGREW)

Response to MCGREW-1
The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre and sufficient infrastructure.

See Response to SM&W-1 for a response regarding zoning of the Project site. No additional response is necessary.

Response to MCGREW-2
The commenter expresses concern regarding impacts to roads and traffic. In addition, the commenter expresses concern regarding impacts from forest fires.

See Response to WINCH (b)-4 for a response regarding project and cumulative traffic. In addition, see Response to WINCH (b)-5 for a response regarding forest fires.

Response to MCGREW-3
The commenter expresses concern regarding Utilities.

As indicated within Section 4.9, Utilities, of the RRDEIR No. 1, the Project would result in an increased demand for electrical service. Based on a daily average of 16.66 kilowatts per unit, at project buildout the Proposed Alternative Project would utilize 833 kilowatts per day. BVE recently constructed a local power generating station to provide backup power and peak power to supplement the two power lines that feed the valley. According to BVE, service is available and of adequate supplies. The Project Applicant will also construct and fund all infrastructure related to the Proposed Alternative Project. In addition, the future residents of the site will pay monthly user fees that offset the cost of service and maintenance. Therefore, the impacts are considered less than significant and no mitigation is required.

Response to MCGREW-4
The commenter states infrastructure and water supplies in the Fawnskin system are limited and the Department of Water and Power says that the supply cannot support any significant increase in the percentage of full-time residents.

See Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to MCGREW-5
The commenter expresses concern regarding biological resources.

See Response to WINCH (b)-5 and 6.

Response to MCGREW-6
The commenter expresses concern regarding aesthetics.

See Response to WINCH (b)-7 for responses regarding aesthetic impacts.

Response to MCGREW-7
The commenter expresses concern regarding noise.

A Noise Analysis (Appendix D of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Noise Analysis, implementation of the project will not result in any permanent substantial increase in ambient noise levels at sensitive receptors in the Project vicinity. In addition, with the implementation of Mitigation Measures NOI-1 through NOI-4 (RRDEIR No. 1, page 4.6-16), temporary increases in noise levels in the project vicinity resulting from short-term construction activities would be reduced to less than significant.

Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

DELANDTSHEER

RECEIVED
JUN 14 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Mr. & Mrs. John DeLandtsheer
Post Office Box 329
Fawnskin, CA 92333

June 10, 2010

Mr. Matthew Slowik, Land Use Services Dept.
County of San Bernardino, Advance Planning Division
385 N. Arrowhead Avenue, First Floor, San Bernardino CA 92415-0110

Dear Mr. Slowik:

Re: Moon Camp 2010 DEIR

My wife and I have been out of the country on vacation for several weeks and just returned yesterday. We received a letter regarding the opportunity to express our concerns regarding the proposed Moon Camp Development just below our home. We have several apprehensions related to this project and appreciate the opportunity of bringing them to your attention and hearing your response. We hope our concerns will be taken into consideration as you make decisions regarding the proposed Moon Camp project. DELANDTSHEER-1

1. **Water:** I am sure you are well aware of the long-term drought that has adversely affected Southern California and Big Bear Valley over the past decade. We have been permanent residents of Fawnskin since February 1977, and have witnessed the gradual decrease in rainfall and snowfall over this thirty-three year period. Our concern is that there is barely sufficient water to support the existing residents and parcels in our neighborhood. Should there be another fire, would sufficient water be available to provide us with adequate protection? We have been evacuated twice in the last seven years and each fire season seems to start earlier and end later. Our DWP has gone on record as warning us that the water supply cannot support any significant increase in the percentage of full-time residents. The proposal provided by the developer does not clearly spell out how this problem is to be handled. There is a very good chance that all of our water rates will increase significantly so that these new homes can have the water they need, if in fact they can get sufficient water at all! I would like to know specifically from the DWP, from the Fawnskin Fire Department, and from the U.S. Forest Service if they believe that this proposed development would negatively impact our water usage and increase our vulnerability to fire danger. DELANDTSHEER-2
2. **Safety:** Crime in our valley is on the rise. We Fawnskin residents hear weekly of break-ins, burglaries, meth labs, and other criminal activity in the Big Bear Valley. How will this proposed development impact the ability of our Sheriff's Department to respond quickly to emergency calls and to protect Fawnskin resident? Our roads already are overburdened with traffic, especially during winter months and severe weather conditions. It took the snowplows several days to reach us. How much longer will it DELANDTSHEER-3

take with all the proposed new roads added to their route? Also, how much more will it cost us in taxes to pay for the additional personnel and equipment necessary to accommodate these new routes?

DELANDTSHEER-3

3. **Zoning:** It appears that zoning would need to be changed from a rural classification to allow one house per half-acre. Currently, there are over 1000 buildable lots available in Fawnskin. Do we really need more? Fawnskin has always been a small town; there is absolutely no reason, other than greed, to change the character of our town. Zoning changes occur when they are in the best interests of the citizens. Please explain to me how this proposed development is in the best interests of anyone in our town or our valley, except for the developers who stand to make money from the proposed project.

DELANDTSHEER-4

4. **Eagle Habitat:** Directly in front of our home are a number of trees that the bald eagles nest in each year. I am very concerned that the eagle nesting habitats will be adversely affected by this proposed development. Our son grew up here observing the eagles, as well as enjoying other forms of wildlife present in Fawnskin, all the while gaining an appreciation for the natural environment of our Valley. Consequently, these experiences prompted him to become a veterinarian. What will happen with our legacy for the next generation when first the eagles disappear, then other wildlife are crowded out by over-development, and children can no longer observe and appreciate nature?

DELANDTSHEER-5

5. **Aesthetics:** For over thirty years, my wife and son and I have been able to walk down to the lake from our home. We have so many fond memories of our daily hikes and of our son's special tree where he would sit as a youngster and skip stones across the lake or watch the ducks. These are memories our son wants to relive with his own children, our grandchildren, in a couple years when they are old enough to follow his path through the forest. The proposed development would block access to the lake for residents of our neighborhood. No longer would we be able to walk down to the lake. Already there is a barbed wire fence up separating the lake from the highway on both sides. People come to the mountains to enjoy the pristine scenery, the clean air, and the solitude. Fawnskin has always been a haven for all three. What kind of thinking goes into planning a development that turns this tiny area into another down-the-hill subdivision?

DELANDTSHEER-6

We appreciate the opportunity to share our concerns and questions with your agency and look forward to your responses. We trust that you will make a decision that retains the character, safety, and integrity of our small mountain community. Please contact me at the above address, or by e-mail at john_joelle@msn.com.

DELANDTSHEER-7

Sincerely,

John DeLandtsheer

John DeLandtsheer

John DeLandtsheer (DELANDTSHEER)

Response to DELANDTSHEER-1
The commenter states infrastructure and water supplies in the Fawnskin system are limited and the Department of Water and Power says that the supply cannot support any significant increase in the percentage of full-time residents.

See Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to DELANDTSHEER-2
The commenter expresses concern regarding impacts to roads and traffic. In addition, the commenter expresses concern regarding impacts from forest fires.

See Response to WINCH (b)-4 for a response regarding project and cumulative traffic. In addition, see Response to WINCH (b)-5 for a response regarding forest fires.

Response to DELANDTSHEER 3
As indicated within Section 4.7, Public Services, of the RRDEIR No. 1, anticipated police calls that may occur include increased burglar alarm calls, general criminal investigations, missing or lost persons, emergency medical calls, thefts of boats, and vandalism. Although there would be an incremental need for increased police service, it is not anticipated that Proposed Alternative Project implementation would require any new police facilities. Each homeowner will be required to pay property taxes and development impact fees based on then-current rates. The Proposed Alternative Project's increase in demand for police services would be offset through project related fees and taxes. Therefore, impacts to law enforcement services are expected to be less than significant, and no mitigation measures are proposed.

In addition, as evaluated in RRDEIR No. 1, Section 4.8, Transportation, Circulation, and Parking, Subsection 4.8.2, Project Impact Analysis, the site plan for the project proposes two points of access from SR-38; driveway number one, toward the western portion of Tentative Tract No. 16136, with another driveway providing access to the project from SR-38 further to the east. San Bernardino County Municipal Code § 87.06.030(c)(2)(E) states that: The subdivision in each of its phases shall have two points of vehicular ingress and egress from existing surrounding streets, one of which may be used for emergency use only. Therefore, the Project's vehicular ingress and egress design is consistent with County Code. In addition, a Traffic Impact Analysis (Appendix E of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Traffic Impact Analysis, no areas are expected to have significant and unavoidable impacts for opening year and Horizon Year 2030 Traffic Conditions nor cumulative traffic impacts to SR-38 or the surrounding area with the implementation of Mitigation Measures T-1 and T-2 (RRDEIR No. 1, page 4.8-51). No additional response is necessary.

Response to DELANDTSHEER-4
The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre and sufficient infrastructure.

See Response to SM&W-1 for a response regarding zoning of the Project site, as well as sufficiency of infrastructure.

Individual projects are required to address the availability of adequate water supplies, water and wastewater facilities, traffic circulation and other infrastructure in support of an individual project's proposed density of development (BVCP, page 11). This concept, known as the "Holding Zone" approach, has traditionally been applied by the County transitioning individual parcels of property from low-density land use designations to higher density land use designations in the Bear Valley Community. The County of San Bernardino General Plan clearly contemplates and sets out very specific requirements for increasing the allowable density of development through General Plan amendments. As indicated in the RRDEIR No. 1, the proposed Project will provide adequate water, wastewater, utility and roadway infrastructure to support the proposed Project consistent with the mandates of the Bear Valley Community Plan.

Response to DELANDTSHEER-5

The commenter expresses concern regarding biological resources.

See Responses to WINCH (b)-5 and -6.

Response to DELANDTSHEER-6:
The commenter expresses concern regarding aesthetics.

See Response to WINCH (b)-7 for responses regarding aesthetic impacts.

Response to DELANDTSHEER-7
The commenter expresses concern regarding aesthetics and noise.

The commenter provides a closing statement. No comment is necessary.

FRANCUZ

817 Coronado Terrace
Los Angeles, CA. 90026
May 31, 2010

County of San Bernardino
Land Use Services Department
Advance Planning Division
385 N. Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

RECEIVED
JUN 03 2010
AND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

RE: Moon Camp 2010 DEIR

Dear Mr. Slowik,

Regarding the 2010 DEIR of the Moon Camp proposed project, please respond to the following:

Zoning Change: We do not understand why the North Shore of Big Bear Lake is in need of 50 more home sites when there are already over 1,000 buildable sites available in the Fawnskin area. We are in need of open space along the lake, not structures and more infrastructure. FRANCUZ-1

- Why do we need 50 more home sites? FRANCUZ-2
- Is this the best use of this property for the community? FRANCUZ-3
- Does this property not contain aesthetic qualities that are more important than more homes in a glutted market? FRANCUZ-4
- We understand a zoning change would benefit the developer, but how would a zoning change from RL-40 to R1 benefit the Fawnskin community? FRANCUZ-5

Additional Development: The fact that this project doesn't exist just by itself compounds the problems for the North Shore. The Marina Point project may add another 133 condos and 175 boat slips. The noise, air and nightlight pollution alone is enough to change the quality of life for the Fawnskin community to the negative. With the possibility of both the Marina Point and Moon Camp projects going forward: FRANCUZ-6

- What mitigation is in place for the cumulative impacts of both projects?

Marina: Along with the proposed home sites come 55 boat slips and the infrastructure to supply and maintain these boats including parking and turn around space on an already well used, curvy part of the highway.

- What guarantees that the highway will remain safe to drive with boats and trailers going in and out on this curved portion of the road? FRANCUZ-7
- Can you ensure that the noise emitted from the cars, trucks and the power boats themselves will not negatively the quality of life on the North Shore? FRANCUZ-8
- Can you ensure that the amount of petrochemical pollution from these 55 boats will not negatively impact us as we live downwind of the marina? FRANCUZ-9
- What assurance that boats pulled by cars or trucks being driven by an unknown quality of driver will not impede emergency vehicles who share this same stretch of curved highway? FRANCUZ-10
- Has room for a Quagga mussel station been allotted at this site? It doesn't even look big enough for what you are planning. FRANCUZ-11
- The entrance and exit to the development and boat ramp create a dangerous situation on the curves of the highway. This has not been properly analyzed in the DEIR. What mitigation is being done? FRANCUZ-12

Safety Issues: Our recent experience with a major fire showed that the existing population was not able to evacuate in a timely fashion. The incident happened off season and mid-week when there are fewer people in the Big Bear Valley. Many residents had to remain on the mountain and pray for the best. In case of emergencies requiring evacuation of the mountain communities, please address: FRANCUZ-13

- What mitigation has been provided to accommodate the additional residents needing to evacuate the mountain when one or more of the three routes is impaired by the emergency?
- Why don't the facts of what has happened in the past carry more weight when considering the density of this small community with so few escape routes? FRANCUZ-14

Water: There is not a sufficient water supply to Fawnskin at present. Many Fawnskin residents have wells that have been affected in drought years. The addition of wells to accommodate 50 new home sites could easily overstress the existing wells on the North Shore. The proposal currently has no defined water service. Each option could impact current residents. FRANCUZ-15

- Why should the current North Shore residents be affected negatively to benefit an unneeded development?
- What guarantees can be made that this development would not affect other homes on the North Shore? FRANCUZ-16

Air Pollution: Mountain homes have traditionally had fireplaces; this is a fact. Many homes have more than one fireplace. Good neighbor policies do not mitigate the fact that 50 homes would have 50+ fireplaces or wood-burning stoves. FRANCUZ-17

- What mitigation can be made for prevailing winds that blow from the dam into neighboring properties?
- How would a "good neighbor policy" be enforced? FRANCUZ-18
- What mitigation is in place for the health problems caused by the additional smoke? FRANCUZ-19

Natural Resources: The Moon Camp area is a known eagle habitat. Visitors and residents enjoy the frequent sightings of our country's grand bird. The DEIR map shows that approximately one-half of the eagle perch trees would be eliminated due to the parcel distribution. FRANCUZ-20

- What mitigation is planned for this loss of habitat?

Light and Noise: The North Shore is known for its dark night skies and quiet rural qualities. The addition of 50 homes and 55 boats would change this natural quality that is so appreciated. FRANCUZ-21

- What guaranteed enforcement would be in place to control lighting and noise as this proposed development does not include the building of the individual homes?

We would appreciate your addressing our questions.

Sincerely,

Joseph L. Francuz

Barbara Francuz

cc: Neil Derry, Supervisor Third District
County of San Bernardino
385 N. Arrowhead Avenue, Fifth Floor
San Bernardino, CA 92415-0110

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Joseph and Barbara Francuz (FRANCUZ)

Response to FRANCUZ-1 through 5
The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre. The commenter requests a valid reason for changing the zoning, when there is sufficient infrastructure and if the change is in the best interest of the public.

See Response to SM&W-1 for a response regarding zoning of the Project site. No additional response is necessary.

Response to FRANCUZ-6
The commenter questions what mitigation measures were provided for cumulative impacts to noise, light, and air.

Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to FRANCUZ-7 and 8
The commenter questions potential noise impacts to the marina.

The marina parking is for day use only and not for trailers. In addition, a Noise Analysis (Appendix D of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Noise Analysis, no areas are expected to have significant and unavoidable impacts with the implementation of Mitigation Measures NOI-1 and NOI-2 (RRDEIR No. 1, page 4.6-16).

Response to FRANCUZ-9
The commenter expresses concern regarding odor within the marina.

An Air Quality Impact Assessment was conducted for the Project. According to the Air Quality Analysis, CEQA Guidelines indicate that a significant impact would occur if a Project would create objectionable odors affecting a substantial number of people. The odor analysis conducted within the Air Quality Impact Assessment concluded the Project would not contain land uses typically associated with emitting objectionable odors, with the possible exception of wood smoke. Wood smoke is pleasant to some and may be a nuisance to others. Implementation and compliance with SCAQMD Rule 402 would ensure that wood smoke would not be offensive to a substantial number of people. Diesel exhaust and VOCs will be emitted during construction of the Proposed Alternative Project, which are objectionable to some; however, emissions will disperse rapidly from the Project site and therefore should not be at a level to induce a negative response.

In addition, Mitigation Measure AQ-3 (RRDEIR No. 1, page 4.2-38), in particular, prohibits open-hearth fireplaces and permits only EPA Phase II certified fireplaces and wood stoves, pellet stoves, and natural gas fireplaces. The use of certified fireplaces and stoves will significantly increase the heating efficiency of fireplaces and reduce the amount of smoke particles and toxics emitted into the air compare to an ordinary open-hearth fireplace present in many homes in the neighboring area. See Response to Pitts (b)-12 for additional information.

Response to FRANCUZ-10
The commenter expresses concern regarding boats pulled by cars or trucks will impacts emergency vehicles who share the same road.

The site plan for the Project proposes two points of access from SR-38; driveway number one, toward the western portion of Tentative Tract No. 16136, with another driveway providing access to the Project from SR-38 further to the east. San Bernardino County Municipal Code § 87.06.030(c)(2)(E) states that: The subdivision in each of its phases shall have two points of vehicular ingress and egress from existing surrounding streets, one of which may be used for emergency use only. Therefore, the Project's vehicular ingress and egress design is consistent with County of San Bernardino Code. In addition, a Traffic Impact Analysis (Appendix E of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Traffic Impact Analysis, no areas are expected to have significant and unavoidable impacts for opening year and Horizon Year 2030 Traffic Conditions nor cumulative traffic impacts to SR-38 or the surrounding area with the implementation of Mitigation Measures T-1 and T-2 (RRDEIR No. 1, page 4.8-51). No additional response is necessary.

Response to FRANCUZ-11
The commenter expresses concern regarding having room for quagga mussel station at the site.

The marina parking is for day use only and not for trailers. No additional response is necessary.

Response to FRANCUZ-12
The commenter expresses concern regarding additional use of the highway.

See Response to FRANCUZ-10.

Response to FRANCUZ-13 and -14
The commenter expresses concern regarding impacts from forest fires.

See Response to WINCH (b)-5 for a response regarding forest fires.

Response to FRANCUZ-15 and -16
The commenter states infrastructure and water supplies in the Fawnskin system are limited and the Department of Water and Power says that the supply cannot support any significant increase in the percentage of full-time residents.

See Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to FRANCUZ-17 through 19
The expresses concern regarding impacts towards the use of wood burning fire places.

See Response to FRANCUZ-9.

Response to FRANCUZ-20
Mr. Francuz comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to FRANCUZ-21
The commenter expresses concern regarding impacts from light and noise.

Generally, the attributes of the 2011 Project—including reduction in development intensity, elimination of the development of lakefront lots, elimination of the realignment of SR-38, reduction and relocation of the proposed marina, increase in permanently protected open space, and reduction in the number of trees removed from the site—enhance the aesthetic values of the Project to reduce aesthetic impacts. In addition, with the implementation of Mitigation Measures A-1 through A-4 (RRDEIR No. 1, page 4.1-8 through 4.1-10), implementation of the 2011 Project would result in less than significant aesthetic, light, and glare impacts.

In addition, a Noise Analysis (Appendix D of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Noise Analysis, no areas are expected to have significant and unavoidable impacts with the implementation of Mitigation Measures NOI-1 and NOI-2 (RRDEIR No. 1, page 4.6-16).

Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

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POWELL

June 2, 2010

Karin Powell
P.O. Box 356
Fawnskin, CA 92333

RECEIVED
JUN 04 2010
AND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

County of San Bernardino
Advance Planning Division
Land Use Service Dept.
385 N. Arrowhead Ave, First Floor
San Bernardino, CA 92415-0182

Subject: Moon Camp 2010 DEIR

Attention: Matthew Slowik

Dear Sirs:

I am quite concerned with the proposed change in the zoning of the referenced property because of the following:

*Fawnskin is a rural community with no need for subdivisions. Isn't the population under 1000? There are hundreds of existing lots to build upon and vacant homes to redevelop and improve. What are the exact numbers of unoccupied homes/cabins and vacant lots? POWELL-1

*I am wondering about the infrastructure required for this project? We are on water restrictions and I pay high water bills throughout the year, regardless of my use. Will my water bill increase again because of the new lines that will need to be built? POWELL-2

*Our community is quaint, peaceful, and beautifully simple. We live in a forest that is enjoyed by many people because of these qualities. I would hate to see one more lovely hillside covered with conspicuously large uninhabited homes. Please help preserve our neighborhood by not allowing the zoning change. POWELL-3

Sincerely,

Karin Powell

cc: Neil Derry, Supervisor Third District

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Karin Powell (POWELL)

Response to POWELL-1
The commenter states that there are various vacant lots and residences within the area.

See Response to SM&W-1.

Response to POWELL-2
The commenter states infrastructure and water supplies in the Fawnskin system are limited and the Department of Water and Power says that the supply cannot support any significant increase in the percentage of full-time residents.

See Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to POWELL-3
Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

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MACDONALD

FROM THE DESK OF
KIM MACDONALD

May 24, 2010
Re: Moon Camp 1010 DEIR

To Whom It May Concern:

I'm writing concerning the Moon Camp proposed development.

- Could you please explain why the county should allow a change to the zoning in this area. There are already more than 1,000 buildable lots in Fawnskin. MACDONALD-1
- Are there sufficient water supplies in the Fawnskin system? What would be the impact cost on current residents? MACDONALD-2
- What about the narrow highways which are already overburdened? MACDONALD-3
- What will be the impact on the endangered bald eagles that nest nearby? They are one of my chief joys in visiting the Big Bear area, and their loss would be huge. MACDONALD-4

In addition to these questions, I'm particularly concerned for the loss of serenity, beauty and quietness of the Fawnskin side of the lake. It was for these that I bought my home there. The North Shore is a treasure unlike the rest of the area and should be preserved. I urge you to please reject this development and preserve the unique character of the Fawnskin area. MACDONALD-5

Sincerely yours,

Kim Mac Donald

Kim MacDonald (Fawnskin homeowner)
408 W. Poppyfields Dr.
Altadena, CA 91001

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26 2010
ND USE SERVICES DEP
DVANCE PLANNING DIVISIO

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Kim MacDonald (MACDONALD)

Response to MACDONALD-1
The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre and sufficient infrastructure.

See Response to SM&W-1 for a response regarding zoning of the Project site. No additional response is necessary.

Response to MACDONALD-2
The commenter states infrastructure and water supplies in the Fawnskin system are limited and the Department of Water and Power says that the supply cannot support any significant increase in the percentage of full-time residents.

See Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to MACDONALD-3
The commenter expresses concern regarding impacts to roads and traffic. In addition, the commenter expresses concern regarding impacts from forest fires.

See Response to WINCH (b)-4 for a response regarding project and cumulative traffic. In addition, see Response to WINCH (b)-5 for a response regarding forest fires.

Response to MACDONALD-4
The commenter expresses concern regarding biological resources.

See Response to WINCH (b)-5 and -6.

Response to MACDONALD-5
Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

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GARDINER

Mr. Slowik, May 24, 2010
Attached is my letter regarding the Moon Camp 2010 DEIR.

In addition I have enclosed the Big Bear Grizzly dated Jan. 20, 2010
which includes an article "Reservoir dogged" and statements from the Fire Crews who found lack of adequate water supply when fighting a fire in Lake Williams, BB Valley.

....also a copy of the Big Bear Grizzly for Wed, Oct. 24th 2007, outlining the problems that Tim Woods/RCK Properties were asked to respond to in their EIR. (These problems were not addressed in the current Moon Camp 2010 DEIR.)

....a downloaded statement currently on the www.bbldwp.com site, stating that "even with this conservation effort (Water Conservation 2010 outlining the water use schedule in place in BBValley) and by creating additional water-use efficiencies in this water system, there will not be sufficient ground water to meet the future water demands of the valley." (page 2) GARDINER-1
Note: Most of Fawnskin is serviced by DWP, except for the few private wells, whose problems are not addressed by any of the proposals in the Moon Camp 2010 DEIR.

....a page from "Moon Camp Secrets" by Eileen Downey regarding the facts the current owners knew regarding the lack of water....before they purchased the property.

Loretta L. Gardiner
P O Box 258
40050 North Shore Dr.
Fawnskin, Ca. 92333
909-878-4220

RECEIVED
MAY 27 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

County of San Bernardino
Land Use Serv Dept,Advance Planning Div.
385 N. Arrowhead Ave, First Floor
San Bernardino, Ca.92415-0182
Attn: Matthew Slowik
Copy: Supervisor Neil Derry

May 24, 2010

Subject: Moon Camp 2010 DEIR

This letter is in regards to the Moon Camp Development proposed by RCK Properties, Inc. (Moon Camp 2010 DEIR) and the effect on private wells it would have on property owners in Fawnskin.

I live at the corner of 40050 North Shore Dr. and Moon Lane (an unimproved County Rd.), directly south of the proposed Moon Camp Development and my water is entirely supplied by my private well.

In the past eight years I have experienced loss of water flow on five occasions, even though the entire Valley was observing the DWP Water Conservation Program as we are doing again in 2010.

The most recent loss of water was in June 2009, this incident and the others before it were not reported because I am not a DWP customer and there is no one to whom I can report this or any of the other four instances I have experienced in the past 8 years.

I have a well with a pressure tank and filter system, and a 5100 gal. water storage tank for fire suppression, costing approximately $20,000 in total, I should not be required to become a DWP customer, and then pay a monthly water bill.

I am enclosing the front page of the Jan. 20, 2010 issue of the Big Bear Grizzly citing problems with water pressure noted by the Fire Dept., approving this development would endanger Fawnskin and leave many of us without the rights to which we are entitled. Also enclosed, a copy of Page A5 from the Big Bear Grizzly, dated Oct. 24th, 2007 with proof that the question of private wells was discussed with RCK, however it is not addressed in the reissued 2010 EIR, as it concerns well #3. GARDINER-2

At the meeting held May 16th 2010 at the Discover Center by Tim Woods & Michael Perry representing RCK Development, Perry made it clear that private well rights issues were not going to be addressed…when asked of Perry…"What about the private well owners…what do we do when we run out of water?"….he shrugged his shoulders , as if to say "sorry", not our problem…When another member of the audience asked how Fawnskin would benefit from this development, Mr. Perry said….and I quote "You would have 50 beautiful houses to look at."

Mr Perry also mentioned plans to put a hydrant very near my address, directly below the proposed development. It would then be in front of two full time residences…..that have run out of water a total of 11 times in past 8 years, of the 50 parcels on North Shore Drive in Fawnskin there are about 20 occupied on a full time basis, and we still have run out of water.

Although RCK would not activate well #3, the well practically in my backyard, they would turn it over to DWP upon completion of the development….Mr. Perry indicated that he was aware that use of well #3 would adversely affect water flow for this neighborhood, but that will be a problem for DWP…and we are not their customers…back to square one….where is our protection?

Loretta L. Gardiner

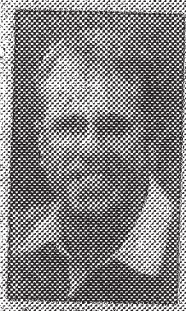
Lori Gardiner (Loretta L. Gardiner)
40050 North Shore Dr.
Fawnskin. Ca. 92333 (909) 878-4220

dogged

Fire Department asks water agency to put the pressure on

By ARRISSIA OWEN TURNER
Reporter

On Nov. 7, the Big Bear City Fire Department, along with Big Bear Lake, Fawnskin and Baldwin Lake fire departments, responded to a structure fire in the unincorporated area Lake William. One home was destroyed and extensive damage occurred to the home next door.



Joel Dickson

Fire crews found the available water supply adequate to extinguish the fire, but just barely, said Big Bear City fire prevention inspector Tim Preistroffer in a letter to the DWP dated Dec. 9. With three fire lines flowing, fire crews were unable to provide the needed water from the fire crews' monitors' master stream because the water pressure dropped to an unacceptable level.

The water agency investigated the water supply, says DWP General Manager Joel Dickson. The reservoir capacity is 160,000 gallons in Lake William. The DWP has water reservoir monitoring at that site, Dickson says. Data shows that when the fire started, there was approximately 140,000 gallons of water available. During the fire, the water dropped to 120,000 gallons.

"That means that the available water supply was more than adequate to extinguish the fire," Dickson says. Big Bear Lake Fire Chief Rod Ballard says that while there was enough water available, crews had trouble getting it through the fire hoses quick enough because of low water pressure. "It was a challenge," Ballard says.

Three of the fire departments ran water lines, with Big Bear City providing the master line. A master stream flows about 1,100 to 1,200 gallons per minute. The additional two smaller hand lines produced approximately 200 to 250 gallons per minute.

"Not one of them flowed heavy," Ballard says. They were working nonstop for about 15 minutes on

No guar

Little snow, lots of darkness with first wave of winter storms

By JUDI BOWERS and KATHY PORTIE
Reporter

Weather forecasters were calling for two feet of snow by the end of the day Jan. 18. The TV news media warned against driving to the mountains due to dangerous road conditions. No surprise they didn't get it right.

The first wave of a series of storms blew into Big Bear Valley last Jan. 17 bringing rain and sleet. Jan. 18 brought more rain and sleet with snow at the upper elevations—namely the resorts. Blew is the operative word in this instance. Wind gusts were reported by emer-

High winds blew over several hund

Water: Lake William system under pressure

Continued from Page A-1

ture, which burns particularly hot, Ballard says.

Ballard gave instructions to turn down the master line to distribute the water more evenly because of the water pressure. "The big one was taking flow away from the smaller ones," Ballard says. "It could have been fine for a normal house fire. But that whole thing was being consumed."

The eastern wind made exposure the priority for the fire crews, Ballard says. "It was beyond our abilities to save that house," Ballard says. The fire had spread to the neighboring residence before the first fire crew arrived on scene, which became the priority. "It was like dumping water on a bonfire," he says.

"That house was a lost case," says Big Bear City Fire Department Fire Chief Jeff Willis. "But it would have made a difference for the adjoining structure," he said regarding the water pressure.

While the water agency can monitor how much water was available at the time of the fire, it does not have the ability to monitor the system pressure capability. "Therefore we were not independently able to confirm Mr. Freistroffer's statement with regard to system pressure," Dickson says. Neither does Big Bear City Fire Department possess physical data about water pressure from the day of the fire.

DWP employee Jason Hall spent an hour at the site of the Lake William fire during the blaze. According to Dickson, Hall says he spoke to several different fire department personnel and none of the firefighters mentioned there was a problem with water pressure or availability.

The water agency hired Annibal Blandon to evaluate the system's characteristics, "specifically whether the water pressure is inadequate for fire-fighting," Blandon designed most of the DWP's distribution facilities since 2004.

"It is the DWP's intent to do as the Fire Department suggests and determine if the water system in the Lake William area is deficient with respect to firefighting," Dickson says.

Since the reservoir was built in the late 1960s, newer homes built are up to 3,600 square feet. The tank requirement for an area with homes that size requires a 210,000 gallon tank capable of providing fire hoses 1,750 gallons per minute.

There are three different types of water pump systems in Big Bear Valley, gravity and electrical pumps or a combination of the two, in which the electronic pump kicks on if the gravity pump isn't providing adequate water pressure during a fire. The Lake William reservoir only has a gravity pump.

Freistroffer is asking the water agency to consider consulting with an engineering firm to evaluate the installation of a larger water reservoir and a mechanical fire pump at the existing reservoir site, boosting water pressure during a fire. Willis supports Freistroffer's recommendation.

Fire prevention data has advanced during the last four decades, Willis says, to keep up with the changes occurring in the construction industry. More modern homes are made of more combustibles, including synthetic products, making structures burn hotter and faster.

If Willis had to choose between the two, he says, the department would benefit more from increased water pressure.

Contact reporter Arrissia Owen Turner at 909-866-3456 ext. 142, or by e-mail at aturner.grizzly@gmail.com.

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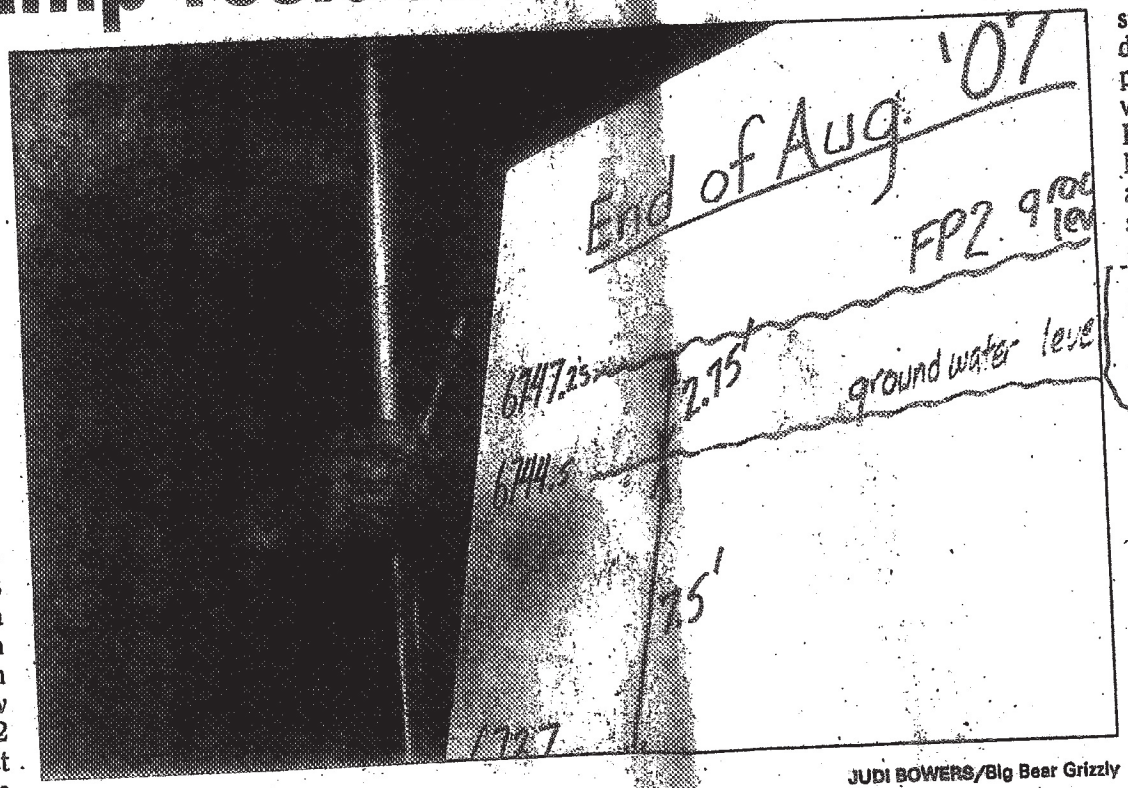
Welcome

Camp residents want to be sure about water



JUDI BOWERS/Big Bear Grizzly

Michael Perry discusses depth to water levels with Fawnskin residents.

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homes were drilled and named by RCK Properties. A third well, FP-1 was determined not viable and never equipped. RCK Properties owns the 62 acres where the development is planned. Local Realtor Tim Wood has an option to purchase the property and is the developer for

"We are looking for volunteers," LaHaye said. The DWP wants to monitor water levels for the private wells prior to pumping FP-2. That will provide a baseline. The second step will be to monitor the private wells while pumping FP-2. If the private well depth to water levels starts going down

said.

The DWP will mark how many acre feet can be pumped before the depth to water for the private wells begins to draw down, LaHaye said. The DWP won't pump more water than can be taken without affecting private well owners, LaHaye said.

staff believes that FP-2 is in a different sub-basin than the private wells, LaHaye said. But without well monitoring LaHaye can't be sure, he said. FP-2 can produce between 14 and 44 acre feet of water, he said. His numbers are based on a pump test done in 1989. However, if the well falls short, LaHaye said other wells in Fawnskin can supplement the short comings of the FP-2 well.

Pumping FP-2 concerns existing Moon Camp resident Jana Fowlks. She said running out of water in her private well happens under normal conditions. Pumping FP-2 could aggravate the problem. Fowlks asked what happens if the measurements on the affect of pumping FP-2 are inaccurate. If the project goes through and later it is discovered that there is not enough water, then what? Fowlks asked.

The DWP will run a main line to customers affected by FP-2 if their wells run dry, LaHaye said.

Fowlks suggested an escrow account funded by the developer to pay for tying Moon Camp residents into a DWP main line, she said.

tomers is not a windfall, he said. But adding to the customer base isn't a bad thing, LaHaye said.

Eric Jensen doesn't want DWP water. Jensen asked why people on private wells with essentially free water should become paying DWP customers.

The proposed Moon Camp development is still in the planning stages. The developer needs to assure San Bernardino county there is enough water. Connecting FP-2 to existing water lines in Fawnskin will be paid for by the developer, Perry said.

FP-3 won't be equipped for pumping. FP-3 is closer to existing residents and would affect the residents' private wells, LaHaye said.

Steve Farrell questioned whether FP-2 would supply the project and Fawnskin residents for the long haul. The historical data goes back 10(years when the Valley was wet ter, he said, and the data does n't account for climate chang and prolonged droughts.

"We will check and doubl check our numbers to be sur there is enough water LaHaye said.

Contact reporter Brian Charle at 909-866-3465, ext. 134 or l e-mail at brianocharles@big-

McAlister Well

Current Watering Schedule

Click Here

DWP Mission

The mission of the DWP is to manage our limited water resources through responsible planning, in order to assure quality water and essential services in the most cost-effective manner, for our current and future customers.

WATER SUPPLY

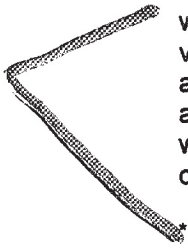
The DWP provides water service to about 16,000 customers from four separate water systems within the San Bernardino Mountains of Southern California. Three of the water systems and the majority of the customers are located in Big Bear Valley. The DWP provides water to its Big Bear Valley customers by pumping ground water from local aquifers. Currently, no outside water source is available to augment the local supply. The fourth system is in Rimforest, California located near Lake Arrowhead and water used in this system is purchased from the Crestline-Lake Arrowhead Water Agency (CLAWA).

Big Bear Valley lies 6,750 feet above sea level at the eastern end of the San Bernardino Mountains. The watershed surrounding the valley encompasses roughly 38.5 square miles. The main ridges, to the north and south, are relatively steep and support peaks ranging from 8,000-10,000 feet elevation. The climate is Mediterranean with cool, wet winters and warm, dry summers. Average annual precipitation ranges from nearly 40 inches at the west end of the valley to 10-15 inches at the east end of the valley. Annual precipitation is highly variable and it is common to have long dry spells (3-8 years) between years with above average precipitation. Ground water recharge varies accordingly and it can be several years between significant recharge events.

Due to the variation in annual precipitation, the potential for extended droughts, and the finite nature of the ground water supply, the DWP is faced with both short-term and long-term challenges in providing water to its customers. Potential solutions to ensure a safe, adequate water supply include water reuse, conservation, and water importation. A supplemental water source that is currently being considered, is a ground water replenishment program spearheaded by the Big Bear Area Wastewater Agency (BBARWA, www.bbarwa.org). Highly treated, recycled water will undergo micro-filtration, reverse osmosis, and finally ultraviolet disinfection before it is allowed to percolate into the ground water basin. This artificially recharged ground water would then be pumped into Big Bear Valley's water systems after it has undergone additional filtration while percolating into the valley's aquifers. In the short term, reducing the community's water demand through conservation is the quickest and most cost-effective option for addressing the DWP's water supply issues. Reducing demand will provide time to thoroughly explore, identify, and implement the best long-term water supply solution. Additionally, the DWP is currently working on a water master plan that will identify future water needs and guide water supply planning for many years to come.

In the DWP's Big Four service area (Erwin Lake, Sugarloaf, Moonridge and City of Big Bear Lake), the maximum perennial yield* is estimated to be 2,940 acre-feet. In 2001, the water demand for this area was 2,850 acre-feet. Since 2001, the annual water demand has been reduced through an aggressive water conservation effort by the community. The water demand during the summer of 2004, for the Big Four, was down 14%, helping to significantly stretch the limited water supply. However, even with this conservation effort and by creating additional water-use efficiencies in this water system, there

Cont'



will not be sufficient ground water to meet the future water demands of the valley. More part-time residents are projected to become full-time residents and there are still several thousand undeveloped lots, in the DWP service area, which will need water service in the future. Therefore, a supplemental water source will always be essential to meet the future needs of the DWP's customers.

#1972 GARSTIN DRIVE
BIG BEAR LAKE, CA 92315

* Perennial Yield = The maximum quantity of ground water perennially available if all possible methods and sources are developed for recharging the basin. This quantity depends on the amount of water economically, legally, and politically available to the organization or agency managing the basin.

Click Here for Update January 2006 (2.1M .pdf file)

The current owners purchased Moon Camp in 1969, at that time, the land was zoned R-40, which means that there can only be one residence for every 40 acres.

Sometime between 1969 and 1988, the debate over the land became news again because of the proposed subdivision of the old resort. The Grizzly reported that Moon Camp EIR (environmental impact report) was ok and the Big Bear Municipal Water District (MWD) Board voted 4-1 to accept the report, but voted 3-2 against the subdivision.

The MWD citied concerns over the limited amount of domestic water and told the developers they could approach the board again later. Tim Krantz of Bio-Tech commented that MWD's shore zone ordinance (over the development of shore line) required fees to be collected for habitat improvements in Stanfield Pond.

In addition, the pond needed to have culvert cutoffs to keep the water levels high even when the lake level receded. The cost of the project was estimated at $250,000.00.

As of June 16, 1988, Krantz commented that the MWD had collected only $4,000.00 and at that rate, it would take 374 years to complete the pond improvements.

I think that the future of Moon Camp should reflect its past a quiet, restful place where you will find beauty, peace and of course good fishing.

About the Contributor: *Eileen Downey bought a home in Fawnskin as a retreat from the fast pace of the big city. Living here she has found inspiration, a renewed spirit, an endless amount of creativity and curiosity. Off the mountain, Eileen is an elementary teacher for children with autism but for the last three years, her passionate hobby has been to collect, read, and sort through the history of Fawnskin and its founding settlers. She hopes you will enjoy her series and be inspired by the first Fawnskin residents who called themselves "Fawnskin Folks."*

If you have any additional information you would like to share, or have questions about the history of Fawnskin, please comment below.

Popularity: 2% [?]

SHARE

Other Posts You May Enjoy:

Loretta Gardiner (Gardiner)

Response to GARDINER-1 and -2
The commenter states infrastructure and water supplies in the Fawnskin system are limited and the Department of Water and Power says that the supply cannot support any significant increase in the percentage of full-time residents.

See Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

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HILL

County San Bernardino Land Use

RE: Moon Camp development

I just wanted you to know I am 100% in favor with allowing the Moon camp development to proceed!!

It looks beautifully done, the homesites are big. It will help bring revenue and business to the town of Fawnskin we so desperately need in this small dying mountain community.

I disagree 100% with the friends of fawnskins position. This radical group prohibits, protest against everything in fawnskin Groups like this through out California are hurting our state by driving up costs for businesses and driving jobs away from our state and my community.

HILL-1

Please turn over →

Up here the majority of our homes are vacation or weekender homes. Water impact will be very minimal. This development will increase the value of our homes in Fawnskin as they will be high end homes!

I believe as a 25 year + resident of this valley that every aspect of this project will be a plus. Please dont give in to the out of control environmentalist!! Lets grow and prosper fawnskin, SB County and the State of California!!

HILL-1

39132 North Shore Drive
Fawnskin Ca 92333

RECEIVED
JUN 03 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

M. Hill (HILL)

Response to HILL-1
The commenter states they are in favor of the Project. No response is necessary.

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THURSTON

County of San Bernardino
Land Use Service Dept.
Advance Planning Div.
385 N. Arrowhead Ave. 1st Floor
San Bernardino, Ca. 92415-0182
Attn: Matthew Slowik
Copies to Neil Derry

RECEIVED
JUN 0? 2010
AND USE SERVICES DEPT.
DVANCE PLANNING DIVISION

May 24, 2010

Mr. Slowik,
I want to point out the problem with the critical water shortage as it affects the homes in Fawnskin on PRIVATE WELLS.

My home is directly below the proposed RCK Moon Camp Project and my entire water supply is from my PRIVATE WELL.

I have lived in my home for ten years and during that time I have run out of water SIX times, even though I, and the entire Big Bear Valley was observing the DWP "Water Conservation Program". These water usage restrictions are required again for 2010 for the fifth year in a row, and probably into the future. THURSTON-1

My most recent loss of water supply was in May 2009, this instance and the others before it were not reported because I am not a DWP customer so I have no agency to report to, I am on my own. I should NOT be required to become a DWP customer, even if I could and pay for MY OWN WATER. At present time there are 1,076 buildable lots in Fawnskin, 50 more lots will further endanger the Moon Camp area water supply by pushing more unwanted development in Fawnskin.

Representing RCK at a public meeting, Michael Perry indicated that the owners of private wells could become customers of DWP and that fire hydrants on North Shore Dr. would provide an extra degree of protection . Who would pay for the installation and upkeep of these hydrants? Which well would provide the water for these hydrants? THURSTON-2

I have had to evacuate three times in the ten years I have lived here. The enclosed front page of the Big Bear Grizzly, dated January 20, 2010 cites the fact that the Fire Dept found unacceptable water pressure when fighting a fire in Lake Williams. With the shortage of water in Fawnskin, the same situation could happen here. 50 more homes would increase wild fire risk in an area already suffering from water shortage. THURSTON-3

RCK knew that the previous owners of the Moon Camp property had been informed of the water shortage years before. Approving this development would greatly endanger Fawnskin and leave many of us without the rights we are entitled to, just for the sake of profit for a few.

Marlene Thurston

Marlene J. Thurston
PO Box 185
Fawnskin, Ca. 92333 (909) 993-3815

By ARRISSIA OWEN TURNER
Reporter

On Nov. 7, the Big Bear City Fire Department, along with Big Bear Lake, Fawnskin and Baldwin Lake fire departments, responded to a structure fire in the unincorporated area Lake William. One home was destroyed and extensive damage occurred to the home next door.

Joel Dickson

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"Not one of them flowed heavy," Ballard says. They were working nonstop for about 15 minutes on the fully-involved, wooden struc-

See WATER Page A-6

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ater: Lake William system under pressure

Continued from Page A-1

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Contact reporter Arrissia Owen Turner at 909-866-3456 ext. 142, or by e-mail at aturner.grizzly@gmail.com.

Joel Dickson

prevention inspector Tim Freistroffer in a letter to the DWP dated Dec. 9. With three fire lines flowing, fire crews

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Marlene Thurston (THURSTON)

Response to THURSTON-1 through 3
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See Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

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LILHAN

To County San Bernardino,
Land Use

Subject Moon Camp development

I appreciated the updated EIR for the new Moon Camp Development.

I believe this current proposal looks very good and would a tremendous benefit to the Town of Fawnskin!! It would be a blessing to the businesses of Fawnskin, bring in more revenue for the Town of Fawnskin. Be good all the way around. The Bald Eagle has plenty more areas of Big Bear Lake to hang around in. Of course trees could be left up since the development has reduced the number of houses to be put up there. California needs business!!

LILHAN-1

Thanks for allowing input

M Jillion
POB x 777
Fawnskin Ca 92333

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MJ Lilhan (LILHAN)

Response to LILHAN-1
The commenter states they are in favor of the Project. No response is necessary.

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LASKY

PAUL H. LASKY

P.O. BOX 310 • FAWNSKIN, CA 92333-0310
PHONE (909) 866 6526

May 30, 2010

Re: Moon Camp Project, 2010 DEIR & request for zoning variance by RCK properties Inc.

I have a number of questions that the County should consider when making a decision to grant or deny RCK properties a zoning variance for their Moon Camp project:

LASKY-1

1) How is the requested change from a 40 acre minimum to a 0.5 acre minimum, allowing 55 more homes in Fawnskin in the "public interest?"

There already exists 1056 buildable lots in Fawnskin so adding 50 more in a extremely environmentally sensitive area subject to wild fires (3 major fires in the past 10 years or so) appears to be against the public interest.

LASKY-2

2) Is there sufficient infrastructure in Fawnskin to support 50 or more new residential properties ?

The present infrastructure is inadequate for the needs of us existing homeowners. For example electrical service is spotty and we frequently experience outages because the present electrical transmission lines, and supply are inadequate according to the power company. Furthermore water resources are marginal and are totally inadequate to fight the frequent wild-fires we experience.

LASKY-3

3) Has the County **required** RCK properties to install a water system including a reservoir that is completely independent of the existing Fawnskin water system to avoid impact to the marginal existing system and insure the safety of all during the annual fire season ?

To insure the safety of Fawnskin residents including the 50 or more new RCK households in an extreme fire zone, there must be a reservoir sufficient to provide the area with sufficient water to combat the raging blazes that periodically threaten our area. Further water resources including a pump station to insure sufficient hydrant pressure and maintenance of the faculties should be required. In short the County should require a new water district be created to build, and maintain a system that protects everyone including the future residents most at risk.

LASKY-4

4) Will the rural character of the Fawnskin area including its quiet forest environment be forever destroyed by the increased residential housing density that RCK is requesting ?

Will the rare wildlife habitats including the bald eagle areas forever be destroyed by RCK's development ? LASKY-5

People buy property and live in Fawnskin because it is quiet and beautifully rural. Visitors come here especially in the Summer to enjoy the quiet forest environment , experience the wildlife enjoy the lake views. This particularly rare environment could be destroyed by the high environmental impact of the RCK Moon Camp development.

5) Will RCK properties be denied an "Investable interest" if their request for a 10 times increase in building density is denied ? LASKY-6

I think not. In the past governmental interests have offered to buy the RCK property allowing the investors a handsome profit . RCK rejected the offer because they wished to maximize their profit by completing the high density development requiring the zoning change to one-half lots and excess lake development including a marina. Nevertheless the current 40 acre zoning does not prevent RCK from realizing a profit on their long-held investment.

I request that the Planning commission and County carefully consider and answer these vital questions before making the final decision that could either protect or destroy our local interests. LASKY-7

Respectfully,

Paul H. Lasky
Fawnskin, CA

Paul Lasky (LASKY)

Response to LASKY-1
The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre and sufficient infrastructure.

See Response to SM&W-1 for a response regarding zoning of the Project site. No additional response is necessary.

Response to LASKY-2
The commenter expresses concern regarding impacts from forest fires.

See Response to WINCH (b)-5 for a response regarding forest fires.

Response to LASKY-3
The commenter expresses concern regarding utilities. In addition, the commenter states infrastructure and water supplies in the Fawnskin system are limited and DWP says that the supply cannot support any significant increase in the percentage of full-time residents.

As indicated within Section 4.9, Utilities, of the RRDEIR No. 1, the Project would result in an increased demand for electrical service. Based on a daily average of 16.66 kilowatts per unit, at project buildout the Proposed Alternative Project would utilize 833 kilowatts per day. BVE recently constructed a local power generating station to provide backup power and peak power to supplement the two power lines that feed the valley. According to BVE, service is available and of adequate supplies. The Project Applicant will also construct and fund all infrastructure related to the Proposed Alternative Project. In addition, the future residents of the site will pay monthly user fees that offset the cost of service and maintenance. Therefore, the impacts are considered less than significant and no mitigation is required.

In addition, see Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to LASKY-4
The commenter expresses concern regarding impacts from forest fires. In addition, the commenter expresses concern regarding impacts to the rural character of the area.

See Response to WINCH (b)-5 for a response regarding forest fires. In addition, see Response to WINCH (b)-7 for responses regarding aesthetic impacts.

The commenter states infrastructure and water supplies in the Fawnskin system are limited and DWP says that the supply cannot support any significant increase in the percentage of full-time residents.

See Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to LASKY-5
The commenter expresses concern regarding biological resources.

See Responses to WINCH (b)-5 and -6.

Response to LASKY-6
The commenter expresses concern regarding aesthetics.

See Response to WINCH (b)-7 for responses regarding aesthetic impacts.

Response to LASKY-7
The commenter expresses concern regarding aesthetics and noise.

A Noise Analysis (Appendix D of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Noise Analysis, no areas are expected to have significant and unavoidable impacts with the implementation of Mitigation Measures NOI-1 and NOI-2 (RRDEIR No. 1, page 4.6-16).

Although the opinions of the commenter regarding the merits of the project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

TENNYSON

Slowik, Matt - LUS - Advance Planning

From: Tennyson, Peter J. [petertennyson@paulhastings.com]
Sent: Friday, June 04, 2010 3:40 PM
To: Slowik, Matt - LUS - Advance Planning
Subject: Comments on Moon camp EIR
Attachments: 20020102143407181.pdf

Dear Mr. Slowik:

attached is a letter concerning the "Moon camp" project draft EIR (SCH #2002021105). It will also be sent via US mail.

TENNYSON-1

Peter Tennyson
Fawnskin

****
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For additional information, please visit our website at www.paulhastings.com.

965 Deer Trail
P.O. Box 293
Fawnskin, California 92333

4 June 2010

VIA E-MAIL TO MSLOWIK@LUSD.SBCOUNTY.GOV AND U.S. MAIL

County of San Bernardino
Land Use Services Department, Planning Division
385 North Arrowhead Avenue, 1st Floor
San Bernardino, California 92415-0182

Attn: Mr. Matthew Slowik

RE: "DRAFT RE-CIRCULATED ENVIRONMENTAL IMPACT REPORT FOR THE MOON CAMP DEVELOPMENT PROJECT/RCK PROPERTIES INC. (SCH #2002021105)."

Dear Sir:

We appreciate the opportunity to comment on the Draft Re-circulated Environmental Impact Report ('DEIR") for the proposed Moon Camp development project. We own a home on Deer trail, above the project site, and believe that the DEIR does not adequately describe the manner in which we, our community and the visitors to the Big Bear lake area would be directly and adversely affected by the development of the proposed Moon Camp project. We urge that this report not be accepted until it is revised to better describe the project's extensive adverse effects on surrounding properties, on the community of Fawnskin and the Big Bear Valley as a whole, as well as on the neighboring National Forest and Big Bear Lake and the significant impacts and multiple harmful effects that would occur should this proposed project be approved. In a different forum we will urge the continued RL-40 designation of this property, as it is currently zoned, based on the county's general plan and development ordinances but seek in this letter to comment on the DEIR. We are confident that a properly prepared DEIR would lead to the conclusion this project is a bad idea. TENNYSON-2

This DEIR often utilizes data that is out of date or worse, estimated from out of date information. In many categories, it downplays and understates the significant and unavoidable impacts of the proposed project. Please include this letter in its entirety as part of the formal CEQA comments to be included in the Environmental Impact Report. In summary, we find the DEIR to be inadequate for, among others, the following reasons:

General Comments

The Executive Summary statement that the Proposed Alternative Project "substantially reduces and in some cases completely avoids the significant environmental impacts that were TENNYSON--3

identified in the 2005 Final EIR" is not the point—this report should be describing the effects of the proposed project—and is in many instances simply wrong. The data used for every area of evaluation is either out-of-date, understated or inaccurate creating an artificial reduction in the stated impacts. The report should use current data no later than 2007, after the most recent large fires and the onset of drought conditions. TENNYSON-3

- This re-circulated DEIR must note the impacts compared with the current status of the site, rather than with the previously proposed [and now abandoned as unacceptable] project. As it now stands, the Re-circulated DEIR does not properly evaluate impacts to appropriately inform the public and the officials representing them. Simply creating less impact than the previously proposed project does not in any way substantiate that the impacts are now less than significant as the DEIR attempts to imply. The report should be revised to focus on changes from the present conditions, using current information, especially in light of recent fires, water rationing and current information about the loss of habitat and the need to preserve aesthetic considerations. TENNYSON-4

- Many of the mitigations proposed throughout the DEIR for the adverse impacts it necessarily must acknowledge are 'paper' mitigations only and very likely have minimal or no value. The DEIR should be revised, if it continues to propose such mitigations, to describe and deal with their likely lack of effectiveness in actually mitigating for or reducing the significance of the specified impact. Some of these mitigations include such items as creating CC&R's, noting restrictions on deeds, stating standards to be observed in the construction and use of residences and putting flyers in the home but none of these proposed measures is analyzed in terms of its cost or feasibility of enforcement. The proponents should be required to describe feasible enforcement measures. TENNYSON-5

- CC&R's have been proven several times in Big Bear Valley development projects to have little or no impact, especially on environmental issues. The Eagle Point development (by the same developers) supposedly "mitigated" for adverse impacts on eagles with CC&R's. The "mitigated" area is now almost completely devoid of eagles, in large part because the purported mitigations lacked any effective enforcement mechanism. One perch tree designated for preservation is now a tennis court that was approved by the homeowner's association that was expected to uphold the CC&R's. Other 'replacement' perches that were installed have long since fallen down and been forgotten because there was no mechanism for the public to enforce their maintenance. The DEIR must, if it proposes CC&R's as a mitigation measure, also establish a fund or process by which such measures can be enforced by persons who do not have a conflict of interest because they benefit from non-enforcement. The very nature of CC&R's as purportedly mutual agreements among owners to benefit each other's property is doomed to fail when the expected beneficiaries—the TENNYSON-6

public and the environment—are not parties to the agreement and cannot enforce them. Other examples of failed CC&R's exist and can be provided. TENNYSON-6

- "Standards only." Please require a revised DEIR to provide proof that each item mitigated by a rule in proposed CC&R's will be maintained and enforced in perpetuity and describe the process by which that will be done, noting that there must be financial incentives to promote private enforcement. TENNYSON-7

- The DEIR relies on restrictions on use of lots in the future to conclude that environmental impacts will be minimized and should not be considered a detriment. It should be required to demonstrate that effective enforcement of such restrictions can be assured, given the scarcity of county enforcement resources for even current significant violations. Such restrictions should not be given significant weight unless there is a proven method to carry them out and make future owners aware of them, since courts will likely be sympathetic to claims of ignorance. What assurance does the public have that county staff will have the filing systems, the long memories and the appropriate levels of staff to enforce these measures in perpetuity? TENNYSON-8

- With the exception of doing nothing, it is hard to imagine a mitigation less effective than putting flyers in homes likely to be built over the next 10-20 years. Considering the frequency of turnover in homes in Big Bear now, flyers urging the avoidance of adverse impacts cannot be considered a serious mitigation and must be removed from the DEIR as recommendations and if they cannot be replaced with mitigations that can be proven effective, the impacts should be declared to be unmitigable. TENNYSON-9

- We attended the public scoping meeting for this DEIR and note that many of the comments raised at this meeting have not been properly addressed in the DEIR. Staff was present and took notes, and should require the authors to provide a list of the concerns raised and where they are addressed. Since this DEIR's purpose is to inform the public, this skimming over of the issues makes the DEIR evaluations seem biased. TENNYSON-10

- The project description throughout the DEIR states that slopes on the site range from 5% to 40%. However, no slope analysis is provided and we do not find in the report any verification that the proposed lots are buildable under the regulations enacted after the Old Fire. If as stated the property contains up to 40% slopes, the fire risk needs to be better addressed. The project maps, which appear simply to be geometric exercises to divide the parcels into regular lots of similar sizes, should be edited and resubmitted to display the impact of steep slopes on fire risk, run-off and vegetation, because the extensive grading and shoring needed to build on a steeper slope will necessarily have a greater impact. This will avoid the risk a subsequent owner of a lot will claim a "hardship" exemption. TENNYSON-11

- The Re-circulated DEIR seems to be purposely misleading in some cases. Examples include:

(a) Descriptions of surrounding property uses fail to mention that the proposed project is bounded by housing on less than 39% of its borders and that the majority (over 61%) of the boundaries of the project are either National Forest or lakefront. This omission makes references to the density of existing "adjoining" housing misleading and should be corrected. TENNYSON-12

(b) The original DEIR noted four major jurisdictional drainages (Exhibit 5.8-2), but the re-circulated one has omitted the west-most drainage (Exhibit 2-5). There is no mitigation offered for obstructing this draining nor acknowledgement of any kind of its existence even though this drainage is still on the property and was designated as such in the original EIR.

- For some areas, there is an assumption conditions have not changed since the original EIR. For example, there is minimal discussion of increased fire dangers recognized since 2003 and 2007, and the difficulties experienced in evacuations. Likewise, there is a launch ramp proposed, but no discussion of the need for inspections and preventive measures for the invasive Quagga mussel. If a private marina with little supervision (there is not even any discussion of measures to limit use by non-residents) is allowed to introduce this pest to the detriment of all, this is a serious and significant impact. TENNYSON-13

- The DEIR needs a revision to evaluate the air quality degradation, the noise pollution, the severe impacts to aesthetics, and the impacts to traffic and parking which are likely to result from the major construction of water facilities, including pipelines through many of the main roads of residential Fawnskin or the full impact of the planned marina. This omission, if not corrected, should lead to the conclusion that the omission is a deliberate attempt to conceal major adverse impacts. TENNYSON-14

- The DEIR misquotes the date as 2003 when this project was initially proposed. The first notice went out to the public in July 2001. TENNYSON-15

Various sections of the DEIR go back and forth, making comparisons sometimes with the 1989 General Plan and sometimes with the 2007 General Plan. This appears designed to use whichever standard is in the best interest of the developer. All evaluations should be made against the most recent General Plan. The DEIR should be revised and resubmitted to do this. TENNYSON-16

Aesthetics

It is the north shore that gives Big Bear its premier natural appearing landscape. The north shore of Big Bear Lake is a key component of one of the primary reasons that visitors and residents come. Boaters, hikers and skiers at the resorts on the south side of the lake benefit TENNYSON-17

from the views across the lake and this view is strongly believed to encourage tourism. This project's impact on aesthetics has been minimized in this DEIR. TENNYSON-17

- The DEIR compares the project density to that of adjacent residential development without noting that the project as proposed would eliminate one of the last existing sections of unencumbered view near Fawnskin. It also minimizes the impact of degrading view sheds by commenting on the developed nature of the south shore, implying that making the north shore similar is not a big deal. The loss of open habitat along a scenic highway is a major impact of great significance and should be described as such. If the proponents cannot make up for that loss it should be admitted, and some over-riding benefit to the public cited as justification. In a recent public meeting a project representative stated that making 50 houses available was such a benefit, ignoring the over 700 houses currently on the market and the almost 1200 vacant lots in Fawnskin. TENNYSON-18

- The DEIR also includes a misleading statement that the "view envelopes for existing residences ... are kept open to the greatest extent possible ..." but fails to point out that possible alternatives such as further reducing the number of lots would lessen the impact on view sheds and not building would eliminate the impact. Reducing the lots is also needed to avoid significant detriment on views from the lake and the south shore because the developer has no control over where the owners would choose to build their home within their lot once the lot is sold. TENNYSON-19

The EIR does nothing to analyze these impacts compared with what currently exists. It only states that the view would be less degraded than with the previous proposal. TENNYSON-20

- The DEIR shows structures with small footprints and low building height and says that the view changes are less than significant. But it fails to point out that the developer has no control over where the owners would choose to build their home within their lot once the lot is sold, and little if any control over the size of house built. This evaluation thus understates the visual impact of the project on views from the lake and a scenic highway. TENNYSON-21

- The depiction of the marina and docks does not include boats in the docks and cars and boat trailers in the parking lot or along the highway. In addition, it does not include a view from the shoreline of the National Forest property east of the currently existing homes. This evaluation needs to be revised because it understates the significance of the change resulting from the project. TENNYSON-22

- The views from the lake with potential structures included should be of the middle of the proposed project, with all the homes with cars in the driveways and parked on the roads and with boats and boat trailers in the docks and marina parking. TENNYSON-23

- The analysis on page 4.1-5 regarding lighting does not take into consideration the current extreme darkness of the area around the project and the fact that there are almost no streetlights in the current neighborhoods (and that bulbs have been removed from many of those that currently exist at the request of the residents). While pointing the lights downward may offer some form of mitigation in an urban setting, it does not mitigate the significance of having light where there now is none. Moreover, the county has a light ordinance in place now for reducing glare and nighttime lighting and it is already not enforced with existing homes. What assurance is there that it will be enforced on future ones sufficiently to declare this impact less than significant? We and our neighbors currently invite visitors to Big bear to take advantage of prime stargazing conditions, especially during August when the Perseid meteor shower is visible. The proposed project severely threatens these viewing conditions and this should be described in detail. TENNYSON-24

Page 4.1-6 acknowledges the existing scenic highway designation requires that "Placement of buildings and structures shall be compatible with and should not detract from the visual setting or obstruct significant views." It gives no insight about how this can or will be enforced. All structures, roads and curbs, pedestrian walkways, parking and storage areas, along with lighting (low intensity or not), and signs are incompatible with open spaces and the DEIR fails to acknowledge this. TENNYSON-25

- When considering potential development in a forest area, it is important to recognize that at some point, community saturation can occur where the area, due to overbuilding or the loss of habitat or resource, can no longer sustain even minimal growth. For Fawnskin that point appears present or imminent but analysis of where that saturation point is for Fawnskin and the North Shore, based on natural resources has not been included in the DEIR. TENNYSON-26

- In a county scenic byway corridor that uses criteria of "maintenance of a natural open space," the impact of adding a noisy marina and a parking lot to the shoreline must be addressed and a better discussion of this impact is needed. An evaluation of whether eliminating the marina would lessen such adverse impact should be included. TENNYSON-27

- Currently there are ample opportunities to park and view the lake before, within, and after passing through the town of Fawnskin. The DEIR should acknowledge that added construction would diminish the existing visual quality and character of an area that is already saturated with buildings and population. The visual impression of the added residential development, in addition to the marina, would create a very significant impact on aesthetics and this impact has been understated in the DEIR. TENNYSON-28

- The additional traffic, congestion, trash, loitering, etc. from the project would directly diminish the existing visual quality and character of the area. None of this has been TENNYSON-29

evaluated in the DEIR. It must be addressed and taken into consideration in determining the significance of the total impacts on aesthetics. TENNYSON-29

- Each proposed house is to have a two-car garage and two visitor-parking places. The DEIR should evaluate the impact of adding so many vehicles and their occupants to the area, especially on sensitive wildlife and plants. And with the proposed 50-slip marina, the question arises about where a boat trailer and/or an RV be parked. The project plans do not allow for this in the planned marina parking and thus would require either on-street parking or increasing the size of the parking lot. Either would exacerbate visual impact and would increase already significant impacts to bald eagles, and to the shoreline habitats of southwestern willow flycatchers. Many of these trailers would most likely be parked along the streets of the development or on the currently designated scenic highway, again intensifying significance of the impacts. None of this has been considered in the DEIR evaluations on significance of the impacts to aesthetics and wildlife. TENNYSON-30

Air Quality

There are numerous days now when air inversion and smoke from fireplaces cause a distinct haze over the lake. The DEIR does not include adequate discussion of avoiding an increase in this problem, instead assuming that only 10% of the houses will have wood-burning fireplaces. This assumption is not typical of new and existing construction in Big Bear, and indeed in the project sponsor's other projects there are large homes with more than one fireplace. This omission, along with a failure to address emissions from watercraft in the proposed marina, is a significant defect in the DEIR and must be corrected. What studies or surveys were used to determine that only 5% of the homes would have fireplaces? Justification for this number must be provided or the worst case scenario of all homes having fireplaces must be used in all calculations. TENNYSON-31

Biological Resources

The DEIR concedes a finding of significant impact on the bald eagle, but has understated the impacts to the bald eagle. It has also greatly underestimated the impacts to the ashy-gray paintbrush and other pebble plain plants, as well as to many of the other biological resources. This discussion must be rewritten and demonstrate conformance to the existing county development objectives. TENNYSON-32

Bald Eagle

The Biological Resources Section strongly confirms that the Moon Camp site is a highly significant roosting and perching habitat for the remaining bald eagle population in the area. In fact the report states that the "proposed project contains some of the most utilized bald eagle TENNYSON-33

roosting and perching habitat in the Big Bear Valley." But the revised assessment also points out that the proposed project, which is entirely dependent upon a discretionary approval by the county of a preferential zoning change, would have an extremely adverse effect on the bald eagle, which could not be mitigated. The report should emphasize this and acknowledge the cumulative impact of this developer's other projects on the bald eagle, and discuss the success, or lack thereof, of mitigation efforts in connection with such projects. TENNYSON-33

In summarizing the overall effect of the proposed project on the bald eagle species in the Big Bear Valley, the conclusion of the DEIR is that the project would result in "significant and unavoidable impacts" to bald eagle populations, for which no offsetting mitigation can be provided. The bald eagle has become a major attraction and a prominent symbol for the Big Bear area as well as a critical indicator species of the overall biological health and integrity of the forest and Alpine Lake environment. TENNYSON-34

Pebble Plain Habitat and Associated Plant Species

The DEIR admits the presence of pebble plain habitat but attempts to minimize size of the pebble plain habitat. The DEIR must identify the impact of the proposed project on all such habitat identified on historical Forest Service maps, and indicate acceptable habitat preservation measures. TENNYSON-35

Using the historical mapping by the Forest Service of 17 acres, 12.19 acres of habitat would need to be mitigated and at a ratio of 3-to-1, that would require over 36 acres of off-site mitigation, which the DEIR fails to acknowledge or identify. Appropriate revisions should be made.

Water Quality and Supply

The DEIR has omitted information in the area of hydrology that would demand findings of significance. Water availability is one of the primary prerequisites for proof that there is adequate infrastructure to accommodate a zoning change and remain in compliance with the County General Plan. The DEIR does not specify a proven, reliable source of water nor a reliable plan for water service. TENNYSON-36

- The well test analysis in appendix G-3 has some major flaws which serve to make this well test completely invalid. Therefore, the DEIR conclusion that sufficient water would be available to serve this proposed project cannot be drawn due to insufficient and erroneous data: TENNYSON-37
    - The DEIR states that during the period 1996 to 2003, the groundwater level dropped approximately 20 feet in the North Shore sub-unit. The DEIR should evaluate whether this drop is due to the aquifer already being drawn down from the existing private wells. If so, it should explain the greater impact of another 50

houses. If this question cannot be answered, given previous experience in which one test well on the project caused levels in nearby private wells to drop, the project should be considered a major detriment to an area already suffering under water restrictions. TENNYSON-37

- The statement on page 4.4-12 that "activity restrictions and property owners' education are crucial to the proposed alternative project's success at preserving water quality," is basically stating that the water quality will not be preserved. Since there is no guarantee that either of these conditions can be enforced or even implemented, the DEIR must include findings of significant impact in the area of water quality. This conclusion is again confirmed on page 4.4-13 where the DEIR states "the individual lot owners will each treat their water quality volume prior to discharging from the site. Property owners will be responsible for their own maintenance." This in effect concedes there will be no treatment and no maintenance TENNYSON-38

- The redirection of water flows from their natural direction by road construction and grading and elimination of surface flow across the highway described in the DEIR will directly impact the vegetation on the other side of the scenic highway. This impact has not been evaluated in the biological resources portions of the DEIR. TENNYSON-39

The DEIR recommends seeding and planting to provide soil stability during construction activities. This activity would directly and severely impact the pebble plain habitat plants, as well as other native plants in the set aside parcel below the highway and require additional remediation. TENNYSON-40

Land Use and Zoning Change

The 'Surrounding Land Use' section in the Executive Summary states that, "The RL-40 land use designation allows development at a density of one dwelling unit per 40 acres and indicates that future development proposals will be considered based upon a demonstrated ability to provide adequate infrastructure and maintain consistency with the goals and policies of the Bear Valley Community Plan." There is no demonstration of an ability to provide adequate infrastructure and no consistency with the community and its goals. TENNYSON-41

The DEIR asserts that the proposed project is next to areas of similar housing density and implies it is unfair to deprive the proponents of an equivalent use of their land. However, the very small older subdivision on the east of Moon Camp is the product of a much earlier period, when circumstances were quite different. The fact that most of the proposed project is next to National Forest, where zero density prevails and open space is essential, is not taken into account. The fact that over 61% of the site is bounded by either National Forest or lakefront is also not taken into account. TENNYSON-42

Noise

Location of Project

To be an adequate source of information for the decision makers, the report should assess the current noise conditions in the project area, at the adjacent camp grounds, and on the adjacent residences and parks, and the adjacent users of the lake, including recreational kayakers on Grout Bay. It ought to be of less concern to decision makers whether traffic along the Stanfield Cutoff or Big Bear Boulevard would increase, or by how much, but these are the statistics analyzed in the noise discussion. Revisions should be made to include Grout Bay and the campground. TENNYSON-43

The county should require that this portion of the report be re-done, using the impact of noise from the project and the marina on a summer weekend. It is well known to the county planners and the county staff that Big Bear Lake, including the Fawnskin area near the project, is significantly more crowded during the weekends, particularly summer weekends. Failing to evaluate noise impacts based on the greater usage during a summer weekend therefore distorts the accuracy of the study. TENNYSON-44

Also, and perhaps more significantly, the study makes no attempt to evaluate the impact of project noise on the forest service camp grounds which are less than one mile away from the proposed project site. An important feature of the Big Bear Valley economy is the attractive nature of camp grounds as support for fishing, camping, hiking and bicycling activity. The proposed project, in particular its proposed marina, is likely to significantly increase noise levels on the north shore of the lake near the camp grounds and the residential activities. TENNYSON-45

Impact of Marina

Rapidly varying noise such as that from a jet ski has been found to be much more annoying than the constant noise by decades of psycho-acoustic research. A variable noise commands the ear's continuous attention, making it specially bothersome and difficult to ignore. The Drowning in Noise Report from 2003 prepared by the Noise Pollution Clearing House notes that a jet ski generates a "penetrating, whining sound, rising and falling rapidly in pitch like a dentist's drill and forcing the attention" of anyone within range. TENNYSON-46

The draft EIR proposes no mitigation levels for the noise of jet skis and outboard motors entering or leaving the marina or operating close to the marina, and thereby disrupting adjacent residential owners and campers. Mitigations used in other areas such as requiring operating at a considerable distance from shore would be ineffective since the noise also occurs when entering or leaving the marina. Accordingly, a suggested mitigation would be to eliminate the marina from the proposed project.

The county should also require that the report be re-done to consider the cumulative impact not only of the Moon Camp marina but of the current Cluster Pines/Marina Point project TENNYSON-47

which is within one-half mile. Both projects are described as containing marinas and the proponents of this study should be required to consider, describe and propose mitigation measures to deal with the cumulative impact, particularly studying peak usage on weekends rather than data such as average boats per day over an entire year. By doing so the study benefits from the fact that boating is rare in winter and thus minimizes motorized boat traffic noise and its impact, as well as minimizing the impact of jet skis or other personal water craft. The project should be evaluated as if 50 or more boats and jet skis are added to what is now a relatively quiet part of the lake. TENNYSON-47

The study must adequately break down or attempt to assess the added noise generated by a parking lot, loading and unloading of boats, starting up and provisioning of boats in the marina itself, and the inevitable near-shore noise twice each trip from entering or leaving the proposed marina. TENNYSON-48

Construction

Further, the report is defective in minimizing the impact of construction activity. The report several times refers to the project only as grading the existing roadways and fails to address fully the impact of constructing 50 homes. The likely noise impact from construction activities would be concentrated in the warmer months, when residents in adjacent areas are also more likely to have windows and doors open or to seek to use their yards, balconies or decks. Fawnskin is a recreational area, with well over half the residences occupied by weekend residents, and construction on a Saturday therefore significantly impacts these users for half of the time when they would generally be using their properties. TENNYSON-49

The report should be revised to describe in some detail the number of sensitive receptors based upon actual sound measurements, given the channeling effect that the structure of the current property is likely to have. This noise impact should be evaluated not only from the standpoint of residences but also from the standpoint of wildlife in the adjacent national forest. If construction noise and activity disrupts feeding patterns or approaches to the lake, this noise impact ought to be considered a significant impact of the project.

Noise from Rentals

At the scoping session for the report, concern was raised about the possible impact of short term renters from the project creating noise. The proposed report dismisses this concern by stating that the Covenants, Conditions and Restrictions for the proposed alternative project would prohibit short-term rentals. This ignores the fact that existing CC&R's in the area already contain such prohibitions and there is no effective enforcement mechanism. The report should state that such CC&R's have been ineffective in other instances and should propose an effective mitigation measure which would both permit and encourage private enforcement. A significant penalty for violations which could be enforced by private citizens and shared with the complaining parties might help. TENNYSON-50

Wildfire Protection

The San Bernardino Mountains are widely regarded as a hazardous fire-prone area in the country. Global climate change is projected to worsen the situation. In a potential repeat scenario of the 2003 Old Fire or worse, the current population of the mountain region could not be safely evacuated during such a major disaster. The Moon Camp EIR does not fully disclose that the defense of every new project is linked to the wildfire danger of the entire mountain region, a situation where the county's jurisdiction, responsibility and accountability are largely subordinate to other authorities. It offers no solution to the added risk or the cost to defend 50 more houses next to the forest. TENNYSON-51

Transportation, Circulation, and Parking

There is not adequate parking for the marina since there is no sufficient parking for boat trailers, nor is there parking for boat trailers specified within the complex on each individual lot, yet with a private marina, there are expected to be boat trailers. Statements in the DEIR that there is adequate parking completely ignores this and are therefore invalid. TENNYSON-52

The additional roads and parking entrances, especially in the proposed marina area, would create congestion and safety issues that have not been addressed sufficiently by the DEIR. These entrances are in the midst of very winding roads and create hazards that even adding turn lanes cannot remedy. From the provided map, the entrance to the parking lot for the marina is just west of a sharp curve. The dangerous situations from this have not been properly evaluated. TENNYSON-53

The DEIR considers the increase in traffic based on the traffic in the entire valley as opposed to the current traffic in Fawnskin. This artificially lowers the increase and therefore the significance of the impact of the increase in traffic. TENNYSON-54

The Marina Point project has been completely omitted from this DEIR so no cumulative impacts of the two adjacent projects have been included in the traffic analysis. TENNYSON-55

The additional traffic and parking issues from the potential building on over 1000 (according to the County Assessor's office) already approved vacant lots has not been taken into consideration and added into the analysis. TENNYSON-56

Any increases in traffic on the North Shore has a more than normal level of impact due to the substandard size of the highway lanes. At a minimum, the significance of the traffic impacts must be calibrated to include the fact that the highways are substandard and that any change in traffic creates more impact than on normal highways. TENNYSON-57

The transportation, circulation and parking issues have been insufficiently analyzed based on old data, as well as understated and compared to the previous proposal rather than existing conditions to create a false result of below significance. This section must be reanalyzed. TENNYSON-58

Additional Questions and Comments Concerning the Report

1. Why does the draft report not focus to a greater extent on noise impact on residential activities and campgrounds close to the project? TENNYSON-59

2. What justification does the report have for the addition of a marina with its accompanying noise, when there are already public launch facilities on the north shore of Big Bear Lake and significant boat storage facilities on the south shore of Big Bear Lake? TENNYSON-60

3. Why does the report not propose effective third party enforcement of regulations against short term rentals? TENNYSON-61

4. Why does the report not include adequate measures to prevent light pollution at night? TENNYSON-62

5. Why does the report not address the impact of residential noise and marina noise on wildlife migration, foraging and perching patterns? TENNYSON-63

6. Why is the report's assessment of water availability not current, including description of existing restrictions? TENNYSON-64

7. Why does the report not disclose additional traffic hazards from inadequate parking and from the location of entrances to and exits from the project and its marina? TENNYSON-65

Summary and Conclusions

Current housing exists for sale. Many residents are 'part-time' dwellers and/or own undeveloped lots within existing zoning. Given this excess, how could rezoning Moon Camp be considered in the public interest? On the contrary, the proposed project adversely affects wildlife, especially the eagle, water quality via run-offs, water supply, views from the lake and a scenic highway, and promises to generate significant noise. The fabric of the forest is not in buildings; it is the quiet solitude of open space. Fawnskin is saturated. It needs to retain its open spaces; not absorb unsustainable development. TENNYSON-66

Very truly yours,

Peter J. Tennyson and Mary E. Tennyson

Peter and Mary Tennyson (TENNYSON)

Response to TENNYSON-1 and -2
As previously discussed in Response to FOF (b)-1, the commenter provides introductory remarks to preface the comment letter and does not raise any issue with the EIR. No substantive response is necessary.

Response to TENNYSON-3
As previously discussed in Response to FOF (b)-2, the RRDEIR No. 1 analyzes the Proposed Alternative Project's environmental impacts against the environmental baseline, not the impacts of the Original Proposed Project.

The commenter asserts that the RRDEIR No. 1 improperly minimizes the actual impacts to the proposed Project by comparing the impacts of the Proposed Alternative Project to those of the Original Proposed Project, not the existing environment as required by CEQA. In determining whether environmental impacts of a project are significant, an EIR is required to compare potential impacts of the Project with pre-project environmental conditions, or the "environmental baseline" (CEQA Guidelines Section 15125(a)). The environmental baseline against which the Proposed Alternative Project's potential environmental impacts are determined is the current, vacant condition of the property. Although the RRDEIR No. 1 does compare the identified impacts of the Proposed Alternative Project analyzed therein to the characteristics and impacts of the Original Proposed Project analyzed in the 2005 EIR, this comparison is in addition to the analysis included in the document analyzing the potential impacts of the Proposed Alternative Project. The RRDEIR No. 1 generally focuses on those impact areas where the 2005 EIR concluded the original Project would result in a significant impact (Biology, Aesthetics, Water Supply, Air Quality, Public Services and Utilities), as well as areas such as, Land Use, Noise and Traffic. Where changes in the existing environment (noise, traffic) or applicable law (land use) occurred since 2005, the County of San Bernardino believed it was important to include a detailed analysis to confirm that the impacts of the Proposed Alternative Project are still less than significant. Considering the Proposed Alternative Project is a variation of the reduced intensity alternative analyzed in the 2005 EIR, and considering the Proposed Alternative Project was specifically designed to reduce or eliminate specifically identified significant impacts resulting from implementation of the Original Proposed Project, County believed it was imperative that impacts to the Proposed Alternative Project be compared with those identified in the 2005 EIR to inform the reviewing public of the impact of the Proposed Alternative Project. The specific revisions to the Project design embodied in the Proposed Alternative Project directly result in a finding less than significant impact for several of the impact areas, including aesthetics, water supply, public utilities, and air quality. However, for each of those impact areas the RRDEIR No. 1 expressly provides an analysis of the potential impacts of the Proposed Alternative Project against the existing environmental baseline.

Response to TENNYSON-4
As previously discussed in Response to FOF (b)-3, The RRDEIR No. 1 does relate impacts compared with the current site as well as compared with the Original Proposed Project (92 lots). The findings of less than significant throughout the RRDEIR No. 1 are made related to the current status of the site. The commenter asserts that the RRDEIR No. 1 improperly minimizes the actual impacts to the proposed Project by comparing the impacts of the Proposed Alternative Project to those of the

Original Proposed Project, not the existing environment as required by CEQA. In determining whether environmental impacts of a project are significant, an EIR is required to compare potential impacts of the Project with pre-project environmental conditions, or the "environmental baseline" (CEQA Guidelines Section 15125(a)). The environmental baseline against which the Proposed Alternative Project's potential environmental impacts are determined is the current, vacant condition of the property. Although the RRDEIR No. 1 does compare the identified impacts of the Proposed Alternative Project analyzed therein to the characteristics and impacts of the Original Proposed Project analyzed in the 2005 EIR, this comparison is in addition to the analysis included in the document analyzing the potential impacts of the Proposed Alternative Project. The RRDEIR No. 1 generally focuses on those impact areas where the 2005 EIR concluded the original Project would result in a significant impact (Biology, Aesthetics, Water Supply, Air Quality, Public Services and Utilities), as well as areas such as, Land Use, Noise and Traffic. Where changes in the existing environment (noise, traffic) or applicable law (land use) occurred since 2005, the County of San Bernardino believed it was important to include a detailed analysis to confirm that the impacts of the Proposed Alternative Project are still less than significant. Considering the Proposed Alternative Project is a variation of the reduced intensity alternative analyzed in the 2005 EIR, and considering the Proposed Alternative Project was specifically designed to reduce or eliminate specifically identified significant impacts resulting from implementation of the Original Proposed Project, County believed it was imperative that impacts to the Proposed Alternative Project be compared with those identified in the 2005 EIR to inform the reviewing public of the impact of the Proposed Alternative Project. The specific revisions to the Project design embodied in the Proposed Alternative Project directly result in a finding less than significant impact for several of the impact areas, including aesthetics, water supply, public utilities, and air quality. However, for each of those impact areas the RRDEIR No. 1 expressly provides an analysis of the potential impacts of the Proposed Alternative Project against the existing environmental baseline.

Further, according to subdivision (a) of Section 15125 of CEQA Guidelines, an EIR must include a description of the existing physical environmental condition in the vicinity of the Project as they exist at the time when the Notice of Preparation (NOP) is published. This "environmental setting" will normally constitute the "baseline condition" against which project-related impacts are compared. Therefore, the baseline conditions for this EIR, is based on existing conditions. While the commenter correctly notes that the Project is compared, at times, to the previously proposed project, the purpose of that evaluation is to better inform the public and the reader of the extent of the revised Project. It is simply inaccurate to conclude that environmental impacts were not evaluated against the existing conditions at the time when the NOP was published. Each environmental impact area was evaluated against the existing condition, not the previously proposed project. Notably, this comment is not sufficiently specific so that the agency has the opportunity to evaluate and adequately respond. The comment is of a global nature and no specific section or example if offered. Nevertheless, the agency did evaluate whether the proper baseline was utilized and concluded it was for all environmental impact areas.

Response to TENNYSON-5

As previously discussed in Response to FOF (b)-4 a public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. All mitigation measures for the project meet this

standard. A broad statement that "mitigation proposed throughout the RRDEIR No. 1 are 'paper' mitigations" is not sufficiently specific so that the agency has the opportunity to evaluate and adequately respond. However, comments with specific examples of concern are provided below.

The Eagle Point Estates was a different developer, same landowner. In addition, the Eagle Point Tennis Courts were designed between perch trees and no trees were lost. The City approved the design and construction and was the responsible agency for the Eagle Point EIR and mitigation measures. All the perch trees that existed before the tennis courts are still alive and well. The "replacement perches" were artificial perches and were voluntarily installed to prove the concept. They were not required mitigations by the EIR/Tract approval. Unlike the vast majority of Conditions, Covenants, and Restrictions (CC&Rs), the mandated CC&Rs are fully enforceable by several entities, including San Bernardino County. Given that the CC&Rs are a mitigation measure, they cannot simply expire or be canceled. Moreover, the restrictions to be included in the CC&Rs are not the sole mechanism to mitigate impacts. While the comment generally discusses the efficacy of CC&Rs, no specific comment is made with regard to any specific mitigation measure or how the CC&Rs will be ineffective. Instead, a general comment is made that enforcement of other CC&Rs have been problematic. Such a comment is not sufficiently specific so that the agency has the opportunity to evaluate and adequately respond.

As previously discussed in Response to FOF (b)-5, the FOF comment letter was received during the RRDEIR No. 1 45-day public review period. However, the RRDEIR No. 1 Biological Resources Section was recirculated in the 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document (which includes Sierra Club comments 1 through 23).

As previously discussed in Response to FOF (b)-6, an active HOA will assure that all new homeowners/resale homeowners receive all the flyers and copies of the Mitigation Measures they are required to adhere to. These are mitigation measures that are used in connection with various other CEQA documents across the mountain and county.

Response to TENNYSON-6
As previously discussed in Response to FOF (b)-4, A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. All mitigation measures for the project meet this standard. A broad statement that "mitigation proposed throughout the RRDEIR No. 1 are 'paper' mitigations" is not sufficiently specific so that the agency has the opportunity to evaluate and adequately respond. However, comments with specific examples of concern are provided below.

The Eagle Point Estates was a different developer, same landowner. In addition, the Eagle Point Tennis Courts were designed between perch trees and no trees were lost. The City approved the design and construction and was the responsible agency for the Eagle Point EIR and mitigation measures. All the perch trees that existed before the tennis courts are still alive and well. The "replacement perches" were artificial perches and were voluntarily installed to prove the concept. They were not required mitigations by the EIR/Tract approval. Unlike the vast majority of Conditions,

Covenants, and Restrictions (CC&Rs), the mandated CC&Rs are fully enforceable by several entities, including San Bernardino County. Given that the CC&Rs are a mitigation measure, they cannot simply expire or be canceled. Moreover, the restrictions to be included in the CC&Rs are not the sole mechanism to mitigate impacts. While the comment generally discusses the efficacy of CC&Rs, no specific comment is made with regard to any specific mitigation measure or how the CC&Rs will be ineffective. Instead, a general comment is made that enforcement of other CC&Rs have been problematic. Such a comment is not sufficiently specific so that the agency has the opportunity to evaluate and adequately respond.

Response to TENNYSON-7
See previous Response to TENNYSON-6 referencing Response to FOF (b)-4.

Response to TENNYSON-8
See Response to FOF-a 3 through 8. To be legally adequate pursuant to CEQA, a mitigation measure must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4). By setting up a regulatory scheme where prohibitions identified in RRDEIR mitigation measures may be enforced by the Homeowners Association, individual residents, or the County of San Bernardino, the approving agency for this Project, and mitigation measures are "fully enforceable through permit conditions, agreements, or other legally binding instruments." CEQA does not require conclusive evidence that the restrictions will be enforced, only that the mitigation measures are accompanied by enforcement mechanisms that make the measures enforceable.

Response to TENNYSON-9
As previously discussed in Response to FOF (b)-6, an active HOA will assure that all new homeowners/resale homeowners receive all the flyers and copies of the Mitigation Measures they are required to adhere to. These are mitigation measures that are used in connection with various other CEQA documents across the mountain and county.

Response to TENNYSON-10
As previously discussed in Response to FOF (b)-8, as noted in RRDEIR No. 1, Section 1.3.3 (pages 1 through 4), the comments provided during the public scoping process going as far back as 2002 were addressed. As such, the RRDEIR No. 1 adequately addresses all the issues that were presented in the public scoping sessions.

Response to TENNYSON-11
As previously provided in Response to FOF (b)-9 and Response to FOF (b)-10, a slope density legend is provided below, showing a 0 percent to 40 percent slope and the Project's compliance with USFS slope density requirements for total area, percentage of total area, maximum allowed density and total units allowed on-site.

SLOPE DENSITY LEGEND

SLOPE CATEGORY	AREA		PERCENT OF TOTAL AREA	MAXIMUM ALLOWED DENSITY	UNITS ALLOWED
0% – LESS THAN 15%	860,520 SF.	19.75 AC.	31.62%	4.0 DWELLING UNITS/ACRE	79 UNITS
15% – LESS THAN 30%	1,325,708 SF.	30.43 AC.	48.72%	2.0 DWELLING UNITS/ACRE	60 UNITS
30% – LESS THAN 40%	441,509 SF.	10.14 AC.	16.23%	1.0 DWELLING UNITS/3 ACRES	3 UNITS
40% OR GREATER	93,143 SF.	2.14 AC.	3.43%	1.0 DWELLING UNITS/10 ACRES	0 UNITS
TOTAL SITE AREA	2,720,880 SF.	62.46 AC.	100.00%	TOTAL DWELLING UNITS ALLOWED:	142 UNITS

Response to TENNYSON-12
As previously discussed in Response to FOF (b)-12, surrounding property land use percentages include the following: 42 percent residential, 26 percent lakefront, and 32 percent USFS lands. In addition, the Tentative Tract Map has been designed as an extension of the existing land use pattern (i.e., neighboring single-family residential uses), but with much less density (minimum 7,200 square feet for neighboring lots and minimum 20,000 square feet for the Project). The Project offers a cohesively planned development, which would be subject to compliance with the County of San Bernardino's administrative design guidelines and development standards specific to the BV/RS-20M District. The minimum lot size in the Project is 20,000 square feet; however, all of the proposed residential lots are at least 0.5 acre in size, with the average lot size of 0.90 acre, and 12 lots are over 1 acre in size.

As previously discussed in Response to FOF (b)-13, The small, westernmost drainage is an on-site drainage area and was determined not to meet jurisdictional requirements (see Appendix C of the RRDEIR No. 1). FCS biologist Dennis Peterson visited the site on May 18, 2018, to verify and confirm that the jurisdictional delineation boundaries have not changed. Please see Appendix E of this 2020 Final EIR for the memorandum dated May 28, 2018, describing the site conditions during the jurisdictional delineation confirmation visit.

Response to TENNYSON-13
As previously discussed in Response to FOF (b)-14, the proposed launch ramp has been removed from the Project by the developer. No additional response is necessary.

Response to TENNYSON-14
As previously discussed in Response to FOF (b)-15, installation of off-site water lines will be located within existing public streets and will be constructed in accordance with County of San Bernardino Code requirements. All referenced impacts are temporary and considered less than significant upon consistency with County Code requirements. In addition, the RRDEIR No. 1 provides mitigation measures (A-1a, A-1b, AQ-1, AQ-2, and NOI-1 through NOI-4) to further reduce referenced temporary impacts to a level of less than significant.

Response to TENNYSON-15
As previously discussed in Response to FOF (b)-16, the commenter notes a typographical error in RRDEIR No. 1 regarding project commencement date. This comment does not raise an issue regarding the adequacy of the EIR and, therefore, no substantive response is necessary.

Response to TENNYSON-16
The comment asserts that various sections of the RRDEIR No. 1 make comparisons with the 1989 General Plan and sometimes the 2007 General Plan. Each environmental impact area utilized the applicable general plan document to evaluate environmental impacts.

Response to TENNYSON-17
As previously discussed in Response to FOF (b)-17 and -18, as outlined within Section 2, Project Description, of the RRDEIR No. 1, the Project will have a minimum lot size of 0.5 acre and an average lot size is 0.9 acre. Ultimately, as previously stated, the Tentative Tract Map has been designed as an extension of the existing land use pattern (i.e., neighboring single-family residential uses), but with much less density (minimum 7,200 square feet for neighboring lots and minimum 20,000 square feet for the Project). The Project offers a cohesively planned development, which would be subject to compliance with the County of San Bernardino's administrative design guidelines and development standards specific to the BV/RS-20M District. The minimum lot size in the Project is 20,000 square feet; however, all of the proposed residential lots are at least 0.5 acre in size, with the average lot size of 0.90 acre, and 12 lots are over 1 acre in size.

In addition, the views in the Original Proposed Project (2005 EIR) were significantly disrupted by the introduction of 31 residences to the lakefront and along the highway. These residences were highly visible from the lake, from the road, and in the viewshed of existing residences situated above. In contrast, the revised Project has eliminated the lakeshore residences and a number of lots on the north side of the highway by the introduction of 6.2 acres of open space conservation easements and a minimum lot size of 0.5 acre. Another major difference between the Original Proposed Project and the revised Project is the removal of the highway realignment segment of the Original Proposed Project. The realignment would have dramatically affected the aesthetics, both by destroying the rural, undulating character of the scenic highway and by removal of significantly more trees to achieve the objective. Over 600 trees were spared with the elimination of the realignment feature.

Further, Section 4.1, Aesthetics, of the RRDEIR No. 1, provides mitigation measures for short-term and long-term impacts upon development of the Project (i.e., A-1a, A-1b, A2a through A-2e, A-3a, A-3b and A-4a through A-4f [page 4.1-8 through 4.1-10]). Although the Project will permanently alter the aesthetics of the area near the Lake and the scenic highway from natural open space to low-density residential use. While some impact is unavoidable, implementation of mitigation measures along with standard conditions and CC&Rs will assist in blending this new neighborhood into the overall general character of the Fawnskin Community and reduce overall impacts to less than significant.

Response to TENNYSON-18
As previously discussed in Response to FOF (b)-31 and -32, the overall density of the Project is one lot per 1.25 acres. No lakefront homes are to be built. This is much less dense than the entire Fawnskin area it adjoins and this low-density provides a natural, open aesthetic for this area of the North Shore.

Response to TENNYSON-19
See Response to TENNYSON-17 which references Response to FOF (b)-17 and -18.

Response to TENNYSON-20
As previously discussed in Response to FOF (b)-20, the commenter re-emphasizes the revised Project's potential impacts on scenic views.

Please see Response to TENNYSON-17, which references Response to FOF (b)-17 and -18.

Response to TENNYSON-21
As previously discussed in Response to FOF (b)-21, the commenter re-emphasizes the revised Project's potential impacts on scenic views and absence of building size and height regulation.

Please see Response to FOF (b)-17 and -18. In addition, the County of San Bernardino Municipal Code provides maximum height and floor area ratio for buildings located within the BV/RS-20M District. The Proposed Alternative Project offers a cohesively planned development, which would be subject to compliance with the County's administrative design guidelines and development standards specific to the BV/RS-20M District.

Response to TENNYSON-22
As previously discussed in Response to FOF (b)-25, no launch ramp or boat trailer parking will occur at the marina. In addition, the marina parking is for day use only and not for trailers. Further, Exhibits 4.1-4 and 4.1-6 are provided as visual resources for the natural and cultural features of the environment that can be seen by the public, and influence the aesthetic appeal an area may have for viewers. The overall objective of Section 4.1, Aesthetics, Light and Glare, is to describe existing landscape and visual resource conditions at the affected portions of the Project site and surrounding vicinity and to identify the impacts that could result from the implementation of the Proposed Alternative Project. Section 4.1 takes into consideration all potentially affected areas (including views from the shoreline to the National Forest) and mitigates those potential impacts to a level of less than significant.

Response to TENNYSON-23
See previous Response to TENNYSON-22..

Response to TENNYSON-24
As previously discussed in Response to FOF (b)-28 no streetlights are proposed or required. The only outdoor lighting is within the 50 lots, which are spread out over 62 acres, 1.25 acres per lot. Significantly, these would be less dense than the surrounding residential areas. Moreover, project development and design will have to comply with County lighting requirements to minimize impacts to night skies and surrounding residential uses. The Project will also be required to implement Mitigation Measures A-4a through A-4f (RRDEIR No. 1, page 4.1-9, and 4.1-10) to reduce light and glare impacts to less than significant levels.

Response to TENNYSON-25
As previously discussed in Response to FOF (b)-29, no lakefront lots are included in the Project. This completely maintains the entire lake view and views of the southerly ridgeline. The lake views are the most scenic views within the entire Project area.

Response to TENNYSON-26
As previously discussed in Response to FOF (b)-31 and -32, the overall density of the Project is one lot per 1.25 acres. No lakefront homes are to be built. This is much less dense than the entire Fawnskin area it adjoins and this low-density provides a natural, open aesthetic for this area of the North Shore.

Response to TENNYSON-27
As previously discussed in Response to FOF (b)-33 and -34, the commenter states implementation of the Project (new construction) will be a blight to the marina and the scenic byway corridor. Please see Response to FOF (b)-15.

Response to TENNYSON-28
As previously discussed in Response to FOF (b)-33 and -34, the commenter states implementation of the Project (new construction) will be a blight to the marina and the scenic byway corridor. Please see Response to FOF (b)-15.

Response to TENNYSON-29
As discussed in Response to FOF (b)-35, as part of the Standard Conditions and Uniform Code, as outlined within Section 4.1 of the RRDEIR No. 1, the Project shall be designed to blend into the natural landscape and maximize visual attributes of the natural vegetation and terrain. Project design should also provide for the maintenance of a natural open space, which should be visible from the right-of-way. No additional response is necessary.

Response to TENNYSON-30
As discussed in Response to FOF (b)-38, the marina parking is for day use only and the launch ramp has been eliminated as a project component. Therefore, it is highly unlikely that there would be any trailer parking in the marina parking lot. Determining where and how many boat trailers will park in and near the Project site is speculative at this point.

Response to TENNYSON-31
As discussed in Response to FOF (b)-51 regarding the use of fireplaces within the Project. Mitigation Measure AQ-3 (RRDEIR No.1, page 4.2-38), in particular, prohibits open-hearth fireplaces and permits only EPA Phase II certified fireplaces and wood stoves, pellet stoves, and natural gas fireplaces. The use of certified fireplaces and stoves will significantly increase the heating efficiency of fireplaces and reduce the amount of smoke particles and toxics emitted into the air compare to an ordinary open-hearth fireplace present in many homes in the neighboring area. See Response to Pitts 12 for additional related information.

Response to TENNYSON-32
The comment expresses concerns regarding the RRDEIR No. 1's discussion of impacts to the bald eagle, ashy-gray paintbrush and other pebble plain plants, and other biological resources.

As discussed previously in Response to FOF (b)-58 through -95, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to TENNYSON-33
The comment states that the project site is an important roosting and perching habitat for the bald eagle population, and states that the RRDEIR No. 1 should elaborate the discussion of the unavoidable impacts to bald eagles, as well as cumulative impacts and mitigation efforts.

As discussed previously in Response to FOF (b)-58 through -95, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to TENNYSON-34
The comment restates the findings of RRDEIR No. 1 regarding significant and unavoidable impacts to bald eagles, and expresses the importance of bald eagles to the region.

As discussed previously in Response to FOF (b)-58 through -95, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to TENNYSON-35
The comment states that the RRDEIR No. 1 attempts to minimize the size of the pebble plain habitat and states that the RRDEIR No. 1 must disclose the impact and indicate habitat preservation measures. The comment states that over 36 acres of off-site mitigation would be required and that the RRDEIR No. 1 fails to include a discussion of off-site mitigation requirements.As discussed previously in Response to FOF (b)-58 through -95, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to TENNYSON-36
As previously discussed in Response to FOF (b)-231, regarding the assumptions used in the well pump and aquifer test included as Appendix G3 to the RRDEIR No. 1, the referenced report was prepared by Geoscience Support Services, Inc., and stamped and signed by registered Certified Hydrogeologists. The commenter's assertions appear to be her own personal opinion and not based on specific information tending to call the report's methodology into questions. Hydrogeological conditions, including estimates of the perennial basin yield for Grout Creek Subarea D and North Shore Subarea A, are described in detail in Geoscience 2003a (see attached). These subareas encompass the proposed Mooncamp Development. Further information on the hydrogeologic conditions of the Mooncamp development, based on pumping tests and monitoring of the wells on and in the immediate vicinity of the Mooncamp Development, are provided in Appendix G.3 of the RRDEIR No. 1. These studies show that the Project's total anticipated water demand is within the Perennial Yield of the hydrologic subareas that encompass the wells that will provide water supply to the Project.

The Geoscience report "Focused Geohydrologic Evaluation of the Maximum Perennial Yield of the North Shore and Grout Creek Hydrologic Subunit Tributary Subareas" (Geoscience 2003a) was prepared because previous estimates of the perennial yield of the North Shore Hydrologic Subunit addressed the subunit in whole and did not account for the fact that the east side of this relatively long subunit is hydrologically separated from the west side. This was significant because pumping on

the east side accounted for most of the perennial yield. Geoscience 2003a divided the North Shore Hydrologic Subunit into six individual tributary subareas (A through F) and provided a basis for evaluating groundwater pumping and recharge for smaller portions of the North Shore Subunit that were not in direct hydraulic connection with the eastern portion (Subarea F) where most of the pumping has historically occurred. The perennial yield of Tributary Subarea A has not been fully utilized and the shallow groundwater levels in this portion of the North Shore Subunit indicate that this area is not in overdraft. In addition to Geoscience 2003a, pumping tests have been conducted since 2004 on Well FP-2 and FP-4 to provide an analysis of the hydrogeologic conditions in the area and the potential impacts from pumping on existing wells and groundwater resources. These analyses, based on available data, are sufficient to conclude that there are adequate groundwater resources to support the Project.

Additionally, in November of 2015, the LAFCO Board and the Board of Supervisors approved domestic water service be provided to the Moon Camp Tract by the City of Big Bear Lake, Department of Water and Power. On March 23, 2018, the Bear Lake Department of Water sent a letter to the County of San Bernardino (Appendix G of this 2020 Final EIR) stating that: "Bear Lake Department of Water has sufficient capacity within its existing Fawnskin Water System to provide potable water service to the proposed Moon Camp Development." As a result of the Bear Lake Department of Water serving water to the Moon Camp Tract, Wells FP-2 and FP-4 will not be solely relied upon to provide a water source to the Tract."

Response to TENNYSON-37
See previous response to TENNYSON-36, which references Response to FOF (b)-231.Response to TENNYSON-38
As previously discussed in Response to FOF (b)-99, bioretention basins will be constructed by the developer at each lot. Homeowners will be responsible for the minimal maintenance that the basins require. These are design requirements that will be enforced by the County of San Bernardino during the construction plan review process.

Response to TENNYSON-39
As previously discussed in Response to FOF (b)-100, the Project is designed to preserve existing site drainage to the extent possible. As discussed on page 4.4-7 of the RRDEIR No. 1, "Post-project runoff flows are proposed to generally remain in the existing drainage pattern, with culverts crossings occurring at low points along the highway…." The post-development drainage pattern will remain largely unchanged in both location and quantity.

Response to TENNYSON-40
As previously discussed in Response to FOF (b)-101, seeding and planting for erosion control will not occur within sensitive plant areas. There are no sensitive plants in the open space parcel below the highway.

Response to TENNYSON-41
As previously discussed in Response to FOF (b)-107 through FOF (b)-110, the commenter provides conclusive statement that does not raise an issue regarding the adequacy of the EIR.

Response to TENNYSON-42

As previously discussed in Responses to FOF (b)-110 through -136, the commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre. The commenter requests a valid reason for changing the zoning, when there is sufficient infrastructure and if the change is in the best interest of the public. No lakefront lots are included in the Project. This completely maintains the entire lake view and views of the southerly ridgeline. The views from the lake are the most scenic views within the entire Project area. The minimum lot size is 0.5 acre. The average lot size is 0.9 acre. Fifty lots on 62 acres equates to 1.25 acres per lot. A total of 9.8 percent (6.12 acres) of the entire Project (62.43 acres), is natural open space that is visible from the scenic highway. In addition, see Response to SM&W-1 and SM&W-4 for a response regarding zoning consistency for the Project site.

The Geoscience report "Focused Geohydrologic Evaluation of the Maximum Perennial Yield of the North Shore and Grout Creek Hydrologic Subunit Tributary Subareas" (Geoscience 2003a) was prepared because previous estimates of the perennial yield of the North Shore Hydrologic Subunit addressed the subunit in whole and did not account for the fact that the east side of this relatively long subunit is hydrologically separated from the west side. This was significant because pumping on the east side accounted for most of the perennial yield. Geoscience 2003a divided the North Shore Hydrologic Subunit into six individual tributary subareas (A through F) and provided a basis for evaluating groundwater pumping and recharge for smaller portions of the North Shore Subunit that were not in direct hydraulic connection with the eastern portion (Subarea F) where most of the pumping has historically occurred. The perennial yield of Tributary Subarea A has not been fully utilized and the shallow groundwater levels in this portion of the North Shore Subunit indicate that this area is not in overdraft. In addition to Geoscience 2003a, pumping tests have been conducted since 2004 on Well FP-2 and FP-4 to provide an analysis of the hydrogeologic conditions in the area and the potential impacts from pumping on existing wells and groundwater resources. These analyses, based on available data, are sufficient to conclude that there are adequate groundwater resources to support the Project.

In November 2015, the Local Agency Formation Commission Board (LAFCB) and the Board of Supervisors approved domestic water service be provided to the Moon Camp Tract by the City of Big Bear Lake, Department of Water and Power. On March 23, 2018, the Bear Lake Department of Water sent a letter to the County of San Bernardino (Appendix G of this 2020 Final EIR) stating that: "Bear Lake Department of Water has sufficient capacity within its existing Fawnskin Water System to provide potable water service to the proposed Moon Camp Development." As a result of the DWP serving water to the Moon Camp Tract, Wells FP-2 and FP-4 will not be solely relied upon to provide a water source to the Tract."

The commenter states the EIR does not provide a slope analysis in comparison to the Project's proposed uses. Please see Response to FOF (b)-9 and 10.

The adjoining lakeshore includes a Project provided 0.82-acre public access area with 891 lineal feet of public lake access. The adjoining USFS land abuts 16 Moon Camp low-density parcels that are 0.6 acre up to 2.7 acres in size.

The commenter states Exhibit 2-4 incorrectly portrays the Project's 100-foot fuel modification zone. Descriptions within Section 4.5, Land Use, contains a typographical error stating Exhibit 2-4 incorrectly portrays the Project's 100-foot fuel modification zone. Section 4, Errata of this response to comment corrects the typographical error. The revision and minor modification to the document do not result in any new significant environmental impacts of the Project or substantial increases in the severity of any environmental impact identified in the Draft EIR. Further, the current version of the revised Tract Map accurately designates the Fuel Modification Zone.

The fire flow storage is within the domestic reservoir(s). Such water is tested for bacteria and required to meet all state water quality standards.

The FOF comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within the 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document. In addition, see Response to WINCH (b)-5 for wildfire hazards and setbacks. Further, see Response to SM&W-1 for information on water supply and infrastructure.

See Response to SM&W-1 and SM&W-4 for a response regarding zoning consistency for the Project site.

The commenter questions the use of flyers and enforcement. Please see Response to Pitts 14.

See Response to WINCH (b)-5 for discussion of wildfire hazards and setbacks.

The commenter provides a conclusive statement that does not raise any issue concerning the EIR's adequacy. No further response is necessary.

Response to TENNYSON-43

As previously discussed in Response to FOF (b)-138, Section 4.6 of the RRDEIR No. 1 contains a comprehensive analysis of noise impacts resulting from the Project. The commenter correctly notes that part of the analysis includes a determination of impacts from additions of project traffic along area roadways. The analysis concludes that impacts related to traffic-related noise generated by the Project would be less than significant. The commenter asserts that analysis of traffic-related noise impacts on roadways located farther from the Project site and the community of Fawnskin are of little value. Comment noted. Roadways located farther from the Project site, such as North Shore Drive at Stanfield Cutoff and Big Bear Boulevard at Stanfield Cutoff, were analyzed because these roadways currently have higher existing traffic trips.

Response to TENNYSON-44

As previously discussed in Response to FOF (b)-140, the commenter asserts that the noise analysis was deficient because it fails to take into account noise generated by boats using the marina. Section 4.6 of the RRDEIR No. 1 analyzes potential noise impacts from watercraft use, including boats and jet skis, that may be using the Project's marina. The analysis concluded that existing watercraft noise levels for a ski-boat were 46 to 59 A-weighted decibel (dBA) at 100 feet and a jet-ski was 103 dBA at 80 feet with an outboard motor on a fishing boat reaching noise levels of approximately 100 dBA. Big Bear Municipal Water District estimates that daily use of boats on the lake is approximately 106 with

peak day average use being 207 on the weekends. The Project will result in the development of a 55-slip marina that could potentially add additional watercraft in proximities to the existing Fawnskin community. Where the proposed marina is located, there are no residential sensitive receptors within 300 feet of the marina. Therefore, even assuming the sound levels of watercraft as stated above, the noise attenuation resulting from the distance between the marina and residential uses would result in impacts being less than significant.

Response to TENNYSON-45
As previously discussed in Response to FOF (b)-139 regarding noise impacts on the Forest Service campgrounds, the Forest Service campgrounds are a significant distance from the Project site. Based on attenuation of sound when receiver is farther away from the source of the noise, construction and operational impacts on the Forest Service campgrounds will be negligible. As concluded in the RRDEIR No. 1, construction and operational noise impacts of the Project will be less than significant.

Response to TENNYSON-46
As previously discussed in Response to FOF (b)-140, regarding noise generated by boats using the marina, Section 4.6 of the RRDEIR No. 1 analyzes potential noise impacts from watercraft use, including boats and jet skis, that may be using the Project's marina. The analysis concluded that existing watercraft noise levels for a ski-boat were 46 to 59 A-weighted decibel (dBA) at 100 feet and a jet-ski was 103 dBA at 80 feet with an outboard motor on a fishing boat reaching noise levels of approximately 100 dBA. Big Bear Municipal Water District estimates that daily use of boats on the lake is approximately 106 with peak day average use being 207 on the weekends. The Project will result in the development of a 55-slip marina that could potentially add additional watercraft in proximities to the existing Fawnskin community. Where the proposed marina is located, there are no residential sensitive receptors within 300 feet of the marina. Therefore, even assuming the sound levels of watercraft as stated above, the noise attenuation resulting from the distance between the marina and residential uses would result in impacts being less than significant.

Response to TENNYSON-47
See Response to TENNYSON-46.

Response to TENNYSON-48
See Response to TENNYSON-46.

Response to TENNYSON-49
As previously discussed in Response to FOF (b)-146, the construction impact analysis included in the RRDEIR No. 1 analyzes potential impacts on adjacent sensitive receptors, such as residents in the adjacent community of Fawnskin along Canyon Drive and residential uses southeast of the Project site across SR-38. The analysis specifically focuses on construction impacts at the sensitive receptors in determining the significance of the impact. The season or time of year during which construction activity takes place is immaterial in that the identified closest sensitive receptors to the Project site remain year-round and form the basis of the analysis. The exact schedule of construction is speculative at this point and therefore has not been specifically determined. The noise analysis analyzes the worst-case construction scenario, which includes construction of those portions of the Project that are the closest to existing sensitive receptors. Any construction activity that is further

away from the sensitive receptors, due to noise attenuation, would be less intense than the impacts analyzed in the RRDEIR No. 1.

As previously discussed in Response to FOF (b)-147, regarding equipment to be used in construction activity, including saws and drills, Table 4.6-6 includes a list of typical construction equipment utilized in this type of development and which the County of San Bernardino believes forms a reasonable basis for the assumptions used in the construction portion of the noise analysis.

As previously discussed in Response to FOF (b)-148, the commenter asserts that the construction noise analysis should analyze potential impacts on the recreational areas adjacent to the Lake, in addition to the residential sensitive receptors. The analysis does indicate noise levels for various distances from the Project site. However, when, where, and how many visitors are going to visit to use recreational areas adjacent to the Project site is speculative. The analysis included in the EIR contains sufficient information regarding construction noise impacts to the important decision-maker of the impacts to the Project pursuant to the mandates of CEQA.

Response to TENNYSON-50
As previously discussed in Response to FOF (b)-149, the CC&Rs for the Project will include a prohibition on rentals for less than 30 days.

Response to TENNYSON-51
As previously discussed in Response to FOF (b)-191 through -206, see Response to SM&W-1 and SM&W-4 for a response regarding zoning consistency for the Project site. In addition, see Response to WINCH (b)-5 for wildfire hazards and setbacks. Further, see Response to SM&W-1 for information on water supply and infrastructure.

Response to TENNYSON-52
As previously discussed in Response to FOF (b)-209, no launch ramp is included in the Project; therefore, no boat trailer parking will exist at the marina.

Response to TENNYSON-53
As previously discussed in Response to FOF (b)-210, based upon the Traffic Impact Analysis conducted for the Project, the existing curve radius of the State Highway (which is required to remain as a part of the Project) design provides proper sight distance for the Project. In addition, Caltrans will issue a permit to construct the proposed road improvements, which will include the design of the two intersections, turning movements, signage and striping.

Response to TENNYSON-54
See previous discussion in Response to FOF (b)-211, which responds to a comment stating that the RRDEIR No. 1 uses traffic measurements for the entire valley as the existing condition from which to calculate increases due to this project. This comment is not sufficiently specific so that the agency has the opportunity to evaluate and adequately respond. The traffic study properly uses the existing conditions in the localized study area to assess impacts. This includes utilization of existing traffic along area roadways and the impact of the addition of projected project related traffic trips.

Response to TENNYSON-55
As previously discussed in Response to FOF (b)-212 regardubg the Cumulative Projects list and the Cumulative Impacts Analysis, Marina Point has been added to the updated Cumulative Projects List as shown in the Errata.

Response to TENNYSON-56
As previously discussed in Response to FOF (b)-214, CEQA requires consideration of all past, present, and reasonably foreseeable future projects in the cumulative impacts analysis. There are a number of existing undeveloped subdivided lots in the Big Bear Valley area. However, the majority of these lots were created long ago and have yet to be developed. Under the circumstances, it is not reasonable to assume these lots will all be developed within the foreseeable future. Otherwise, the EIR would present an unreasonable view of the projects cumulative impact.

Response to TENNYSON-57
As previously discussed in Response to FOF (b)-217, Based upon the Traffic Impact Analysis conducted for the Project, the existing curve radius of the State Highway (which is required to remain as a part of the Project) design provides proper sight distance for the Project. In addition, Caltrans will issue a permit to construct the proposed road improvements, which will include the design of the two intersections, turning movements, signage, and striping.

Response to TENNYSON-58
As previously discussed in Response to FOF (b)-225, the author provides a conclusive statement that does not raise any issue regarding the EIR. No further response is necessary.

Response to TENNYSON-59
As previously discussed in Response to FOF (b)-164, the commenter questions why the noise analysis does not analyze impacts on residential uses and recreational campground uses. Section 4.6 of the RRDEIR No. 1 does analyze potential impacts on sensitive residential receptors, as well as recreational uses, such as the campgrounds.

Response to TENNYSON-60
As previously discussed in Response to FOF (b)-168, the commenter questions the justification of including the marina as a project component. This comment does not raise an issue regarding the adequacy of the EIR and, therefore, no further response is required.

Response to TENNYSON-61
As previously discussed in Response to FOF (b)-169, the Project will be governed by CC&Rs that prohibit short-term rental of residential units.

Response to TENNYSON-62
The RRDEIR No. 1 does include mitigation measures to ensure the Project does not cause unnecessary light pollution. The commenter is directed to Mitigation Measures A-4a through A-4f (RRDEIR No. 1, page 4.1-9 to 4.1-10).

Response to TENNYSON-63
As previously discussed in Response to FOF (b)-170, The Biological Resource Section of the RRDEIR No. 1 was recirculated in 2011, and, therefore, comments regarding the adequacy of the Biological Resource section of the RRDEIR No. 1 will not be responded to here.

Response to TENNYSON-64
Please see Response to SM&W-36 through -44, as shown below.

Response to SM&W-36: This would eventually happen in any well in any groundwater basin where production substantially exceeds perennial yield. Since the proposed groundwater production necessary to support the Project is at the low end of the range of estimated perennial yield for the area, significant declines in the groundwater table are not anticipated. Substantial lowering of the groundwater table is not anticipated because groundwater pumping for water supply will be maintained at the low end of the range of estimated perennial yield of the subarea. Until additional data can be collected to refine the perennial yield estimate of Subarea A, producing up to 14 acre-feet/year of groundwater from this subarea for existing pumpers and the proposed Moon Camp development is a very conservative approach to developing the groundwater resources of the area. Groundwater levels in the production wells will be monitored over time to assess groundwater level trends, which can be used to re-evaluate the perennial yield.

Given the potential uncertainty of the recharge estimates, total groundwater production for Subarea A has been planned to remain within the low end of the recharge range (14 acre-feet/year). The low end of the range of natural recharge estimates is a conservative estimate of the perennial yield (available groundwater supply) for the subarea. This amount of recharge is only 2.5 percent of the long-term average annual precipitation for the subarea, which is approximately 28 inches/year based on the San Bernardino County Flood Control District isohyetal map for the area (see Geoscience 2003a; Figure 4). This amount of recharge is also below the range of accepted recharge estimates for other groundwater basins in Southern California, which is generally 3 to 7 percent of precipitation (Geoscience 2003a). In some areas of Southern California, groundwater recharge as a percent of precipitation has been reported to be greater than 10 percent (Manghi et al. 2009).

It is not possible to establish the relationship between pumping and groundwater levels (sustainable yield) without first pumping the basin. This has to be conducted over a long period of time (i.e., decades) and encompass multiple wet and dry precipitation cycles. Given that groundwater pumping for the Project would be within the low end of the current estimate of recharge for the area, it is anticipated that groundwater level monitoring will show that the perennial yield of the area is higher, not lower.

Response to SM&W-37: The Geoscience 2003 report also recommends that “development planning for tributary subareas be initially based on the maximum perennial yield estimates” described in that report. It goes on to say that “as groundwater production is initiated in each subarea, it will be very important to monitor groundwater levels . . .” Planned production for the Mooncamp Development is very conservatively based on the best available data and uses the low end of the perennial yield.

Response to SM&W-38: Contrary to the commenter's assertions, there is no uncertainty with regard to adequacy of water supply to serve the proposed Project. Section 4.9 of the RRDEIR No. 1 includes a comprehensive analysis of proposed water consumption, of the Project, amount of water available to serve the Project and a method by which water service would be provided to the Project (RRDEIR No. 1, page 4.9-1 through 4.9-10). The proposed Project site lies primarily within a tributary aquifer of the Northshore Sub-Unit designated in Sub-Area A. There are three groundwater wells within the Project site which were constructed and are owned by the Project's property owner and developer. The Project will be served by groundwater extracted from the Northshore Sub-Unit through the identified groundwater wells. Based on a significant amount of hydrogeologic modeling and analysis, evidence shows that there is sufficient groundwater within the Northshore Sub-Unit Sub-Area A to support Project development and its consumption needs which are conservatively projected to be 14-acre-feet per year. In addition, and to be conservative in the analysis, considering the existing wells currently extracting water from the Northshore Sub-Unit, an additional well on-site will produce water from the Grout Creek Sub-Unit which is a hydrologically distinct and separate aquifer. Water service will be provided by Big Bear Department of Water and Power. Pursuant to the Outside Service Agreement for Potable Water Service entered into by CSA 53C and the Department of Water and Power dated November 17, 2015, the Department of Water and Power has agreed to be the water service agency for the Project. The Department of Water and Power will own the on-site wells and distribution infrastructure.

Response to SM&W-39: The Project provides its own, on-site secure water supply. The Department of Water and Power is no longer under Emergency Water Restrictions. An additional well on-site will also provide additional source of water to the Project.

Response to SM&W-40: Thomas Harder, Groundwater Consultant, has concurred that the two on-site wells provide an adequate, reliable and secure water supply for the Project. A more detailed explanation is located in Response to SM&W-72 of this document where the Harder, November 22, 2010, Response to Comments has been appended. A new well, FP-4, will provide further water supply to the Project.

Response to SM&W-41 through -44: The commenter states that the RRDEIR No. 1 fails to analyze global warming's effect on water supply in determining the Project's water supply impacts. Any potential change in available groundwater supply associated with global warming is not quantifiable. While warming could result in increased evapotranspiration, increased peak winter flows may result in increased groundwater recharge. Any climate-related impacts will need to be addressed through prudent groundwater management practices.

Response to TENNYSON-65

The RRDEIR No. 1 did analyze potential hazards from roadway design, including the location of the entrances and exits to the marina parking lot and concluded impacts would be less than significant. In addition, the launch ramp has been removed from the Project thereby reducing usage of the marina parking lot. No shortage of parking is anticipated.

Response to TENNYSON-66

As previously discussed in Response to FOF (b)-252, the commenter provides a conclusory summary statement. No response is necessary.

MEDELLIN

RECEIVED
JUN 03 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

May 29, 2010

Dear Sirs
Land Use Services Dept.
Attn: Matthew Slowik

My name is Peter E. Medellin. I own the house at 39527 N. Shore Drive. Fawnskin, Calif. 92333. My permanent home address is 13520 Fenton Ave. Sylmar, Calif. 91342-3010.

MEDELLIN-1

This letter is concerning Moon Camp 2010 DEIR.

I am very concerned about this project. Why is the county making a zone change at this time? When we have more than 1,076 lots in Fawnskin that can be used to built a house on. Why do we need an additional 50 more lots when we already have more than 1,000 lots available to be built on?

MEDELLIN-2

The infrastructure at Fawnskin cannot support an additional 50 more houses. The Police protection is already spread very thin in Fawnskin. Has there been a plan to add more Police or Sherriff Dept personnel? Have the resident of Fawnskin voted to pay additional taxes to support the added Sherriff Dept personnel? What about the added traffic this will bring. Have the roads been made wider to accommodate the additional traffic? No, the roads have not been upgraded. Who will play for the upgrades that will be required? What about the shortage of water that we are current experiencing. We do not have the extra capacity to take of this proposed project. Where do you plan to get the extra water from? Has the water supply been added too to take care of this added demand for more water? No, it has not. What about the electrical supply, I hear that the DWP will be raising rates now to pay for a new generator because the electrical supply in now very limited.

MEDELLIN-3

The Fire Dept in Fawnskin is very small and is not equipped to take care of another large development like the MoonProject. Has a new fire department been planned? This will add to the fire hazards.

MEDELLIN-4

This proposed change will also affect the Bald Eagles that use the trees in the area to nest on. Other wild life will also suffer because of the change. Many trees will be cut to accommodate the proposed project. Where will the wild life go to? Will all the trees that are cut going to be replaced? I do not think so.

MEDELLIN-5

I don 't think this zoning change is a good idea at this time. Bear Valley has enough building sites that are available at this time. We should first use up what is available to build on before we add more strains on the current Electrical resources, Water resources , Police protection, Sewer problems, traffic problems, and all the other problems that is zoning change will bring at this time.

MEDELLIN-6

Adding two more additional Marinas will bring all kinds of noise, traffic, pollution from the added marinas.

We should not over build the north shore to where is loses the beauty that we now enjoy at the north side of the lake.

MEDELLIN-7

These are my views and the problems that I see with this proposed Moonproject. I am of the opinion that this is not a good project.

MEDELLIN-8

Sincerely,

Peter E. Medellin

Peter E. Medellin

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Peter Medellin (MEDELLIN)

Response to MEDELLIN-1
The commenter provides a preface to the letter. No response is necessary.

Response to MEDELLIN-2
The commenter expresses concern regarding re-zoning of the site and if the change is in the best interest of the public.

See Response to SM&W-1 for a response regarding zoning of the Project site. No additional response is necessary.

Response to MEDELLIN-3
The commenter expresses concern regarding infrastructure, police protection, traffic, and water supply.

See Response to WINCH (b)-4 for responses regarding transportation and traffic impacts from the Project. In addition, see Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Further, as indicated within Section 4.7, Public Services of the RRDEIR No. 1, anticipated police calls that may occur include increased burglar alarm calls, general criminal investigations, missing or lost persons, emergency medical calls, thefts of boats, and vandalism. Although there would be an incremental need for increased police service, it is not anticipated that Proposed Alternative Project implementation would require any new police facilities. Each homeowner will be required to pay property taxes and development impact fees based on then-current rates. The Proposed Alternative Project's increase in demand for police services would be offset through project related fees and taxes. Therefore, impacts to law enforcement services are expected to be less than significant, and no mitigation measures are proposed.

Response to MEDELLIN-4
The commenter expresses general concern regarding wildfire hazards. No further response is necessary.

See Response to WINCH (b)-5.

Response to MEDELLIN-5
The commenter expresses concern regarding biological resources.

Mr. Medellin's comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to MEDELLIN-6
The commenter re-expresses concern regarding re-zoning of the site and if the change is in the best interest of the public.

See Response to SM&W-1 for a response regarding zoning of the Project site. No additional response is necessary.

Response to MEDELLIN-7 and -8
Although the opinions of the commenter regarding the merits of the project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis regarding noise, traffic, or pollution are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

SHELDEN

Raymond Shelden

39177 Cedar Dell
Fawnskin, CA 92333-0353
May 28, 2010

RECEIVED
JUN 02 2010
AND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Matthew Slowik
Land Use Services Department

Subject: Moon Camp 2010 DEIR

Dear Mr. Slowik,

I am writing to express concerns about two of the features of the proposed Moon Camp development and to ask specific questions relative to those concerns. SHELDEN-1

My first concern is the presence of street lights in the proposed development given that the rest of Fawnskin is free of such night time distractions. In particular please answer the following three questions: SHELDEN-2

1. What is the rational for allowing street lights in this one section of Fawnskin?

2. Why is the developer being allowed to inflict the glare of the street lights from his development on the other residents of Fawnskin? SHELDEN-3

3. Why is the developer being allowed to make a significant change in the night-time ambiance of Fawnskin? It appears to me that it is blatantly unfair for one person (the developer) to be able to change the night time environment for an entire community. Why do you think this situation if fair and reasonable? SHELDEN-4

The second topic is the proposed 55 slip marina. Since I rent a slip at Captain John's Fawn Harbor Marina, I am well aware of the size of a 55 slip marina and therefore the intrusion into the lake it would cause. In addition I am aware that there a several empty slips at his marina, which is within half a mile of Moon Camp. Please answer the following questions regarding the proposed marina. SHELDEN-5

1. How far into the lake would the marina extend assuming the lake is full? How many acres of the lake will be consumed by this marina?

2. How far from the high water bank would the marina extend if (as is common in Sept.) the lake was down ten feet? In other words, how much further from the shore line would the docks start? SHELDEN-6

3. What are the plans for the docks during times of low lake level? SHELDEN-7

4. Given that the majority of current Fawnskin residents do not have a boat, why are 55 slips being planned for 50 homes? Is there any data to indicate that the owners in this development are more likely to be boat owners than typical of the rest of Fawnskin residents? SHELDEN-8

5. Given that there are empty slips at Captain John's marina, what data is there to indicate that more slips are needed on the north side of the lake? SHELDEN-9

6. Will residents of Moon Camp, who do not have need of a slip, be allowed to rent/lease their slips to other boat owners? SHELDEN-10

7. Given the depth of the lake in mid Sept. of 2009, what will be the depth of the water be for the slips nearest shore? In other words, will the slips even be usable? SHELDEN-11

8. What evidence leads you to believe that a marina of the proposed size will improve the beauty of Big Bear Lake? SHELDEN-12

9. What provision is being made for the storage of boat trailers during the summer and for the boats during the winter? In case you are unaware of boating life at Big Bear, boats are not left in the water over winter and most marinas use considerable space for the storage of boats during the winter, hence the question concerning storage. SHELDEN-13

10. After reading your answers to the above questions, are you still convinced that the marina really needs to be 55 slips, and if so why? SHELDEN-14

Thank you for your time in giving detailed and thoughtful answers to these questions. SHELDEN-15

Sincerely,

Raymond Shelden

Raymond Shelden, full time resident
Fawnskin, CA

Raymond Shelden (SHELDEN)

Response to SHELDEN-1 through -4
The commenter questions the use of streetlights and the potential impacts.

No streetlights are proposed or required. The only outdoor lighting is within the 50 lots, which are spread out over 62 acres, 1.25 acres per lot. Significantly, less dense than the surrounding residential areas.

Response to SHELDEN-5 through -14
Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to SHELDEN-15
The commenter provides a closing statement and no response is necessary.

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RBATES

Slowik, Matt - LUS - Advance Planning

From: Richard Bates [bates.rick@gmail.com]
Sent: Friday, June 04, 2010 3:49 PM
To: Slowik, Matt - LUS - Advance Planning
Subject: Opposition to Moon Camp Development
Attachments: R Bates Opposition to Moon Camp development.doc

Dear Mr. Slowik,

Please read my attached letter in opposition to Moon Camp Project. RBATES-1

Sincerely,

RIchard E. Bates, Jr.

County of San Bernardino
Land Use Services Department, Advance Planning Division
385 N. Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

June 4, 2010

RE: Opposition to Proposed Moon Camp Development Project: Lot Residential Subdivision TT No. 16136 EIR (Fawnskin)

Dear Mr. Slowik,

RBATES-2

I am writing because I believe the proposed Moon Camp Development Project should not be built for several reasons.

Most importantly, this proposed project will be developed in an area with identified biological sensitivity. I have walked this property and have had identified to me at least three threatened plant species that are listed on the US Fish and Wildlife Service Threatened and Endangered Species list. I believe that areas with rare species must be preserved for future generations. This is reason enough to stop this proposal before any further work. Additionally, this area has been identified to me as bald eagle protected habitat. Habitat for bald eagles is required to be protected under federal law.

RBATES-3

Roads in this area are already heavily used. Additional residences will add a strain to the current road system and will increase traffic in the community. I have driven on the roads around Big Bear Lake and believe that the current infrastructure barely supports the current population. I have been told that over 1000 approved plots exist already on file and cannot imagine increasing this backlog without major infrastructure improvements. Even if the developer pays for such improvements, the impact on the current community will be overwhelming. I suspect the impact on other public services such as water, sewer, electric and law enforcement will be equally significant and will need upgrades.

RBATES-4

This proposed project violates the current zoning. This proposed project should not be approved because changes to zoning, according to the county general plan, cannot take place without proper infrastructure in place as well as other logical community reasons. As stated, I do not believe this areas has sufficient infrastructure to make this change and I do not believe that the community will be better by so doing.

RBATES-5

Sincerely,

Richard E. Bates, Jr.
220 Robinson Hill Road
Sebago, ME 04029

Former Planning Board Member and Chairman, 20 years
Town of Sebago Planning Board

Richard Bates (RBATES)

Response to RBATES-1 and -2
The commenter provides preface to the letter. No response is necessary.

Response to RBATES-3
Mr. Bates' comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to RBATES-4
The commenter expresses concern regarding impacts to roads and traffic as well as potential impacts to law enforcement. In addition, the commenter states infrastructure and water supplies in the Fawnskin system are limited, and DWP says that the supply cannot support any significant increase in the percentage of full-time residents.

See Response to WINCH (b)-4 for responses regarding transportation and traffic impacts from the Project. In addition, see Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Further, as indicated within Section 4.7, Public Services, of the RRDEIR No. 1, anticipated police calls that may occur include increased burglar alarm calls, general criminal investigations, missing or lost persons, emergency medical calls, thefts of boats, and vandalism. Although there would be an incremental need for increased police service, it is not anticipated that Proposed Alternative Project implementation would require any new police facilities. Each homeowner will be required to pay property taxes and development impact fees based on then-current rates. The Proposed Alternative Project's increase in demand for police services would be offset through project related fees and taxes. Therefore, impacts to law enforcement services are expected to be less than significant, and no mitigation measures are proposed.

Response to RBATES-5
The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre. Can you give us a valid reason for changing the zoning, especially since the County of San Bernardino General Plan requires that zone changes be done only when there is sufficient infrastructure, when the change is in the best interest of the public and when it will not adversely affect surrounding property.

See Response to SM&W-1 for a response regarding zoning of the Project site. No additional response is necessary.

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Slowik, Matt - LUS - Advance Planning

From: ROBERT SCOTT [rscott338@charter.net]
Sent: Friday, June 04, 2010 11:01 AM
To: Slowik, Matt - LUS - Advance Planning
Cc: ROBERT SCOTT
Subject: Fw: MOON CAMP 2010 DRAFT EIR

DEAR SIR, I JUST WANT TO INFORM YOU THAT MY QUESTION REGARDING THE DEIR FOR THE PROPOSED MOON CAMP DEVELOPMENT WILL BE MAILED OUT TODAY. I HAVE ATTACHMENTS TO MY LETTER AND AM UNABLE TO PUT IT ALL IN AN EMAIL.
THANL YOU, ROBERT SCOTT.
909/844 4545
EMAIL: RSCOTT338@CHARTER.NET

SCOTT (A) -1

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Robert Scott (a) (SCOTT (a))

Response to SCOTT (a)-1

The commenter provided two (2) comment letters to the County of San Bernardino via mail and email. Both letters are a duplicate. A response to both comment letters are located within Response to SCOTT (b), below. No additional response is necessary.

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RECEIVED
JUN 07 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

TO: COUNTY OF SAN BERNARDINO
ADVANCED PLANNING DIVISION
LAND USE SERVICES DEPT.
385 N. ARROWHEAD AVE., FIRST FLOOR
SAN BERNARDINO, CA 92415-0182
ATTN: MATTHEW SLOWICK

SUBJECT: MOONCAMP 2010 DEIR

CONTENTS: A)LETTER OF QUESTIONS AND COMMENTS, B)ATTACHMENT 1, MAP OF PROPOSED MOON CAMP DEVELOPMENT WITH MARKINGS RELATED TO THE LETTER CONTENTS, C) ATTACHMENT 2, PICTURE OF AREA NEXT TO EASTERN COVE OF PROPOSED LOCATION OF 55-SLIP BOAT DOCK WITH MARKINGS RELATED TO THE LETTER CONTENTS. ONLY THE SIX CLOSEST HOUSES TO THE COVE ARE REFERENCED BY NUMBER, BUT THE OTHER HOUSES WILL ALSO BE AFFECTED. THE ANGLE OF THE COVE PICTURE IN THE DEIR HAD ALL THE HOUSES ACROSS THE ROAD HIDDEN BEHIND THE TREES. SCOTT-2

THE DEIR SHOWS THE MOON CAMP DEVELOPMENTS' PLAN TO PUT A 55-SLIP BOAT DOCK IN THE COVE ON THE EASTERN EDGE OF THEIR SHORELINE PROPERTY. OUR CONCERNS REGARDING THE BOAT DOCK FALL INTO THREE CATEGORIES, NOISE, DANGER, AND LAKE VIEW. PLEASE REFER TO THE TWO ATTACHMENTS FOR CLARIFICATION OF THE ISSUES MENTIONED NEXT.

QUESTION ONE :- WON'T THE PROPOSED DOCK PLACEMENT CONSTITUTE AN ACUTE SOURCE OF NOISE POLLUTION FOR THE HOMEOWNERS PRESENTLY RESIDING IN CLOSE PROXIMITY TO THAT COVE ?
THE CONSIDERATIONS SUPPORTING THIS CONCERN ARE THE FOLLOWING. THE TOPOGRAPHY OF THE HILLSIDE THAT COMES DOWN TO THIS COVE ACTS LIKE AN AMPHITHEATER THAT ENHANCES SOUND GENERATED IN THE COVE AREA. FOR EXAMPLE, THE CONVERSATIONS BETWEEN FISHERMEN ON THE COVE SHORELINE, CAN BE EASILY HEARD BY THE RESIDENTS ACROSS THE STREET AND THOSE ON THE WATERFRONT (ATTACHMENT 1 SHOWS HOUSES 1 THRU 4 ACROSS STREET AND HOUSES 5 & 6 ON WATERFRONT, ATTACHMENT 2 DOESN'T HAVE HOUSE #6 IN PICTURE).BECAUSE OF THAT FACT, IT IS OBVIOUS THAT THE NOISE GENERATED BY THE MANY BOAT OWNERS AND GUESTS, THE BOAT AND JETSKI ENGINES, AND THE RADIOS AND MUSIC-PLAYING DEVICES, WILL CLEARLY RESULT IN NOISE OF A LEVEL THAT QUALIFIES AS NOISE POLUTION FOR THE CURRENT RESIDENTS. SCOTT-3

QUESTION TWO:- ISN'T IT DANGEROUS TO HAVE THE LARGE BOAT DOCK NEXT TO A HIGH-PRESSURE NATURAL GAS LINE ?
THE CONSIDERATIONS SUPPORTING THIS CONCERN ARE THE FOLLOWING. THE GAS LINE LIES UNPROTECTED ON THE LAKE BOTTOM. IT GOES UNDERGROUND JUST BEFORE IT APPROACHES THE SHORELINE. IN THE YEARS WHEN THE LAKE LEVEL DROPS, THE RECEDING WATER EXPOSES THE GAS LINE ON THE LAKE BOTTOM SO THAT PEOPLE WALKING THE SHORELINE HAVE TO STEP OVER IT. DURING THESE TIMES THE GAS LINE IS VERY VULNERABLE PUBLIC ABUSE AND VANDALISM DAMAGE. THE GAS COMPANY HAS ERECTED A LARGE WARNING SIGN ON SHORE TO WWARN BOATERS ABOUT THE PRESENCE OF THE GAS LINE AND IT ALSO STATES THEY SHOULD NOT ANCHOR OR DREDGE IN THIS AREA. IF THE BOAT DOCK IS PERMITTED TO BE IN THIS COVE, THE CONCENTRATION OF WATERCRAFT WILL SURELY RESULT IN SEVERELY RAISING THE POSSIBILITY OF THE GAS PIPE BEING DAMAGED. A RUPTURE OF THIS PRESSURIZED GAS PIPE WOULD RESULT IN LOSS OF NATURAL GAS SERVICE TO THE NORTH SHORE COMMUNITY AS WELL AS THE EXPLOSIVE FIRE DANGER FROM THE ESCAPING GAS IN THE PROXIMITY OF THE COVE THAT WOULD SPREAD QUICKLY TO THE SURROUNDING COMMUNITY. WHENEVER THE LAKE LEVEL DROPS, THE BOAT PROPELLERS GET CLOSER TO THE GAS PIPE THEY PASS OVER. THE PRESSURIZED GAS LINE IS A SMALL PIPE THAT CAN EASILY BE HOOKED BY AN ANCHOR. SCOTT-4

QHESTION THREE:- WON'T THE PROPOSED BOAT DOCK SEVERELY DEGRADE THE QUALITY OF THE LAKE VIEW FOR THE RESIDENTS NEAR THE EASTERN COVE?
THE CONSIDERATIONS SUPPORTING THIS CONCERN ARE THE FOLLOWING. BECAUSE OF OUR LOCATION, THE COVE CONSTITUTES A LARGE PORTION OF OUR LAKE VIEW. ONE OF THE MOST IMPORTANT REASONS THE RESIDENTS IN THIS AREA CHOSE TO LIVE HERE WAS THE PRISTINE VIEW OF THE LAKE. IF THE PROPOSED DOCK WAS LOCATED FARTHER WEST TOWARDS THE THE COVE, IT WOULD BE A LESS DANGEROUS LOCATION VIS-A-VIS THE GAS PIPE, AND THERE WOULD STILL BE ENOUGH SHORELINE AREA TO PROVIDE AMPLE PARKING FOR THE BOAT OWNERS. BECAUSE THE RESIDENTS NEAR THAT WESTERN COVE ARE A FEW FOOTBALL FIELDS UP THE HILL BEHIND THE PEBBLE PLAIN AREA, THE NOISE IMPACT WOULD BE NEGLIGIBLE BY COMPARISON WITH THE RESIDENTS AT THE EASTERN COVE ARE SUBJECT TO WITH THE PRESENT PROPOSAL. SINCE THE RESIDENTS NEAR THE WESTERN COVE HAVE SUCH AN ELEVATED LAKE VIEW, THE PORTION OF THAT VIEW THAT WOULD BE THE SCOTT-5

SCOTT-5

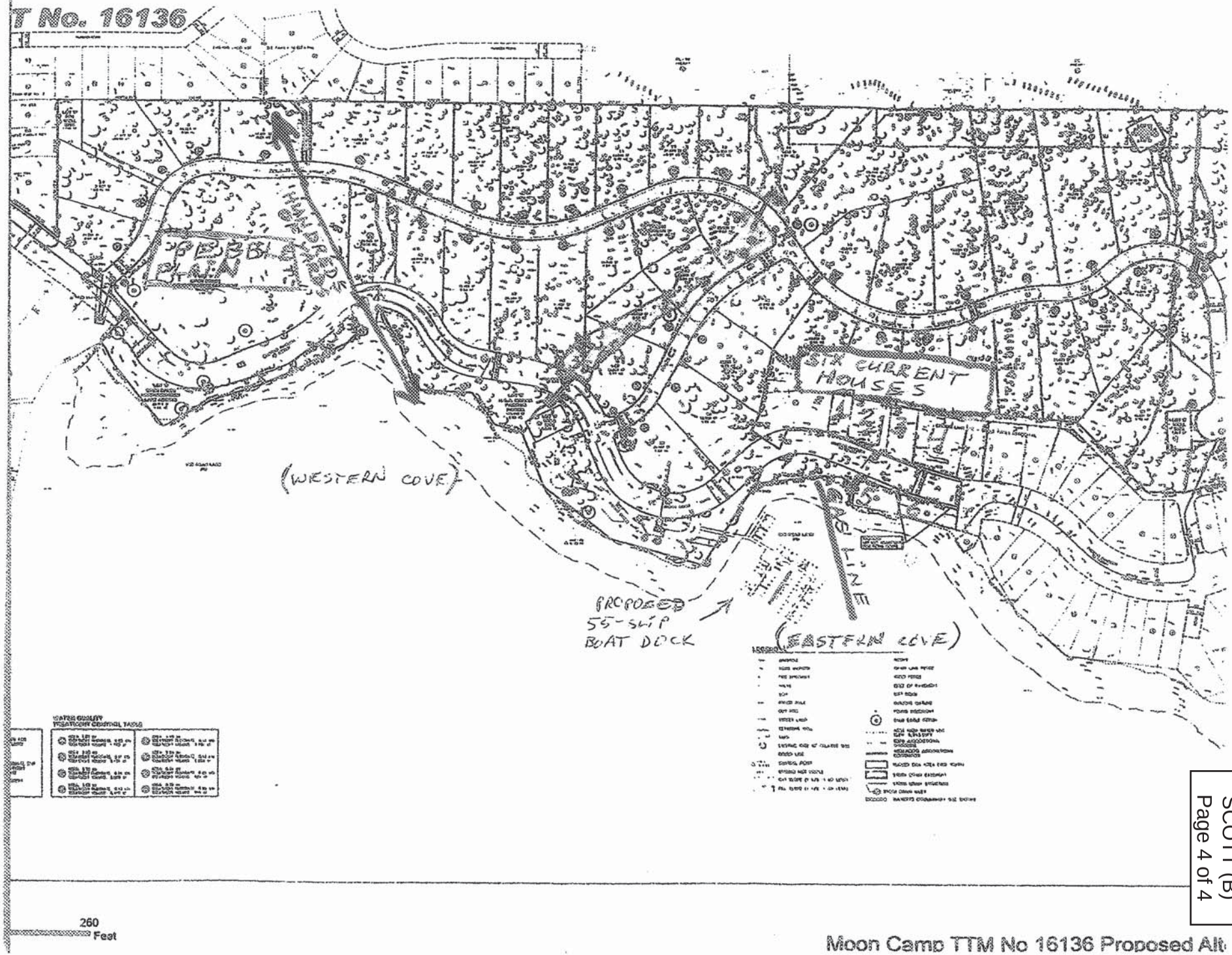
DOCK WOULD BE MINIMAL.

I LOOK FORWARD TO THESE QUESTIONS AND CONCERNS BEING ADDRESSED IN THE NEXT EIR.
THANK YOU, ROBERT SCOTT. (RSCOTT338@CHARER.NET)

CC: NEIL DERRY, SUPERVISOR THIRD DISTRICT
COUNTY OF SAN BERNARDINO
385 N. ARROWHEAD AVE., FIFTH FLOOR
SAN BERNARDINO, CA 92415-0110

HOUSE 1
HOUSE 3
HOUSE 4
HOUSE 5
GAS CO. WARNING SIGN
PRESSURIZED GAS LINE
(EASTERN COVE)
BOAT DOCK

ATTACHMENT - 1



Moon Camp TTM No 16136 Proposed Alt

Robert Scott (b) (SCOTT (b))

Response to SCOTT (b)-1
The commenter provides preface to the letter. No response is necessary.

Response to SCOTT (b)-2
The commenter expresses concern for the boat dock regarding noise danger and lake view.

Although it is not certain as to what the commenter is referencing to specifically as to danger, the hazards upon operation of the boat dock were analyzed within the RRDEIR No. 1 and were determined to be less than significant. In addition, a Noise Analysis (Appendix D of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Noise Analysis, no areas are expected to have significant and unavoidable impacts with the implementation of Mitigation Measures NOI-1 and NOI-2 (RRDEIR No. 1, page 4.6-16).

Further, despite requesting a General Plan amendment changing the land use designation from BV/RL-40 to RS-20000, the average lot size is 0.90 acre with 12 lots over 1 acre in size. The development proposed by the Moon Camp Project is significantly less intense than the existing development within the community of Fawnskin and is a logical transition of land use from higher density residential uses to open space represented by undeveloped property in the jurisdiction of the United States Forest Service. The Project has been designed to be compatible with surrounding uses and provide a logical transition in the area's development. The design of the Project was specifically tailored to preserve quality of visual resources as experienced by travelers along SR-38 and recreational visitors observing the area from the lake. The Project will set aside approximately 6 acres of the site for open space/conservation, as well as avoid development along the lake's edge, south of SR-38. The location of the open space/conservation easements limits the number of residential lots bordering SR-38, including no lots south of SR-38 bordering Big Bear Lake. This limitation of residential lots abutting SR-38 will preserve scenic views along SR-38, including unobstructed views of Big Bear Lake. As reflected in the aesthetics discussion in Section 4.1 of the RRDEIR No. 1 and supported by the visual simulations included therein, the Project will be designed to reduce visual impacts to less than significant levels. Section 4.1.6 of the RRDEIR No. 1 lists numerous mitigation measures that will ensure that the Project is developed in a manner that maintains its compatibility with community character and surrounding environment. Moreover, the Project is required to leave trees and downed logs in place to the extent that clearing is not required by the development process to maintain the existing visual character of the Project site. The Project is also required to avoid impacts to trees that are larger than 24 inches in diameter and, if such trees are required to be removed, that a replacement ratio of 2:1 is required to mitigate any such impacts. Finally, development standards will be incorporated into the Conditions of Approval which will result in the custom homes being developed in a manner that complements the surrounding environment and natural setting, including requiring the use of building materials that will complement the surrounding community and environment.

Response to SCOTT (b)-3
The commenter re-states his concern about noise for adjacent uses.

As previously stated, a Noise Analysis (Appendix D of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Noise Analysis, no areas are expected to have significant and unavoidable impacts with the implementation of Mitigation Measures NOI-1 and NOI-2 (RRDEIR No. 1, page 4.6-16). No additional response is needed.

Response to SCOTT (b)-4
The commenter expresses concern about potential impacts from an adjacent natural gas pipeline within the marina.

The 2005 Final EIR included an Initial Study used to identify potential impacts that should be evaluated in the EIR and areas where no impacts would occur. Areas where no impact would occur included impacts from hazards and hazardous materials. Specifically, the Initial Study determined the private marina would not be significantly impacted and would generally include boat slips in a floating dock that is not considered to be an "improved marina." That is, there would be no storage of fuels or other such hazardous materials on-site.

Response to SCOTT (b)-5
The commenter re-states potential impacts from implementation of the boat dock and lake views to the from the eastern shore.

See Response to SCOTT (b)-2. No additional response is needed.

ELIASON

Slowik, Matt - LUS - Advance Planning

From: Robin Eliason [reliason@charter.net]
Sent: Thursday, June 03, 2010 11:09 PM
To: Slowik, Matt - LUS - Advance Planning; COB - Internet E-Mail
Attachments: Mooncamp_letter_2010.doc

Mr. Slowik, Please find our comment letter on the Moon Camp DEIR, attached.

ELIASON-1

Clerk of the Board, Please forward the attached letter to the Supervisors.

Thank you.

Robin and Scott Eliason

Robin and Scott Eliason
PO Box 309
Fawnskin, California 92333
June 3, 2010

County of San Bernardino
Advance Planning Division
Land Use Services Department
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Re: Proposed Moon Camp Residential Subdivision

Dear Mr. Slowick and County Supervisors,

We are long-time year-round residents of the community of Fawnskin and request that the County Supervisors consider the following comments in making their decision about the proposed Moon Camp development. ELIASON-2

1) First and foremost, there are no over-riding considerations that should convince the Supervisors that approving a proposal for additional housing in the Big Bear area is in the public or County's best interest. There are no benefits that could possibly outweigh the unmitigated impacts. In fact, it is difficult to imagine that there would be any benefits at all. There are many houses in our neighborhood that have been on the market for years without selling. Fawnskin also has many undeveloped lots in a wide range of sizes, views, and prices. There is no apparent need for additional lots and housing in the Fawnskin or the greater Bear Valley area now or in the foreseeable future. As such, the only conceivable benefits to anyone – the developer's profits and the County's tax rolls - are dubious at best. ELIASON-3

2) The proposed development would result in more demand on already limited water resources. In the Big Bear area, we already have water conservation restrictions and guidelines. Adding additional housing (especially housing that is not needed) does not make sense. The hydrants on our street, and elsewhere in Fawnskin, do not produce the needed flow rates in the event of fire. Placing additional burden on the groundwater basin and the existing Fawnskin water system is definitely not to the community's benefit; rather it is a clear detriment. ELIASON-4

   It appears that none of the three water service alternatives are feasible. All are complex, speculative, and uncertain. Option B, the stated preferred way for each of the three alternatives to tap into Fawnskin's water supply, seems to involve pipeline construction through occupied lots in our neighborhood. The mapped connection between Fawnskin Dr and Canyon Rd in particular we are confident has no easements or landowner permission to implement. Approving a development without a single clearly defined, feasible, and supported water supply would be irresponsible in the extreme, and probably also illegal. ELIASON-5

3) After having been evacuated twice for fires threatening the Fawnskin area (2003 Old Fire and 2007 Butler II Fire), we are extremely concerned about the impacts of more people and houses in our town in terms of safe and effective evacuation of our community. During each evacuation, it took people many hours to get off the mountain. Adding additional people to the community would result in more people having to be evacuated. The added population is much greater relative to Fawnskin than to Bear Valley as a whole, but the analysis of the impacts to emergency evacuation takes a valley-wide ELIASON-6

perspective. The impacts specifically to Fawnskin therefore are understated and not honestly disclosed. ELIASON-6

4) Please do not approve the proposed marina. The proposed marina and marina parking location is problematic for many reasons:
   - The marina parking lot and road access is located one of the favored bald eagle perch sites. During the winter, that area often has one or two eagles perched in the trees. They use those perch sites to watch for prey (fish and ducks) in the lake. ELIASON-7
   - Dredging the marina would eliminate shallow water in a sheltered bay that is favored by waterfowl, especially during the winter. Even if no dredging is needed, installation of boat docks would reduce the habitat quality for waterfowl. In turn, if waterfowl habitat is lost or degraded, the bald eagle foraging opportunities will diminish or be eliminated. During the winter when the lake is partially frozen, there have been a number of times that we have seen eagles (including one time when there were 7 eagles) perched on the ice next to open water in the location of the proposed marina. ELIASON-8
   - The marina's access road entry and exit points to Highway 38 will increase the risk of vehicle accidents along this already-busy winding mountain road. Vehicles (including those pulling boat trailers) trying to enter or exit the marina access road will cause more traffic safety issues. As a dangerous ingress/egress on a curve with poor site distance, cars turning into or out of the parking lot would create an extremely dangerous traffic situation. That curve is called "dead man's curve" for a reason. ELIASON-9

5) As development and activities around the mountain lakes have increased, habitat for bald eagles, a state-listed Threatened and federally-protected species, has been lost. We concur with the findings in the DEIR that it is not possible to mitigate for the loss of bald eagle habitat. ELIASON-10

6) For the past two years, we have seen a pair of bald eagles in the Grout Bay area, including the Moon Camp proposed development, year-round (not just during winter months). As such, the significance of the loss of habitat is greater than described in the DEIR. Further loss of habitat could discourage this resident pair of eagles from nesting successfully. ELIASON-11

7) The proposed access road on the east end of the development (across from the marina entry driveway) would further degrade the habitat quality for bald eagle perching at that favored and frequently-used perch site. It is unlikely that eagles would continue to perch at that site after another road and the marina were developed. ELIASON-12

8) The impacts to pebble plain habitat and to ash-grey paintbrush are understated and would not be mitigated to below the level of significance. The DEIR fails to disclose these unmitigated significant effects.

   The variability in reported acreages of pebble plain and the associated ash-grey paintbrush over multiple surveys and reports, along with the adoption of the smallest reported acreages, is suspicious. However, even if the 2008 Krantz survey results, and the smaller reported acreages contained therein, are correct, the proposed mitigation measures would not mitigate the impacts.

   The DEIR understates the impacts to pebble plain habitat by ignoring inevitable indirect impacts to pebble plain habitat on adjacent Forest Service land through increased use (walking, biking, etc and associated creation and proliferation of unauthorized trails.) It may also understate the impacts by adopting the smallest acreages of several credible survey results. ELIASON-13

   The proposed mitigation will not reduce or offset the impacts to below significance for two reasons. First, the value of the onsite mitigation depends heavily on the quality and effectiveness of management. A small habitat fragment such as "Lot A" would be extremely vulnerable to degradation and edge effects and maintenance of habitat quality would rely heavily on effective and active management. How this property would be managed and by whom is deferred to later decisions

and is therefore entirely speculative. Second, the proposed 10-acre off-site mitigation parcel at Dixie Lee Lane would not offset impacts that would occur at Moon Camp. Within the 10-acre parcel, there are about 5 acres of pebble plain habitat, so the 3:1 ratio claimed in the DEIR is false. This pebble plain habitat, while of very high quality and conservation importance, supports nearly no ash-grey paintbrush - so it would not offset losses of this special-status species at all. The mitigation value of the off-site pebble plain habitat is subject to the same speculative future management as "Lot A". And finally, it is likely that this parcel is already protected – at least it has been fenced and signed as such for over 20 years. ELIASON-13

9) We are concerned about the visual impacts of the large amount of cut-and-fill that would be required to construct the interior road in the proposed development. ELIASON-14

10) As an amateur astronomer, I value the dark skies in our neighborhood and the lack of street lights. Please do not approve installation of street lights in the proposed development – no other areas in Fawnskin have or need them. ELIASON-15

11) We value the quietness of our neighborhood. If the Supervisors approve the proposed development, the character will completely change. We will be faced with years of construction noise. There is no way to mitigate for those impacts. ELIASON-16

We again urge the County Supervisors to fulfill their responsibilities to protect the Public Trust and to meet obligations to protect the quality of the environment. Please select the "No Project" alternative. The County Supervisors have no reasonable basis to reduce its previous determinations of significance, and over-riding considerations are not warranted because this project is NOT in the public interest. This proposed project should be denied. ELIASON-17

Sincerely,

ROBIN ELIASON and SCOTT ELIASON
Residents of Fawnskin

Robin and Scott Eliason (ELIASON)

Response to ELIASON-1 and -2
The commenter provides an introductory comment prefacing the comment letter. No response is needed.

Response to ELIASON-3
The commenter states there is no reason the Project should allow a statement of overriding consideration because there are various vacant lots and residences within the area.

See Response to SM&W-1 regarding various vacant lots and residences within the area. In addition, as outlined within the RRDEIR No. 1, impacts to specific biological resources were the only significant and unavoidable impact upon implementation of the Project. However, the Biological Resource Section was re-circulated. All comments pertaining to biological resources are located within Section 3 of this Response to Comment document. If the County of San Bernardino approves the Proposed Alternative Project, the County shall be required to cite its findings in accordance with CEQA Section 15091 and prepare a Statement of Overriding Considerations in accordance with CEQA Section 15093. No additional significant impacts related to implementation of the Project have been identified following implementation of recommended mitigation measures and/or compliance with applicable standards, requirements and/or policies by the County of San Bernardino.

Response to ELIASON-4 and -5
The commenter expresses concern regarding water supply and potential overdraft of groundwater.

See Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to ELIASON-6
The commenter expresses concern regarding wildfire hazards.

See Response to WINCH (b)-5.

Response to ELIASON-7 and -8
Mrs. Eliason comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to ELIASON-9
The commenter expresses concern regarding potential impacts from increased traffic.

The site plan for the Project proposes two points of access from SR-38: driveway number one, toward the western portion of Tentative Tract No. 16136, and another driveway providing access to the Project from SR-38 further to the east. San Bernardino County Municipal Code § 87.06.030(c)(2)(E) states that "The subdivision in each of its phases shall have two points of vehicular ingress and egress from existing surrounding streets, one of which may be used for

emergency use only." Therefore, the Project's vehicular ingress and egress design is consistent with County Code. In addition, a Traffic Impact Analysis (Appendix E of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Traffic Impact Analysis, no areas are expected to have significant and unavoidable impacts for opening year and Horizon Year 2030 Traffic Conditions nor cumulative traffic impacts to SR-38 or the surrounding area with the implementation of Mitigation Measures T-1 and T-2 (RRDEIR No. 1, page 4.8-51). No additional response is necessary.

Response to ELIASON-10 through 13
Mrs. Eliason comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to ELIASON-14
The commenter expresses concern regarding potential visual impacts from construction equipment.

The 2011 Project eliminates the realignment of SR-38. In addition, as outlined within Section 4, Errata of this Response to Comment document, with implementation of Mitigation Measure AQ-1 (RRDEIR No. 1, page 4.2-31), mass grading activities than be limited to a maximum of 5 acres per day. In addition to mitigations provided within the 2005 EIR, the RRDEIR No. 1 will include the following mitigation measures to further reduce visual impacts from construction of the Project:

Short-Term Aesthetic/Light and Glare Impact Mitigation

- A-1a: Construction equipment staging areas shall be located away from existing residential uses. Appropriate screening (i.e., temporary fencing with opaque material) shall be used to buffer views of construction equipment and material, when feasible. Staging locations shall be indicated on Project Grading Plans.
- A-1b: All construction-related lighting associated with the construction of new roadways, improvements to SR-38 and the installation of utilities shall be located and aimed away from adjacent residential areas. Lighting shall use the minimum wattage necessary to provide safety at the construction site. A construction safety lighting plan shall be submitted to the County for review along with Grading Permit applications for the subdivision of the lots.

Response to ELIASON-15
The commenter expresses concern regarding night glow from outdoor lighting.

The only outdoor lighting is within the 50 lots, which are spread out over 62 acres, 1.25 acres per lot. Significantly, less dense than the surrounding residential areas Generally, the attributes of the 2011 Project—including reduction in development intensity, elimination of the development of lakefront lots, elimination of the realignment of SR-38, reduction and relocation of the proposed marina, increase in permanently protected open space, and reduction in the number of trees removed from the site—enhance the aesthetic values of the Project to reduce aesthetic impacts. In addition, with the implementation of Mitigation Measures A-1 through A-4 (RRDEIR No. 1, page 4.1-8 through 4.1-

10), implementation of the 2011 Project would result in less than significant aesthetic, light, and glare impacts.

Response to ELIASON-16
The commenter expresses concern regarding noise.

A Noise Analysis (Appendix D of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Noise Analysis, no areas are expected to have significant and unavoidable impacts with the implementation of Mitigation Measures NOI-1 and NOI-2 (RRDEIR No. 1, page 4.6-16).

Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to ELIASON-17
The commenter suggests that the EIR should analyze an alternative that would adjust the developable lot layout in a manner that completely avoids occupied ashy-grey Indian paintbrush habitat. CEQA requires an EIR to describe a reasonable range of alternatives to the Project, which would feasibly obtain most of the basic objectives and would avoid or substantially lessen the significant effects of the Project (CEQA Guidelines Section 15126.6). An EIR need not consider and analyze every conceivable alternative to the Project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation (CEQA Guidelines Section 15126.6(a)). As indicated in Section 2 of the RRDEIR No. 1, the Project will not have a significant unavoidable impact on the ashy-grey Indian paintbrush. Accordingly, the RRDEIR No. 1 is not required to analyze an alternative that would avoid or substantially lessen impacts to ashy-grey Indian paintbrush.

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ELLIS

May 5, 2010

RECEIVED
MAY 07 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

County of San Bernardino, Land Use Services Department
Advance Planning Division
385 N. Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182
Attention: Matthew Slowik

Regarding: The Draft Re-Circulated EIR for Moon Camp Development

There are many problematic issues which point to the fact that this development should not be approved by the Planning Department. ELLIS-1

- This area is currently zoned as 1 unit per 40 acres. In order for this project to move forward, this zoning would have to be changed to 1 unit per 20,000 square feet. This large scale project is not consistent with the San Bernardino General Plan and not compatible with the rural surroundings. ELLIS-2
- According to the General Plan, zoning is not to be changed unless it is determined to be in the public interest. This project is NOT in the public interest. It is only in the best interest of the developers. ELLIS-3
- The North Shore of Big Bear Lake is integrated with surrounding National Forest unlike the South Shore which has been developed without consideration of the National Forest or the unique qualities of the lake itself. ELLIS-4
- More unneeded and unnecessary development which is not compatible with the rural surroundings should not be approved. It would be a mistake to change the zoning for a development that is not in the public interest, is not consistent with the General Plan for Rural Living, and simply is not needed. ELLIS-5
- This project would increase the population of Fawnskin causing more need for services such as police, fire, schools, libraries, solid waste, electrical, and natural gas. ELLIS-6
- Soil erosion due to grading to make this development happen would increase erosion and impact the water quality of the lake. ELLIS-7
- The 55 boat slips would also impact the health of the lake. ELLIS-8
- Water availability with overdraft of the groundwater basin would be a significant and unavoidable impact with North Shore Hydrologic Subunit. ELLIS-9
- The impact to the Bald Eagle is most significant. ELLIS-10

Because of the unavoidable impact this project would have on the unique area of Fawnskin and on the lake itself, no development is the only alternative which would follow the General Plan, keep the integrity of the North Shore, and maintain the rural surroundings between the National Forest, the small town of Fawnskin, and the lake. Zoning should not be changed for this unnecessary and unneeded development. ELLIS-11

Most sincerely,

Sandra Ellis

Sandra Ellis
P.O. Box 8542
Green Valley Lake, CA. 92341

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Sandra Ellis (ELLIS)

Response to ELLIS-1 through -3
The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre. The commenter states the changing of zoning is not within the best interest of the public, especially when it will adversely affect surrounding property.

See Response to SM&W-1 for a response regarding zoning of the Project site. No additional response is necessary.

Response to ELLIS-4
Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to ELLIS-5
The commenter re-states the changing of zoning and compatibility.

See Response to ELLIS-1 through -3. No additional response is necessary.

Response to ELLIS-6
Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis regarding population, fire and police protection, libraries or utilities are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to ELLIS-7
The commenter expresses concern regarding erosion and potential impacts to water quality of the lake.

As outlined within Section 4.4, Hydrology and Water Quality of the RRDEIR No. 1, the County of San Bernardino follows state standards for water quality. During construction, projects will be required to obtain coverage under the State's General Permit for Construction Activities that is administered by the California RWQCB. The Proposed Alternative Project will obtain coverage under the statewide National Pollutant Discharge Elimination System (NPDES) permit for construction activities, and develop and implement a Stormwater Pollution Prevention Program (SWPPP) to control erosion and protect water quality during the construction phase of the Proposed Alternative Project as well as operating under an approved WQMP.

At a minimum, the SWPPP would address the following items:

- **Erosion control.** Employ measures to prevent the movement of soil by wind or water during construction and may include watering, and physical barriers to the movement of soil particles.
- **Tracking of Soil.** Employ measures to effectively minimize the tracking of soil by vehicles and may include gravel driveways, wheel washes, and street sweeping.

- **Wastes and Cleanup.** The SWPPP must also address washout, cleanup and disposal related to debris, trash, concrete, asphalt, paint, coatings, solvents and other materials applicable to preparation and construction at the project site.

Other Reasonable BMPs. The SWPPP must also implement other applicable BMPs as needed to keep pollutants away from stormwater. The SWPPP must also identify additional applicable measures taken during the storm season and when storms are anticipated.

At a minimum, the WQMP would keep stormwater separate from potential pollutants and address the following items:

- **Parking Lot Runoff**. Parking lot drainage points should be equipped with oil/water separators which shall be maintained according to the manufacturer's requirements for maintenance.
- **Material Storage Area.** Any materials stored outdoors must be covered such that material cannot meet materials.
- **Other Reasonable BMPs.** WQMP and BMPs used on-site should be reviewed and revised as necessary to keep pollutants away from stormwater and the lake.

In addition, Mitigation Measures HYD-1 through HYD-17 (RRDEIR No.1, page 4.415 through 4.422) are required to further reduce potential water quality impacts during construction and operation of the Project. Consistency with County code and Mitigation Measures HYD-1 through HYD-17 will therefore reduce impacts to a level of less than significant. No additional response is necessary.

Response to ELLIS-8
The commenter expresses concern regarding the 55 boat slip and the health of the lake.

As outlined within Section 4.4, Hydrology, and Water Quality of the RRDEIR No. 1, the Proposed Alternative Project includes 55 boat slips. This would require no dredging, just the sinking of posts for support of the boat slip structure. Big Bear Lake is listed by the SWRCB as an impaired water body. Pursuant to The Clean Water Act, before the USACE can issue a permit for the marina/boat ramp/slip dock, the Project Applicant must receive an individual Conditional Water Quality Certification. However, the proposed launch ramp has been removed from the Project by the developer. Therefore, compliance with this procedure would reduce the level of impact to less than significant. No additional response is necessary.

Response to ELLIS-9
The commenter expresses concern regarding water supply and potential overdraft of groundwater.

See Response to FOF(b)-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to ELLIS-10
Mrs. Ellis comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments

provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to ELLIS-11
The commenter re-states the changing of zoning and compatibility.

See Response to ELLIS-1 through 3. No additional response is necessary.

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COATES

County of San Bernardino
Advance Planning Division
Land Use Services Department
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182

RECEIVED
JUN 02 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Attn: Matthew Slowik

Subject: Moon Camp 2010 DEIR

I am the owner of the property located at 1067 Fawnskin Drive in Fawnskin California. I am strongly opposed to the development of the Moon Camp area. My concerns and questions are as follows: COATES-1

Zoning change--

To allow this project, zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per ½ acre. There is no valid reason for changing the zoning, since the County General Plan requires that zone changes be done only when there is sufficient infrastructure, when the change is in the best interest of the public and when it will not adversely affect surrounding property. There are already 1,076 buildable lots in Fawnskin, so creating 50 more is overkill. COATES-2
What is the convincing reason to change this zoning?

Infrastructure--

Water: There are already insufficient water supplies in the Fawnskin system and DWP says that the supply cannot support any significant increase in the percentage of full-time residents. There are residents on wells nearby that could be severely impacted by the new wells on Moon Camp. The proposal currently has no clearly defined water service available and every option could end up costing current residents. No analysis has been done to show that this proposed project would not significantly impact cost or availability of water for current residents. COATES-3
What is the plan for water supply on Moon Camp without negatively impacting the current residents?

Roads/traffic, Electricity, Police protection: The narrow highways here are overburdened. Bear Valley Electric has already raised rates to pay for a new generator because valley electric supply is limited. The Sheriff's Department resources are already stretched too thin to handle current needs and response times are often long. COATES-4

There are many development projects already approved for the Valley, thousands of existing vacant lots that could be built out and many second homeowners that could become full time residents.
How will the overburdened Sheriff's Department, Bear Valley Electric, and the existing highway/road conditions handle the addition of a more densely populated area and marina?

Fire Hazard: With the inefficiency of recent evacuations, adding the possibility of more residents and visitors could be dangerous for all of us. More homes along the forest boundary increase the risk of wild fire. COATES-5

What is the county plan for efficient evacuation procedures with the addition of more residents and visitors to the Moon Camp development without impeding or jeopardizing the evacuation of the current residents of the Fawnskin community? COATES-5

Biological Resources—

The project would significantly impact the bald eagle as well as several other endangered species. Many trees would be cut and natural habitats lost to develop this project. The forest surroundings and wildlife path to the lake would be severely impacted. The bald eagle and forest surroundings bring many visitors to the valley who would not come when these resources are gone or degraded. COATES-6

What proven mitigations would be done to eliminate these impacts?

Aesthetics/Light and Glare/Noise—

The North Shore of Big Bear Lake is unique and treasured by the entire valley for its beauty, lake views, scenic highway and forested character. We currently have dark skies without street lights and it is so quiet most visitors comment on it. County standards for urban areas cannot be used to evaluate the impact this project would have on these issues. COATES-7

The unique dynamics of Fawnskin are the very reason I chose to purchase a home in this community.

There are also major issues with air quality, water quality (especially with two potential new marinas right next to each other), and cumulative impacts of all the development around the valley recently. COATES-8

There is nothing positive to the community of Fawnskin by allowing the Moon Camp development and I strongly urge the County of San Bernardino to reject the proposal for the Moon Camp project. COATES-9

Sincerely,

Sheree E Coates 5/30/2010

Sheree E. Coates
Property address:
1067 Fawnskin Drive
Fawnskin, CA
Parcel Number: 0304-212-10-0-000

Mailing Address:
PO Box 1725
Sunset Beach, CA 90742

Cc: Neil Derry, Supervisor Third District, County of San Bernardino

Sheree Coates (COATES)

Response to COATES-1
The commenter provides preface to the letter. No response is necessary.

Response to COATES-2
The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre. Can you give us a valid reason for changing the zoning, especially since the County of San Bernardino General Plan requires that zone changes be done only when there is sufficient infrastructure, when the change is in the best interest of the public and when it will not adversely affect surrounding property.

See Response to SM&W-1 for a response regarding zoning of the Project site. No additional response is necessary.

Response to COATES-3
The commenter states infrastructure and water supplies in the Fawnskin system are limited and DWP says that the supply cannot support any significant increase in the percentage of full-time residents.

See Response to FOF-239 for a response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to COATES-4
The commenter expresses concern regarding infrastructure, roads/traffic, electricity, and police protection.

A Traffic Impact Analysis (Appendix E of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Traffic Impact Analysis, no areas are expected to have significant and unavoidable impacts for Horizon Year 2030 Traffic Conditions nor cumulative traffic impacts with the implementation of Mitigation Measures T-1 and T-2 (RRDEIR No. 1, page 4.851). In addition, as indicated within Section 4.7, Public Services, of the RRDEIR No. 1, anticipated police calls that may occur include increased burglar alarm calls, general criminal investigations, missing or lost persons, emergency medical calls, thefts of boats, and vandalism. Although there would be an incremental need for increased police service, it is not anticipated that Proposed Alternative Project implementation would require any new police facilities. Each homeowner will be required to pay property taxes and development impact fees based on then-current rates. The Proposed Alternative Project's increase in demand for police services would be offset through project related fees and taxes. Therefore, impacts to law enforcement services are expected to be less than significant, and no mitigation measures are proposed.

Further, as indicated within Section 4.9, Utilities of the RRDEIR No. 1, the Project would result in an increased demand for electrical service. Based on a daily average of 16.66 kilowatts per unit, at project buildout the Proposed Alternative Project would utilize 833 kilowatts per day. BVE recently constructed a local power generating station to provide backup power and peak power to supplement the two power lines that feed the valley. According to BVE, service is available and of adequate supplies. The Project Applicant will also construct and fund all infrastructure related to the Proposed Alternative Project. In addition, the future residents of the site will pay monthly user fees

that offset the cost of service and maintenance. Therefore, the impacts are considered less than significant and no mitigation is required.

Although the opinions of the commenter regarding the merits of the project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to COATES-5
The commenter expresses concern regarding wildfire hazards.

See Response to WINCH (b)-5.

Response to COATES-6
Mrs. Coates comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to COATES-7
The commenter expresses concern regarding aesthetics, light, and glare.

Generally, the attributes of the 2011 Project, including reduction in development intensity, elimination of the development of lakefront lots, elimination of the realignment of SR-38, reduction and relocation of the proposed marina, increase in permanently protected open space, and reduction in the number of trees removed from the site, enhance the aesthetic values of the project to reduce aesthetic impacts. In addition, with the implementation of Mitigation Measures A-1 through A-4 (RRDEIR No. 1, pages 4.1-8 through 4.1-10), implementation of the 2011 Project would result in less than significant aesthetic, light, and glare impacts.

Although the opinions of the commenter regarding the merits of the project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to COATES-8
The commenter expresses concern regarding water quality with two marinas adjacent to each other as well as potential cumulative impacts to air quality.

As outlined within Section 4.4, Hydrology and Water Quality of the RRDEIR No. 1, the Proposed Alternative Project includes 55 boat slips. This would require no dredging, just the sinking of posts for support of the boat slip structure. Big Bear Lake is listed by the SWRCB as an impaired water body. Pursuant to The Clean Water Act, before the USACE can issue a permit for the marina/boat ramp/slip dock, the Project Applicant must receive an individual Conditional Water Quality Certification. However, the proposed launch ramp has been removed from the Project by the

developer. Therefore, compliance with this procedure would reduce the level of impact to water quality within the marina to less than significant.

In addition, an air quality analysis was conducted for construction and operation of the Project, including operation of vessels within the marina. As concluded within Section 4.2, Air Quality of the RRDEIR No. 1, consistency with Mitigation Measures AQ-1 through AQ-4 (page 4.2-31 and 4.2-32; 4.2-38 and 4.2-39) would reduce potential impacts from construction and operation of the Project to a level of less than significant. Further, consistency with Mitigation Measures AQ-1 through AQ-4 would reduce potential cumulative air impacts to a level of less than significant. No additional response is necessary.

Response to COATES-9

The commenter provides a closing statement. Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

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PIESTRUP

Donall and Susan Piestrup
PO# 130703
42256 Switzerland Drive
Big Bear Lake, CA 92315
susanpiestrup@charter.net
909-866-0864

RECEIVED
APR 19 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

April 16, 2010

Re: Draft RE-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)

County of San Bernardino
Land Use Services Dept., Advance Planning Div.
385 N Arrowhead Ave, First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Dear Mr. Slowik:

We are dismayed at the minimal time allotted to properly read and review the Moon Camp RE-Circulated DEIR.

PIESTRUP-1

Certainly, operating under the "Let's do the right thing" principal, your office owes those of us most impacted (we locals) a time extension.

We hope to hear, shortly, that you concur.

Thanking you, in advance, for what we hope will be an honorable process, we are:

Susan Piestrup

Donall Piestrup

cc: Sandy Steers

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Susan and Donall Piestrup (PIESTRUP)

Response to PIESTRUP-1

The commenter requests the County of San Bernardino to extend the close date of the public review period. The County extended the public review ending date for the RRDEIR No. 1 from May 19, 2010 to June 3, 2010. No additional response is necessary.

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BROWN

Matthew Slowik

I'm writing you about the Moon Camp Project in Big Bear

BROWN-1

There are many issues on this Project.

Water is one of the main problems

1. Fawnskin is depended on there own water wells and a large project like this could cause another problem with there water supply

BROWN-2

2. I attended a DWP meeting in Big Bear Lake and they said that there is a interconnect between there lower wells and the lake this should be ~~studied~~ looked at.

BROWN-3

3. Going from 1 house per 40 acres to 1 house per ½ acre doesn't seem real this should at least be kept to 1 house to 5 acres

BROWN-4

RECEIVED
JUN 02 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Thank you

Tom Brown
Po Box 156
Big Bear Lake 92315
909 866 6966

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Tom Brown (Brown)

Response to Brown-1
The commenter provides an introductory statement. No response is necessary.

Response to Brown-2 and -3
The commenter states infrastructure and water supplies in the Fawnskin system are limited and DWP says that the supply cannot support any significant increase in the percentage of full-time residents.

See Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to Brown-4
The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre. Can you give us a valid reason for changing the zoning, especially since the County of San Bernardino General Plan requires that zone changes be done only when there is sufficient infrastructure, when the change is in the best interest of the public and when it will not adversely affect surrounding property.

See Response to SM&W-1 for a response regarding zoning of the Project site. No additional response is necessary.

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CLOTTS

County of San Bernardino
Advance Planning Division
Land Use Services Department
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182

MAY 26, 2010

Attn: Matthew Slowik

I HOPE THESE THINGS ARE BEING CONSIDERED WHEN YOU ARE MAKING YOUR DECISIONS.

Water: There are already insufficient water supplies in the Fawnskin system and DWP says that the supply cannot support any significant increase in the percentage of full-time residents. There are residents on wells nearby that could be severely impacted by the new wells on Moon Camp. The proposal currently has no clearly defined water service available and every option could end up costing current residents. No analysis has been done to show that this proposed project would not significantly impact cost or availability of water for current residents. CLOTTS-1

Roads/traffic, Electricity, Police protection: The narrow highways here are overburdened. Bear Valley Electric has already raised rates to pay for a new generator because valley electric supply is limited. The Sheriff's Department resources are already stretched too thin to handle current needs and response times are often long. CLOTTS-2

There are many development projects already approved for the Valley, thousands of existing vacant lots that could be built out and many second homeowners that could become full time residents.

Fire Hazard: With the inefficiency of recent evacuations, adding the possibility of more residents and visitors could be dangerous for all of us. More homes along the forest boundary increase the risk of wild fire. CLOTTS-3

There are also major issues with air quality, water quality especially with two potential new marinas right next to each other, and cumulative impacts of all the development around the valley recently. CLOTTS-4

Please consider all of the above when making your decision that may have dire effects on the residents of Fawnskin and Big Bear Valley. CLOTTS-5

Sincerely, Victor Clotts

945 Deertrail Lane

Fawnskin,calif. 92333

Box 24

RECEIVED
JUN 02 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

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Victor Clotts (CLOTTS)

Response to CLOTTS-1
The commenter states infrastructure and water supplies in the Fawnskin system are limited and DWP says that the supply cannot support any significant increase in the percentage of full-time residents.

This is not true. Annual BBLDWP groundwater production in the Fawnskin area has averaged 106 acre-feet/year between 2003 and 2007 (TH&Co 2009). However, the perennial yield (available groundwater resources) of the Grout Creek Subunit encompassing the wells is 280 acre-feet/year. The projected ultimate water demand of the Fawnskin area is estimated to be 204 acre-feet/year, which is still below the estimated perennial yield (CDM 2006). Thus, there is a sufficient amount of available perennial yield that can be developed. Water supply limitations in this area are due to available infrastructure and the ability to extract the water due to shallow bedrock.

In addition, see Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to CLOTTS-2
The commenter expresses concern regarding infrastructure, roads/traffic, electricity, and police protection.

A Traffic Impact Analysis (Appendix E of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Traffic Impact Analysis, no areas are expected to have significant and unavoidable impacts for Horizon Year 2030 Traffic Conditions nor cumulative traffic impacts with the implementation of Mitigation Measures T-1 and T-2 (RRDEIR No. 1, page 4.8-51). In addition, as indicated within Section 4.7, Public Services, of the RRDEIR No. 1, anticipated police calls that may occur include increased burglar alarm calls, general criminal investigations, missing or lost persons, emergency medical calls, thefts of boats, and vandalism. Although there would be an incremental need for increased police service, it is not anticipated that Proposed Alternative Project implementation would require any new police facilities. Each homeowner will be required to pay property taxes and development impact fees based on then-current rates. The Proposed Alternative Project's increase in demand for police services would be offset through project related fees and taxes. Therefore, impacts to law enforcement services are expected to be less than significant, and no mitigation measures are proposed.

Further, as indicated within Section 4.9, Utilities, of the RRDEIR No. 1, the Project would result in an increased demand for electrical service. Based on a daily average of 16.66 kilowatts per unit, at project buildout the Proposed Alternative Project would utilize 833 kilowatts per day. BVE recently constructed a local power generating station to provide backup power and peak power to supplement the two power lines that feed the valley. According to BVE, service is available and of adequate supplies. The Project Applicant will also construct and fund all infrastructure related to the Proposed Alternative Project. In addition, the future residents of the site will pay monthly user fees that offset the cost of service and maintenance. Therefore, the impacts are considered less than significant and no mitigation is required.

Although the opinions of the commenter regarding the merits of the project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to CLOTTS-3
The commenter expresses concern regarding wildfire hazards.

See Response to WINCH (b)-5.

Response to CLOTTS-4
The commenter expresses concern regarding water quality with two marinas adjacent to each other as well as potential cumulative impacts to air quality.

See Response to COATES-8.

Response to CLOTTS-5
Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

W. BATES

Slowik, Matt - LUS - Advance Planning

From: Wendy Bates [wendycbates@hotmail.com]
Sent: Friday, June 04, 2010 4:30 PM
To: Slowik, Matt - LUS - Advance Planning
Subject: Moon Camp development comments
Attachments: WB_San_Bernardino_County4June.docx

Dear Mr. Slowik,

Please see my attached comments re: the proposed Moon Camp Development in Fawnskin, CA. W. BATES-1

Sincerely,
Wendy Bates

County of San Bernardino
Land Use Services Department, Advance Planning Division
385 N. Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

June 4, 2010

RE: Opposition to Proposed Moon Camp Development Project: Lot Residential Subdivision TT No. 16136 EIR (Fawnskin)

Dear Mr. Slowik,

The proposed Moon Camp Development Project violates current zoning regulations. The good reasoning and foresight of the County Commissioners has helped maintain the rural environment, beauty and open space currently enjoyed in the Big Bear Valley. In the planning process begun decades ago, they surely considered that balancing open space with the built environment is an important aspect to land use planning. The Commission wisely realized there is value in not impinging on lands identified as threatened and endangered wildlife habitat while still fostering a viable community for residents and visitors. In keeping with their vision, this proposal should not be granted approval. It has not been shown there is a valid need for changing the zoning, since the County General Plan requires that zone changes be done only when there is sufficient infrastructure, when the change is in the best interest of the public and when it will not adversely affect surrounding property.

W. BATES-2

Respectfully Submitted,

Wendy Bates
111 Village Circle
Garden Valley, ID 83622
(208) 631-1633
Member, City of Crouch Comprehensive Plan Committee

Wendy Bates (W. BATES)

Response to W. BATES-1
The commenter provides an introductory statement. No response is necessary.

Response to W. BATES-2
The commenter requests a valid reason for changing the zoning, especially since the County of San Bernardino General Plan requires that zone changes be done only when there is sufficient infrastructure, when the change is in the best interest of the public and when it will not adversely affect surrounding property.

See Response to SM&W-1 for a response regarding zoning of the Project site. No additional response is necessary.

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HAZEWINKEL

WM. HAZEWINKEL & CO

RECEIVED
ADMINISTRATION
2010 APR 26 AM 6:35

April 21, 2010

Dena M. Smith
Advance Planning
385 N. Arrowhead Avenue
San Bernardino, CA 92415-0182

RE: SCH #2002021105 Mooncamp Draft EIR

Dear Ms. Smith,

First of all, I'd like to give you some idea of my background. I graduated from USC with a real estate major, including two classes in city planning and have MS and PhD degrees in real estate valuation. (see attached C.V.) In addition, I served for four years on the Newport Beach Planning Commission. HAZEWINKEL-1

The following are my comments on the above draft EIR for the proposed Mooncamp Subdivision.

- If loss of eagle habitat is potentially significant, shouldn't the project be rejected? HAZEWINKEL-2
- In general, it seemed that comparisons were made to a previous EIR which was rejected, rather than as if the present project was acceptable on its own. HAZEWINKEL-3
- Why wasn't the previous preparer of the report (Raub, Bein & Frost) asked to prepare this report? HAZEWINKEL-4
- Why does the proposed marina indicate 55 slips, rather than 50 (one per lot)? If the docks are to be moved in winter, where will they be relocated, and was the impact on the other location analyzed? HAZEWINKEL-5
- Lot C (parking for the marina) indicates much more land than is needed for parking, therefore the excess should be part of the green belt dedication in Lot B HAZEWINKEL-6
- No launch ramp should be included in the proposed marina, as under our current conditions for the lake, it would have to be manned HAZEWINKEL-7
- 4.1-8 Conservation easements for Lots A & B should be larger HAZEWINKEL-8
- It appears that the EIR makes comparisons with laws in effect for both previous and current General Plan, whichever is in the best interest of the developer HAZEWINKEL-9
- Lakefront access by bicycle is mentioned, therefore bike path development should be part of the potential development, not just part of the highway widening. A provision should be made for connection to the westerly end of the existing pedal path, by going through alley dedication and forest service land, to the subject property and improvements made through the proposed development. HAZEWINKEL-10

- No mention is made in the report about the gradient drop of the existing sewage line as being adequate even for the existing homes that it serves. HAZEWINKEL-11

- 4.7-5 Regarding evacuation; during the last mandatory evacuation, there was a three plus hour period when traffic was completely stopped, and no progress was possible heading east due to a fire westerly of Fawnskin. In the EIR the Fire Marshall only stated directions for evacuation, and did not say if the roads would be adequate to evacuate the population. HAZEWINKEL-12
- Traffic calculations in the EIR were 50x2.31=116 trips; isn't it possible that the lot size and price of the subject parcels might indicate a larger density? HAZEWINKEL-13
- There was no mention in the EIR of well production. i.e. the new northwesterly well produces 5+/- gallons per minute which would not even serve one parcel. HAZEWINKEL-14
- If approval of this project is considered, a provision should be added that no further lot splits would be possible. HAZEWINKEL-15

Thank you in advance for your consideration of my comments.

Very truly yours,

William C. Hazewinkel
Enc.

PO BOX 378 FAWNSKIN, CA 92333 (909) 866-3300 FAX (909) 878-2249

PROFESSIONAL QUALIFICATIONS OF WILLIAM C. HAZEWINKEL

BUSINESS BACKGROUND:

Hazewinkel & Co., Fawnskin, CA, Real Estate Appraisers
Lincoln Savings & Loan Association, Los Angeles, CA, Appraiser, Loan Officer, Property Manager
Santa Barbara Savings & Loan Association, Santa Barbara, CA Appraiser

EDUCATION:

Bachelor of Science Degree, Real Estate Major, University of Southern California
Lumbleau Real Estate School, Santa Ana, CA
Real Estate Certificate, University of California
Real Estate Certificate, Orange Coast College
Real Estate Institute, Denver, Colorado
Master of Arts Degree in Appraisal Technology, Western States University
Doctor of Philosophy in Valuation Science, Western States University

Classes Include:
Business Mathematics, Math of Finance, Principles of Economics I, Planning the Home, Law of Contracts, Sales & Negotiable Instruments, Principles of Economics II, Business Statistics, Logic, Business Communications and Reports, Problems of City Planning, Money and Banking, Law of Business Organization, Principles of Real Estate, Real Estate Law, Property Management, Introduction to Planning, Real Estate Appraisal, Business Taxation, Physical Geology, Property Development, California Geography, Business Fluctuations and Forecasting, Real Estate Finance, Advanced Real Estate Appraisal, Real Estate Practice, Principles & Techniques of Residential Appraising, Real Estate Appraisal for Investment Purposes, Commercial and Investment Properties, Appraising Apartments, Syndicate Financing, Real Estate Exchanges and Taxation, Real Estate Property Management, Real Estate Economics, Real Estate Taxation, Principles of Income Property Appraising, Appraisal Standards of Practice and Ethics, Business Law Forum, California Real Estate Principles, Federal/State Laws & Regulations.

AFFILIATIONS:

Life Member - Alumni Association, University of Southern California
California Real Estate Broker, 1963-Present
Member of Fee Panel of Appraisers, Federal Housing Administration, 1965-1977
Designated Senior Residential Appraiser (SRA) from the Society of Real Estate Appraisers, 1970-1977
Colorado Real Estate Broker, 1970-1981
Board of Directors, Newport-Irvine Rotary Club 1971-1972
Member of Newport Beach Planning Commission, 1971-1975 (Chairman 1974-1975)
Newport Coast Association of Realtors, 1972-2009
Member South Bay Association of Realtors, 1998-2000
Broker Participant Multiple Listing Service of the Big Bear Association of Realtors 2000-Present
Member Big Bear Association of Realtors, 2003-Present
California Real Estate Association 1972-Present

PROFESSIONAL QUALIFICATIONS OF WILLIAM C. HAZEWINKEL

EXPERT WITNESS:

Los Angeles County Superior Court, Long Beach, CA
U.S. Bankruptcy Court, Santa Ana, CA
Pomona Superior Court, Pomona, CA
U.S. Bankruptcy Court, Las Vegas, NV
Orange County Superior Court, Santa Ana, CA
Judicial Arbitration & Mediation Service, Inc., Anaheim, CA
Ventura Superior Court, Ventura, CA
Conflict Resolution Services, Irvine, CA

CERTIFICATE:

Certified General Real Estate Appraiser, 1992, State of California, Office of Real Estate Appraisers

CLIENTS:

Alevizon, Smith & Lawrence, Santa Ana, CA
Allied Insurance, Fresno, CA
American Charter Mortgage Corporation, Phoenix, AZ
Ancient Mariner Restaurant, Newport Beach, CA
Bank of California, Irvine, CA
Beauchamp, Jim, Corona del Mar, CA
Bren, Donald, Newport Beach, CA
CalFarm Insurance, Clovis, CA
California State University Long Beach, Long Beach, CA
California Trade Tech Schools
Carpenter & Associates, Newport Beach, CA
Chicago Title, Santa Barbara, CA
Church of Christ, Downey, CA
Cigna Property & Casualty, Woodland Hills, CA
CityFed Mortgage Co., Orange, CA
City of Ontario, Ontario, CA
Clausen, Howard & Campbell, Los Angeles, CA
Clayton & Clayton, Santa Ana, CA
Clock, Ralph, Newport Beach, CA
Coastline Community College, Huntington Beach, CA
Coldwell Banker Mortgage, Irvine, CA
Commissioner of Corporations, Los Angeles, CA
Cooksey, Coleman & Howard, Tustin, CA
County of Orange, Orange, CA
Durenberger, Gep, San Juan Capistrano, CA
Earle Ike Imports, Costa Mesa, CA
FDIC, Santa Ana, CA
Feldsott & Lee, Newport Beach, CA

Industrial Indemnity, Orange, CA
Interamerican Builders, Riverside & San Bernardino, CA
Investors Mortgage Insurance Company, Boston, MA
Iverson, Yoakum, Papiano & Hatch, Los Angeles, CA
Jack White Pontiac, Anaheim, CA
Kennedy, Paul, Newport Beach, CA
Kinkle, Rodiger & Spriggs, Santa Ana, CA
L.A. Ladder Company, Huntington Park, CA
Laidlaw Transit, Inc., Van Nuys, CA
Lorber, Greenfield, Poway, CA
Lord, Bissell & Brook, Los Angeles, CA
Stephen Magro, Tustin, CA
Matlock Transportation, San Bernardino, CA
MeraBank Centre, Phoenix, AZ
Merchison, Cumming, Santa Ana, CA
Merrill Lynch Relocation, Newport Beach, CA
Meserve, Mumper & Hughes, Newport Beach, CA
Monteleone & McCrory, Santa Ana, CA
Morris, Polich & Purdy, Orange, CA
Mower, Koeller, Nebeker, Carlson & Haluck, Irvine, CA
Newport Home Loan, Newport Beach, CA
Nixon, Donald, Newport Beach, CA
Norby & Brodeur, Torrance, CA
Ohio Casualty Group, Anaheim, CA
Old Stone Credit Corporation, Jacksonville, Florida
Orion Realty Group, Santa Barbara, CA
Pacific First Mortgage, Irvine, CA
Pepperdine University, Los Angeles, CA
Portland General Electric, Portland, Oregon
Presley Companies, Newport Beach, CA
Riddle, Lynn, Santa Ana, CA
Rosch & Morris, Costa Mesa, CA
Saddleback College, Mission Viejo, CA
San Juan Capistrano Redevelopment Agency, San Juan Capistrano, CA
Schwary, Mitchell L. Jr., Santa Ana, CA
Scottsdale Insurance Company, Scottsdale, AZ
Sedgwick, Detert, Moran & Arnold, Irvine, CA
Shaffer Brothers, Garden Grove, CA
Shearson Lehman Hutton, Irvine, CA
Shick Moving & Storage, Tustin, CA
SPCA, Los Angeles, CA
Soffer, Sid, Costa Mesa, CA
3M Corporation, St. Paul, MN
Ticor Mortgage Insurance Company, Los Angeles, CA
Tobin, Hal, Huntington Beach, CA

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WM Hazewinkel (HAZEWINKEL)

Response to W. HAZEWINKEL-1
The commenter provides an introductory statement to preface the comment letter. No response is needed.

Response to W. HAZEWINKEL-2
Mr. Hazewinkel comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to W. HAZEWINKEL-3
The commenter asserts that the RRDEIR No. 1 improperly minimizes the actual impacts to the proposed Project by comparing the impacts of the Proposed Alternative Project to those of the Original Proposed Project, not the existing environment as required by CEQA. In determining whether environmental impacts of a project are significant, an EIR is required to compare potential impacts of the project with pre-project environmental conditions, or the "environmental baseline" (CEQA Guidelines Section 15125(a)). The environmental baseline against which the Proposed Alternative Project's potential environmental impacts are determined is the current, vacant condition of the property. Although the RRDEIR No. 1 does compare the identified impacts of the Proposed Alternative Project analyzed therein to the characteristics and impacts of the Original Proposed Project analyzed in the 2005 EIR, this comparison is in addition to the analysis included in the document analyzing the potential impacts of the Proposed Alternative Project. The RRDEIR No. 1 generally focuses on those impact areas where the 2005 EIR concluded the original Project would result in a significant impact (biology, aesthetics, water supply, air quality, public services, and utilities), as well as areas such as land use, noise and traffic. Where changes in the existing environment (noise, traffic) or applicable law (land use) occurred since 2005, the County of San Bernardino believed it was important to include a detailed analysis to confirm that the impacts of the Proposed Alternative Project are still less than significant. Considering the Proposed Alternative Project is a variation of the reduced intensity alternative analyzed in the 2005 EIR, and considering the Proposed Alternative Project was specifically designed to reduce or eliminate specifically identified significant impacts resulting from implementation of the Original Proposed Project, County believed it was imperative that impacts to the Proposed Alternative Project be compared with those identified in the 2005 EIR to inform the reviewing public of the impact of the Proposed Alternative Project. The specific revisions to the Project design embodied in the Proposed Alternative Project directly result in a finding less than significant impact for several of the impact areas, including aesthetics, water supply, public utilities, and air quality. However, for each of those impact areas the RRDEIR No. 1 expressly provides an analysis of the potential impacts of the Proposed Alternative Project against the existing environmental baseline.

Response to W. HAZEWINKEL-4
Although the opinions of the commenter regarding the merits of the project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific

deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to W. HAZEWINKEL-5
Discussion of groundwater production from the new northwesterly well (Well FP-4) is provided on page 4.9-8 and Appendix G.4 of the RRDEIR No. 1. Well FP-4 is planned to be pumped at a rate of approximately 3 gpm, which will result in an annual production of 5 acre-feet/year. When combined with groundwater pumping from Well FP-2 (9 acre-feet/year), this amount of production is adequate to supply the needs of the development (14 acre-feet/year).

Response to W. HAZEWINKEL-6
Mr. Hazewinkel comment letter was received during the RRDEIR No. 1 45-day public review period. The RRDEIR No. 1 Biological Resources Section was recirculated in 2011 (RRDEIR No. 2). The 2011 RRDEIR No. 2, provided very minor changes from the 2010 Alternative Project, consisting entirely of reconfiguration of residential lots and Open Space Conservation Areas. The changes are summarized below:

- Redesigned Residential Lot Layout. The 2011 Alternative Project still reflects development of 50 residential lots on approximately 62.43 acres. The 2011 Alternate Project does not increase development intensity but merely proposes a revised lot configuration. However, Lots 1-3, which were located north of Street A on the western-most portion of the Project site have been shifted east and will be located in an area previously occupied by a portion of Lot A which was designated as Open Space Conservation Easement. (Please see Exhibit 1-4.)
- Creation of Open Space Lot H. To compensate for the loss of a portion of Lot A, previously designated as Open Space Conservation Easement, and in response to the Supplemental Focused Special Status Plant Species Survey (August 29, 2010) which identified significant occurrences of ashy-grey Indian paintbrush in the area previously designated for development, a 1.98 acre portion of the Project site previously occupied by Lots 1-3 will now become lettered Lot H which, like Lot A, is designated Open Space/Conservation Easement. Lot A and Lot H together comprise 4.84 acres of occupied ashy-grey Indian paintbrush that will be preserved in perpetuity.

Additional comments and responses to the re-configuration of the lots are located within Section 3 of this Response to Comment document. No additional response is necessary.

Response to W. HAZEWINKEL-7
The commenter states to not include the launch ramp as part of the Project.

The proposed launch ramp has been removed from the Project by the developer.

Response to W. HAZEWINKEL-8
The commenter states Lots A and B should be larger.

See Response to W. HAZEWINKEL-6.

Response to W. HAZEWINKEL-9
The commenter urges that the EIR makes comparisons with laws in effect for both previous and current General Plan, whichever is in the best interest of the Developer. This comment misstates the analysis included in the RRDEIR No. 1. The RRDEIR No. 1 analyzed the revised Project's consistency with the 2007 General Plan and Development Code and not the General Plan and Development Code in existence prior to 2007. The RRDEIR No. 1 acknowledges that pursuant to County Development Code Section 81.01.090, Land Use Applications are to be processed pursuant to the provisions of the General Plan and Development Code in effect at the time the application was deemed complete (RRDEIR No. 1, page 4.5-2). Because the County accepted the Moon Camp application as complete prior to April 12, 2007, (the date of the adoption of the current General Plan), County Development Code Section 81.01.090 directs the County to consider the application under the prior version of the General Plan and Development Code. However, the RRDEIR No. 1 goes on to acknowledge that CEQA requires a lead agency to analyze whether a Project is consistent with existing zoning, plans or other applicable land use controls (RRDEIR No. 1, page 4.5-2). Accordingly, the RRDEIR No. 1 analyzes whether the proposed Project is consistent with the existing General Plan and Development Code, not the prior version of the General Plan and Development Code in existence at the time the application was submitted. Therefore, the RRDEIR No. 1 does not improperly analyze the Project's consistency with the County General Plan and Development Code.

Response to W. HAZEWINKEL-10
The Proposed Alternative Project would provide the right-of-way that would allow a bikeway to follow Northshore Drive (SR-38). Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to W. HAZEWINKE-11
The commenter states there is not mention of a gradient drop and potential impacts to the sewage line.

As outlined within Section 4.9, Utilities of the RRDEIR No. 1, So and Associates Engineers Inc. prepared a wastewater feasibility study for the Proposed Alternative Project (So 2007; Appendix G.1 to RRDEIR No. 1). According to So and Associates, the Project would generate approximately 10,750 gallons of effluent per day, with an estimated peak flow of 43,000 gallons per day. According to the study, the existing sewer system has the capacity to service the Proposed Alternative Project.

Before service can be extended to the site, both on- and off-site improvements would be necessary. The improvements include an extension of 1,200 linear feet along North Shore Drive to connect to the existing 8-inch collector sewer southwest of the property. Other requirements include that (1) all gravity facilities must be minimum 8-inch diameter; (2) all on-site facilities must meet CSA 53B standards and specifications and construction plans must be submitted for plan check and approval by the District Engineer; and (3) the Project Applicant will be required to construct 4,400 lineal feet of on-site collector sewer mainlines as shown in Exhibit 2-7, Proposed Sewer Facilities.

The Proposed Alternative Project would convey part of the wastewater flow via gravity sewer to the existing Pump Station B, southeast of the property (see Exhibit 2-7 of the wastewater feasibility study). However, depending upon where houses are built on each lot, some of the lots may require individual, on-site, household pump stations. This will depend on the individual lot design and will be decided at the time each lot is developed. The future homeowner will fund and install the lot-specific sewer improvements.

In addition, the sewer line design and connection details must be submitted to the County's Special Districts Department (SDD) for plan check and approval. The Project Applicant will pay the sewer line design and inspection fees that are related to the common infrastructure. Individual lot owners/home builders do not pay any of these fees. Individual home builders would pay an inspection fee to CSA 53B for the inspection of their house lateral connection to the common infrastructure. Therefore, impacts are less than significant and no additional response is necessary.

Response to W. HAZEWINKEL-12
The commenter expresses concern regarding forest fire and evacuation route adequacy.

See Response to WINCH (b)-5.

Response to W. HAZEWINKEL-13
The commenter states the traffic trips and lot size might indicate a large density.

The Tentative Tract Map has been designed as an extension of the existing land use pattern (neighboring single-family residential uses), but with much less density (minimum 7,200 square feet for neighboring lots and minimum 20,000 square feet for the Proposed Alternative Project). The Project offers a cohesively planned development which would be subject to compliance with the County's administrative design guidelines and development standards specific to the BV/RS-20M District. The minimum lot size in the Project is 20,000 square feet; however, all of the proposed residential lots are at least 0.5 acre in size, with the average lot size of 0.90 acre, and 12 lots are over 1 acre in size. Therefore, the Project is of a lower density than surrounding residential uses.

Response to W. HAZEWINKEL-14
The commenter expresses concern regarding new northwesterly well and water supply.

See Response to SM&W-45 through 47 for water resource impacts.

Response to W. HAZEWINKEL-15
The commenter requests a provision be added that no lot splits will be applicable.

There will be CC&Rs and deed restrictions prohibiting lot splits.

April 12, 2010

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LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

County of San Bernardino
Land Use Services Department; Advance Planning Division
385 N. Arrowhead Avenue, First Floor
San Bernardino, CA 92515-0182
Attn. Matthew Slowik

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK properties Inc. (SCH #2002021105)

Dear Sir,

I am writing this letter to ask for an extension in time for the review of the Moon Camp Re-circulated DEIR. This project has changed from the original DEIR, and it will take time to revue all of the documents. There is much interest in this development in our community and additional time will give more people a chance to review it.

Please take this into consideration and let me of your decision.

Thank You,

James C. McGrew

James C. McGrew
P O Box 493
39760 Flicker Rd.
Fawnskin, CA 92333

6 April 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Gölen Olson
PO Box 6379
Big Bear Lake CA 92315

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Sincerely,

Pat Meagher

PAT MEAGHER
39439 CANYON DR.
FOREST FALLS, CA
92339

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Sincerely,

Guy A. Tardif, Jr.
391 Montclair Dr., #80
Big Bear City, CA 92314

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Sincerely,

Deborah Smith
PO Box 1653
Big Bear Lake
CA 92315

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Sincerely,

Carolyn C. Rohrabacher
PO Box 2970
Big Bear City, CA 92314

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Sincerely,

JoAnn Mark
1161 Goodnight Dr.
Big Bear City, CA 92314

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Sincerely,

SUSAN CHAIDEZ
P.O. Box 5015
Sugarloaf, CA 92386

susanchaidez@charter.net

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Sincerely,

Matthew J. Lyng

1164 Gold Mt. Dr.
Big Bear City, CA 92314

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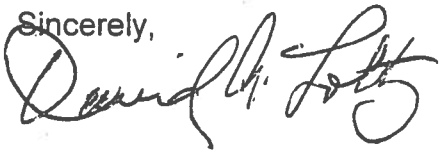

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Sincerely,

Thom J Brown

PO Box 156
BBL 92315

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Sincerely,

Bob Ybarra

P.O. Box 5273
Sugarloaf, Ca.
92386

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Leonard Chávez
P.O. Box 5015
Sugarloaf, CA. 92386
(909) 585-9733

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Sincerely,

Thomas Wolfe, Ph.D.
PO Box 1826
Big Bear Lake CA 92315

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I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. The original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since the beginning of this project and since the original DEIR, it will take time simply for re-familiarization with the project. In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for the public to properly review and comment on within only 45 days.

Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Richard Robinson
46245 Selenium Lane
PO Box 2970
Big Bear City, CA 92314

6 April 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)

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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Michael Kapp
845 Jeffries Road
P.O. Box 1653
Big Bear Lake, CA 92315
(909) 866-7547

6 April 2010

RECEIVED
APR 09 2010
LAND USE SERVICES DEPT
ADVANCE PLANNING DIVISION

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Betty Clark

6 April 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Rev Etc Russell
PO Box 7214
Big Bear Lake, CA 92315

RECEIVED
APR 12 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

6 April 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

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Sincerely,

Dan Fowlks
Friends of Big Bear Valley

RECEIVED
APR 13 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

6 April 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)

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Sincerely,

361 Cameron Dr
Big Bear Lake CA 92315

12 April 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)

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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely, Jill Helms

Properties at:
39397 North Shore Dr.
40072 North Shore Dr.
Idyllwild 92333

Mailing address:
8221 McGroarty Place
Sunland, Ca 91040

Please send future mailings to this address.

12 April 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)

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Sincerely,

Lorene F. Nelsen

12 April 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

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12 April 2010

County of San Bernardino
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385 N. Arrowhead Ave., First Floor
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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Harold Allen 4-21-10

POBOX 23
FAWNSKIN CA
92333

12 April 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely, John + Donna Ash

Mr. Slowik

We bought our home last year Feb, 2009 + had not received any information about Moon Camp Development, in the future can you please include us.

Thank You
John & Donna Ash
40018 North Shore Drive
Fawnskin, 92333

mailing Address P.O. Box 495 Fawnskin Ca 92333

12 April 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Lori Gardener
PO Box 258
Lawndale, Ca. 92333
909-878-4220

RECEIVED
APR 2 8 2010
SAN BERNARDINO COUNTY
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

12 April 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Barbara Lasky

P.O. Box 676246
Rancho Santa Fe, CA 92067

RECEIVED
APR 21 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

12 April 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

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Sincerely,

RECEIVED
APR 21 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

12 April 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Karin M Rau

Ms. Karin Rau
PO Box 326
Fawnskin, CA 92333-0326

RECEIVED
APR 21 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

12 April 2010

RECEIVED
APR 20 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Roger Rorke

P.O. Box 439
Fawnskin, Ca. 92333

12 April 2010

RECEIVED

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)

Dear Mr. Slowik,

My wife and I are new to Fawnskin, having purchased our home in June, 2008, and we are unfamiliar with the original project plan. I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. The original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since the beginning of this project and since the original DEIR, it will take time simply for re-familiarization with the project. In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for the public to properly review and comment on within only 45 days.

Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Dayton Gilleland

Dayton Gilleland

Fawnskin Address:

1025 Fawnskin Drive
Fawnskin, CA 92333

Mailing Address:

5509 Glenhaven Avenue
Riverside, CA 92506

12 April 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Alan Sharp
P.O. Box 785
Big Bear Lake, CA
92315

12 April 2010

RECEIVED
MAY 06 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Marlene Thurston
40064 North Shore Dr.
Fawnskin

Mailing: P.O. Box 185
Fawnskin, 92333

12 April 2010

RECEIVED
APR 04 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

The Wells Family
39374 Lodge Rd.
Fawnskin, Ca.

12 April 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)

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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Mr. & Mrs. E.B. Lawmon
P.O. Box 387
Fawnskin, Ca. 92333-0387
909-878-3223

12 April 2010

RECEIVED
APR 20 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Carl S. Hughes
Box 574
Fawnskin, Ca 92333

12 April 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Paul N Hoss

P.O. Box 6262K6
Rancho Santa Fe, CA 92067

RECEIVED
APR 21 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

12 April 2010

RECEIVED
APR 19 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Kent R Reisig
(#5 POLIQUE CANYON)

4512 VISTA LARGO
TORRANCE, CA
90505

12 April 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

PO Box 345
Jamul, CA 92333

12 April 2010

RECEIVED
APR 15 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Dennis Ruppert

dennis.ruppert@charter.net

12 April 2010

RECEIVED
APR 15 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
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Sincerely,

Cynthia Woods

12 April 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Peter & Diane Boss
P.O. Box 330
39030 Rim of the World Dr.
Fawnskin, CA. 92333
(909.866.3585)

April 13., 2010
County of San Bernardino
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182

Attn: Mr. Slowik,

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc. (2002021105)

I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. There is a huge time gap since the beginning of this project and the original DEIR. The DEIR has 438 pages of material, plus the 940 pages in the appendices. More time than 45 days is needed to review and comment on.

Thank you for your time and consider this request as soon as possible.

Sincerely, Diane Boss, Fawnskin resident

817 Coronado Terrace
Los Angeles, CA. 90026
April 15, 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Division
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)

Dear Mr. Slowik,

I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. The original project notice was in the summer of 2001 and the original DEIR went out in 2004. It's been 6 years since the original DEIR, plus there are 438 pages and another 940 pages in the appendices. This is a lot to absorb for my wife and I to properly review and comment on in such a short timeframe.

We appreciate your time in taking this matter into consideration. Please notify us of your decision.

Thank you in advance,

Joseph Francuz

Barbara Francuz

RECEIVED
APR 16 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

BRADLEY & CATHY WINCH

1050 Canyon Road, PO Box 370, Fawnskin, CA 92333-0370
Voice: 909 866-9479/909 866-5960/909 800-1808(cell) Fax: 909 866-2767
E-mail: blwjalmar@att.net

April 16, 2010

RECEIVED
APR 19 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)

Dear Mr. Slowik,

I am a Fawnskin resident and I will be directly impacted by the Moon Camp Development. Therefore, I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR.

The original project notice came in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since

the beginning of this project and since the original DEIR, it will take time for me to re-familiarize myself with the project. In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for me or the public to properly review and comment on within 45 days.

Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Bradley L. Winch

Bradley L. Winch, PhD, JD, MinSP
1050 Canyon Road
Fawnskin, CA 92333

April 16, 2010

RECEIVED
APR 19 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182

Attn: Matthew Slowik

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)

Dear Mr. Slowik,

I would like to request an extension on the public review time period for the **Moon Camp Re-circulated DEIR**.

The original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since the beginning of this project and since the original DEIR, it will take time simply for re-familiarization with the project.

In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This huge amount of material makes it nearly impossible for me or the public to properly review and comment on within only 45 days.

Thank you for your time in taking this matter into consideration as quickly as possible.

Sincerely,

Rod Mercer

Rod Mercer
Canyon Road Resident
Fawnskin, CA 92333
949-233-6853

16 April 2010

RECEIVED
APR 20 2010
AND USE SERVICES DEPT.
DVANCE PLANNING DIVISION

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)

Dear Mr. Slowik,

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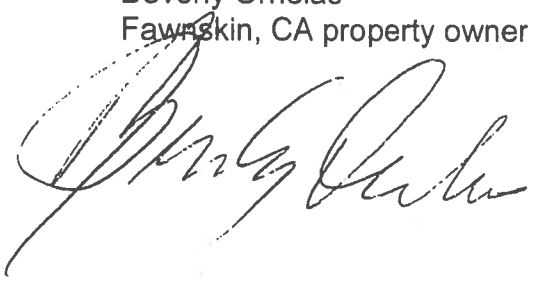
Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Beverly Ornelas
Fawnskin, CA property owner



17 April 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

RECEIVED
APR 19 2010
AND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)

Dear Mr. Slowik,

I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. The original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since the beginning of this project and since the original DEIR, it will take time simply for re-familiarization with the project. In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for the public to properly review and comment on within only 45 days.

As a homeowner in Fawnskin, this is a very important matter for me and my family. Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Dean Strenger

Dean Strenger
P.O. Box 573
Fawnskin, CA 92333

Strenger12811@earthlink.net

17 April 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)

Dear Mr. Slowik,

I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. The original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since the beginning of this project and since the original DEIR, it will take time simply for re-familiarization with the project. In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for the public to properly review and comment on within only 45 days.

Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Donald L. Eads, MD

A. Claudia Eads MD

A. Claudia Eads, MD
38596 North Shore Drive
Fawnskin, CA 92333-0368

2605 E. Chestnut Ave.
Orange, CA 92867

39567 Oak Glen road
Fawnskin, CA

RECEIVED
APR 20 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

April 19, 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415

Attn: Matthew Slowik

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc (SCH#2002021105)

Dear Mr. Slowik,

I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. The original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since the beginning of this project and since the original DEIR, it will take time simply for re-familiarization with the project. In addition, the current DEIR has 438 pates of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for the public to properly review and comment on within only 45 days.

Thank you for your time in taking this matter into consideration as quickly as possible.

Sincerely,

Diane Shattuck

RECEIVED
APR 20 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

19 April 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)

Dear Mr. Slowik,

I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. The original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since the beginning of this project and since the original DEIR, it will take time simply for re-familiarization with the project. In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for the public to properly review and comment on within only 45 days.

Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Gary Rexroth

Gary Rexroth
P.O. Box 47
Fawnskin, Calif. 92333

LASNIK∞BROIDA CONSULTANTS, INC.
COMPENSATION & PERFORMANCE MANAGEMENT

RECEIVED
APR 21 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

April 19, 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)

Dear Mr. Slowik,

I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. The original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since the beginning of this project and since the original DEIR, it will take time simply for re-familiarization with the project. In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for the public to properly review and comment on within only 45 days.

Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Elaine Lasnik-Broida

Elaine Lasnik-Broida

9454 Wilshire Boulevard, Suite 550 / Beverly Hills, CA 90212 / Tel. (310) 247-4945 / Fax (310) 247 -4939

Hemjö Klein

RECEIVED
APR 19 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)

Dear M. Slowik

As resident and owner of the property Fawnskin, 3985 Flicker Road, I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR.

The volume of the documentation does not allow to seriously study and valuate in the given time of 45 days. As you may recall the original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since the beginning of this project and since the original DEIR, re-familiarization with the project will be very time consuming. The current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This makes it nearly impossible for the public to properly review and comment on within only 45 days.

Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

With best regards

Hemjö Klein

2020 Donna Drive
Laguna Beach CA 92651

23 April 2010

RECEIVED
APR 27 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)

Dear Mr. Slowik,

I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. The original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since the beginning of this project and since the original DEIR, it will take time simply for re-familiarization with the project. In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for the public to properly review and comment on within only 45 days.

Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Linda Stoll

Linda Stoll
73 Old Course Dr.
Newport Beach, Ca. 92660

26 April 2010

RECEIVED
MAY 03 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)

Dear Mr. Slowik,

I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. The original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. A preliminary review of this massive document indicates numerous vague references to the original statement which make it necessary to refer to the draft EIR originally circulated. With the huge time gap since the beginning of this project and since the original DEIR, it will take time simply for the public to become familiar with the project and to locate copies of the original document, just to understand the references made to it.. In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for the public to properly review and comment on within only 45 days.

Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Peter J. Tennyson
695 Deer Trail (PO Box 293)
Fawnskin, California 92333

and 19 Monaco
Newport Beach, California, 92660

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2.2.8 - Form Letters

Response to Form Letters

The above comments are in a FORM letter format. The Following response applies to each of the commenting individuals who signed and submitted the FORM letter. The commenters request the County of San Bernardino to extend the close date of the public review period. The County extended the public review ending date for the RRDEIR No. 1 from May 19, 2010, to June 3, 2010. No additional response is necessary.

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SECTION 3: RESPONSES TO COMMENTS ON THE REVISED AND RECIRCULATED DRAFT EIR NO. 2

3.1 - List of Authors

During the 45-day public review period for the Revised and Recirculated Draft Environmental Impact Report No. 2 (RRDEIR No. 2) from December 12, 2012, through February 7, 2012, 32 comment letters were received. A list of public agencies, organizations, and individuals that provided comments on the RRDEIR No. 2 is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be crossed-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author **Author Code**

Federal Agencies

U.S. Department of Agriculture (February 7, 2012) ..... USDA

State Agencies

State of California, Office of Planning and Research (January 26, 2012) ..... OPR
State of California, Department of Fish and Game (January 24, 2012)..... CDFG
State of California, Department of Transportation, District #8 (December 20, 2011) ..... DOT

Regional agencies

County of San Bernardino, Department of Public Works (January 18, 2012) ..... DPW
Native American Heritage Commission (December 19, 2011).....NAHC

Organizations

Center for Biological Diversity (Ileene Anderson) (January 23, 2012)..... CBD1
Center for Biological Diversity (Ileene Anderson) (January 23, 2012)..... CBD2
Friends of Fawnskin (January 10, 2012) ..... FOF
Friends of Fawnskin (January 20, 2011) FOF2
Local Agency Formation Commission (January 23, 2012) .....LAFCO
San Bernardino Valley Audubon Society (February 7, 2012).....SBVAS1
San Bernardino Valley Audubon Society (January 23, 2012).....SBVAS2
Sierra Club (Ed Wallace) (February 7, 2012)..... SIERRA CLUB1
Sierra Club (Big Bear Group) (January 10, 2012) ..... SIERRA CLUB2
Sierra Club (Big Bear Group) (January 22, 2012) ..... SIERRA CLUB3

Individuals

Donald and Claudia Eads (February 5, 2012) .....EADS
Donald and Claudia Eads (February 5, 2012) EADS1
Donald and Claudia Eads (February 5, 2012) EADS2

Drew Feldmann (January 23, 2012) ..... FELDMANN
Elain Lasnik-Broida (February 6, 2012) ..... LASNIK-BROIDA
Gary Raskin and Mary Devlin (February 6, 2012) ..... RASKIN
Glenda Webster (February 6, 2012) ..... WEBSTER
James and Lola McGrew (February 2, 2012) ..... MCGREW
Joseph and Barbara Francuz (February 7, 2012) ..... FRANCUZ
Lee Whitney (February 7, 2012) ..... WHITNEY
Milton (No Date) ..... MILTON
Nancy Walker (February 1, 2012) ..... WALKER
Robin and Scott Eliason (January 22, 2012) ..... ELIASON
Ross Humphreys (February 6, 2012) ..... HUMPHREYS
Sandy Ellis (February 6, 2012) ..... ELLIS
Sandi Steers (January 23, 2012) ..... STEERS

3.2 - Responses to Comments

3.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the County of San Bernardino, as the lead agency, evaluated the written comments received on the Revised and Recirculated Draft EIR No. 2 (State Clearinghouse No. 2002021105) (RRDEIR No. 2) for the Moon Camp 50-Lot Residential Subdivision, TT No. 16136, and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final EIR for the Project in accordance with CEQA Guidelines Section 15132.

3.2.2 - Comment Letters and Individual Responses

The comment letters reproduced in the following pages follow the same organization as is used in the List of Authors. Responses to each of the comment letters are provided on the following pages. The comment number (e.g., USDA-1) is provided in the upper-right corner of each comment letter, and individual comment points within each letter are identified by index numbers located along the right-hand margin of each letter. The County's responses immediately follow each letter, with each individual response referenced by the index number of each individual comment.

Slowik, Matt - LUS

From: Tangenberg, Scott R -FS [stangenberg@fs.fed.us]
Sent: Tuesday, February 07, 2012 4:39 PM
To: Slowik, Matt - LUS
Cc: Hall, Thomas B -FS
Subject: Moon Camp Comment Letter
Attachments: MoonCampRDEIR_letter.docx

Mr. Slowik,
Please consider our attached comment letter.

Scott Tangenberg
Mountaintop District Ranger
San Bernardino National Forest
909-382-2728

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

1

USDA United States Department of Agriculture | Forest Service | San Bernardino National Forest Mountaintop Ranger District | P.O. Box 290 Fawnskin, CA 92333 909-382-2600 #2 (Voice) 909-866-2867 (FAX)

File Code: 1950-3-1
Date: February 7, 2012

Land Use Services Department, Advanced Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182
ATTN: Matthew W. Slowik

Dear County Supervisors and Mr. Slowik,

Thank you for the opportunity to comment on the Revised and Re-Circulated Draft Environmental Impact Report for the Moon Camp Development Project. The project is adjacent to the National Forest System lands and could result in un-mitigated and undisclosed impacts on of National Forest System lands. 1 CONT.

I have reviewed the revised DEIR documents and would like to re-iterate the same comments made in our previous letter of June 4, 2010 (attached, and incorporated here by reference).

In spite of the statements in the revised analysis of effects, I still believe that a development of this size may result in impacts to rare plants and their habitat on adjacent National Forest lands (see #2 below). The assumption that the proposed mitigation would avert impacts is not consistent with what we know to occur along developed private property boundaries throughout the National Forest. I have concerns about the effectiveness of the proposed mitigation for threatened and endangered plants. 2

In review of the map, I noticed that the "fuel modification zone" ends farther to the east than it should. We strongly urge the Supervisors to extend that zone along the 10-acre undeveloped lot along the northern edge of the development (Lots 10 – 14). 3

I am also concerned about the impacts to bald eagles and their habitat that would result from the proposed development. I urge the supervisors to consider additional mitigations for those impacts. 4

The DEIR recognizes that impacts cannot be mitigated to a level of non-significance and yet there are no alternatives presented that include reduced levels of development. I ask the Supervisors to consider an alternative that would reduce the scale of development of residential lots and increase the amount of open space. Through a reduced development alternative, the severity and extent of unmitigated impacts could be reduced. 5

If you should have any questions please contact Tom Hall, Forest Planner, at 909-382-2905.

Sincerely,

/s/ Scott Tangenberg
SCOTT TANGENBERG
Mountaintop District Ranger

USDA United States Department of Agriculture | Forest Service | San Bernardino National Forest Mountaintop Ranger District | P.O. Box 290 Fawnskin, CA 92333 909-382-2600 #2 (Voice) 909-866-2867 (FAX)

File Code: 1950-3-1
Date: June 4, 2010

Matthew W. Slowik, MURP, MPA
Land Use Services Department, Advanced Planning
Division – Senior Planner
County of San Bernardino
385 N. Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

Dear Mr. Slowik,

Thank you for the opportunity to comment on the Draft Re-Circulated Environmental Impact Report for the Moon Camp Development Project. The project is next to the National Forest boundary and would result in un-mitigated and undisclosed impacts to National Forest System (NFS) lands. I would like to have the following issues considered as the Supervisors make their decision:

1. Hazardous Fuels and Fire Services –The Forest Service appreciates that the project design includes a fuel modification zone on the private land and does not assume that the NFS lands will have fuel modification protection for the private land. According to State and County requirements, the slope of the hillside may require that the fuel modification zone be up to 300 feet, which would need to be entirely within the proposed development. The community of Fawnskin is within our direct protection area for response to fire. The proposed water alternatives are not evaluated with regard to hydraulic effects to the existing Fawnskin water system. We ask that the Supervisors consider the potential effects of this proposal on flow rates for hydrants in the Moon Camp and Fawnskin areas.

2. Rare Plants - The Forest Service remains concerned about impacts to Threatened, Endangered, and Sensitive species/habitats on the adjacent NFS land as the development would potentially increase use and impacts on NFS lands. There is Critical Habitat (as designated under the Endangered Species Act) and known occurrences for plants listed under the federal Endangered Species Act on Forest Service land adjacent to the Moon Camp parcel. Impacts to plants in and adjacent to the Moon Camp area would increase the value and sensitivity of pebble plain habitat on other NFS lands. This can reduce the flexibility and ability of the Forest Service to conduct management actions (such as hazardous fuel reduction) on these other NFS lands. The mitigation measures include a measure that says the NFS/private land boundary will be signed and that the signs and CC&Rs will include guidance about using "designated hiking/biking" trails. The County Supervisors should understand that there are no designated hiking/biking trails in the area (the nearest are Grey's Peak and Cougar Crest trails, about one mile to the west and east, respectively). We do not believe that signing and CC&Rs alone will be effective in preventing an increase in dispersed recreation and associated impacts on adjacent Forest Service land. Therefore, we ask the Supervisors to consider additional mitigation

measures to reduce these impacts.

3. Spotted Owls - Parts of the proposed project site support suitable foraging and nesting habitat for California spotted owl. Habitat for this rare species has been affected by fire and development throughout the mountains of southern California. The Supervisor's decision should also include consideration of the long-term impacts to this species and its habitat. Please consider adding protection measures to retain as much suitable habitat on site as possible, and off-site habitat acquisition/protection as mitigation for suitable habitat that would be permanently degraded. The Forest Service recently completed an effort to map all known and suitable spotted owl habitat on the SBNF and would be happy to share this mapping with the County to assist with the potential mitigation.

4. Water - The Forest Service is concerned about the impacts of water extractions from the Moon Camp wells on adjacent and on-site riparian and wetland habitats. Some of the swales on the Moon Camp property support rare plants and rely on wet conditions. As water availability for native habitats and fire-fighting is one of the most critical concerns in the mountains, the Forest Service would appreciate the Supervisors considering the long-term impacts of residential growth that will increase demands on the limited water supply. While the Forest Service applauds the mitigation measures that encourage the use of xeric landscaping and other water conservation measures, the Forest Service asks that the Supervisors consider taking additional measures in order to lower the water-related demands on this limited resource.

5. Wildlife - While the Forest Service appreciates the mitigation measures to reduce the effects of night-lighting on wildlife (BF-9 and BR-10), we wonder about the need to have street lamps at all since no neighborhood on the north shore of Big Bear Lake (including the State Highway) has street lamps. We would like to suggest that the Supervisors consider further reducing the potential for night lighting impacts by not allowing street lamps in this project. A number of studies have shown the detrimental effects of night lighting on aquatic, riparian, and nocturnal (including night-time migratory birds) species. The EIR's analysis of impacts to wildlife from night-lighting states that the impacts may be significant when combined with other impacts (noise and habitat loss). For BF-10, the Supervisors could consider adding a requirement that residential outdoor lights to be motion-activated to further reduce the potential effects of night-lighting. Mitigation measure BR-3 states that flying squirrel nest boxes would be located on adjacent FS land. We ask that the County discuss such plans with our staff prior to implementing any measures on NFS lands.

6. Bald Eagles – We concur with the findings of in the DEIR that the project would cause significant unmitigated impacts to Bald Eagles. The Forest Service is concerned about long-term impacts to bald eagle perch/foraging habitat. We are concerned that as large perch trees die, they will be felled because they would pose safety hazards to people and improvements. Without the development, they would not be hazards and would remain standing for some period of time. Initial mitigations for removal of perch trees during construction through installation of artificial perch trees have not been maintained. As the artificial perch trees fall, no replacements occur; thus, mitigations have been temporary and limited. The Forest Service encourages the Supervisors to consider provisions that require long-term commitments to providing perch and foraging sites.

   The mitigations for impacts to bald eagles are based on limiting impacts to wintering bald

eagles. However, for the past two years, a pair of non-migratory bald eagles has remained in the Grout Bay area year-round and they have built a nest. At this point, they have not yet successfully produced offspring; however, it is conceivable that in the near future, they will. This pair of eagles is likely frequenting the Moon Camp area for perching and foraging. Therefore, we ask that the Supervisors consider potential impacts to nesting or resident bald eagles in terms of losses or degradation of year-round perch and foraging habitat.

7. Encroachment - Where new developments border on National Forest, it is extremely important that the County require surveys and documentation of the land line locations prior to, during, and well after the development construction process to assure that no trespasses occur on National Forest System lands.

8. Erosion/Sediment - New development next to National Forest need to be set back at least 100 feet from National Forest System lands boundaries such that any excavation and or earth work does not cause "back cutting" type erosion; nor should sediment and erosion created as the by-product of constructing the new development impact the National Forest. In the absence of detailed soils erosion and sedimentation plan and geotechnical investigation of slope stability, it is not possible to determine whether significant impacts would occur. This is especially important in light of Big Bear Lake's impaired status regarding TMDL.

If you should have any questions please contact Tom Hall, Forest Planner, at 909-382-2905.

Sincerely,

/s/ Scott Tangenberg
SCOTT TANGENBERG
District Ranger

cc: Jeanne Wade

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3.2.4 - Federal Agencies

United States Department of Agriculture (USDA)

Response to USDA-1
The commenter provides introductory remarks to preface the letter. No response is necessary.

Response to USDA-2
The commenter is concerned about potential impacts of the Project on rare plants in the habitat on adjacent United States Forest Service (USFS) lands. As indicated in the RRDEIR No. 2, the Project abuts San Bernardino National Forest lands to the north and east of the Project site. The Project does not include any component that would result in the disturbance of USFS lands. The County does not believe that the Project will result in any impacts to rare plants in their habitat on adjacent USFS lands. There are no trails from the Moon Camp property up to the USFS pebble plain. The slope between the proposed lots and the USFS pebble plain are steep and brush-covered. It is very unlikely that residents will work hard to climb up to that pebble plain. If residents are accessing the USFS pebble plain and such access is identified by the Conservation Entity during project monitoring, then remedial actions shall be implemented, such as fencing, laying brush across the access areas, and/or informing the residents of the sensitive resources. These restrictions shall be included in the Project Conditions, Covenants, and Restrictions (CC&Rs).

Response to USDA-3
The Fuel Modification Zone is designed to be directly adjacent to the USFS lands that abut the Moon Camp Subdivision. This is consistent with the County's Fire Safety Overlay Zone, FS1, requirements.

See Response to Sierra Club-16 for a detailed response concerning wildfire hazard.

Response to USDA-4
As discussed in the RRDEIR No. 2, the only state-listed species that may be impacted by the Moon Camp Project is the bald eagle. However, County does not believe that development of the Moon Camp Project will result in a take of bald eagles as defined by the California Endangered Species Act requiring issuance of an Incidental Take Permit by the California Department of Fish and Wildlife (CDFW) prior to Project development. The RRDEIR No. 2 analyzed the potential for the Moon Camp Project to have a significant impact on the American bald eagle. The RRDEIR No. 2 acknowledged that the bald eagles are known to be present and roost on the Project site in the winter (RRDEIR No. 2, page 2-29). Many of the trees located on the Project site have been identified as bald eagle perch trees. Surveys and records searches were conducted for the Project site in the winter of 2002 and 2007, which determined that bald eagles use the site extensively. Bald eagle perch locations were recorded and individual trees were marked with numbered tags (RRDEIR No. 2, page 2-29). However, there are no records showing that bald eagles had historically nested on the Project site and neither the 2002 nor 2007 survey found nesting bald eagles on the Project Site. The proposed mitigation measures prohibit the intentional removal of identified perch trees as a component of Project development, but noted that perch trees may need to be removed in the future if they create a hazardous condition. The potential for future removal of bald eagle perch trees, along with additional light and glare/noise introduced into the area by the Project, is considered a potentially significant CEQA impact. Implementation of Mitigation Measures BR-4, BR-6, and BR-7 (RRDEIR No.

2, page 2-59, as updated in Section 4, Errata, of this FEIR document) will reduce impacts to the bald eagle. These mitigation measures include:

- Replacement of removed perch trees (should that be necessary) either at a ratio of 5:1 with creation of artificial perch trees within the Conservation Areas or by enhancing other trees by trimming and limbing to make suitable for eagle perching (Mitigation Measure BR-4)
- Replacement of identified non-perch trees larger than 24 inches diameter at breast height (dbh), removed as part of Project development, at a ratio of 2:1 (Mitigation Measure BR-4)
- Pre-construction survey of trees to identify existence of active nests. Active nests will be protected and avoided (Mitigation Measure BR-6)
- All vegetation removal, clearing, and grading on the Project site must be performed outside the breeding and nesting season to minimize effects to the bald eagle (Mitigation Measure BR-7)

Despite implementation of these mitigation measures, impacts were determined to be significant unavoidable due to the very strict County of San Bernardino criteria for determining CEQA impacts to bald eagles. Any removal of perch trees or human activity resulting in the introduction of additional light and/or noise impacts is considered a significant impact under CEQA. However, a significant unavoidable impact to the bald eagle does not mean that the Project will result in a take of a bald eagle pursuant to the California Endangered Species Act (CESA), or any other applicable law regulating impacts to the bald eagle. With few exceptions, the Bald and Golden Eagle Protection Act (16 USC 668–668d) prohibits take of bald eagles and golden eagles. Unlike the MBTA, which defines "take" to mean only direct killing or taking of birds or their body parts, eggs, and nests, the Bald and Golden Eagle Protection Act defines take in a manner similar to FESA as including "pursuing, shooting, shooting at, poisoning, wounding, killing, capturing, trapping, collecting, molesting, and disturbing," with "disturb" further defined (50 CFR 22.3) as "to agitate or bother a Bald or Golden Eagle to a degree that causes, or is likely to cause, based on the best scientific information available; (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." The requirements for guarding against impacts to eagles generally are far more stringent than those required by the MBTA alone. Therefore, the Project is designed to avoid known perching trees along the shoreline of Big Bear Lake and mitigation measures are in place to replace trees that have to be removed with artificial perches. As explained and referenced in the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting, the bald eagles are becoming more accustomed to human interaction and take of the species is not expected as a result of the Moon Camp Project (Appendix I of this 2020 Final EIR). As indicated above, mitigation measures proposed in the RRDEIR No. 2 (page 2-59) would provide for avoidance of direct impacts to the bald eagle through habitat restoration and avoidance of active nesting locations. Accordingly, the County of San Bernardino does not believe that an Incidental Take Permit or a Bald and Golden Eagle Protection Act permit for the bald eagle is required in connection with development of the Moon Camp Project.

Response to USDA-5

The commenter requests that the RRDEIR No. 2 include analysis of a project alternative that would reduce the scale of the development and increase the amount of open space. CEQA requires an EIR to describe a reasonable range of alternatives to the Project, which would feasibly obtain most of the basic objectives and would avoid or substantially lessen the significant effects of the Project (CEQA Guidelines Section 15126.6). An EIR need not consider and analyze every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation (CEQA Guidelines Section 15126.6(a)). There is no ironclad rule governing the nature and scope of the alternatives to be discussed other than the rule of reason (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553). The RRDEIR No. 2 analyzed four Project Alternatives in addition to the statutory mandated No Project Alternative. These Alternatives included:

- Original proposed Project (92 residential lots, 103 slip marina and realignment of State Route 38 [SR-38])
- No Project-Existing General Plan Land Use Development. Development pursuant to the existing general plan land use designation (40-acre minimum lots, no marina, no SR-38 realignment)
- Reduced Density (62 Lots), Without SR-38 Realignment, without Marina alternatives (as compared to the Original proposed Project)
- Proposed Project Alternative (50 residential lots, 55 slip marina, Open Space)

The RRDEIR No. 2 concluded that, outside of the No Project Alternative, the Proposed Project Alternative was the Environmentally Superior Alternative (RRDEIR No. 2, pages 7-29 and 7-30). The alternatives discussed in the RRDEIR No. 2 represent a reasonable range of Alternatives consistent with CEQA's mandates.

The commenter asserts that the RRDEIR No. 2 should have included a project alternative showing reduced levels of development and an increased amount of open space. As indicated above, CEQA requires discussion of alternatives that avoid or substantially reduce identified significant impacts and meet most of the basic project objectives (CEQA Guidelines Section 15126.6). Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR is the inability to avoid significant environmental impacts (CEQA Guidelines Section 15126.6(c)). As indicated in the RRDEIR No. 2, the only significant unavoidable impact of the Project is the impact to the American bald eagle. The County of San Bernardino General Plan and Mountain Region Community Plan both identify goals to conserve eagle perch trees and protect the wintering population of bald eagles in Southern California. The County of San Bernardino considers potential impacts to any eagle perch trees, as well as human activity resulting in the addition of human activity resulting in noise, light, and glare within bald eagle habitat, to be significant and unavoidable. Accordingly, *any* development on the Project site would result in a significant unavoidable impact to the bald eagle under CEQA. Therefore, aside from the No Project Alternative, there are no feasible Project Alternatives that could avoid or substantially reduce impacts to bald eagles while meeting most of the basic objectives of the Project. Impacts to all other threatened and endangered species are determined to be less than significant with mitigation. Accordingly, CEQA does not require consideration of an additional reduced intensity alternative as asserted by the commenter.

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STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

Memorandum

Date: January 26, 2012

To: All Reviewing Agencies

From: Scott Morgan, Director

Re: SCH # 2002021105
Moon Camp

Pursuant to the attached letter, the Lead Agency has extended the review period for the above referenced project to February 7, 2012 to accommodate the review process. All other project information remains the same.

1

cc: Matthew Slowik
San Bernardino County Land Use Services Department
385 N. Arrowhead, 1st Floor
San Bernardino, CA 92415-0182

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3.2.5 - State Agencies

Governor's Office of Planning and Research (OPR)

Response to OPR-1

The commenter confirms the County of San Bernardino's extension to close the public review period for the RRDEIR No. 2 to February 7, 2012. The Governor's Office of Planning and Research comment is also noted. No additional response is necessary.

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State of California -The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Eastern Sierra Inland Deserts Region 6
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
http://www.dfg.ca.gov

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

2/7 #25/12 Clear

January 24, 2012

Mr. Matthew Slowik
Land Use Services Department
County of San Bernardino
385 N. Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

RECEIVED
JAN 25 2012
STATE CLEARING HOUSE

Re: Draft Recirculated Environmental Impact Report for the Moon Camp Project
County of San Bernardino – SCH #2002021105

Dear Mr. Slowik:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Draft Recirculated Environmental Impact Report for the Moon Camp Project. The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections §711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section §15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section §15381), such as a Lake and Streambed Alteration Agreement (section §1600 *et seq.*) or a California Endangered Species Incidental Take Permit (Fish and Game Code sections §2080 and 2080.1).

For this project the Department will be acting as a Trustee and Responsible Agency. As per Section 15096 of the California Environmental Quality Act statute, as a Responsible Agency, the Department is obligated to focus its comments on any shortcomings in the CEQA document, the appropriateness of the CEQA document utilized, and additional alternatives or mitigation measures which the CEQA document should include. 1

The proposed development consists of 50 residential lots, 8 open space lots, a marina (boat dock) with 55 boat slips, conservation easements, and open space on 82.43 acres. The original DEIR project description included 92 residential lots, 3 open space lots, 103 boat slips on a marina/boat dock, 31 lots on the lakefront, and realignment of State Route 38 (SR-38). This redesign incorporates some of the recommendations made by the Department in the review of previous EIRs, including the removal of lakefront lots, and keeping the present alignment of SR-38.

The site is located adjacent to Big Bear Lake in the County of San Bernardino and is bounded on the west by Grout Bay, on the east by open space, on the south by Big Bear Lake, and on the north by open space forest. The site is split by SR-38 and abuts National Forest Service lands on the north and east.

Impacts to Species

The proposed project has the potential to adversely impact foraging habitat for raptors, bald eagle perch trees, habitat for San Bernardino flying squirrel, habitat for southern rubber boa, habitat for California spotted owl, species of bats, and Pebble Plains habitat and plants.

A biological resource assessment was conducted in 2002. Biological Resources Surveys for the project site include the following: Sensitive Plants (2009 and 2010), San Bernardino flying squirrel (2007 and 1998), bald eagle (2002), southwest willow flycatcher (2002 and 2007), spotted owl (2002), and southern rubber boa (2002). The information in the 2002 surveys was updated in 2006. 2

The Department advises that any biological habitat assessments or walkovers be conducted within a year of distribution of the CEQA document. Surveys conducted after 2009 should provide a thorough assessment of rare plants and rare natural communities, following the Department's November 2009 guidance for Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. The guidance document can be found at the following link:
http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols_for_Surveying_and_Evaluating_Impacts.pdf

California Native Plant Society (CNPS) 1B plants with a moderate or high potential to be found on the site include: Baldwin Lake linanthus, Big Bear Valley sandwort, Big Bear Valley milk-vetch, Palmer's mariposa lily, San Bernardino Mountains owl's clover, San Bernardino Mountains dudleya, leafy buckwheat, San Bernardino Mountains monkey flower, Bear Valley phlox, Bear Valley pyrrocoma, southern jewelflower, Parish's rock cress, Big Bear Valley woollypod and silver-haired ivesia. Federally-listed as Threatened plants with a moderate or high potential to be found on the site include: the ash-gray Indian paintbrush, Big Bear Valley sandwort, birds foot checkerbloom, California dandelion, and the Federal candidate for Threatened status Parish's checkerbloom. A State-listed as Endangered plant with a moderate or high potential to be found on the site include the bird's foot checkerbloom. California special status plant species associated with Pebble Plains habitat include: Parish's rock cress, Bear Valley sandwort, ash-gray Indian paintbrush, Munz's hedgehog cactus, Kennedy's buckwheat, silver-haired ivesia, Baldwin Lake linanthus, eyestrain monkey flower and purple monkey flower. Five of these Pebble Plains indicator plant species are found on the site.

State designated Species of Special Concern animals with a moderate to high potential to occur on the site include: San Bernardino Mountain kingsnake, southern sagebrush lizard, Cooper's hawk, northern goshawk, sharp-shinned hawk, golden eagle, pied-billed grebe, great blue heron, gadwall, ruddy duck, American kestrel, killdeer, long-eared owl, black swift, yellow warbler, California spotted owl (observed in close proximity), small-footed myotis bat, Virginia opossum , deer mouse, western harvest mouse, mule deer, long-tailed weasel, raccoon, bobcat and long-eared myotis bat. 3

The 2007 flying squirrel survey noted that flying squirrels were trapped approximately 0.5 miles to the north. The 2007 assessment also states that the northern one-half of the site supports suitable habitat for flying squirrel. Because of the disturbance, nearby presence of flying squirrel and drought, the consulting biologist recommended that snags with cavities that are removed be replaced with two nest boxes and one aggregate box per snag removed. The peer review recommended that surveys be conducted for San Bernardino flying squirrel, southwest willow flycatcher, and southern rubber boa.

The project site is also a known present and historical location for perching bald eagles. The last survey for bald eagle on the site was conducted in 2002. An independent survey (United States Forest Service bald eagle winter count (2009-2010)) was conducted but data regarding perch locations was not provided in the DEIR. The 2007 assessment states that the entire site provides suitable bald eagle perch habitat because the site provides line of sight to the lake. An additional survey should be conducted both to determine present use of the site and to determine whether any of the most used perching trees were removed. 4

The 2002 biological surveys concluded that southern rubber boa was not likely to be found on the site because of the negative results of surveys, the lack of historical records and the lack of stone outcrops. There were, however, many downed trees and several streams traversing the site. Additional surveys are required. 5

The Pebble Plain Habitat Management Guide names nine plant species associated with Pebble Plain habitat: Parish's rock cress, Bear Valley sandwort, ash-gray paintbrush, Munz's hedgehog cactus, Kennedy's buckwheat, Silver-haired ivesia, Baldwin Lake Linanthus, eyestrain monkey flower, and purple monkey flower. There are three habitat types associated with Pebble Plains: shallow clay deposits with cobbles or gravel, vernal wet meadows, and vernal annuals. The Management Plan also states that Pebble Plains plants naturally occur as fragmented patches of habitat and that the actual importance values of species varied between sites. However Arenaria ursina (Bear Valley sandwort) and *Eriogonum kennedyi* ssp. *austromontanum* (southern mountain buckwheat) ranked high at all sites. The project site contains five of the nine plant species associated with Pebble Plains habitat and two of the indicator species. The 2008 Krantz supplementary biological assessment reviewed the findings of White in 2007.

The 2007 White survey states that there are four plant species endemic to meadow habitat and three species endemic to Pebble Plains. Meadow plants include San Bernardino bluegrass, bird-foot checkerbloom, California dandelion, and slender-petaled thelypodium. Pebble Plains plants include Bear Valley sandwort, Ash-gray Indian paintbrush and Southern mountain buckwheat. White states that Jeffrey Pine sites that have open forest cover and Wright's matting buckwheat are suitable for ash-gray Indian paintbrush. Ash-gray Indian paintbrush is a root parasite on southern mountain buckwheat and mat-forming buckwheat. Parish's rock cress is known to co-occur with Ash-gray Indian paintbrush. Big Bear Valley woollypod is common on Pebble Plains and suitable habitat occurs throughout the site. Wet meadows are found along the shoreline but the locations are not identified on maps. Krantz reports that no special status plants were found in wet meadow habitat adjacent to the lake. 6

The 2007 survey recommends that a conservation easement be placed over the Pebble Plains habitat, including a 200-foot buffer and active land management to prevent edge effects. The Department concurs with this mitigation proposal and requests it be included in the FEIR.

A supplemental plant survey (post-2007) affirmed the presence of ash-gray Indian paintbrush, Parish's rock-cress, Big Bear Valley woollypod, Heckard's paintbrush and silver-haired ivesia. Two additional special status plants were found in the supplemental survey, purple monkeyflower and Sugarloaf phlox. The supplemental survey states that there are approximately 7.71 acres of ash-gray Indian habitat, not the 13.81 acres reported in the White survey. Letters from the original DEIR state that there are 11.8 acres of Pebble Plain habitat on the site. The DEIR states that there are 0.69 acres of Pebble Plain habitat. The 2007 biological report states that there are 7.71 acres of Pebble Plain habitat. A follow-up plant survey by Krantz found that there were four 7

occurrences of ash-gray Indian paintbrush for a total of 7.7 acres of occupied ash-gray Indian paintbrush habitat.

A vegetation and special status plant survey was conducted in 2007. This report concludes the following: 1) surveys were conducted during a drought year and thus may not accurately reflect the presence of sensitive plants; 2) the project would directly impact ash-gray Indian paintbrush plants and habitat, southern mountain buckwheat intergrades and Pebble Plain habitat. This report recommended follow-up botanical surveys for sensitive status meadow species, 3:1 mitigation for removed ash-gray Indian paintbrush, and 1:1 for indirect impacts. 7 CONT

Impacts will also occur to State jurisdictional waters, both stream and on the lake (marina and boat docks). These impacts were neither analyzed nor mitigated for. 8

Proposed Mitigation

Proposed mitigation measures in the 2005 DEIR include the following: surveys prior to vegetation removal, conservation of 4.91 acres of Pebble Plain habitat, mitigation of 35.4 acres for impacts to 11.8 acres of Pebble Plain and open Jeffrey pine forest, preservation of identified eagle perch locations, survey for raptor nests, prohibition on use of the boat dock for motorized boating between December 1 and April 1, and mitigation of indirect impacts from lighting signage, landscaping and impacts to State jurisdictional waters at a minimum 3:1 ratio.

Proposed mitigation measures in the latest DEIR include: a conservation easement on the 10-acre Dixie Lee Lane property and a perpetual non-wasting endowment for management, conservation easements on 5.38 acres (including Lots A and H) with a non-wasting endowment for management, measures to protect the resources in the conservation easements, removal of non-native plants in conservation areas, a 50-foot setback on a site ravine, minimization of the removal of downed logs and trees, compensation for the removal of trees with snags containing cavities, pre-construction surveys for bird nests, and surveys of trees prior to construction. 9

Department Concerns

This document was originally prepared in 2004 and much of the biological survey data are from either 2002 or 2007, with the exception of plant surveys. The jurisdictional delineation of State waters was conducted in 2004 and also needs to be updated. To identify and analyze the project impacts the Department requests:

1. Surveys for the San Bernardino flying squirrel, bald eagle perch trees, California spotted owl, and southern rubber boa (as recommended by the February 7, 2007, biological report). Please focus on an impact analysis and mitigation measures to offset impacts to these species;
2. Mitigation measures to offset the loss of 12 CNPS 1B plants and 12 animal species of special concern; 10
3. An updated jurisdictional delineation of wetlands, streams and lake jurisdictional waters, impacts and mitigation measures;
4. A fire management plan for the residential areas and for a buffer area between the site and Forest Service lands. All fire clearance should occur on private lands, not National Forest;
5. Placement of flying squirrel nest boxes as recommended by the consultants;

6. Discussion of the conflicting acreage figures of Pebble Plain habitat in 2005, 2007, and 2010, and an acreage figure on observed Pebble Plain habitat and probable Pebble Plain habitat;
7. Replacement of bald eagle perch trees at 5:1 ratio;
8. Provision of a vegetation map showing the locations of special status plants, potential flying squirrel habitat, potential spotted owl habitat, and southern rubber boa habitat;
9. An analysis of the impact of the development on bat species and potential mitigation measures, including placement of bat nests;
10. Submittal of a California Endangered Species Act Incidental Take Permit, for State-listed Threatened or Endangered species;
11. Submittal of a Lake and Streambed Alteration Agreement notification;
12. Preparation of a Habitat Mitigation and Monitoring Plan to encompass the mitigation proposals for this project;
13. Dedication of conservation lands and/or conservation easements to a conservation entity as approved by the Department;
14. Provision of suitable funds to monitor and manage the conservation lands and/or conservation easements in perpetuity;
15. A cumulative impact analysis of the impacts to special status plants and animals in relation to known existing populations, and,
16. An analysis of biological resources on the north and west project boundary.

10 CONT

<u>California Endangered Species Incidental Take Permit</u>

The criteria defining the requirements for a CESA ITP are found in Title 14 CCR, Sections 783.4(a) and (b). These require that the take is incidental to an otherwise lawful activity, the impacts of the take are minimized and fully mitigated, the measures to minimize and fully mitigate impacts are roughly proportional to the impact on the species to maintain the applicant's objectives to the greatest degree possible, and are capable of successful implementation. This section also requires that adequate funding is provided to implement the mitigation measures and that issuance of an ITP will not jeopardize the continued existence of a State-listed species.

If these requirements regarding State-listed Threatened or Endangered wildlife (plants and animals) are not satisfied prior to approval of the Final Environmental Impact Report (FEIR), then a subsequent CEQA document must be prepared so that it can be reviewed by the public and comply with the Department's duties as a Responsible Agency under CEQA.

11

If the project involves the take of a Federal threatened or endangered species, the project applicant will have to consult with the United States Fish and Wildlife Service (Service). If the impacts and mitigation from the Service are not included in the CEQA document, a subsequent CEQA document will have to be prepared and reviewed by the Department.

<u>Streambed Alteration Agreements and CEQA</u>

A jurisdictional delineation was conducted in 2004. However, this jurisdictional delineation is out-of-date and must be updated prior to the approval of the DEIR or a subsequent CEQA document must be prepared in order for the Department to meet its obligations as a Responsible Agency. In addition, the jurisdictional delineation must include potential impacts to Big Bear Lake caused by the marina and boat slips. The findings associated with jurisdictional determinations of State jurisdictional waters and any mitigation measures are subject to review and determination by the Department during the Lake and Streambed Alteration Agreement notification process.

12

The Department opposes the elimination of drainages, lakes and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:1 replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors. 12 CONT

Because the CEQA documents do not fully identify potential impacts to lakes, streams, and associated resources and provide adequate avoidance, mitigation, monitoring, funding sources, a habitat management plan and reporting commitments, inclusion in the FEIR or subsequent CEQA documentation will be required prior to execution (signing) of the Agreement. In order to avoid delays or repetition of the CEQA process, potential impacts to a stream or lake, and avoidance and mitigation measures need to be discussed within this CEQA document.

We recommend submitting a notification early on, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Streambed Alteration Agreement notification package please go to the Department's website at http://www.dfg.ca.gov/habcon/1600/forms.html. 13

The following information will be required for the processing of a Streambed Alteration Agreement and the Department recommends incorporating this information to avoid subsequent CEQA documentation and project delays:

1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
2) Discussion of avoidance measures to reduce project impacts; and,
3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

Section 15370 of the CEQA guidelines includes a definition of mitigation. In the absence of specific mitigation measures in the CEQA documents, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. Permit negotiations conducted after and outside of the CEQA process deprive the public of its rights to know what project impacts are and how they are being mitigated contrary to CEQA Section 15002. Also, because mitigation to offset the impacts was not identified in the CEQA document, the Department does not believe that the Lead Agency can make the determination that impacts to jurisdictional drainages and/or riparian habitat are "less than significant" without knowing what the specific impacts and mitigation measures are that will reduce those impacts. 14

Thank you for this opportunity to comment. Please contact Robin Maloney-Rames, Environmental Scientist, at (909) 980-3818, if you have any questions regarding this letter.

Sincerely,

Jeff Brandt
Senior Environmental Scientist

3.2.6 - State Agencies

California Department of Fish and Game[1]

Response to CDFG-1
The commenter provides introductory remarks to preface the letter. As this comment does not raise any issue concerning the adequacy of the RRDEIR No. 2, no formal written response is necessary.

Response to CDFG-2
The commenter asserts that all biological resource surveys should be conducted within 1 year of the release of the EIR for public review. The commenter directs the County of San Bernardino's attention to Department of Fish and Game guidance document regarding protocols for survey and evaluation of impacts to biological resources. As noted by the commenter, the Project site contains sensitive habitat for a number of special-status species, including the San Bernardino flying squirrel, the American bald eagle, southwestern willow flycatcher, spotted owl, and southern rubber boa. Focused surveys for each of these species were conducted prior to the release of the RRDEIR No. 2 for public review. Initially, the County of San Bernardino notes that the Notice of Preparation for this Project was issued by the County in 2002, with the Draft EIR being released for public review in March 2004. Prior to release of the Draft EIR for public review, biological habitat and impact assessments were conducted for sensitive plant species, bald eagle, southwestern willow flycatcher, spotted owl, and southern rubber boa. These studies were then updated in 2007 prior to the recirculation of the RRDEIR No. 2 to confirm the findings of the prior studies. The southwestern willow flycatcher focused surveys concluded that the potential for the species to occur on the Project site for foraging is considered to be high, but its potential to nest on the Project site is considered low. Surveys for the species conducted in spring/summer of 2002 and 2007 show that no breeding or individual southwestern willow flycatchers existed on the Project site and that the lack of Willows or dense-growth Willow thickets favored by the species precluded their existence on-site as a breeding population (RRDEIR No. 2, page 2-29). The lack of individual species on-site and lack of suitable breeding habitat for the southwestern willow flycatcher suggests impacts to this species from Project development are less than significant. Additionally, the focused surveys for the southern rubber boa, conducted in 2002 and again in 2007, concluded that there were no southern rubber boa occupying the site, and it is unlikely that the species would ever be present on-site due to location of the Project site (north-facing slope). Moreover, a review of historical records showed that the species has not been found in the vicinity of the Project site (RRDEIR No 2, page 2-27). There has been no evidence subsequent that would suggest a different conclusion. Accordingly, the focused surveys for the southern rubber boa and southwestern willow flycatcher are adequate and represent substantial evidence that the Project will have a less than significant impact on those species. The bald eagle surveys conducted in 2002 and 2007 indicate that bald eagles utilize portions of the Project to perch and roost. The RRDEIR No. 2 concludes that the Project will have a significant unavoidable impact to bald eagles due to potential removal of known perch trees (that may become hazards in the future), as well as introduction of light and noise by project development that could disturb bald eagle populations. Despite the implementation of mitigation measures that preclude removal of identified perch trees and require replacement of removed perch trees or enhancement of existing trees, in the event they represent a hazardous condition, a 5:1 mitigation ratio and pre-

[1] Please note that the California Department of Fish and Game is now known as the California Department of Fish and Wildlife.

construction surveys to ensure that identified bald eagle nests (should any be found) are not disturbed during the breeding season. Impacts to the bald eagle are considered significant. Accordingly, the County of San Bernardino does not believe that conducting updated bald eagle surveys would provide any additional information regarding Project impacts on the bald eagle. A focused survey for San Bernardino flying squirrels was conducted on the Project site in 2007 and the results were negative. However, an individual of the species was trapped in 1998 by the USFS, approximately 0.5 mile north of the northern boundary of the Project site (RRDEIR No. 2, page 2-33). The analysis concluded that the Project site provided suitable foraging habitat for the species and the potential for occurrence is considered high despite the negative 2007 Focused Survey. Based on the moderate potential for occurrence, the RRDEIR No. 2 proposed Mitigation Measure BR-3 (page 2-58) has been revised to require the following:

BR-3 ~~The project proponent shall have a biologist qualified with San Bernardino flying squirrel (SBFS) as a monitor during tree removal. Minimize the number of trees, snags, and downed wood removed for project implementation. Compensating the removal of snags containing cavities; this would be achieved by constructing and erecting two nest boxes and one aggregate box per snag removed. Appendix A of this Revised and Recirculated Draft EIR No. 2 provides the specifications of the nest and aggregate boxes (Flying Squirrels 2007). These boxes should be located on the adjacent U.S. Forest Service (USFS) land (with their permission) and the locations marked with a global positioning system. The locations of the boxes shall be provided to the USFS so that their biologists could monitor the boxes for occupation by SBFS.~~

~~Provide new homeowners with a flyer that would provide information on the biology of SBFS and how they are susceptible to depredation by cats. The flyer would also outline steps that homeowners could take to reduce their urban edge effects.~~

Given the negative results of on-site surveys, and the available technical and peer reviewed literature, negative effects to the San Bernardino flying squirrel are not expected. However, because marginal foraging habitat was found on-site, the following mitigation measures will be implemented in the lots with densely forested areas and snags. These mitigation measures are to be implemented to avoid and minimize impacts to San Bernardino flying squirrels:

- The Project Applicant shall have a qualified biologist as a monitor just prior to and during all tree removal on-site.
- Minimize the removal of large coarse woody debris (>10cm diameter), which provide microhabitat for the growth of hypogeous fungi.
- Limit removal of standing snags (>25cm dbh) and large trees (>25cm dbh), which provide both structural complexity and potential nesting habitat.
- Prioritize the retention of large trees and snags with visible potential cavity nesting structures, which are associated with higher densities of northern flying squirrels.

- Minimize the loss of continuous canopy closure, especially in the drainages, which provides protection from predators while foraging and may play an important role in maintaining habitat connectivity.
- The Project Applicant must compensate for the removal of suitable habitat through construction and erection of two nest boxes and one aggregate box per snag removed.
- The Project Applicant is required to provide homeowners with information on the biology of the San Bernardino flying squirrel and suggest steps that homeowners can take to reduce their urban-edge effects.
- All subsequent home developers must comply with these provisions, which shall be enforced by the County of San Bernardino through implementation of the Mitigation Monitoring and Reporting Program as mandated by CEQA.

If the monitoring biologist observes a San Bernardino flying squirrel during pre-construction and/or construction monitoring, the biologist will immediately halt work until the occupied tree can be vacated prior to felling the tree; however, if the work is during the nesting season (generally March through May) when baby squirrels could be present, the nest will not be vacated until after the nesting season ends (June 1st), as cleared by the monitoring biologist.

Please refer to Section 4: Errata of this FEIR, showing detailed revisions to mitigation measures.

Considering the RRDEIR No. 2 already considers impacts to the San Bernardino flying squirrel to be potentially significant requiring mitigation, the County of San Bernardino does not believe another survey for the species would provide additional information affecting the significance determinations in the RRDEIR No. 2. Finally, concerning the sensitive plant species located on-site, there are no fewer than four focused special-status plant species surveys that have been conducted on the Project site since 2002. Surveys were conducted in years where there was less than average precipitation (2002 and 2007), as well as years where there was normal or above-average precipitation (2008 and 2010). The County of San Bernardino believes that four surveys in an 8-year period in both normal and abnormal rainfall conditions adequately document the special-status plant species and habitat occurring on the Project site to allow for a comprehensive and informed impact analysis in the Project EIR. The County of San Bernardino is not of aware of, and has not been presented with, any contrary information indicating that wildlife and special-status plant species' impacts are different than identified and analyzed in the Project EIR.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional known and potential special-status species.

Response to CDFG-3
As discussed in detail in Section 3 of the RRDEIR No. 2 (pages 2-2 through 2-10), surveys of the Project site were conducted to determine the presence of all California Native Plant Society (CNPS) 1B plants with a moderate or high potential to be found on the site. As outlined within Table 2-2, 81

special-status plant species are known to occur on the Project region, 30 of which occur or have moderate or high potential to occur on the Project site. In addition, six of these special-status plant species have been observed on the Project site. Additionally, the RRDEIR No. 2 analyzed federally and state listed species of special concern with a moderate to high potential to occur on the Project site. As reflected in Table 2-4, 53 special-status wildlife species are known to occur within the region, 22 of which have a moderate or high potential to occur within the Project site. The RRDEIR No. 2 also includes a detailed analysis of the Project's potential impacts on the San Bernardino flying squirrel. As noted by the commenter, the San Bernardino flying squirrel survey noted that flying squirrels were trapped approximately 0.5 mile to the north and that the northern half of the site supports suitable habitat for San Bernardino flying squirrel. However, the San Bernardino flying squirrel survey did not identify any individuals on the Project site. Because development of the Project would impact suitable habitat for the San Bernardino flying squirrel, the EIR recommended implementation of Mitigation Measure BR-3, which requires compensating for the removal of snags containing cavities by constructing and erecting two nest boxes and one aggregate box per snag removed. This mitigation measure reduces impacts to less than significant levels.

Response to CDFG-4

The commenter notes that the RRDEIR No. 2 concluded that the Project site provides suitable bald eagle perch habitat due to its location and proximity to the lake. The bald eagle survey prepared in connection with the EIR specifically identified all of the existing bald eagle perch trees. Location of these perch trees are identified in Exhibit 2-3. Mitigation Measure BR-4 (RRDEIR No. 2, page 2-59), requires preservation of the existing perch trees to the extent possible and if any should become hazardous and need to be removed, replacement will be at a 5:1 ratio with the creation of artificial perch trees along shoreline designated open space. This mitigation measure is more than adequate to mitigate impacts to the bald eagle. As such, a 2081 is not necessary and the proposed mitigation measures ensure compliance with the Bald and Gold Eagle Act.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including the bald eagle.

Response to CDFG-5

The commenter asserts that additional surveys for the southern rubber boa are required despite the fact that prior surveys showed southern rubber boa did not occupy the Project site. Multiple surveys for the southern rubber boa were conducted on the Project site. Glen Stewart, PhD, Professor Emeritus of Zoology and Environmental Sciences, Cal Poly Pomona, concluded that the Project site was highly unlikely to support the existence of southern rubber boa because of negative results of two independent focused surveys and lack of historical records of individuals in the immediate vicinity of the Project site (Appendix J of this 2020 Final EIR). No further surveys are necessary. Furthermore, Dr. Stewart's habitat assessment showed that the Moon Camp Tract is poor southern rubber boa habitat and outside the area mapped as potential southern rubber boa habitat in the USFS habitat management guide. There have been no southern rubber boa sightings in the area.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species

Response to CDFG-6
The commenter asserts that the Project site contains five of the nine plant species associated with pebble plant habitat and two of the indicator species. As discussed in the RRDEIR No. 2 and the 2010 Supplemental Focused Special Status Plant Survey prepared by Dr. Tim Krantz, no true pebble plain habitat exists on the Project site. A small, 0.69-acre area of pebble plain-like soil condition exists in a small area partially within Conservation Area Lot A. However, all other locations on the Project site that contain plant species generally associated with pebble plain habitat are only weak indicators. (Several weakly associated sensitive plant species are lacking the characteristic clay soils with Saragossa quartzite pebbles on the surface.) Contrary to the commenter's assertions, there are no rare, sensitive, threatened, or endangered meadow plant species on the Project site.

The ashy-grey Indian paintbrush population exhibits no adverse "edge" effects from the adjacent residential lots immediately to the west and north of proposed Lot H, although these lots have been in existence there since the 1960s. Furthermore, the pebble plain-like soils inhibit most other non-native weeds because the clay soils make it difficult for other non-adapted plant species to become established. The only non-native of concern observed on-site is cheat grass, *Bromus tectorum*, which is ubiquitous throughout Big Bear Valley; this despite the fact that the habitats in the vicinity of Lots A and H have had adjacent residential development for decades, and the area was subject to unregulated off-highway vehicle use until the Applicant fenced off the highway access several years ago.

Response to CDFG-7
The survey conducted by Scott White in 2007 was admittedly (by the author) accomplished late in the season and in a drought year, when observations were less than reliable. Hence, subsequent rare plant surveys were completed by Dr. Krantz in 2008, 2010, and 2011, with particular focus on verifying presence/absence of all potential rare, threatened, or endangered plant species on-site. The Krantz surveys delineated the ashy-grey Indian paintbrush occurrences using GPS, rendering a more accurate occupied habitat calculation for the species than was rendered in the White report or in the 2008 Krantz survey. Additionally, an updated survey completed in 2016 by Dr. Krantz notes that there are essentially no changes in the distribution of rare plant species occurring on the Moon Camp property in comparison with previous surveys, and as described in the RRDEIR No. 2 (see also Appendix K of this 2020 Final EIR).

Response to CDFG-8
The commenter asserts that Project development impacts on State jurisdictional waters were not analyzed in the RRDEIR No. 2. The RRDEIR No. 2 includes a discussion of potential impacts to jurisdictional waters. As indicated therein, a delineation of federal and State jurisdictional waters was prepared in connection with the Project EIR. The delineation concluded that there are several unnamed drainages located within the Project site that *may* fall under an agency's jurisdiction. Based on the results of the field observations and data collection, there is approximately 0.15 acre of United States Army Corps of Engineers (USACE) jurisdictional waters of the United States within the

Project site (RRDEIR No. 2, pages 2-35 and 2-36). Utilizing most current development plans, it was determined that roadway improvements would impact approximately 0.04 acre of jurisdictional waters. Moreover, the Project would impact approximately 0.04 acre of California Department of Fish and Wildlife (CDFW) jurisdictional waters. As such, the Project will be required to submit a Notice and Application for Streambed Alteration Permit as part of the Project development process.

Response to CDFG-9

The commenter generally summarizes proposed mitigation measures to mitigate impacts to Biological Resources. No substantive comment as to the adequacy of said mitigation measures is included within this comment, and, therefore, no formal written response is necessary. These comments will be forwarded to the decision makers for consideration prior to Project approval.

Response to CDFG-10

The commenter requests additional surveys for sensitive plant and wildlife species and additional mitigation measures to offset impacts to the Project. A number of the commenter's requests have already been addressed through incorporation of additional analysis in the RRDEIR No. 2. These are, primarily: (1) inclusion of a discussion of the conflicting acreage figures of the pebble plain habitat, (2) requirement of replacement of bald eagle perch trees at a 5:1 ratio, (3) dedication of conservation easements to protect sensitive habitat, and (4) a cumulative impact analysis of impacts to special-status species.

Response to CDFG-11

As requested in the RRDEIR No. 2, the only state-listed species that may be impacted by the Moon Camp Project is the bald eagle. However, the County of San Bernardino does not believe that development of the Moon Camp Project will result in a take of bald eagles as defined by the California Endangered Species Act (CESA) requiring issuance of an Incidental Take Permit by the California Department of Fish and Game prior to Project development. As discussed in detail in the RRDEIR No. 2, surveys conducted in 2002 and 2007 determined that wintering populations of bald eagles utilize trees located on the Project site to perch and roost. The locations of those trees are documented in Exhibit 4.3-2 in the RRDEIR No. 2. The RRDEIR No. 2 acknowledges that part of the Project could impact some of the documented perch trees. Moreover, the County of San Bernardino has developed a stringent threshold of significance for determining impacts to the Project on bald eagles to where removal of any perch trees or initiation of development that will introduce new light and/or noise sources in an area known to be occupied to by bald eagles will be considered a significant impact under CEQA. The RRDEIR No. 2 imposes numerous mitigation measures to reduce impacts to the bald eagle species to the extent feasible. These mitigation measures include replacement of perch trees at a 5:1 ratio or by enhancing other trees to make them suitable for perching, pre-construction surveys and avoidance of eagle nests during construction activities, limiting construction activities to non-breeding seasons, and replacement of non-perch trees that exceed 24 inches in diameter at a 2:1 ratio (RRDEIR No. 2, pages 2-59 and 2-60, as updated in the Errata section of this Final EIR). Implementation of the identified mitigation measures will avoid any take of bald eagles, and therefore ensure compliance with the Bald and Golden Eagle Protection Act (16 USC 668–668d) and CESA. The act specifically prohibits take of bald eagles and golden eagles. Unlike the MBTA, which defines "take" to mean only direct killing or taking of birds or their body parts, eggs, and nests, the Bald and Golden Eagle Protection Act defines take in a manner similar to

FESA as including "pursuing, shooting, shooting at, poisoning, wounding, killing, capturing, trapping, collecting, molesting, and disturbing," with "disturb" further defined (50 CFR 22.3) as "to agitate or bother a Bald or Golden Eagle to a degree that causes, or is likely to cause, based on the best scientific information available; (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." Therefore, the requirements for guarding against impacts to eagles generally are far more stringent than those required by the MBTA alone. Therefore, the Project is designed to avoid known perching trees along the shoreline of Big Bear Lake and mitigation measures are in place to replace trees that have to be removed with artificial perches. As explained and referenced in the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting, the bald eagles are becoming more accustomed to human interaction and take of the species is not expected as a result of the Moon Camp Project (Appendix I of this 2020 Final EIR).

Response to CDFG-12 and -13

The commenter expresses a general opposition to elimination of natural drainage and Riparian habitat on-site, and that impacts need to be compensated at a 3:1 ratio. As indicated in the RRDEIR No. 2, the Project's design minimizes impacts to jurisdictional drainage features located on-site to the maximum extent feasible. The jurisdictional delineation prepared for the Project identified approximately 1.5 acres of potentially jurisdictional drainage features. Of that, only 0.04 acre will be impacted by development of the proposed Project roadways. Outside of these minimal impacts, the natural drainage features will be retained. Additionally, Mitigation Measure BR-13 (RRDEIR No. 2, page 2-61) requires mitigation of direct impacts to jurisdictional drainages on a 3:1 basis through onset restoration, offset restoration, or purchase of credits, as requested by the commenter.

Response to CDFG-14

The commenter asserts that the EIR should have included mitigation measures for impacts to jurisdictional drainages. Contrary to this assertion, Mitigation Measure BR-13 (RRDEIR No. 2, page 2-61) requires the Project Applicant to offset direct impacts to jurisdictional drainage through on-site restoration, off-site restoration, or purchase of credits at an agency-approved mitigation bank in the region at a 3:1 ratio. Indirect impacts must be mitigated at a 1:1 ratio. The County of San Bernardino believes this is adequate mitigation for such impacts.

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DEPARTMENT OF TRANSPORTATION
DISTRICT 8
PLANNING (MS 725)
464 WEST 4th STREET, 6th FLOOR
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-4557
FAX (909) 383-5936
TTY (909) 383-6300

Flex your power!
Be energy efficient!

December 20, 2011

County of San Bernardino
Advance Planning Division
Attention: Matthew Slowik, MURP, MPA
Land Use Services Department
385 North Arrowhead Avenue
San Bernardino, CA 91785

08-SBD-SR-38 PM 55.2/R53.8

DOT
Page 1 of 1

Dear Mr. Slowik:

Subject: Moon Camp 50-Lot Residential Subdivision's, TT No.16136, SCH No#2002021105

The California Department of Transportation (Caltrans) appreciated the opportunity to review the Revised and Recirculated Draft Environmental Impact Report No. 2 for the Moon Camp 50-lot Residential Subdivision in the City of Big Bear Lake. We have completed our review and based on the information provided, our comments of May 11, 2010 stands. 1

These comments are not to be considered complete, final or inclusive. Additional comments may be provided if the scope of the proposed project changes.

If you have any question regarding developmental review procedures or other issues, please contact me at (909) 383-4557 for assistance.

Sincerely,

Mark Rhett (for Dan Kopulsky)

DANIEL KOPULSKY
Office Chief
Community Planning

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California Department of Transportation (DOT)

Response to DOT-1

The commenter expresses the DOT's appreciation for the opportunity to review the Traffic Impact Analysis for the Moon Camp Project and states their comments on May 11, 2010, still stand. The County of San Bernardino acknowledges this comment. Responses to the May 11, 2010, comment letter are located within RRDEIR No. 1, Responses to CALTRANS-1 through -7. No additional response is necessary.

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DEPARTMENT OF PUBLIC WORKS

FLOOD CONTROL • LAND DEVELOPMENT & CONSTRUCTION • OPERATIONS
SOLID WASTE MANAGEMENT • SURVEYOR • TRANSPORTATION

COUNTY OF SAN BERNARDINO

825 East Third Street • San Bernardino, CA 92415-0835 • (909) 387-8104
Fax (909) 387-8130

GRANVILLE M. "BOW" BOWMAN, P.E., P.L.S.
Director of Public Works

January 18, 2012

File: 10(ENV)-4.01

County of San Bernardino
Land Use Services Department, Planning Division
385 N. Arrowhead Ave., First Floor
San Bernardino, CA. 92415-0182

RE: NOTICE OF AVAILABILITY OF THE REVISED AND RECIRCULATED DRAFT ENVIRONMENTAL INPACT REPORT (DEIR) FOR THE MOON CAMP PROJECT

Dear Mr. Slowik:

Thank you for giving the San Bernardino County Department of Public Works (Department) the opportunity to comment on the above-referenced project. The environmental document was circulated to other Divisions within our Department and we have no comments, 1

If you have any questions please contact Patrick Egle, Associate Planner at 909-387-1865 or at Patrick.Egle@dpw.sbcounty.gov.

Sincerely,

JOHN SCHATZ, AICP
Supervising Planner
Environmental Management Division

JS:PE:mb/CEQA Comments to DEIR_San Bernardino County_Moon Camp.doc

cc: Patrick Egle

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CURRENT PLANNING
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GREGORY C. DEVEREAUX
Chief Executive Officer

Board of Supervisors
BRAD MITZELFELT . . . . . First District
JANICE RUTHERFORD . . . . . Second District
JOSIE GONZALES . . . . . Fifth District
NEIL DERRY . . . . . Third District
GARY C. OVITT . . . . . Fourth District

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3.2.7 - Regional Agencies

County of San Bernardino Department of Public Works (DPW)

Response to DPW-1

The commenter confirms receipt of the RRDEIR No. 2. The commenter states the DPW does not have any comments. The DPW's comment is noted. No additional response is necessary.

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STATE OF CALIFORNIA Edmund G. Brown, Jr., *Governor*

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net

December 19, 2011

Mr. Matthew W. Slowik, MURP, MPA, Senior Planner
San Bernardino County Land Use Services Department
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

Re: SCH#2011121105 CEQA Notice of Completion; Recirculated Draft Environmental Impact Report (RDEIR) for the **"MOON CAMP Project"** located in the Fawnskin Area; San Bernardino County, California

Dear Mr. Slowik:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604). The court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites. The NAHC wishes to comment on the proposed project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. 1

The NAHC Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were not identified** within the project area identified. This area of Los Angeles County is know to the NAHC to be culturally sensitive. Also, the absence of archaeological resources does not preclude their existence. . California Public Resources Code §§5097.94 (a) and 5097.96 authorize the NAHC to establish a Sacred Land Inventory to record Native American sacred sites and burial sites. These records are exempt from the provisions of the California Public Records Act pursuant to. California Government Code §6254 (r). The purpose of this code is to protect such sites from vandalism, theft and destruction. The NAHC "Sacred Sites,' as defined by the Native American Heritage Commission and the California

Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Special reference is made to the *Tribal Consultation* requirements of the California 2006 Senate Bill 1059: enabling legislation to the federal Energy Policy Act of 2005 (P.L. 109-58), mandates consultation with Native American tribes (both federally recognized and non federally recognized) where electrically transmission lines are proposed. This is codified in the California Public Resources Code, Chapter 4.3 and §25330 to Division 15.

Furthermore, pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

1
CONT

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects. 1 CONT

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

Ramona Band of Cahuilla Mission Indians
Joseph Hamilton, Chairman
P.O. Box 391670 Cahuilla
Anza , CA 92539
admin@ramonatribe.com
(951) 763-4105
(951) 763-4325 Fax

San Manuel Band of Mission Indians
Ann Brierty, Policy/Cultural Resources Departmen
26569 Community Center. Drive Serrano
Highland , CA 92346
(909) 864-8933, Ext 3250
abrierty@sanmanuel-nsn.gov
(909) 862-5152 Fax

San Manuel Band of Mission Indians
James Ramos, Chairperson
26569 Community Center Drive Serrano
Highland , CA 92346
(909) 864-8933
(909) 864-3724 - FAX
(909) 864-3370 Fax

Timbisha Shoshone Tribe THPO
Barbara Durham, Tribal Historic Preservation
P.O. Box 206 Western Shoshone
Death Valley , CA 92328
dvdurbarbara@netscape.
(760) 786-2374
(760) 786-2376 FAX

San Fernando Band of Mission Indians
John Valenzuela, Chairperson
P.O. Box 221838 Fernandeño
Newhall , CA 91322 Tataviam
tsen2u@hotmail.com Serrano
(661) 753-9833 Office Vanyume
(760) 885-0955 Cell Kitanemuk
(760) 949-1604 Fax

Serrano Nation of Indians
Goldie Walker
P.O. Box 343 Serrano
Patton , CA 92369

(909) 862-9883

Morongo Band of Mission Indians
Michael Contreras, Cultural Heritage Prog.
12700 Pumarra Road Cahuilla
Banning , CA 92220 Serrano
(951) 201-1866 - cell
mcontreras@morongo-nsn.gov
(951) 922-0105 Fax

Ernest H. Siva
Morongo Band of Mission Indians Tribal Elder
9570 Mias Canyon Road Serrano
Banning , CA 92220 Cahuilla
siva@dishmail.com
(951) 849-4676

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2002021105; CEQA Notice of Completion; Recirculated Draft Environmental Impact Report (RDEIR) for the MOON CAMP Project; located on about 62-acres in the FAwskin area; San Bernardino County, California.

Native American Heritage Commission (NAHC)

Response to NAHC-1

This comment letter is the standard form letter issued by the Native American Heritage Commission (NAHC) to lead agencies in response to a Draft EIR. The letter contains recommendations for a cultural resources record search, an archaeological survey, preparation of archaeological reports, and mitigation measures created as a result of such work. No project-specific comments were provided, except that it was reiterated that the previously conducted NAHC Sacred Lands File search did not identify any Native American cultural resources within the Project area. The comment letter also includes a list of Native American contacts with knowledge of the potential religious and cultural significance of the historic properties in the Project area.

The County of San Bernardino appreciates the NAHC's participation in the environmental assessment process relating to the Moon Camp Project. The RRDEIR No. 2 does not include an additional evaluation of the impacts of the Project in the areas of recreation, cultural resources, and geology and soils. The 2005 Final EIR concluded that the original proposed Project analyzed therein would not result in any potentially significant impacts concerning those specific environmental areas. This finding was confirmed by the Cultural Resources Analysis prepared by McKenna, et al., dated September 17, 2016 (Appendix O).

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Slowik, Matt - LUS

From: Ileene Anderson [ianderson@biologicaldiversity.org]
Sent: Monday, January 23, 2012 2:54 PM
To: Slowik, Matt - LUS
Cc: 'Adam Keats'
Subject: RE: Mooncamp: Extension of Time for Notice of Availability of the Revised & Recirculated DEIR No. 2

Thanks Matt,
We might submit additional comments by then…
IA

From: Slowik, Matt - LUS [mailto:Matt.Slowik@lus.sbcounty.gov]
Sent: Monday, January 23, 2012 1:55 PM
To: 'ianderson@biologicaldiversity.org'; 'reliason@charter.net'; 'ednjeanne@charter.net'; 'drewf3@verizon.net'; 'akeats@biologicaldiversity.org'; 'karsten33@gmail.com'
Cc: Rahhal, Terri
Subject: Mooncamp: Extension of Time for Notice of Availability of the Revised & Recirculated DEIR No. 2

To all: Please be aware that the Extension of Time for the Notice of Availability of the Revised and Re-circulated DEIR No. 2 for the Moon Camp Project has been granted. Please see the attached Notice of Extension of Time. NOTE: The comment period will now close at **5:00 p.m. on Tuesday, February 7, 2012.** If you have any questions, please let me know. Thank you.

Matthew Slowik, MURP, MPA
Senior Planner
LUSD

1

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3.2.8 - Organizations

Center of Biological Diversity (CBD1)

Response to CBD1-1

The commenter acknowledges extension of the RRDEIR No. 2 public review close period for adequate review. The commenter states CBD may have comments at that point. The County of San Bernardino acknowledges CBD's comment and no response is necessary.

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Slowik, Matt - LUS

From: Ileene Anderson [ianderson@biologicaldiversity.org]
Sent: Monday, January 23, 2012 12:50 PM
To: Slowik, Matt - LUS
Cc: Geary_Hund@fws.gov; JBrandt@dfg.ca.gov; 'Adam Keats'
Subject: Comments on Moon Camp DEIR
Attachments: Final CBDcommentsRRDEIRMoonCamp1-23-12.pdf

Importance: High

Hi Matt,
Please find attached the Center for Biological Diversity's comments on the Revised and Recirculated Draft Environmental Impact Report No.2 Section ES, Executive Summary, Section 1, Project Description and Section 2, Biological Resources for the Moon Camp Project: General Plan Amendment and Tentative Tract Map (TTM#16136) SCH #2002021105. I will also be sending a hard copy of our comments along with a CD that contains the references cited in our comments. 1
Sincerely
Ileene

Ileene Anderson
Biologist/Public Lands Desert Director
Center for Biological Diversity
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CENTER for BIOLOGICAL DIVERSITY Because life is good.

protecting and restoring natural ecosystems and imperiled species through science, education, policy, and environmental law

via electronic mail and USPS

1/23/2012

Matthew Slowik
County of San Bernardino
Land Use Services Department, Planning Division
385 North Arrowhead Avenue 1st Floor
San Bernardino, California 92415-0182
mslowik@lusd.sbcounty.gov

Re: Revised and Recirculated Draft Environmental Impact Report No.2 Section ES, Executive Summary, Section 1, Project Description and Section 2, Biological Resources for the Moon Camp Project: General Plan Amendment and Tentative Tract Map (TTM#16136) SCH #2002021105

Dear Mr. Slowik:

The Center for Biological Diversity is pleased to have the opportunity to comment on the above-entitled Draft EIR for the proposed Moon Camp Development Project. The Center is a nonprofit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 320,000 members and supporters, including members in San Bernardino County and the Big Bear Lake area who will be directly affected by the Moon Camp project. 1 CONT

The impacts of this major project will be severe, particularly given the size and scope of the proposed development as well as the location of the project within an internationally recognized biodiversity hotspot. Unfortunately, the DEIR's analyses of direct, indirect, and cumulative impacts to biological resources are woefully inadequate, as described in further detail below.

The DEIR Fails to Meet the Requirements of the California Environmental Quality Act.

An EIR is a detailed statement, prepared under the California Environmental Quality Act, Public Resources Code §§ 21000-21178 ("CEQA"), describing and analyzing all significant impacts on the environment of a proposed project and discussing ways of mitigating or avoiding those effects. Pub. Res. Code §21100; 14 CCR § 15362. The purpose of an EIR "is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made." *Laurel Heights Improvement Association v. Regents of University of California, 6 Cal. 4th 1112, 1123 (1993)* (emphasis in original) (citations omitted). An EIR should provide decision-making bodies and the public with detailed information about the effect a proposed project is likely to have on the environment, to list ways in which the significant 2

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effects of a project might be avoided or minimized, and to indicate alternatives to the project. Pub. Res. Code § 21061; 14 Cal. Code Regs. ("CCR") § 15002. California courts have emphasized that an EIR should: disclose all relevant facts; provide a balancing mechanism whereby decision makers and the public can weigh the costs and benefits of a project; provide a means for public participation; provide increased public awareness of environmental issues; provide for agency accountability; and provide substantive environmental protection. Because the Revised and Recirculated Draft Environmental Impact Report No.2 for the Moon Camp Project (DEIR) obscures, rather than illuminates, the environmental impacts of the proposed project, the DEIR is inadequate to meet both the procedural and substantive mandates of CEQA.

2 CONT

The project area encompasses ecologically sensitive and increasingly rare habitats in southern California, and is thus critically important for our region's threatened, endangered, and sensitive species. The Center believes the failure to present all of the mitigation measures in the DEIR violates the intent of CEQA by piecemealing the mitigation measures. In order to evaluate the impacts and the proposed mitigation measures, decision-makers and the public must reference at least two different versions of EIR in order to evaluate the overall impacts and proposed mitigations. We strongly urge San Bernardino County to require re-drafting and re-circulating another EIR that takes into account these comments and simplifies, streamlines and collects in one place all of the impact analysis and proposed mitigations.

The DEIR Fails to Adequately and Appropriately Analyze Impacts to Biological Resources,

The currently proposed Moon Camp project fails to identify all of the pebble plains habitat. In fact, the DEIR tries to obfuscate the pebble plains resources that occur on the site by referring to pebble plains habitat as "pebble plain like soil condition" and actually wrongly states that "no pebble plain habitat exists on the 2011 Alternative Project site." (DEIR at 2-4). It bases this determination on the incorrect premise that the project site "is not a true pebble plain habitat due to the lack of two key indicator species (*Arenaria ursina* and *Eriogonum kennedyi austromontanum)*." (DEIR at ES-3).

The U.S. Forest Service, which manages most of the pebble plains on public lands in the area, developed the Pebble Plains Management Guide[1] that lays out clear criteria for identification of pebble plains: 3

> "In 2002, Forest botanists developed a point system to qualify pebble plain habitat. To qualify as a pebble plain, the area must possess at least four points, based on characteristics indicative of pebble plain habitat. Strong indicators, each worth two points, often occur on pebble plains and rarely occur off pebble plains. Weak indicators, each worth one point, often occur on pebble plains and frequently occur off pebble plains. Points are accumulated based on the following characteristics:
>
> **Strong Indicators (2 points each)**
> Clay soils
> Presence of *Eriogonum kennedyi* var. *kennedyi*
> Presence of *Eriogonum kennedyi* var. *austromontanum*

1 USFS 2002

Presence of *Ivesia argyrocoma*
Presence of *Arenaria ursina*
Weak Indicators (1 point each)
Presence of *Allium parryi*
Presence of *Antennaria dimorpha*
Presence of *Arabis parishii*
Presence of *Astragalus purshii* var. *lectulus*
Presence of *Castilleja cinerea*
Presence of *Dudleya abramsii* ssp. *affinis*
Presence of *Echinocereus engelmannii*
Presence of *Erigeron aphanactis* var. *congestus*
Presence of *Eriogonum wrightii* var. *subscaposum*
Presence of *Lewisia rediviva* var. *minor*
Presence of *Mimulus purpureus"*
At pg. 14-15.

3 CONT

Eight of these indicator species, including two "strong indicators" and six "weak indicators" appear on the plant list in Appendix A.8, and clay soils indicating that the site does indeed support pebble plains (not just "pebble plains like soils") and likely in areas outside of the 0.69 acres of "pebble plain like soils" that are identified (DEIR at 2-3). The failure to use the best available scientific protocols to accurately assess resources including pebble plains, to accurately map the full extent of the resources including pebble plains, and fully disclose the extent of the pebble plains on project site violates CEQA.

The Project Must Comply with the Endangered Species Act

The project is subject to the Endangered Species Act ("Act"), and must fully comply with the Act's provisions. Section 9 of the Endangered Species Act of 1973, and Federal regulations issued pursuant to section 4(d) of the Act, prohibit take of endangered and threatened species without a special exemption. 16 U.S.C. 1531 et seq. Section 7 of the Act requires Federal agencies to consult with the United States Fish and Wildlife Service ("USFWS") should it be determined that their actions may affect federally listed threatened or endangered species. Take is defined as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct. Harm is further defined by USFWS to include significant habitat modification or degradation that actually kills or injures a listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by USFWS as an action that creates the likelihood of injury to a listed species by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering.

4

Approval of the proposed project will result in destruction to the ash-grey paintbrush and possibly the southern mountains buckwheat by direct destruction of occupied habitat.

Private landowners, corporations, state or local governments, or other non-Federal landowners who wish to conduct activities on their land that might harm species that are listed as

endangered or threatened should develop a Habitat Conservation Plan (HCP), designed to offset any harmful effects the proposed activity might have on the species. 4 CONT

The DEIR Fails to Appropriately Analyze Documented Rare Plant Locations

The DEIR fails to adequately analyze impacts from the proposed project to the federally listed threatened ash-grey paintbrush (*Castilleja cinerea*) and the federally threatened southern mountain buckwheat (*Eriogonum kennedyi* var. *austromontanum*) which were identified as occurring on the project site (DEIR at Appendix A.8, Appendix 3).

A number of documented locations of the federally listed threatened ash-grey paintbrush were documented on site in 2007, but not relocated in 2008 or 2010. The ash-grey paintbrush is a semi-parasitic herbaceous perennial that may not always show above-ground phenology.[2] While the ash-grey paintbrush is usually found on pebble plain habitat, it can be found in other areas including upper montane coniferous forest, meadows, and pinyon/juniper woodlands.[3] The absence of a previously documented species location does not prove that the species no longer occurs there for herbaceous perennials, unless some significant disturbance has occurred on the site (i.e. vegetation clearance). The subsequent surveys in 2008 and 2010 failed to document the ash-grey paintbrush at some of the identified locations in 2007, but do not note if any disturbance had occurred on site. Therefore, the actual number and locations of the ash-grey paintbrush on the site and analyzed in the DEIR (based on 5 days of surveys over 2 years) is a snapshot in time, not an evaluation of the actual ash-grey resources on the site. 5

The DEIR proposes to "protect" 88% of the ash-grey plants occurring on site. (DEIR at 2-19) However, it fails to analyze indirect effects to the "conserved areas" over the long-term from the proposed project, provides no justification on why total avoidance of the species and its habitat are not feasible in the DEIR, and does not evaluate that alternative (see section on Alternatives). Because the ash-grey paintbrush occurrences to date have been documented on the western part of the site, a feasible alternative to avoid impacts to federally listed plants including the ash-grey paintbrush and many of the other rare plants documented on site (the next DEIR should provide a map of the locations of the on-site rare plants) would be to set aside that portion of the project site for conservation of these irreplaceable resources. 6

Furthermore, the DEIR never actually states how much habitat for the ash-grey paintbrush is present on the project site, nor does it analyze the impacts from the proposed project. From Exhibit 2-2 in the DEIR it appears that close to half of the existing occupied habitat of the ash-grey paintbrush will be developed, but the DEIR fails to actually discuss this issue. Protecting only the higher density habitat for the federally threatened species is important but developing habitat that is occupied at lower densities or is currently unoccupied, as the project proposes to do, permanently precludes any possibility of the ask-grey paintbrush from recovering in this part of its range. The DEIR must provide an analysis of this essential issue in order to fully evaluate the impacts of the project under CEQA. 7

2 http://ecos.fws.gov/docs/five_year_review/doc1891.pdf
3 Ibid.

The DEIR simply dismisses the documented occurrence of the federally threatened southern mountain buckwheat on the site. While the 2007 surveys recognized some potential introgression in the population occurring on site, the 2008 and 2010 surveys and the DEIR do not even mention the species as occurring on the site and fails to evaluate the impact to the species from the proposed development. The DEIR must provide an analysis of this essential issue in order to fully evaluate the impacts of the project under CEQA. 8

The DEIR completely fails to address the issue that the federally threatened and state candidate for listing Big Bear Valley sandwort (*Arenaria ursina*) has been historically documented on the project site (NDDB 2012). 9

In addition, climate change will affect these (and other) rare species, resulting in their movement on the landscape in efforts to adapt to the changing climate. The DEIR only circumscribes a portion of the existing rare plant occurrences on the project site and proposes that area to be off-limits to development, but fails to evaluate or provide connectivity for the species under climate change. The DEIR must provide an analysis of this essential issue in order to fully evaluate the impacts of the project under CEQA. 10

The DEIR Fails to Adequately Identify or Analyze Direct and Indirect Impacts

The DEIR fails to evaluate indirect impacts to sensitive habitats, including impacts associated with the establishment of fuel modification zones, unpermitted recreational activities, the introduction of non-native plants, the introduction of pets, and the loss and disruption of essential habitat due to edge effects. 11

The DEIR's "analysis" is inadequate and fails to quantify the effects and to adequately demonstrate how the design features will minimize impacts. The DEIR fails to identify and properly evaluate impacts to species and ecosystems from invasive exotics species. Many exotic plant species invade disturbed areas and then spread into wildlands, carried by wind, fire, vehicle tires, etc.[4] Moreover, landscaping with exotic species within the housing units can easily be a vector for introducing invasive exotics into adjacent habitats, regardless of whether the slopes directly adjacent to natural areas are planted with natives. 12

The proposed project provides no buffers for the conservation set-aside areas and fails to address the essential fact fuel modification, which could affect and degrade the biological resources in these areas. Maintaining appropriate, fully protected buffer strips between drainages and upland soil-disturbing activities is critical to sustaining these important ecosystems.[5] Most of the current literature about estimating appropriate widths of buffer strips takes into account the complexity of landscapes. The U.S. Forest Service and U.S. BLM have provided a width-adjustment method based on measured distances of sediment plumes from roads and landings: for a 50 percent slope adjacent to an ephemeral channel, the protection width distance would be about 550 feet from either side of the stream edge. The DEIR fails to address buffers at all or 13

4 Bossard et al 2000
5 Reid and Hilton 1998

provide any available scientific literature about appropriate buffer widths. Both the on-site drainages and Big Bear Lake are at serious risk of degradation from the proposed project.

The DEIR fails to provide for reasonable, feasible mitigation measures to avoid and minimize adverse impacts to biological resources. For affected sensitive habitat and vegetation types, the EIR should have prioritized avoidance, followed by onsite habitat replacement at a mitigation ratio calculated to ensure success, followed by onsite restoration and enhancement, followed by off-site mitigation. 13 CONT

Specific, feasible, and enforceable mitigation measures for impacts associated with fuel modification zones, unpermitted recreational activities, the introduction of non-native plants, the introduction of pets, and the loss and disruption of essential habitat due to edge effects are available but were not incorporated in the EIR, including but not limited to the following:

- minimum 300-foot setbacks between developed areas, including roads and fuel modification and sensitive habitat areas
- conditions prohibiting non-leashed outdoor pets
- techniques to control non-native invasive species
- prohibiting the use of pesticides and other toxic chemicals around homes
- requiring the use of native vegetation in landscaping
- providing public education regarding rare, threatened and endangered species and how local communities can help protect them
- requiring gates to restrict access to lan 13 t aside for habitat preservation

14

The DEIR Fails To Use Agency Protocols for the Southern Rubber Boa

Regarding compliance with Department of Fish and Game's survey protocols for the state-listed threatened southern rubber boa, the DEIR states that "three years of repeated intensive active searches before determination of absence can be made" and that "the draft guidelines allow for negative finding in less than 3 years (2 years) if trapping is conducted. Trapping consists of the use of a system of pitfall traps connected to drift fences, known as arrays, to capture SRB" (DEIR at Appendix A.5). However, those protocols were not followed. The County must require protocol level surveys for this state-listed threatened species. 15

The Project Must Comply with the Bald/Golden Eagle Protection Act

On September 11, 2009, the U.S. Fish and Wildlife Service published a final rule on Bald and Golden eagles which now requires a take permit be acquired in order to authorize limited take of Bald Eagles and Golden Eagles where take is associated with otherwise lawful activities.[6] The DEIR fails to address this important new permit and must analyze the issue in a new DEIR. 16

6 http://www.fws.gov/migratorybirds/baldeagle.htm

The DEIR Fails to Propose Adequate Mitigation for Environmental Impacts

The DEIR fails to clearly state the proposed mitigation for many of the impacts associated with the proposed Moon Camp development. It is very hard to figure out what is actually being proposed.

With regards to the impact to the rare plants and pebble plains, off-site mitigation is proposed. While we support conserving pebble plains habitat in perpetuity because of its very rare occurrence on the landscape in general and previous development impacts that have impacted and degraded it which made it even more rare on the landscape, we question the actual proposed mitigation scenario with regards to impacts from this project. As the DEIR points out, Dixie Lee Lane pebble plain is already partially mitigation land for impacts related to the development of a high school (DEIR at Appendix A.11). However, the DEIR fails to identify the proximity of the Dixie Lee Lane area, or other issues regarding current management or other factors (for example is it surrounded by development?). Additionally, while it supports pebble plains, and could mitigate for impact to the pebble plains on the project site, the DEIR notes that only 21 ash-grey paintbrush plants (no acreage area is documented) occur on the Dixie Lee Lane proposed mitigation site. Clearly this proposal does not offset impacts to the ash-grey paintbrush, which would require additional mitigation. 17

Furthermore, the failure of the County to enforce the mitigation requirements for the high school project bodes ill for enforcing mitigation for this project. Therefore, we request that in the next DEIR, the County require mitigation be in place prior to any project construction.

Even with this more reasonable mitigation scenario, we note that the project will cause a net loss to the rare plants and animals.[7]

The DEIR Improperly Defers CEQA Mandated Environmental Review

Many of the inadequacies of the DEIR identified in these comments can be attributed to the fact that the DEIR improperly defers identification and analysis of Moon Camp Development impacts, as well as formulation of specific mitigation measures, to later stages of project development. This deferral frustrates informed decision-making and violates CEQA. "An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences." CEQA Guidelines § 15151. *See Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Association, 42 Cal. 3d 929 (1986)* ("the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions."); *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners, 91 Cal.App.4th 1344 (2001); Stanislaus Natural Heritage Project v. County of Stanislaus, 48 Cal. App. 4th 182 (1996).* 18

7 Moilanen et al. 2008

The DEIR also fails to adequately analyze the interface with adjacent Forest Service land area. No impact on illegal trails or other impacts to adjacent Forest Service land is fully disclosed.

Failure to include information resulting from the Moon Camp project frustrates informed decision making regarding the project and denies the public's an ability to comment on impacts resulting from the project.

18 CONT

The DEIR Fails to Analyze a Meaningful Range of Feasible Alternatives.

A DEIR is required to describe a range of reasonable alternatives to the project, which would feasibly attain most of its basic objectives but would avoid or substantially lessen its significant effects. 14 CCR § 15126.6(a). The City has a substantive duty to adopt feasible, environmentally superior alternatives. Pub. Res. Code § 21002; 14 CCR §§ 15002(a)(3), 15021(a)(2). A lead agency cannot abdicate this duty unless substantial evidence supports a finding that the alternative is infeasible. See, e.g., Citizens of Goleta Valley v. Board of Supervisors, 197 Cal. App. 3d 1167, 1181 (1988).

The DEIR fails to describe a reasonable range of alternatives to the Moon Camp development. The lack of a reasonable range of alternatives is tied to both the failure to properly identify and analyze environmental impacts of the project, particularly impacts to biological resources, and the overly narrow "project objectives" which the County has imposed on the project. The DEIR fails to provide an environmentally superior alternative, and instead provides only 3 alternatives that s include the same "development envelope" and grading limits.

19

The DEIR also fails to include any alternative based on preservation of all parts of the site that are habitat for federally threatened species in ongoing efforts to maintain and restore these species already teetering on the brink of extinction. The alternatives analysis in the DEIR must be revised to include a meaningful range of alternatives that avoid the environmental impacts of the Moon Camp development once those impacts are properly identified and analyzed.

Conclusion

A lead agency must recirculate an EIR for further public comment under any of four circumstances:

(1) When the new information shows a new, substantial environmental impact resulting either from the project or from a mitigation measure;
(2) When the new information shows a substantial increase in the severity of an environmental impact, except that recirculation would not be required if mitigation that reduces the impact to insignificance is adopted;
(3) When the new information shows a feasible alternative or mitigation measure that clearly would lessen the environmental impacts of a project and the project proponent declines to adopt the mitigation measure; or

20

(4) When the draft EIR was "so fundamentally and basically inadequate and conclusory in nature" that public comment on the draft EIR was essentially meaningless. Guidelines §15088.5.

Based on the comments above, it is clear that the DEIR must be re-drafted again and Conditions (3) and (4) above will be met by meaningful and adequate discussion of the project description, impacts, mitigation measures, and cumulative impacts. .

The above-described defects must be corrected before the County can lawfully approve the project. The DEIR for the Moon Camp fails to adequately disclose, analyze, avoid, minimize, and mitigate the environmental impacts of the proposed project. As detailed above, the DEIR fails to comply with CEQA and fails to provide necessary information about the impacts of the project in many areas including biological resources, air quality, and water resources, and did not consider in adequate detail new information. 20 CONT

Neither decision-makers nor the public can make informed decisions about the costs to the environment of the proposed project based on this fundamentally flawed and cursory environmental review. The Center looks forward to reviewing a third revised EIR that takes into account the issues raised in this comment letter and in letters provided by others. Thank you for keeping the Center notified of developments regarding this project, and to that end please keep the Center on the list of interested persons for this project.

Sincerely,

Ileene Anderson
Biologist
Center for Biological Diversity

cc via email:
Geary Hund, USFWS, Geary_Hund@fws.gov
Jeffrey Brandt, CDFG, JBrandt@dfg.ca.gov

References (submitted on CD)

Bossard, C.C., J.M. Randall and M.C. Hoshovsky. 2000. Invasive Plants of California's Wildlands. University of California Press. Berkeley, CA. Pgs. 360. (not included on CD)

Moilanen,A., A.J.A. van Teeffelen, Y. Ben-Haim, and S.Ferrier 2008. How Much Compensation is Enough? A Framework for Incorporating Uncertainty and Time Discounting When Calculating Offset Ratios for Impacted Habitat. Restoration Ecology 17(4):470–478.

Reid, L M. and S. Hilton. 1998. Buffering the buffer. USDA Forest Service Gen Tech. Rep. PSW-GTR-168.

United States Forest Service 2002. Pebble Plains Management Guide: A Revision of the 1990 Pebble Plain Habitat Management Guide and Action Plan by Katie Barrows and Maile Neel. Prepared by USDA Forest Service, San Bernardino National Forest. September 2002. Pgs. 162.

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Center of Biological Diversity (CBD2)

Response to CBD2-1
The commenter expresses their appreciation for the opportunity to review the RRDEIR No. 2 for the Moon Camp Project and states their comments replace comments made on January 22, 2012. The County of San Bernardino acknowledges the comment. No additional response is necessary.

Response to CBD2-2
The commenter is concerned that by recirculating a portion of the DEIR, the County of San Bernardino is forcing reviewers to review multiple versions of the DEIR in order to evaluate the overall impacts and proposed mitigations, and urges the County to require recirculation of one comprehensive EIR for public review. Portions of the DEIR for the Moon Camp Project have been recirculated for public review on several occasions. In 2010, because of significant Project revisions which resulted in the down-sizing of the Project, the County of San Bernardino recirculated the majority of EIR sections for public review (RRDEIR No. 1). Thereafter, based on the results of additional focused special-status plant species studies, the County of San Bernardino recirculated the Executive Summary, Project Description, and Biological Resource section of the DEIR to address new information related to potential Project impacts to threatened, endangered and sensitive plant and animal species and a resulting project design modification that redistributed developable lots to avoid occurrences of ashy-grey Indian paintbrush, a Federally Threatened species, and create additional Conservation Areas (RRDEIR No. 2). Although it is true that the reviewing public must refer to several documents circulated for public review, CEQA not only authorizes but also encourages this approach. CEQA Guidelines Section 15088.5(c) provides that if revisions are limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that were modified. Because the most recent Project revisions (addition of Lot H for an Open Space Conservation Easement, and redistribution of buildable lots to avoid sensitive plant habitats), only required revisions to the Executive Summary, Project Description, and Biological Resources sections of the DEIR, the County of San Bernardino appropriately only recirculated those sections of the DEIR. The RRDEIR No. 2 is combined with previously circulated versions of the DEIR, and the County's response to written comments thereon to comprise the Final EIR that will be presented to the County of San Bernardino decision-makers for consideration prior to Project approval.

Response to CBD2-3
The commenter asserts that the RRDEIR No. 2 incorrectly assessed and analyzed the existence of, and project impacts to, pebble plain habitat on the Project site. The commenter suggests that the RRDEIR No. 2 and Supplement Focused Special Status Plant Survey conducted by Dr. Krantz in 2010 utilized the incorrect definition of pebble plain in determining the extent of pebble plain habitat on the Project site. The author of the 2010 Supplement Focused Special Status Plant Survey, Dr. Krantz, the preeminent authority on pebble plain habitat and related plant species, concluded that true pebble plain habitat is characterized by the existence of clay soils with a vestiture of Saragossa quartzite pebbles and presence of indicator plant species (presence of *Eriogonum kennedyi* ssp. and *Arenaria ursina* together, as originally mapped by the author in 1983). The "pebble plain soil conditions" identified on the central knoll on-site was identified as such and has been included and preserved in large part by Letter Lot A. The 2010 Supplement Focused Special Status Plant Survey

concluded that the 0.69-acre area that had been previously characterized as true pebble plain habitat was in fact not true pebble plain habitat due to the lack of the existence of the two (2) primary indicator species, *Eriogonum kennedyi* ssp. and *Arenaria ursine*. The clay soils with a vestiture of Saragossa quartzite pebbles are the signature characteristic of the unique plant community that is called "pebble plains." In fact, Dr. Krantz was the first to actually apply the term to this plant community (Krantz 1983). To suggest that all other areas "occupied by *Castilleja cinerea, Ivesia argyrocoma*, and *Arabis parishii* are, by definition, pebble plains" is inappropriate and would greatly expand the definition to include much of Big Bear Valley, including all of Sugarloaf Ridge, which has *Arabis parishii* and *Castilleja cinerea*, but is in fact a lodgepole pine forest without any similar soils. Ashy-grey Indian paintbrush or *Ivesia argyrocoma* are also known to occur in meadows; *Arabis parishii* is found on limestone, and *Ivesia argyrocoma* is also found in Baja California**,** none of which are even remotely considered pebble plain habitats.

The comment cites the USFS Pebble Plain Habitat Management Guide (2002). Although the USFS Pebble Plain Habitat Management Guide purports to provide a points system for determining the existence of pebble plain habitat, according to Dr. Krantz, application of the Guide's point system results in overly inclusive results and would lead to characterization of lands that are not truly pebble plains as pebble plain habitat, even those areas that do not have clay soils. Even by these standards, the on-site occurrence of pebble plain-like soils on the Moon Camp property would be limited to the 0.69-acre Knoll area, largely contained within Lot A. It should be noted that the USFS definition of pebble plains describes five "strong indicators" (given 2 points each): clay soils (marginal on the Knoll), presence of *Eriogonum kennedyi* ssp. *Kennedyi* or ssp. *austromontanum* (neither on-site), *Arenaria ursina* (not on-site), and *Ivesia argyrocoma (on-site).* The only good "strong indicator" on-site is the presence of pebble plain-like soils. The presence of *Ivesia argyrocoma*, which occurs on many non-pebble plain habitats in the San Bernardino Mountains and in Baja California, is not considered a "strong indicator" by Dr. Krantz. The other "weak indicators" are truly only weak indicators—all occurring in a wide range of non-pebble plain habitats throughout the Big Bear-Holcomb Valley areas.

Response to CBD2-4

The County of San Bernardino acknowledges that this Project is subject to the Federal Endangered Species Act (FESA), as well as CESA. However, contrary to the commenter's assertions, activities adversely impacting federally listed plant species, such as the ashy-grey Indian paintbrush, are not subject to Section 9's prohibition. Section 9(a)(1)(B) prohibits the take of any threatened or endangered species of fish or wildlife anywhere within the United States or the territorial seas of the United States. With regard to wildlife species, Section 9 prohibits the "take" of any such species, whether on private, State, or federal lands, without issuance of an Incidental Take Permit. This restriction is not applicable to impacts to threatened or endangered *plant* species. Section 9(a)(2)(B) makes it unlawful to remove and reduce to possession any [plant] species from areas under federal jurisdiction or to maliciously damage or destroy any species on federal lands. Section 9 of the FESA does not regulate impacts to threatened or endangered plant species on private lands. Accordingly, Section 9(a)(2)(b) does not regulate actions that harm the listed plant species on private property, unless that action occurs in knowing violation of a State law or regulation or in the course of a violation of a State criminal trespass law. The Moon Camp Project is located entirely on private

property, and, therefore, the FESA does not prohibit or regulate actions involving the take of threatened or endangered plant species incidental to otherwise lawful activities.

Response to CBD2-5
The ashy-grey Indian paintbrush is a perennial plant and is readily visible during the flowering season where it occurs, even in years with substandard rainfall. Furthermore, as a hemi-parasite on its host plants, ashy-grey Indian paintbrush does not readily disburse, dropping its seeds in the immediate vicinity of the host plants themselves. Thus, the actual occupied habitat for ashy-grey Indian paintbrush does not generally change from year to year. The Supplement Focused Special Status Plant Survey conducted by Dr. Krantz in 2010 revealed that there were no ashy-grey Indian paintbrush occurrences on the southeastern portions of the Project site, as indicated by Mr. White in 2007. Mr. White's survey was conducted in late July, during a drought year, when reliable plant identifications would be questionable for someone unfamiliar with the target species. Mr. White identified the existence of Wright's matting buckwheat in portions of the Project site and assumed that, because Wright's matting buckwheat is often a host species, the ashy-grey Indian paintbrush would otherwise occur in this area during years of normal or above-average precipitation. However, as mentioned, ashy-grey Indian paintbrush does not spread to areas just because the host plant species is found there. Changes in the dimensions and extent of occurrences are very limited in scope from year to year, and, therefore, the assumptions regarding potential occurrences of ashy-grey Indian paintbrush on the southeastern portion of the Project site were incorrect.

Contrary to the commenter's assertions, there is no Southern mountain buckwheat on-site. Mr. White misidentified Wright's matting buckwheat, which resembles the Southern mountain buckwheat that has highly branched inflorescences. Occasional intergrades between the two taxa have been identified by Dr. Krantz across a line between open pebble plain (with all Southern mountain buckwheat) in Jeffrey Pine Forest (with all Wright's matting buckwheat), but this is not the case on the Project site.

An updated survey completed in 2016 by Dr. Krantz notes that there are essentially no changes in the distributions of rare plant species occurring on the Moon Camp property in comparison with previous surveys and as described in the RRDEIR No. 2 (see Appendix K of this 2020 Final EIR).

Response to CBD2-6
The commenter asserts that the RRDEIR No. 2 fails to adequately analyze the Project's potential long-term impacts to the identified Conservation Areas or analyze an alternative that resulted in total avoidance of ashy-grey Indian paintbrush occurrences on the Project site. Initially, the Project will not result in a long-term adverse impact on the pebble plain habitat and ashy-grey Indian paintbrush occurrences within the identified Conservation Areas. As required by Mitigation Measure BR-1c (RRDEIR No. 2, page 2-57, as updated/revised in Section 4, Errata, of this FEIR), Conservation Areas shall be appropriately fenced with signage placed indicating the sensitive nature of the Conservation Areas and prohibiting access thereto. The Project consists of 50 residential lots, the majority of which will be utilized as second-home/vacation homes and will therefore only be occupied during limited times of the year. The fencing and limited traffic through the Project area will limit impacts on the identified Conservation Areas. Moreover, the Conservation Entity responsible for managing the Conservation Areas will be responsible for taking necessary steps to

reduce long-term impacts to the Conservation Areas. As further evidence of the lack of long-term impacts to the Conservation Areas, sensitive plant habitats on the Project site have been subject to "edge-effects" from adjacent development to the west and north of the proposed Conservation Areas for decades. The Conservation Areas have existed without protection of fencing or signage, but have continued to represent exceptionally high-quality habitat for the ashy-grey Indian paintbrush.

Response to CBD2-7

The commenter refers to calculation of the mitigation ratio for ashy-grey Indian paintbrush. The Project proposes to establish permanent Conservation Easements over Lots A and H, comprising 4.84 acres of occupied ashy-grey Indian paintbrush habitat that will be preserved in perpetuity. Altogether, the affected areas of ashy-grey Indian paintbrush habitat outside of the conserved Letter Lots comprise a total of 2.87 acres of occupied habitat. However, Lots A and H contain 4,895 individual ashy-grey Indian paintbrush plants in the 4.84-acre occupied by the species, while the 2.87 acres outside of Lots A and H contain 672 plants. This results in a mitigation ratio of 7:1 for ashy-grey Indian paintbrush plant occurrences; and 1.68:1 for actual occupied ashy-grey Indian paintbrush habitat on the site, but does not take in to consideration the 10-acre Dixie Lee Lane pebble plain habitat conservation mitigation of "pebble plains soils" and other rare plant species. The Project will not result in significant adverse impacts to the ashy-grey Indian paintbrush or other sensitive species, and, therefore, deletion or relocation of Lots 1-5, 47-50, and Lot F is not necessary. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species.

Response to CBD2-8

Scott White's 2007 report identified some "potential" introgression of Southern mountain buckwheat in the more ubiquitous Wright's matting buckwheat on the Project site. The two taxa are differentiated by the branched inflorescences of the latter, as opposed to unbranched, capitate inflorescences of the former. During Dr. Krantz's 2010 Survey, Krantz observed no unbranched specimens on-site, whatsoever. For there to be genetic introgression into Wright's matting buckwheat population on-site, one would have to have an area of entirely unbranched specimens with intergrades between the two populations. Dr. Krantz has documented introgressions between the two taxa in populations in Holcomb Valley, but the Moon Camp property Wright's matting buckwheat is not an example of this phenomenon. Therefore, there is no Southern mountain buckwheat on the Project site.

Response to CBD2-9

Biological surveys conducted by Tim Krantz in 2010 did not identify any Big Bear Valley Sandwort on-site. This is a perennial species that is narrowly restricted to actual pebble plain plant communities. Although the RRDEIR No. 2 does identify that it could be located on-site, no actual occurrences were identified.

Response to CBD2-10

The RRDEIR No. 1 included a comprehensive discussion of the Project's potential to result in a significant global climate change impact (RRDEIR No. 1, pages 4.2-42 through 4.2-49). As indicated in

Section 4.2 of the RRDEIR No. 1 (page 4.2-1), the Moon Camp Project will result in a less than significant global climate change impact through the incorporation of Project energy-efficient and site design features that would reduce greenhouse gas emissions. As reflected in Table 4.2-13, the vast majority of greenhouse gas emissions will result from motor vehicle emissions generated by the Project. However, total greenhouse gas emissions from the Project are extremely small when compared to annual emissions worldwide. The Moon Camp Project is consistent with, and will not inhibit reaching the statewide emission reduction goals identified in, AB-32. Because of the extremely small amount of greenhouse gas emissions resulting from the Project, there is no evidence that the greenhouse gas emissions from the Project would contribute to a potentially significant impact to threatened or endangered plant species on-site. Accordingly, the RRDEIR No. 2 did not include analysis of such impacts.

Response to CBD2-11

The rare plant habitats to be conserved on-site will be subjected to some indirect impacts as a result of residential development. Potential indirect impacts could result from fuel modification programs, unpermitted recreational activities, introduction of non-native plants, and loss/disruption of essential habitat due to "edge" effects. To eliminate or reduce such indirect impacts, the following measures should be incorporated into the conditions of approval for the Project.

- Fuel modification zones and programs shall not be implemented in Lots A or H (because of the brush-free nature of the rare plant habitat on-site, these areas are not subject to fuel modification in any case, and represent naturally occurring low-fuel open space areas);
- Letter Lots A and H shall be fenced, signed, and monitored by the Conservation Entity to enforce restrictions on unauthorized recreational activities in sensitive areas;
- The Conservation Entity shall conduct routine monitoring of rare plant resources on Lots A and H. The occurrence of non-native species outbreaks, or other examples of ecological disturbance as a result of indirect impacts of development in and around Lots A and H shall be reported in the annual biological monitoring reports and remedial actions shall be implemented by the Preserve Management Committee.
- Lots A and H are configured to encompass a continuous area from the top of the "knoll pebble plain" to the ashy-grey Indian paintbrush habitat along the west side of the access road. Aside from the road crossing itself, there are no new "edge" effects created by the proposed subdivision of the Moon Camp property. Biological monitoring shall be focused on the road crossing, with particular attention to potential impacts as a result of erosion, non-native plant species, or other results of creating an ecological "edge" along the road. Other "edge" effects have already been mitigated by the Project Applicant voluntarily fencing the highway frontage, where off-highway vehicle recreational use was a problem until the present landowners constructed the barbed wire fence along the north side of SR-38.

Response to CBD2-12

Fortunately, the "pebble plains-like" soils on-site inhibit most non-native plant species from becoming established in such habitats in the Big Bear area. There are, nonetheless, several non-native taxa that occur widely on pebble plains, most notably *Bromus tectorum* and *Erodium*

cicutarium. As long as there is no surface disturbance of the clay-quartzite soils that comprise Lots A and H, these two ubiquitous, non-native annuals are not expected to become a serious problem on the rare plant Conservation Areas. The botanical monitoring program shall identify any non-native species issues and propose remedial actions if deemed necessary.

Response to CBD2-13

This comment refers to provision of buffers to the Conservation Areas proposed for Lots A and H. The conservation lots have been delineated to conserve everything north of the highway, from the western property boundary to the drainage swale bounding the eastern side of Lot A. The ashy-grey Indian paintbrush population exhibits no adverse "edge" effects from the adjacent residential lots immediately to the west and north of proposed Lot H, although these lots have been in existence there since the 1960s. Furthermore, the pebble plain-like soils inhibit most other non-native weeds because the clay soils are difficult for other non-adapted plant species to become established. The only non-native taxon of concern observed on-site is cheat grass, *Bromus tectorum*, which is ubiquitous throughout Big Bear Valley; this despite the fact that the habitats in the vicinity of Lots A and H have had adjacent residential development for decades, and the area was subject to unregulated off-highway vehicle use until the Applicant fenced off the highway access several years ago.

The Project Applicant proposes to establish a Conservation Entity to conduct on-going biological monitoring and maintenance of the conservation letter lots, providing on-site mitigation and protection of sensitive resources in perpetuity. The Project Applicant has already experienced substantial restoration of rare plant resource values by fencing and excluding off-highway vehicle traffic from SR-38 on to sensitive plant habitats; and the Project Applicant proposes to establish a permanent rare plant Conservation Area of the Dixie Lee Lane pebble plain off-site.

Response to CBD2-14 and -15

Appropriate mitigation measures addressing all of the concerns summarized in this comment have been drafted, adopted, and enforced upon recordation, construction, and buildout of the Project. The sensitive botanical resources on the Moon Camp property are largely protected within Lots A and H. There is no need for a 200- to 300-foot setback, as exemplified by Lot H, which has thrived immediately adjacent to existing residential lots to the west and north of the parcel for 40 to 50 years when those tracts were first constructed. These resources are not hydrologically dependent on upstream flows, as are some other sensitive plant resources in Big Bear Valley; and these resources are less subject to indirect impacts from adjacent land uses other than trampling or unauthorized pedestrian or OHV use that was uncontrolled until the Applicant fenced the highway frontage and exterior property lines to the west and northwest.

Response to CBD2-16

The County of San Bernardino acknowledges that this Project is subject to FESA and CESA. However, contrary to the commenter's assertions, activities adversely impacting federally listed plant species, such as the ashy-grey Indian paintbrush, are not subject to the Section 9 prohibition. Section 9(a)(1)(B) prohibits the take of any threatened or endangered species of fish or wildlife anywhere within the United States or the territorial seas of the United States. With regard to wildlife species, Section 9 prohibits the "take" of any such species, whether on private, State, or federal lands,

without issuance of an Incidental Take Permit. This restriction is not applicable to impacts to threatened or endangered *plant* species. Section 9(a)(2)(B) makes it unlawful to remove and reduce to possession any [plant] species from areas under federal jurisdiction or to maliciously damage or destroy any species on federal lands. Section 9 of the FESA does not regulate impacts to threatened or endangered plant species on private lands. Accordingly, Section 9(a)(2)(b) does not regulate actions that harm the listed plant species on private property, unless that action occurs in knowing violation of a State law or regulation or in the course of a violation of a state criminal trespass law. The Moon Camp Project is located entirely on private property, and, therefore, the FESA does not prohibit or regulate actions involving the take of threatened or endangered plant species incidental to otherwise lawful activities. Additionally, the Project will not require an Incidental Take Permit pursuant to CESA. The CESA similarly prohibits any person from "taking" any species that the state determines to be an endangered or threatened species without first obtaining authorization through the issuance of an Incidental Take Permit (California Fish and Game Code §§ 2080 and 2081). There are no California-listed threatened or endangered species present on the Project site. The ashy-grey Indian paintbrush is *not* a State-listed species. Accordingly, the Project will not require an Incidental Take Permit pursuant to the CESA.

In addition, the RRDEIR No. 2 analyzed the potential for the Moon Camp Project to have a significant impact on the American bald eagle. Although the American bald eagle was removed as a federal-listed endangered species in August 2007, it remains endangered in California, and remains a special-status wildlife species. The RRDEIR No. 2 acknowledged that bald eagles were known to be present and roost on the Project site in the winter (RRDEIR No. 2, page 2-29). Many of the trees located on the Project site have been identified as bald eagle perch trees. Surveys and records searches were conducted for the Project site in the winter of 2002 and 2007, which determined that bald eagles use the site extensively. Bald eagle perch locations were recorded and individual trees were marked with numbered tags (RRDEIR No. 2, page 2-29). However, there are no records showing that bald eagles had historically nested on the Project site and neither the 2002 nor 2007 survey found nesting bald eagles on the Project Site. The proposed mitigation measures prohibit the intentional removal of identified perch trees as a component of Project development, but noted that perch trees may need to be removed in the future if they create a hazardous condition. The potential for future removal of bald eagle perch trees, along with additional light and glare/noise introduced into the area by the Project, is considered a potentially significant CEQA impact. Mitigation Measures BR-4, BR-6, and BR-7 (RRDEIR No. 2, page 2-59 and 2-60, as revised in Section 4, Errata, of this FEIR document) will reduce impacts to the bald eagle. These mitigation measures include:

- Replacement of removed perch trees (should that be necessary) either at a ratio of 5:1 with creation of artificial perch trees within the Conservation Areas or by enhancing other trees by trimming and limbing to make suitable for eagle perching. The exact method of perch tree replacement shall be made after consultation with a certified arborist. Prior to commencement of construction activity, the applicant shall have a qualified consultant survey all trees on-site to determine the location of all perch trees to be preserved. (Mitigation Measure BR-4)
- Replacement of identified non-perch trees larger than 24 inches dbh, removed as part of project development, at a ratio of 2:1. Replacement of identified non-perch trees larger than

24 inches dbh, removed as part of project development, at a ratio of 2:1. Whenever an eagle perch tree or other non-perch tree larger than 24 inches dbh is removed, the Homeowners Association shall retain a qualified consultant to oversee removal and compliance with the replacement requirement. (Mitigation Measure BR-4)

- Pre-construction survey of trees to identify existence of active nests. Active nests will be protected and avoided (Mitigation Measure BR-6)
- All vegetation removal, clearing, and grading on the Project site must be performed outside the breeding and nesting season to minimize effects to the bald eagle (Mitigation Measure BR-7)

Despite implementation of these mitigation measures, impacts were determined to be significant and unavoidable due to the very strict County of San Bernardino criteria for determining CEQA impacts to bald eagles. Any removal of perch trees or human activity resulting in the introduction of additional light and/or noise impacts is considered a significant impact under CEQA. However, a significant unavoidable impact to the bald eagle does not mean that the Project will result in a take of a bald eagle pursuant to CESA, the Bald and Golden Eagle Protection Act (16 USC 668–668d), or any other applicable law regulating impacts to the bald eagle. As indicated above, mitigation measures proposed in the RRDEIR No. 2 would provide for avoidance of direct impacts to the bald eagle through habitat restoration and avoidance of active nesting locations. Accordingly, the County of San Bernardino does not believe that an Incidental Take Permit for the bald eagle is required in connection with development of the Moon Camp Project.

Response to CBD2-17

The Dixie Lee Lane pebble plain is one of the most discrete pebble plain occurrences existing in the Big Bear Valley. It sits on an isolated bench-top surrounded by undeveloped forest covered privately owned property, with the exception of a couple residences at the northern terminus of Dixie Lee Lane. This privately owned property is currently fenced and has been fenced for approximately 25 years. Unauthorized access to the Dixie Lee Lane property is regularly monitored by neighbors in the area. However, as proposed by the Project, the 10-acre property would be placed under a formal conservation easement that would provide formal legal protection for the property, thereby enhancing its continued values as sensitive habitat for the pebble plain and pebble plain-related plant species. Contrary to the commenter's assertions, the RRDEIR No. 2 does not indicate that the Dixie Lee Lane property is already partial mitigation lands for impacts related to the development of the high school. The revised Supplemental Focus Special Status Plant Species Survey prepared by Dr. Krantz in August of 2010, and included as Appendix A.11 of the RRDEIR No. 2, summarized the current status of the Dixie Lee Lane pebble plain property. The plant study stated, "The Dixie Lee Lane pebble plain was originally proposed as a mitigation bank for the partial offset of impacts of development of the Big Bear High School on Maple Lane, which was formerly the site of a large pebble plain of the Sugarloaf series. The development of the high school required a minor subdivision of the parent parcel, including the Dixie Lee Lane pebble plain. At the time, pebble plains and their associated species were not formally listed nor protected as endangered or threatened species; any establishment of an off-site mitigation bank for the high school was considered adequate mitigation for the impacts of the high school project. The complete 10-acre pebble plain was surveyed by Hicks & Hartwick Engineering, with the idea that 2 acres of the 10-acre pebble plain

would be used to mitigate for the high school, and the remainder would be available for mitigation on other projects with pebble plain-related impacts. However, the 10-acre mitigation bank and 2-acre subdivisions of it were never actually recorded" (emphasis added). As indicated by the above passage from the Krantz Report, although a portion of the Dixie Lee Lane property was originally proposed as mitigation of impacts from development of a high school, there is no evidence that any portion of the property was actually pledged as mitigation. The CBD itself admits the protection of the Dixie Lee Lane pebble plain "could mitigate for impacts to the pebble plains on the [Moon Camp] project site." The CBD goes on to comment, however, that "this proposal does not offset impacts to the ashy-grey Indian paintbrush, which would require additional mitigation." Thus, the Moon Camp project will establish the first of its kind rare plant preserve dedicated to ashy-grey Indian paintbrush, protecting nearly 90 percent of the threatened plant species on-site, and the preservation of Dixie Lee Lane pebble plain, though not containing an abundance of ashy-grey Indian paintbrush occurrences, will add to the incremental value of such a preserve. Refer to Table 1 in the Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of this species and the Dixie Lee conservation site (see Appendix I of this 2020 Final EIR).

Response to CBD2-18

The commenter asserts that the RRDEIR No. 2 improperly defers identification and analysis of impacts to the Project, as well as formulation of specific mitigation measures to a later stage of Project development in violation of CEQA. However, the commenter does not indicate what portion of the analysis and formulation of mitigation measures is deferred. Generally, CEQA requires that an EIR be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences (CEQA Guidelines Section 15151). The RRDEIR No. 2 includes comprehensive analysis of all potential impact areas based on information currently known about the project consistent with CEQA requirements. The RRDEIR No. 2 does not defer analysis of potential impacts to an undetermined point in the future nor does it defer formulation of mitigation measures in violation of CEQA. The commenter also asserts that the RRDEIR No. 2 failed to analyze the Project's interface with the adjacent USFS lands and that impacts to adjacent USFS land are not fully disclosed. The RRDEIR No. 2 discusses the interface between the Project site and USFS administered land. The RRDEIR No. 2 includes an analysis of whether the Project would conflict with the San Bernardino National Forest Land Use Management Plan, which regulates activities on the adjacent USFS lands. The RRDEIR No. 2 discusses the Project's consistency with the 100-foot fuel modification zone requirement for any development project that abuts USFS land. Residential lots that abut the USFS lands will be required to comply with the 100-foot fuel modification requirement (RRDEIR No. 2, page 4.5-12). The document also analyzes whether the Project would adversely impact the scenic values of the site and be inconsistent with the classification of the Project site as a high scenic integrity objective area in the Forest Land Use Management Plan (RRDEIR No. 2, page 4.5-11). The RRDEIR No. 2 concludes that the Project will result in a less than significant impact on aesthetics, and, therefore, the Project would be consistent with the Forest Land Use Management Plan. The commenter is correct that there is no discussion concerning impacts on illegal trails on Forest Service lands. There is no evidence that development of the Moon Camp Project would have any impacts on

any illegal trails and as such, no discussion of this impact was included in the RRDEIR No. 2. An EIR need not analyze impacts that are too speculative (CEQA Guidelines Section 15145).

Response to CBD2-19

The commenter asserts that the RRDEIR No. 2 failed to describe a reasonable range of Alternatives to the Moon Camp Project. Contrary to the commenter's assertions, the RRDEIR No. 2 is consistent with CEQA's mandate to analyze a reasonable range of Alternatives in the DEIR. CEQA requires an EIR to describe a reasonable range of alternatives to the Project, which would feasibly obtain most of the basic objectives and would avoid or substantially lessen the significant effects of the Project (CEQA Guidelines Section 15126.6). An EIR need not consider and analyze every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation (CEQA Guidelines Section 15126.6(a)). There is no ironclad rule governing the nature and scope of the alternatives to be discussed other than the rule of reason (*Citizens of Goleta Valley v*. *Board of Supervisors* (1990) 52 Cal.3d 553). The RRDEIR No. 2 analyzed four Project Alternatives in addition to the statutory mandated No Project Alternative. These Alternatives included:

- Original proposed Project. (92 residential lots, 103 slip marina and realignment of SR-38)
- No Project-Existing General Plan Land Use Development. Development pursuant to the existing general plan land use designation (40-acre minimum lots, no marina, no SR-38 realignment)
- Reduced Density (62 Lots), Without SR-38 Realignment, without Marina alternatives (compared with the Original proposed Project)
- Proposed Project Alternative (50 residential lots, 55 slip marina, Open Space)

The RRDEIR No. 2 concluded that, outside of the No Project Alternative, the proposed Project Alternative was the Environmentally Superior Alternative (RRDEIR No. 2, pages 7-29 and 7-30). The alternatives discussed in the RRDEIR No. 2 represent a reasonable range of Alternatives consistent with CEQA's mandates.

The commenter asserts that the RRDEIR No. 2 should have included a project alternative based on preservation of all portions of the site that are habitat for federally threatened plant species. As indicated above, CEQA requires discussion of alternatives that avoid or substantially reduce identified significant impacts and meet most of the basic project objectives (CEQA Guidelines Section 15126.6). Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR is the inability to avoid significant environmental impacts (CEQA Guidelines Section 15126.6(c)). As indicated in the RRDEIR No. 2, the only significant unavoidable impact of the Project is the impact to the American bald eagle. (Please refer to Response to CBD2-16 above). The County of San Bernardino General Plan and Mountain Region Community Plan both identify goals to conserve eagle perch trees and protect the wintering population of bald eagles in Southern California. The County considers potential impacts to any eagle perch trees, as well as human activity resulting in the addition of human activity resulting in noise, light, and glare within bald eagle habitat, to be significant and unavoidable. Accordingly, *any* development on the Project site would result in a significant unavoidable impact to the bald eagle under CEQA. Therefore, aside from the No Project Alternative, there are no feasible Project Alternatives that could avoid or substantially reduce impacts to bald eagles while meeting most of the basic objectives of the Project. Impacts to

all other threatened and endangered species are determined to be less than significant with mitigation. Accordingly, CEQA does not require consideration of an alternative based on preservation of all parts of the site or habitat for federally threatened species, as asserted by the commenter.

Response to CBD2-20

The County of San Bernardino acknowledges the commenter's statements concerning the legal requirements for recirculation of an EIR (see CEQA Guidelines Section 15088.5). The County of San Bernardino respectfully disagrees with the commenter that statements and information included in the commenter's letter require recirculation of the DEIR.

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Slowik, Matt - LUS

From: Friends of Fawnskin [friendsoffawnskin@gmail.com]
Sent: Tuesday, January 10, 2012 2:53 AM
To: Slowik, Matt - LUS
Cc: Supervisor Derry; Watson, George
Subject: Moon Camp DEIR extension request
Attachments: mc deir fof extension request0112.pdf

Dear Mr. Slowik,
Please see attached letter.
thank you,
Sandy Steers

1

FRIENDS OF FAWNSKIN
P.O. Box 422, Fawnskin, California 92333
www.friendsoffawnskin.org friendsoffawnskin@gmail.net
909-878-3091

9 January 2012

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Re: PUBLIC COMMENT PERIOD EXTENSION REQUEST—Revised and Recirculated DEIR No. 2 for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)

Dear Mr. Slowik,

With this DEIR released shortly prior to the December holiday season, we found it impossible to reach the necessary experts for proper research and review of this document since they were on vacation until after the new year. Because this section of the DEIR is highly technical in nature, it is essential that the public have the opportunity to confer with proper experts in the field. Due to this holiday review period, Friends of Fawnskin, which represents over 400 mountain residents and visitors, is requesting a two-week extension to the public review period which currently ends on 23 January 2012. 1 CONT

Thank you for your consideration. Please notify us of any extensions.

Sincerely,

Sandy Steers

Sandy Steers, for the Friends of Fawnskin Advisory Board

cc: Supervisor Neil Derry
George Watson, Chief of Staff for Supervisor Derry

Friends of Fawnskin (FOF)

Response to FOF-1

The commenter requests the County of San Bernardino to extend the close of the public review period for adequate review. The County of San Bernardino extended the public review period to February 7, 2012, for additional review of the RRDEIR No. 2. No additional response is necessary.

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FRIENDS OF FAWNSKIN- SANDY STEERS COMMENT LETTER

FRIENDS OF FAWNSKIN
Protecting Big Bear Valley—Environmental Education & Monitoring
P.O. Box 422, Fawnskin, California 92333
www.friendsoffawnskin.org friendsoffawnskin@gmail.com
909-878-3091

20 January 2011

County of San Bernardino
Land Use Services Department, Planning Division
385 North Arrowhead Avenue 1st Floor
San Bernardino, California 92415-0182

Attn: Matthew Slowik

Via E-mail to mslowik@lusd.sbcounty.gov and U.S. Mail

RE: "REVISED AND RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT NO. 2 FOR THE MOON CAMP 50-LOT RESIDENTIAL SUBDIVISION, TT NO. 16136 (BASED ON REVISED SITE PLAN) BIG BEAR LAKE, SAN BERNARDINO COUNTY, CALIFORNIA SCH #2002021105."

On behalf of the membership of Friends Of Fawnskin (FOF) we would like to thank the San Bernardino County Land Use Services Department Planning Division for the opportunity to comment on the Revised and Recirculated Draft Environmental Impact Report No. 2 (RDEIR) for the proposed Moon Camp 50-Lot Residential Subdivision. FOF represents a membership of over 500 local residents and visitors of Fawnskin and the Big Bear Valley, all of whom would be directly and detrimentally affected by the development of the proposed Moon Camp project.

FOF is strongly opposed to the proposed Moon Camp development project due to the extensive adverse effects on sensitive environmental treasures, on surrounding properties, on the community of Fawnskin and the Big Bear Valley as a whole, as well as on the neighboring National Forest and the Big Bear Lake. This latest proposed version of the project offers minimal changes to allegedly decrease the significant impacts the project would cause to the environment, while making other changes that increase impacts. Unfortunately, despite these project modifications, the Project would still have profound and significant impacts on the site's and surrounding area's extraordinarily rich environmental resources. 1

This RDEIR, like its predecessors, completely underestimates the significance of the potential impacts and, in nearly all areas, provides insufficient analysis and presentation of evidence to draw the conclusions it contains. The RDEIR often utilizes data that is out of date, estimated from out of date information or worse, irrelevant data, presented in a way to purposely

mislead. In every category, it fails to adequately evaluate the severe adverse effects and grossly downplays and glosses over the significant and unavoidable impacts of the proposed project. In some areas it seems to go so far as to purposely obfuscate and confuse. The RDEIR also fails to identify feasible mitigation measures or alternatives capable of minimizing the project's significant environmental impacts. For the reasons discussed below, the current RDEIR remains inadequate and, consequently, the document must again be revised and recirculated for public review and comment.[1]

1 CONT

Finally, in order to approve the proposed project, the County must make a series of findings pursuant to the San Bernardino County Code. As we explain below, the County lacks the evidentiary basis to make these findings. Perhaps most importantly, the County must find that the proposed Project would provide a public benefit. This project does not benefit the public; instead, it seeks to meet the needs of the applicant to the detriment of the public. For this reason alone, it is our opinion that the proposed project should be denied.

General comments

- Even though this RDEIR is analyzing a project alternative, it must evaluate the impacts compared with the current conditions on the site, rather than just with the previous version of the project as is done throughout the RDEIR. Moreover, simply changing the location of the impacts is not the same as mitigating the impacts. The revised project alternative, like the prior project, would result in significant environmental impacts, above and beyond those to the Bald Eagle already acknowledged by the RDEIR. As it now stands, the RDEIR does not properly evaluate impacts to appropriately inform the public or the officials representing them. 2

- Many of the mitigations proposed throughout the RDEIR are still only 'paper' mitigations and would have little to no value in actually mitigating or reducing the significance of the specified impact. For example, mitigation measure MM BR-1c would require the inclusion of enforcement provisions in the CC&Rs that would "allow" a homeowners' association to enforce provisions intended to protect sensitive resources. This measure is written in a manner that is vague, voluntary and unenforceable and, therefore, would be ineffective at protecting the site's extensive sensitive resources. Historically, the County has repeatedly required similar mitigation measures for development projects with the result being no reduction in the significant impacts. Consequently, ample evidence exists demonstrating the inadequacy of such measures in protecting environmental resources: 3
    - The Eagle Point development (by the same developers as the proposed Moon Camp project) attempted some of the same techniques to mitigate for its impacts to eagles. In spite of the mitigation measures, one eagle perch designated area is now a tennis court because the developer requested and was granted a change a full year after the final approval of the FEIR with insufficient analysis and no public review. (Attachment A). The other 'replacement' perches that were installed have long since fallen down and have not been replaced. 4

[1] FOF and other members of the public submitted extensive comments on the prior versions of this EIR. This revised EIR fails to resolve the issues raised in these other comment letters and therefore those public comments remain valid. For this reason, we incorporate those letters, in their entirety, by reference into this letter. We request that the County respond to all of those prior comments in addition to the comments raised in this letter.

- Because CC&R's can expire and because there is no way to assure their continued use through changes in ownership, they have proven to be completely ineffective at protecting environmental resources in several instances in Big Bear Valley development projects:
  - The development from the late 1960's along Flicker Rd. immediately adjacent to the Moon Camp property has CC&Rs. When asked, most current residents do not know what the rules are and could not locate a copy of the CC&R's. No one enforces these CC&Rs and, according to original residents in the development, many provisions are not being complied with. 5
  - The website of Arrowhead Woods (in Lake Arrowhead) in June 2010 stated: "Unfortunately a majority of the CC&Rs found within Arrowhead Woods will expire on December 31, 2010 unless an aggregate of 55% of property owners within each expiring tract vote to renew the CC&Rs...If the CC&Rs expire our community will be held to County of San Bernardino standards only."
- This author participated when Dr. Timothy Krantz, survey biologist for the proposed Moon Camp project, took Michael Perry, the then City Manager of Big Bear Lake, the enforcement agency, on a tour of sites where development mitigations were not being enforced, including Eagle Point Estates. The endangered plant habitats along the shoreline in Eagle Point Estates that were part of the designated lots but with restrictions noted as mitigation, have now been covered with lawns, decks and decorative bark. Mr. Perry said he was unaware of the details of the required mitigations, but would have a City staff member search the archive files and check if there were violations. To my knowledge, no investigation was done, nor was any enforcement implemented. It is important to note that Mr. Perry, since his retirement from the City, now serves as the applicant's representative on the Moon Camp project. 6
- With the exception of doing nothing, it is hard to imagine a mitigation less effective than putting flyers in the homes, as proposed by mitigation measure MM BR-1c. Since the homes would be built over the next 10-20 years, the RDEIR provides no assurance that these flyers would be placed in each new home. Nor does the RDEIR identify any method for informing future homeowners or residents as properties change hands. Homes in Big Bear Valley turn over on average every three years. This type of "mitigation" measure is clearly meaningless since the project applicant has no way of ensuring that each resident in a home has read the flyer nor that they would take the course of action necessary to ensure that that the environmental resources are protected. 7

In addition, the RDEIR provides no evidence that the County, or any other entity, would enforce these mitigations measures in perpetuity. Consequently, the EIR lacks the evidentiary basis to conclude that the Project's impacts to special status biological resources would be mitigated to a less than significant level. 8

- The questions and comments from the public scoping meeting and additional scoping letters that were not properly addressed in the 2010 DEIR are still not addressed in this RDEIR. Since this RDEIR's purpose is to inform the public, this skimming over of the issues makes the RDEIR evaluations insufficient. Please provide specific answers to each of the scoping questions and for those that are addressed in the text of the 2010 DEIR, state the page and paragraph in which the issue is addressed. 9

- Portions of the project site have slopes that exceed 40% and some of the proposed lots would be developed on slopes that exceed 30%. Although the County code requires that slopes over 30% have a three acre minimum lot size, the proposed project contains only lots that are less than three acres. The RDEIR fails to identify this noncompliance with the County Code as a significant impact. In addition, the EIR fails to examine the environmental impacts that would accompany development on steep slopes. These impacts include but are not limited to geotechnical, erosion, drainage, water quality, fire hazard impacts and impacts to the adjacent National Forest. 10

- Certain sections of the original EIR were declared to have insignificant impacts and therefore not reanalyzed in the 2010 DEIR nor in this 2011 RDEIR. For some of these areas, this is an invalid assumption since conditions have changes since the original EIR. For example:
    - In 2007, the Big Bear Lake Municipal Water District identified the invasive quagga mussel as a threat to Big Bear Lake and passed an ordinance in May 2008, requiring all boats to be inspected prior to entry into the lake. There is a launch ramp proposed for this project, but the Recreation section of the original EIR that discussed the ramp has not been updated to discuss if or how inspections would be done at this ramp, whether a full-time inspector would be hired or what potential impacts this ramp could cause without proper inspection. Since this mussel has the potential to create extremely detrimental and significant impacts to Big Bear Lake, the EIR must analyze the environmental impacts associated with the construction and operation of this launch ramp based on this new information. 11

- Neither the 2010 DEIR nor this 2011 RDEIR evaluated the air quality degradation, the noise pollution, the impacts to traffic and parking or the severe impacts to aesthetics and to biological resources that would result from the construction of project infrastructure (e.g., water and sewer pipelines and other equipment). The 2010 DEIR identifies these impacts as "temporary" but fails to provide any analysis to support this assertion. CEQA does not distinguish between temporary and permanent impacts; impacts must be analyzed regardless of their duration. Furthermore, the project applicant is now proposing to change the route of pipelines and therefore the location of impacts but the RDEIR fails to identify or analyze any of these new impacts. Clearly, given the biological resources on the site and the proximity of the site to surrounding neighborhoods, the impacts associated with project-related infrastructure would be extensive. The EIR must, again, be recirculated to analyze these impacts and identify feasible mitigation measures for those impacts that are determined to be significant. 12

- This RDEIR, as with the 2010 DEIR, still fails to properly analyze Project alternatives. It does not identify any alternatives with less than 50 homes thereby allowing for the preservation of those portions of the site that contain the most environmentally rich resources. Nor does the document identify any off-site alternatives. An off-site alternative is particularly important because, even with mitigation, impacts to the eagle would remain significant and unavoidable. Inasmuch as the project site is used extensively by the eagle, the EIR must identify and evaluate alternative locations for the proposed Project. 13

"Executive Summary" Section Comments

- On page ES-2, the statement that there are no additional significant impacts besides to the bald eagle is erroneous. The project would result in significant impacts to the Ashy-Gray Indian Paintbrush (a Federally-Listed Threatened Species) and numerous other species; the RDEIR must analyze these impacts appropriately and be recirculated. 14

- On page ES-3, under the description of the 2011 Alternative Project, the RDEIR states that "impacts to the Ashy-Gray Indian Paintbrush are less than significant." This statement is erroneous. Since the analysis of this species is insufficient, the impacts have been understated and the mitigations are inadequate to reduce impacts. In addition, the overall discussion in the RDEIR regarding this Federally-listed Threatened species is presented in a manner to obscure the facts and confuse the issues and mislead the focus away from the true significance of the impacts. 15

- The conclusion on page ES-3, as well as in the Biological Resources section and in Krantz, 2010, that the area thought to be pebble plain is not a true pebble pain habitat due to the lack of two key indicator species is erroneous according to: 1) the U.S. Fish & Wildlife Service definition of a pebble plain habitat, 2) the U.S. Forest Service habitat determination rules and 3) previous publications by Dr. Krantz. Based on the following authoritative definitions, the Moon Camp site contains Pebble Plain habitat, so potential impacts must be properly analyzed and appropriate mitigations offered. These countering authoritative definitions are:

  The "U.S. Fish & Wildlife Service Bear Valley Sandwort 5-year Review" in discussing pebble plain habitat on page 5, states:

  > "However, since the listing of the species, USFS botanists have documented several new occurrences of habitat that have only one or none of these indicator species (USFS 2002)."

  This document is incorporated by reference into this letter. It is available at: http://www.fws.gov/ecos/ajax/docs/five_year_review/doc1892.pdf.

  The "U.S. Fish & Wildlife Service 50 CFR Part 17 Endangered and Threatened Wildlife Plants; Designation of Critical Habitat for Arenaria ursine (Bear Valley sandwort), Castilleja cinerea (ash-gray Indian paintbrush), and Eriogonum kennedyi var. austromontanum (southern mountain wild-buckwheat); Proposed Rules" on page 3 states: 16

  > "Each of the pebble plain complexes identified by the Forest Service supports all three of the pebble plain species with five exceptions: Coxey Meadow, Rattlesnake, Grinnell Ridge, Snow Valley, and Sugarloaf Ridge (USFS 2002). Coxey Meadow and Rattlesnake complexes do not support any of the three listed species and are not proposed as critical habitat. Grinnell Ridge and Snow Valley complexes support only *C. cinerea*."

  This document is incorporated by reference into this letter. It is available at: http://www.gpo.gov/fdsys/pkg/FR-2006-11-22/pdf/06-9194.pdf.

  The "Pebble Plain Habitat Maintenance Guide" (Attachment D) published by the U.S.D.A. Forest Service in 2002 in specifying how to make habitat determination, directly contradicts the statements made by Dr. Krantz in the 2010 Krantz Survey (RDER Appendix A.11) with his own previous work:

  > **"B. HABITAT DETERMINATION**
  > Derby (1979) provided the first habitat determination for pebble plains. Her quantitative studies revealed that pebble plain habitat was characterized by the presence of two indicator species, *Arenaria ursina* and *Eriogonum kennedyi* var. *austromontanum*. These species were chosen because they occurred on all pebble

plains sampled and because they are both endemic to the San Bernardino Mountains. Derby further defined pebble plain habitat by the presence of oxidized clay soils with a saragosa quartzite component.

Subsequent work by Krantz (1983a, 1983b) revealed that pebble plains at the east and west ends of the habitat range fit the general soil description of pebble plains but did not always support both *Arenaria ursina* and *Eriogonum kennedyi* var. *austromontanum*. At the time of this discovery, conservation was focused on the more centrally located habitat occurrences that supported the highest densities of endemic species and/or the most "classic" examples of pebble plain. Consequently, little attention has historically been given to these atypical outlying occurrences. However, recent work by Forest botanists supports Krantz's findings, where several new occurrences of pebble plain habitat have been found that possess only one or neither of the indicator species.

These discoveries strongly suggest that a broader definition for pebble plain habitat is necessary to encompass the range of habitat characteristics present on the SBNF. In 2002, Forest botanists developed a point system to qualify pebble plain habitat. To qualify as a pebble plain, the area must possess at least four points, based on characteristics indicative of pebble plain habitat. Strong indicators, each worth two points, often occur on pebble plains and rarely occur off pebble plains. Weak indicators, each worth one point, often occur on pebble plains and frequently occur off pebble plains.
Points are accumulated based on the following characteristics:

Strong Indicators (2 points each)
Clay soils
Presence of *Eriogonum kennedyi* var. *kennedyi*
Presence of *Eriogonum kennedyi* var. *austromontanum*
Presence of *Ivesia argyrocoma*
Presence of *Arenaria ursina*

Weak Indicators (1 point each)
Presence of *Allium parryi*
Presence of *Antennaria dimorpha*
Presence of *Arabis parishii*
Presence of *Astragalus purshii* var. *lectulus*
Presence of *Castilleja cinerea*
Presence of *Dudleya abramsii* ssp. *affinis*
Presence of *Echinocereus engelmannii*
Presence of *Erigeron aphanactis* var. *congestus*
Presence of *Eriogonum wrightii* var. *subscaposum*
Presence of *Lewisia rediviva* var. *minor*
Presence of *Mimulus purpureus"*

16
CONT

Note: According to all the biological surveys in Appendix A of the RDEIR, the sensitive plant habitat on Moon Camp contains: Clay soils (2 points); Ivesia argyrocoma (2 points); Castilleja cinerea (1 point) and arabis parishii (1 point), for a total of 6 points, more than sufficient to qualify as Pebble Plain habitat under the U.S. Forest Service definition, which requires 4 points. Also, earlier surveys and documentation show additional indicator species being present on the site, as specified in Appendix A.8, which would further increase the already definitive point score.

The publication "A Guide to the Rare and Unusual Wildflowers of the Big Bear Valley Preserve" by Tim Krantz, a reference document cited in Biological Surveys in RDEIR Appendices A.7 and A.8, states on page 9:

> "The clay soils covered with relict alpine plants are called "pebble plains" due to the layer of orange and white quartzite pebbles pushed to the surface of the clay by front heaving."

In summary, there is no question that this site contains Pebble Plain habitat. The premise that it is not true Pebble Plain appears to be nothing less than an ill-conceived attempt to obscure the truth and mislead the public and deciding officials.

- Page ES-6 states that this RDEIR determines the short-term and long-term effects of this project and that it discusses both the direct and indirect impacts of the revisions, but that information is either missing from the RDEIR or insufficient in both the analysis and the discussion presented. Proper analysis and discussion of the short-term and long-term effects of this project must be presented in a revised DEIR and recirculated. 17

- Page ES-6 discusses the creation of Open Space Lot H as a measure to compensate for the loss of a portion of Lot A. This new lot creation does not in any way compensate for the loss of a portion of Lot A since the habitat for the Ashy-Gray Indian Paintbrush continues to be reduced in size and in numbers and the pebble plain habitat—occupied habitat for several special status species—continues to be reduced in size. This information must be presented in its stark truth rather than being used to mislead and confuse. 18

- The RDEIR does not analyze the environmental impacts that would result from the construction and operation of a new roadway between Lot A and Lot H, including the devastating impacts to sensitive plant habitat. Moreover, given the severity of these impacts, the RDEIR must present, with full analysis, alternative alignments that reduce or eliminate altogether these impacts. 19

- Page ES-7 provides no evidence to support its conclusion that the redistribution of the developable lots "minimizes" impacts to the Ashy-Gray Indian Paintbrush. Other mitigation and/or project alternatives must be identified and analyzed to further reduce these significant impacts. 20

- The mitigations offered on pages ES-8 through ES-14 do not reduce the impacts on the relevant species below the level of significance. (See detailed discussion in the Biological Resources section comments.) 21

- The RDEIR fails to accurately identify key project components. For example, the total acreage specifications for the conservation easements varies in different parts of the document. Until these inconsistencies are resolved, it is not possible to verify whether these proposed conservation easements would protect the site's resources. 22

- The RDEIR fails to include any explanation as to how mitigation compliance will be monitored and measured, as required under CEQA. Compliance and monitoring measures must be specified. 23

- Page 1 of the 2007 Survey for Southwestern Willow Flycatchers states that the nesting season for various types of birds that utilize the site is March through July (underline added), but the mitigations for activities that could disturb the nesting restrict the activities only through June, creating a significant gap in the effectiveness of such mitigations. 24

"Section 1: Project Description" Comments

- The RDEIR points out on page 1-2 that future development proposals must be considered on a demonstrated ability to provide adequate infrastructure and maintain consistency with the goals and policies of the 2007 Community Plan. The RDEIR fails to adequately analyze the Project's consistency with the Community Plan. Moreover, as 25

the prior EIR makes clear, the Project applicant has not demonstrated that adequate infrastructure -- especially in the areas of water availability and fire protection services, including evacuation plans – is available to serve the project. In addition, the proposed project fails to meet the following goals and policies of the 2007 Community Plan:

- "BV/LU 1.3 A. Residential density: the density of development for any tentative parcel map or tentative tract map in sloping hillside areas shall be in accordance with the following criteria: iii. One (1) dwelling unit per three (3) gross acres on slopes of greater than thirty percent (30%) gradient."

  Note: None of the lots are three (3) acres even though the slopes in some areas are over 30%.
- "BV/CI 1.4 Preservation and protection of sensitive habitats shall have priority over road location, relocation or realignment, when other practical alternatives are available."

  Note: The road proposed to exit on the east end of the proposed development bisects sensitive plant habitat and unnecessarily separates two conservation lots.
- "BV/CI 1.6 Minimize the traffic load on mountain major highways and mountain secondary highways by requiring projects to minimize direct access to these main circulation roads."

  Note: The proposed development proposes four (!) new direct access points to Highway 38, over a very short distance.
- "BV/CI 5.1 Through the development review process, permit new development only when adequate water supply exists or can be assured."

  Note: As prior comment letters make clear, there is no evidence that adequate water supplies exist to serve the proposed development. Certain alternatives for supplying water have the potential to adversely impact groundwater supplies and potentially adversely impact private wells in the project vicinity. In addition, as noted on the Big Bear DWP website, even with significant conservation efforts, there is insufficient water supply to serve build-out in the valley.

  "Since 2001, the annual water demand has been reduced 30% through an aggressive water conservation effort by the community. While the DWP does not currently have adequate water supply on hand to meet the community's projected demand at build-out, its Board and staff are diligently working to secure additional supply to meet these needs in the future."
- "BV/CO 4.5 Natural drainage courses shall not be occupied or obstructed."

  Note: The proposed project would completely occupy and obstruct the natural drainage course on the east end of the property and offers mitigations wholly inadequate to offer any assurance that the other drainage courses on the proposed project site would not be occupied or obstructed.

25 CONT

- As with the prior EIR's, this RDEIR fails to properly analyze or discuss the impacts of the requested zoning change from Rural Living with a minimum lot size of 40 acres to Residential zoning with a minimum lot size of 20,000 square feet. In fact, this proposed zoning change does not in any way meet the findings required by County Development Code 86.12.060 and therefore cannot be approved. At a minimum, the following qualifications are not and cannot be met by this proposed project:

26

- "The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County."
    1. By the EIR's own admission, this proposed project would have a significant and unavoidable impact to the treasured bald eagle. The bald eagle is a prominent symbol of Big Bear and has become a major attraction. Clearly, a project that would significantly impact the eagle, and result in the eagles' potential abandonment of the project site altogether, would be detrimental to the public interest. In addition, the project would impact other important resources such as the pebble plain habitat and would adversely impact National Forest public lands, as well as the Big Bear Lake, both located immediately adjacent to the site. These impacts would also be clearly detrimental to the public interest. 26 CONT
    2. The Project site is situated in a location with high potential for wildfire. The Forest Service, the agency responsible for fire protection in the area, has informed the County that the EIR has not evaluated the project's proposed water alternatives with regard to its hydraulic effects on the existing Fawnskin water system. No evidence exists that fire flow rates are sufficient to protect the health, safety and welfare of the community.
- "The proposed land use zoning district change will provide a reasonable and logical extension of the existing land use pattern in the surrounding area;"
    1. The proposed development site is bounded on a majority percentage of its borders by National Forest and scenic shoreline. Compatibility to the National Forest is a key reason to maintain the status quo and not change the existing rural zoning. 27
- "The proposed land use zoning district change is in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised;"
    1. There would be no community benefits from the development of this proposed project. Instead, for the reasons set forth in this and other letters, existing uses would be compromised and the project would actually be detrimental to public interest.
- "The proposed land use zoning district change will not have a substantial adverse effect on surrounding property."
    1. The project has the potential to adversely impact the ability of the Forest Service to manage its lands. As the Service explained in their 2010 comment letter, any impacts to plants in and adjacent to the proposed project site would increase the value and sensitivity of pebble plain habitat on National Forest lands. This would then reduce the flexibility and ability of the Service to conduct management actions such as hazardous fuel reduction on its other lands.
    2. Substantial uncertainty exists regarding water service to the proposed site. Certain alternatives for supplying water have the potential to adversely impact groundwater supplies and potentially draw down private wells in the project vicinity. 28
    3. Analyses of the Moon Camp wells presented in previous DEIRs show the likelihood that water in the low-lying well is being drawn from the Big Bear Lake, a surrounding property. In confirmation of this, in a TRT meeting for the Big Bear Lake DWP in April, 2010, it was discussed that Bear Valley Mutual wanted to meet with the DWP to discuss the DWP lower wells regarding the interconnect between the wells and the lake water. It was further discussed at that meeting how lake water could be going into the

wells and Steve Foulkes, DWP Board President, stated that he agreed that probably water from the lake could be infiltrating the low lying wells. (See Attachment G.) 28 CONT

- "The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvement in the vicinity in which the property is located."
    1. The proposed project site is located in an extreme fire hazard area. The site's steep slopes and highly flammable natural vegetation pose a tremendous threat of wildfire disaster. Allowing the development of subdivision on this site increases the risk of wildfire and also adversely impacts the ability of existing fire fighting agencies to meet current service demand. In this regard, the Project would adversely impact the Forest Service' ability to meet its current fire-fighting responsibilities because it would (1) stretch the Service's limited personnel, and (2) reduce the already limited water supplies in the Moon Camp and Fawnskin area. For these reasons, the site is not suitable for development. 29
    2. The proposed project site lies outside of the Big Bear DWP water service area and would require either an approval from LAFCO or the use of a currently unused County Service District, and since the actual water service plan has not been definitively specified nor proven, the site does not meet this code criteria.

- Since additional housing could be the only potential public benefit of this proposed project, there is, in fact, no public benefit for the following reasons:
    - There is already an over-abundance of available housing in the Big Bear Valley. With a many-year average of over 600 homes on the market in any given time period, this large surplus is more than sufficient to meet the area's housing needs. Adding a 50-unit subdivision cannot be considered a public need or benefit.
    - There is already an over-abundance of vacant buildable lots throughout Big Bear Valley and in Fawnskin, so there would be no public benefit from this increase in vacant lots.
    - Given the oversupply of housing in the area, approving a 50-unit subdivision does not override the loss of sensitive habitat and the extensive significant impacts to special-status species. 30
    - While a subdivision might be beneficial in an urban setting, it has no public benefit on a site adjacent to a National Forest and a scenic mountain lake.
    - The San Bernardino National Forest already stands out as having the highest percentage of development inside its boundaries of any National Forest in the country.
    - The history of real estate in the mountain area is one of steady turnover where opportunity always exists for new home buyers in this resort economy. With an average home ownership turnover rate of only three years in Big Bear Valley,

more housing cannot be considered as a public benefit in this predominantly wildland context.

- There is already substantial development on the south shore of Big Bear Lake and the north shore is regarded by residents and visitors throughout the valley as the quiet respite from the frenetic energy of the visitor resorts and population density on the south shore. 30 CONT

- The original DEIR (2004) identified four major jurisdictional drainages (Exhibit 5.8-2), yet the 2010 DEIR omitted the western-most drainage (Exhibit 2-5). We question whether acknowledgement of this drainage may have been eliminated in the initial RDEIR because of the proposed road alignment. The current RDEIR continues to omit the western-most drainage (Exhibit 1-4). If this jurisdictional drainage no longer exists on the project site, please provide the revised Army Corp of Engineers or the California Department of Fish and Game jurisdictional delineations documenting this change in the Project site's wetlands. If, however, the drainage still exists on site and the proposed Project would impact it, these impacts must be identified, analyzed and mitigated. 31

- Jurisdictional waters must be determined now as part of this RDEIR analysis. The current discussion is vague in stating that offsite mitigation will be done in the future if needed, but there is no analysis that there is offsite mitigation areas available that would actually reduce the impacts that would be result from the proposed project. 32

- Keeping the jurisdictional drainages as part of the residential lots does not offer any mitigation for the species, including but not limited to the Southern Rubber Boa, the southern sagebrush lizard and other reptile species, that this RDEIR states will not be impacted because a setback from the drainage will be designated as unbuildable. There is no long-term enforcement that the drainage areas would not be blocked or otherwise destroyed by the eventual residents. (In fact, in the Castle Glen project, where drainages were actually fenced off as a species-protecting conservation easement, several residents have removed the fences to utilize the drainage as a continuation of their individual yards and there has been no enforcement initiated to remedy this situation.) In addition, this setback is only designated for the eastern most drainage, leaving the impacts for the others unmitigated. The conclusions in the RDEIR are drawn from inadequate information and insufficient analysis has been done to demonstrate impacts would be reduced to below significance with the suggested measures. 33

- The 2011 Alternative Project Characteristics description downplays the continuing significant impacts this proposed development would have even with the changes and does not mention the increased impacts, such as loss of much of the sensitive habitat on Lot A, that had previously been planned for conservation. 34

- With the new project design proposed, Lot A would now become the back yard of three housing lots. Placing these lots immediately adjacent to the conservation area greatly increases the potential for this area to be utilized as an extension of a back yard by children and pets, increases the edge effects (as defined in RDEIR Appendix A.7) that would be suffered by the habitat in Lot A and therefore, greatly increases the significance of the impacts to this area. The RDEIR provides no evidence to support its assumption that Paintbrush plants will be protected on Lot A and therefore cannot include the Lot A acreage as mitigation for the loss of this sensitive habitat. 35

- As with prior DEIR's, this RDEIR fails to define which water alternative would be selected and fails to analyze or discuss the impacts of said alternative on the surrounding homes, especially including those on private wells along North Shore Drive. 36

- While defining changes in the piping route for some water alternatives, the RDEIR fails to analyze or discuss the impacts to residents and wildlife of this construction which would take place throughout Fawnskin. At a minimum, there would be impacts in the areas of traffic, noise, air quality, aesthetics and biological resources. These impacts must be identified and analyzed. 37

- The Wastewater Service section on page 1-19 fails to analyze or discuss the impacts of the sewer line construction on North Shore Drive, which at a minimum would create impacts to traffic, aesthetics, noise and air quality. These impacts must be identified and analyzed. 38

- The proposed project plans call for the sewer lines to be dug and installed right through the middle of the sensitive plant habitat. The RDEIR provides no indication whether the calculation of loss of sensitive habitat includes impacts from the proposed realignment of the sewer lines. Having construction equipment traipsing across this habitat would result in severe impacts to the area. The EIR must quantify the loss of habitat that would result from the proposed sewer alignment. Analysis of these impacts must be presented, along with mitigations and possible alternative sewer line routes and their associated impacts. 39

- The presentation of Roadway Facilities on page 1-19 completely fails to mention the plans to construct a roadway that bisects the sensitive plant habitat, nor does it present any analysis on the impacts of this design compared with choosing another location for the roadway. This is in direct contradiction to the Bear Valley Community Plan policy (BV/CI 1.4) that "Preservation and protection of sensitive habitats shall have priority over road location..." The EIR must quantify the loss of habitat from the proposed roadway and identify feasible mitigation measures and/or alternatives capable of minimizing or eliminating these impacts. 40

- Page 2-55 of the RDEIR states that determination will be made as to the impacts of this project to the native plants and compliance with the provision of Division 9 of the County Development Code based on this RDEIR and the Forester's Report. No Forester's Report is presented; yet, conclusions regarding the significance of the impacts are drawn by this RDEIR. These conclusions cannot be drawn from incomplete or missing information. 41

- The proposed development project fails to meet several County General Plan goals and policies, including at a minimum:
    - **"CO 1.2** The preservation of some natural resources requires the establishment of a buffer area between the resource and developed areas. The County will continue the review of the Land Use Designations for unincorporated areas within one mile of any state or federally designated scenic area, national forest, national monument, or similar area, to ensure that sufficiently low development densities and building controls are applied to protect the visual and natural qualities of these areas." 42

1. The current zoning of BV/RL-40 in fact meets this goal by providing the buffer area needed between existing development and the National Forest. There is no buffer offered by the proposed project. There is only a 100-foot building set-back, but since the actual lots run right to the forest boundary, this area would be considered 'back yard' area by residents and would do nothing to create a buffer. Also, except for the location of the initial house, there is no enforceability regarding placement of storage sheds, recreational areas, dog houses, etc. Increasing the zoning density would be in direct contradiction to this General Plan goal.
2. A designated scenic highway, Highway 38, runs right through the middle of this proposed project site. This proposed project would not in any way protect the visual and natural qualities of this scenic area and thus would be in direct contradiction to this General Plan goal.

42 CONT

- **"M/LU 1.20** Closely review development projects on private land adjacent to National Forest lands to ensure that development projects are capable of meeting all development requirements within the project boundaries or other non-federal land. Provide opportunities for the U.S. Forest Service to consult with the County on development of private land that may have an adverse effect on adjoining National Forest land."
    1. The U.S. Forest Service submitted a letter commenting on the 2010 RDEIR. This letter identified the Project's extensive impacts on the Service, its lands and its sensitive environmental resources. This EIR ignores the majority of these comments. Examples include, but are not limited to:
        - The Forest Service requested that the project eliminate the plan for street lighting due to the severe potential impact on National Forest lands and because no other residential area in Fawnskin has street lamps, yet the plan continues to call for street lamps
        - The Forest Service pointed out that without a detailed soils erosion and sedimentation plan and geotechnical investigation of slope stability, it is impossible to determine whether significant impacts may affect the National Forest and Big Bear Lake, yet no new information has been presented.
        - The Forest Service states specifically that signing and CC&Rs would not be effective in preventing an increase in dispersed recreation and impacts on adjacent Forest Service land, but those continue to be the only mitigation measures offered.

    No changes have been made, mitigations offered or analyses done to address any of these or the other Forest Service comments. Completely ignoring these specific requests not only violates goal M/LU 1.20, but makes a mockery of its statement about providing opportunities for the Forest Service to consult on such projects. The Forest Service's June 4, 2010 letter is incorporated by reference into this letter.

43

- **"GOAL M/OS 1.** Ensure the preservation and proper management of National Forest lands within the Mountain Region to maintain the alpine character of the region"
    1. The same comments as those made for the previous goal apply here. This goal is not met by this project as it is currently proposed.

44

- **"GOAL CO 2.** The County will maintain and enhance biological diversity and healthy ecosystems throughout the County."

45

1. A project that would significantly impact a very unique and rare pebble plain habitat, containing Federally-listed Threatened plant species and which would cause significant unmitigable impacts to bald eagles, as well as direct and indirect impacts to numerous other species is in clear violation of this goal. 45 CONT

- **"CO 2.1** The County will coordinate with state and federal agencies and departments to ensure that their programs to preserve rare and endangered species and protect areas of special habitat value, as well as conserve populations and habitats of commonly occurring species, are reflected in reviews and approvals of development programs." 46
  1. Rather than preserve rare and endangered species, the Project would result in significant unmitigable impacts to multiple species.
- **"M/CO 1.4** Designate and protect unique habitats supporting rare and endangered species." 47
  1. As per comments above, this proposed project in no way meets this goal.
- **"M/CO 1.6** Prepare guidelines for the protection of eagle perch trees and spotted owl nest trees."
  1. As pointed out by the Forest Service, the plans for the eagle perch trees are inadequate to effectively mitigate the impacts, and there are no mitigations offered for spotted owls (again as specifically requested by the Forest Service.) 48
- **"GOAL M/OS 2.** Improve and preserve open space corridors throughout the Mountain Region." 49
  1. The proposed project would only serve to degrade and destroy open space corridors in this area.
- **"LU 1.2** The design and siting of new development will meet locational and development standards to ensure compatibility of the new development with adjacent land uses and community character." 50
  1. The proposed project would be incompatible with both the adjacent National Forest and the character of Fawnskin and the North Shore.
- "GOAL M/CO 1. Preserve the unique environmental features of the Mountain Region including native wildlife, vegetation and scenic vistas."
  1. Since this project, at the very least, would a) have significant and unavoidable impacts to the Bald Eagle, b) decrease the size and extent of sensitive plant habitat, especially for the Federally listed Threatened species Ashy-Gray Indian Paintbrush, c) severely impact several other unique and sensitive plant species, d) cause detrimental impact to several wildlife species, and e) destroy scenic vistas, it would not in any way meet this goal. In addition, no analysis has been presented in the RDEIR as to how this goal would be met. 51
- **"M/CO 1.2** Protect scenic vistas by minimizing ridgeline development that would substantially detract from the scenic quality of major ridgeline viewsheds." 52
  1. The proposed project design calls for homes along the ridgeline completely ignoring this goal, and no analysis has been presented showing how this goal could be met.
- **"M/CO 1.7** Encourage conservation and sound management of the mountain forest character and natural resources, including water, streams, vegetation, soils and wildlife. Require the planting of native or drought-tolerant cultivar species, capable of surviving the mountain environment and climate." 53
  1. Compared with the major destruction of streams, soils, special status vegetation and rare, protected wildlife, the minor and unenforceable

mitigation offered regarding native plants in no way brings the proposed project into alignment with this goal. 53

- "GOAL M/CO 2. Maintain the health and vigor of the forest environment."
  1. Approving this proposed project set immediately adjacent to the National Forest would be directly contrary to this goal. 54
- "GOAL M/CO 3. Conserve and protect surface and groundwater resources to meet the needs of a growing mountain population, to support the mountain environment and forest watershed and to preserve the quality of life for mountain residents and visitors."
  1. Even though a surface and groundwater resources analysis was requested by the Forest Service, the EIR does not include this analysis. In addition, as the Forest Service explains, the water extraction associated with the project would result in potentially significant impacts on riparian and wetland habitats. Consequently, the project is inconsistent with these goals. 55
- **"M/CO 3.1** Utilize open space and drainage easements as well as clustering of new development as stream preservation tools."
  1. The currently proposed project ignores some drainage areas, does not offer easements for any of the drainage areas (only supposed non-buildable areas) and offers no clustering to assist in stream preservation, this goal remains unmet. In addition, no analysis is presented to show how the goal will be met. 56
- "GOAL M/CO 5. Preserve the dark night sky as a natural resource in the Mountain Region communities."
  1. The street lighting contemplated by the Project would result in significant impacts to community's treasured dark skies and, therefore, the project would be in violation of this County goal. 57
- **"M/CO 5.4** All outdoor lighting, including street lighting, shall be provided in accordance with the Night Sky Protection Ordinance and shall only be provided as necessary to meet safety standards."
  1. No analysis or data is presented in the RDEIR to demonstrate that the street lighting being proposed currently is provided only "as necessary to meet safety standards," as would be required to meet this goal. 58
- **"M/CO 5.5** Allow for mountain communities' input on the need for, and placement of, new street lights."
  1. Public comment has also requested no street lights be included in this project, but these comments have been ignored, thus violating this goal of community input. 59

A project that fails to meet such an extensive list of the County's General Plan goals cannot be approved. The RDEIR must present alternatives that would meet these goals. 60

"Section 2: Biological Resources" Comments

Although the RDEIR concludes that impacts to the bald eagle would be significant, it substantially understates these impacts. It has also greatly underestimated the impacts to the Ashy-Gray Indian Paintbrush, other Pebble Plain special status plants, and other biological resources, fails to provide proper data and analysis of any of the potentially impacted species, and fails to mitigate the impacts of these species to below significance. The following notes detail the inadequacies and inaccuracies in the RDEIR: 61

- The discussion regarding the Ashy-Gray Indian Paintbrush on pages 2-45 and 2-46 is presented in a manner that obscures and confuses the information with the intent of leading to false conclusions that seem justified. The presentation switches between discussing the number of plants and the size of the habitat depending on which is most convenient to the desired conclusion, presents non-standard, misleading ratios and makes statements without supporting evidence or discussion as to how those conclusions were drawn or calculations made. The following points offer some examples:
  - Onsite mitigation can serve only as mitigation for the habitat and plants that are already located within the specified conservation area. It serves as mitigation for itself (that habitat and those plants already in the conservation area) since they would otherwise be lost if the proposed project was developed without setting aside that conservation area. The conservation area, therefore, cannot be counted a second time as mitigation for plants or habitat that are outside of that area. Those plants and habitat that would still be destroyed by the currently proposed project plans must be mitigated offsite. (Note: It is illegal under CEQA to utilize again an area previously used for mitigation. That would be "double-dipping." As a demonstration example: if a site had 10 acres of habitat that needed to be preserved, and 5 acres of it was preserved onsite, that would leave 5 acres that must still be mitigated. If the same 5 acres that was being preserved onsite could be used again as mitigation for the 5 acres not being preserved, then it would mean that the habitat could be cut in half with no further mitigation. That situation is completely contrary to the purposes of CEQA mitigation, yet is what is being attempted in this RDEIR.) 62
  - The onsite mitigation ratio calculated as 7:1 erroneously uses conservation area onsite a second time as mitigation for plants outside that area. The project has the potential to impact 5567 plants in total. The proposed project plans to set aside the area occupied by 4895 of those plants, so that set-aside or onsite conservation area serves as mitigation for those 4895 plants that would otherwise be impacted by the project. These 4895 plants are, therefore, being mitigated onsite in a 1:1 ratio of plants conserved compared with plants that would be impacted. That leaves 672 plants that must be mitigated offsite. (For the standardly defined mitigation ratio to actually be 7:1, there would have to be seven (7) times the original number of plants being conserved and since there are not 38,969 plants on the site, that is not possible.
  - When discussing the offsite mitigation for plants lost, the RDEIR suddenly switches from discussing the number of plants to discussing the size of the habitat. It can only be assumed that this switch is to obscure the fact that the offsite mitigation site contains only 21 plants (2010 Krantz survey, Appendix A). In continuing with the analysis based on the number of plants, since there are 672 plants located outside the conservation area and only 21 mitigated for offsite, that leaves 651 plants without mitigation. The resulting offsite mitigation ratio in terms of individual plant numbers would be 0.032:1. This offsite mitigation is inadequate, and the potential impacts to Ashy-Gray Indian Paintbrush remain significant.
  - There is no substantiating information documenting how the 10:1 ratio on page 2-46 was calculated or exactly what it is a ratio of.
  - The total mitigation ratio calculated as 10:1 on page 2-46 is wholly inaccurate, erroneous and misleading. The RDEIR states on page 2-44 that there is 18.01 acres of occupied habitat of the Ashy-Gray Indian Paintbrush. This entire 18.01 acres has the potential to be impacted by the project. Of that total habitat, 5.38

acres are being mitigated onsite (in a 1:1 ratio,) with the conservation areas being set aside. Beginning with 18.01 acres of habitat and conserving 5.38 acres, leaves 12.63 acres that must be mitigated offsite. (Note: Once again, the onsite 5.38 acre area cannot be used a second time to mitigate for the 12.63 acres because it is already mitigation for that 5.38 acres that would otherwise be destroyed by the proposed project without the conservation area.) The offsite area being offered is only 10 acres. Since that leaves 2.63 acres unmitigated, the offsite mitigation is inadequate, and the potential impacts to Ashy-Gray Indian Paintbrush remain significant.

To view it from the perspective of the overall ratio, and in terms of habitat acreage, onsite and offsite mitigation combined would be 15.38 of mitigation area for 18.01 acres of potentially impacted area, resulting in a mitigation ratio of 0.85:1. Again, this mitigation is inadequate, and the potential impacts to Ashy-Gray Indian Paintbrush remain significant. (Note: For the overall mitigation ration to be 10:1, the total onsite and offsite mitigation area would have to be 10 times the size of the original potentially impacted area, which would be 10 times 18.01 acres or 180.1 acres.)

- The offsite mitigation alone is 10 acres of mitigation habitat for 12.63 acres of impacted habitat, a ratio of 0.79:1. However, the offsite ratio for mitigation recommendation in the 2007 Biological Survey is 3:1, which is commensurate with the standard for offsite mitigation of plant habitat. That would require the offsite mitigation for the 12.63 acres to be 37.89 acres. Again, the mitigation is inadequate and the potential impacts to Ashy-Gray Indian Paintbrush remain significant.
- It is extremely misleading to calculate the onsite mitigation ration in terms of individual plant numbers but then calculate the total overall average in terms of occupied area. It would appear that this is a tactic to downplay the actual potential impacts. When discussed in terms of the number of plants, the onsite mitigation of conserving 4895 plants out of a total of 5567 sounds better than the fact that only 5.38 acres of the total 18.01 acres of occupied habitat is being conserved. But then for the total mitigation calculation, it looks better on paper to express it in terms of area size since the offsite mitigation only includes 21 plants even though its size is 10 acres. This purposeful disguising of the information verges on being fraudulent.
- It is standard in plant habitat mitigation to mitigate based on occupied habitat size, not plant numbers since the accurate counts are impossible in a single survey. In fact, in the 2010 Krantz Survey (in Appendix A), he states that his count numbers were reached by estimation.
- The RDEIR does not discuss how the 1.55 acres of impacted habitat was arrived at. From the appearance of the map in Exhibit 2-2, the lost habitat appears to be about the same size as the overall conservation area, or much larger than 1.55 acres. Was this measurement determined by measuring small patches around specific plants as opposed to taking the whole occupied area as habitat?
- According to the map in Exhibit 2-2, at a minimum nearly half the Ashy-Gray Indian Paintbrush would be lost, but rather than point this out, the discussion focuses on presenting the information in ways that attempt to obscure the facts.

Notwithstanding the egregious mathematical errors and deceptive presentation methods, the RDEIR provides no evidence to support the conclusion that impacts to the Ashy-Gray Indian Paintbrush would be mitigated to a less than significant level. The impacts to the Ashy-Gray Indian Paintbrush remain significant.

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- Equally, if not more important, the RDEIR may not rely on the Dixie Lee parcel as mitigation (MM BR-1a) for Ashy-Gray Indian Paintbrush. This parcel is already protected and conserved; it was set aside at least 20 years ago as mitigation for previous development. This parcel is fenced off. Independent conservation groups have repaired the fences and improved the signage to further protect this conserved pebble plain habitat.

  Documentation of the conservation status of this parcel is described in the "Pebble Plain Habitat Management Guide and Action Plan" published in May, 1990, and prepared jointly by the U.S.D.A. Forest Service, Pacific Southwest Region, San Bernardino National Forest and the Nature Conservancy, California Field Office. The listing states:

  > "An additional 10 acres of pebble plain habitat to the northwest of Sugarloaf, not adjacent to National Forest land, was dedicated partly in fee and partly in conservation easement to The Nature Conservancy as an off-site mitigation or "biota bank" in 1982. This property was initially fenced in 1986 to prevent unrestricted access along a road bisecting the pebble plain. Fencing was completed in 1988. There is a walk-through at the southern end of the parcel that provides access for walkers and inadvertently for burros."

  (Note: This document is included in the hard copy version of these comments as Attachment H, but the electronic version is too large to send with the email submission.) 63

  In addition, the publication "A Guide to the Rare and Unusual Wildflowers of the Big Bear Valley Preserve" by Tim Krantz (referenced in the 2007 Biological Survey in RDEIR Appendix A.7) refers to this parcel on page 4 with the associated map marking the Dixie Lee site on page 5:

  > "Another short-and-easy walk is through the Sugarloaf Preserve, with an open, park-like pebble plain."

  This Dixie Lee parcel has very high value and conservation importance, however, since it is already conserved, it cannot be used as mitigation for the Moon Camp pebble plain habitat. (The fact that the Dixie Lee parcel was not recorded is a failure in compliance with the mitigation requirements of that previous project and should be handled as such.) The EIR must identify an alternative mitigation site (i.e., one that otherwise might be developed) at a minimum ration of 3:1 for the actual habitat that would be lost from project development. This alternative site(s) must be set aside in perpetuity with a conservation easement. However, since it is most improbable that available parcels compromising that amount of Ashy-Gray Indian Paintbrush can be even found, let alone obtained, this mitigation option is likely infeasible. Consequently, Ashy-Gray Indian Paintbrush remain significant and unavoidable. The EIR must be revised once again to identify an alternative that would minimize or eliminate altogether the project's significant impact on this rare plant species.

- The size of the actual pebble plain habitat on the Dixie Lee parcel in mitigation MM BR-1a is only about 5 acres. The ten (10) acres is the size of the parcel that is fenced. So, even if it could be used for mitigation, only the occupied pebble plain habitat could be counted. Also, according to the Krantz 2010 survey document (In Appendix A), at least 2 acres of this 5 has already been used as mitigation for Big Bear High School. The actual acreage must be surveyed and the details of availability specified accurately in the EIR. This mitigation does not contribute the stated amount of conservation area, thus, the potential impacts to Ashy-Gray Indian Paintbrush cannot be reduced to below significance. 64

- The accepted protection mechanism for Ashy-Gray Indian Paintbrush includes mapping and protecting the entire host plant habitat rather than just where the actual paintbrush plants are located during any given survey. This technique is documented in the U.S. Forest Service Land Management Plan as stated:

  "**SBNF S1** - Avoid or minimize any activity that causes long-term damage to ashy-gray paintbrush host plants or host plant habitat in occupied paintbrush habitats (Arrowhead, Big Bear, Big Bear Back Country, Desert Rim, and San Gorgonio Places)." 65

  This same level of protection must be used in mapping and calculating the Ashy-Gray Indian Paintbrush habitat size and potential impact analysis rather than minimizing the size as has been done in the RDEIR. The Forest Service Land Management Plan -- San Bernardino National Forest Strategy is incorporated by reference into this letter. It is available at: http://www.fs.fed.us/r5/scfpr/projects/lmp/docs/sanbernardino-part2.pdf.

- The statement in the 2010 Krantz survey document (RDEIR Appendix A.11,) that CACI (Ashy-Gray Indian Paintbrush) is a perennial plant, and therefore, should be identifiable in the appropriate season year after year, is misleading and inaccurate. Ashy-Gray Indian Paintbrush is a short-lived perennial and short-lived perennial plants act a lot like annuals, with population numbers fluctuating with climate. First, even with average rainfall, population numbers can vary depending upon, among other things, when that rainfall occurred and moisture absorption levels during that time period. In turn, the moisture absorption levels vary with rainfall heaviness, frequency, duration, season, both air and ground temperatures, previous rainfall, and much more. In addition, no one has been able to verify what percentage of a short-lived perennial's population actually grows above the surface in any given year or based on specifically what climatic conditions; for example, amount of rainfall or number of consecutive years with above or below average rainfall, the average air and ground temperatures during the rainfalls and average temperatures overall, etc. Therefore, the conclusions on page 2-4 are drawn from an erroneous initial statement and are, as such, invalid themselves. There has been no over-calculation of species present on the project site. In fact, since it is well-accepted among botanists that the entire population does not come above the surface in any given year, with some estimates that as little as 10% of a population may grow above the surface in any given year, the population has most likely been under-calculated and perhaps even severely under-calculated. The potential impacts to this species are more significant than have been stated and remain significant after all currently-offered mitigations. 66

- First, the RDEIR has not adequately analyzed the impact to the Paintbrush because it does not disclose the severity and extent of the impact. The EIR should have evaluated the total loss of habitat **and** the loss of independent plants. Second, the EIR must avoid these impacts to the extent feasible. To this end, the EIR should have identified an alternative – other than the no-project – that avoids the impact to pebble-plain and the Paintbrush altogether. It did not provide such an alternative. Third, the EIR provides no evidence that the proposed mitigation would reduce impacts to the Paintbrush to a less than significant level. In this regard, the EIR identifies as its threshold of significance that a project would have a significant impact if it would "[h]ave an adverse effect on existing riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS." Here, the RDEIR identifies the impact to paintbrush as significant. To mitigate for this impact, the RDEIR proposes the "conservation" of 4895 individual plants. While this mitigation measure purports to protect individual plants via a conservation easement, the project would nonetheless 67

result in a **net loss** of individual Paintbrush (and pebble plain habitat). Consequently, by the EIR's own significance criteria, the Project – even with mitigation – would adversely affect a sensitive natural community. We attach the detailed policy prepared by the California Native Plant Society setting forth its mitigation guidelines regarding rare, threatened, and endangered plants. (Attachment E.) These CNPS Guidelines fully document the RDEIR's deficient approach to impact analysis and mitigation. 67 CONT

- The statement in the Krantz surveys (in RDEIR Appendices A.9 and A.11) that plants observed during the 2007 White study do not actually exist is erroneous. Since, as stated above, the entire population of this short-lived perennial species does not rise above the surface in any given year, there is no way for Dr. Krantz to know, or even assert, that those plants previously observed on the southeast corner or in the middle section of the project site do not exist. These statements are inaccurate and misleading and these eastern occurrences must also be accounted for in measuring impacts and mitigations. In addition, the author of Appendix A.9 points out that there was Wright's matting buckwheat, as well as silver rat-tails, which s sometimes associated with pebble plains and according to the Forest Service guidelines that all host plant habitat be conserved, this eastern area must be acknowledged and addressed in mitigations. 68

- Though none of the Federally-listed Endangered Kennedy Buckwheat was observed on the site, there was an intergraded species observed (White, 2007) that included aspects of both the endangered species and the more common Wright's matting buckwheat. The RDEIR fails to mention this or discuss the meaning of this with regard to the potential for the site as Kennedy Buckwheat habitat. 69

- The mitigation of restricting construction to the rear of Lots 47, 48, 49 and 50 to prevent construction on the pebble plain habitat on [64] sites, is ineffective (as can be shown by similar circumstances at Eagle Point Estates, Castle Glen and other developments in the valley), and even with the changes offered in the new language with this RDEIR, remains completely unenforceable. The pebble plain and Ashy-Gray Indian Paintbrush habitat in those lots must be set aside as conservation area or mitigated with an off-site parcel in a 3-to-1 ratio. 70

- Mitigation measures BR-1b and 1-c are vague and undefined and it is therefore impossible to evaluate their effectiveness. MM BR-1b states that a conservation easement will be recorded and that it "shall provide for the continued protection and preservation of the property." Yet, because the terms of the proposed easement have not been identified, it is not possible to determine whether the easement would sufficiently protect the Ashy-Gray Indian Paintbrush. For example, the EIR fails to include the following critical information: (1) identification of a conservation group that would manage these parcels; or (2) a description of the habitat management endowment (mentioned in BR-1a and 1b), including the dollar amount that would be set aside to ensure the protection of this sensitive habitat in perpetuity. These are not trivial details. In the absence of specific mitigation measures that are fully enforceable through permit conditions, agreements or other legally binding instruments, the EIR lacks the evidentiary support necessary to conclude that impacts to the Ashy-Gray Indian Paintbrush and pebble plain habitat would be mitigated to a less than significant level. 71

- Mitigation measures similar to the ones presented in this RDEIR for protected Bald Eagles and sensitive plant habitats have been <u>proven</u> ineffective in another local 72

development (built by some of the same developers as the proposed Moon Camp project.) The Castle Glen/Eagle Mountain development approvals included mitigations/conditions of approval that were reviewed in 1989. (See Attachment B.) The recommendations in this review show the original mitigations to be considered ineffective in their protections. In addition, if these recommendations were never implemented, it shows that the purpose of the original mitigations/conditions of approval were meant only as a method for getting through the approval process rather than as actual ways to protect the biological resources on the site. Key concerns in this review were that, 1) eagle perch trees were located on actual development lots and 2) development areas were in direct line-of-sight of eagle perch trees. Yet, even though these are issues known to decrease the effectiveness of mitigations, the mitigations suggested for the proposed Moon Camp project create the same inadequate conditions—perch trees on development lots and development allowed in direct line-of-sight of eagle perch trees. These proposed mitigation measure have already proven to be inadequate and ineffective. 72 CONT

In addition (and even if the additional recommendations from 1989 were implemented), the overall, medium-term result of the mitigations/conditions of approval was proven to be inadequate, based on conditions review documents since that time. A 2001 Review of Biological Conditions of Approval (Attachment F) states on page 3 that a total of 6 of the original eagle perch trees were identified as requiring replacement. It is unclear whether that replacement was ever done or what enforcement measures could require it to be. This document also states on page 5-6 that installation of a sewer main resulted in the loss of occupied Federally listed plant habitat and "eliminated some high quality pebble plain habitat with all three threatened species."

A subsequent 2005 Conservation Easement Documentation Report (see Attachment C) serves to demonstrate that if eagle perch trees were replaced, that measure have proven to be inadequate (and if they were not replaced, the measure proves to be unenforceable.) The mitigations/conditions of approval established to protect the biological resources on the Castle Glen/Eagle Mountain development project did not do so, especially for the Bald Eagle, as stated on page 5 (Attachment C) of this attachment:

> "Since 1983, the wintering population of Bald Eagles in the Big Bear Valley has significantly declined from numbers greater than 30 to only rare sitings on the Property. In recent years, the Owner has reported that no eagles have been sited on the Property."

It is also noted in Attachment C on page 6 that "Several **trails** (footpaths) can be found on the Property." and "Possible **encroachment** on the Property may have occurred by a neighbor who has dumped construction materials outside of his fence."

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Beyond this, it should be noted, that the owner is now in the process of changing the terms of the conditions of approval on this Castle Glen/Eagle Mountain project, proving in yet another way, that these mitigations are wholly and completely inadequate and ineffective for reducing the significance of the impacts to biological resources.

Based upon this past concrete evidence for similar projects with similar (and in some cases identical) biological resources, the proposed Moon Camp project mitigations offered for Bald Eagles, for all sensitive plant habitats, and for all other species must be presented with data and analysis that demonstrates they would actually reduce the significance of the potential impacts in perpetuity. Without this accompanying data and analysis, the proposed mitigations in this RDEIR remain inadequate.

- The potential edge effects have not been accounted for in determining the appropriate size of parcels meant to mitigate for impacts to ashy-gray paintbrush or for impacts to the other pebble plains plants and habitat. This makes the proposed mitigations insufficient in mitigating the impacts to a level less than significant. 74

- The RDEIR fails to adequately evaluate the impacts on the pebble plain habitat on nearby National Forest just north of the proposed project site. The statements in the 2010 Krantz survey that no trails currently exist is irrelevant to evaluating the potential impacts and demonstrates the EIR consultant's profound misunderstanding of this issue. There are no trails because there is no development along the forest boundary. The proposed project would introduce human activity into the area and therefore threaten the ecological integrity of the pebble plain habitat on Forest Service land. In light of examples throughout the valley, the impacts from foot traffic and other intrusions into the nearby forest that would result from the increased proximity of homes would be potentially extreme. Moreover, the RDEIR ignores altogether the Forest Service' comment that the proposed mitigation calling for signing and CC&Rs would be ineffective in preventing an increase in dispersed recreation and associated impacts on these sensitive habitats. The EIR must be revised once again to (1) calculate the loss of pebble plain habitat on the Forest Service lands that would result from the proposed project and (2) identify feasible mitigation measures for this impact. 75

- The extent of the pebble plain/special status species plant distribution continues to be underestimated in the RDEIR mapping. The Forest Service mapping of that area, shown in the Exhibit 1 map below (marked in red cross-hatch), shows the area significantly larger and extending to the east, plus another area extending into the site from the pebble plain located on National Forest. It is highly probable that the recent decrease in mapping size is due to the combination of disturbed habitat from years of off-road vehicles crossing it and from the extended drought in recent years. It has been a relatively short recovery time since the area was fenced. According to Dr. Timothy Krantz, in statements made to this author regarding other pebble plain habitats in the Big Bear Valley, if the habitat once existed it will return if left undisturbed. His estimated timeframe for this return was a minimum of 10 years. Therefore the revised EIR must assume the largest historical extent of the pebble plain/special status species plant habitat for conservation purposes and for calculations of mitigation. 76

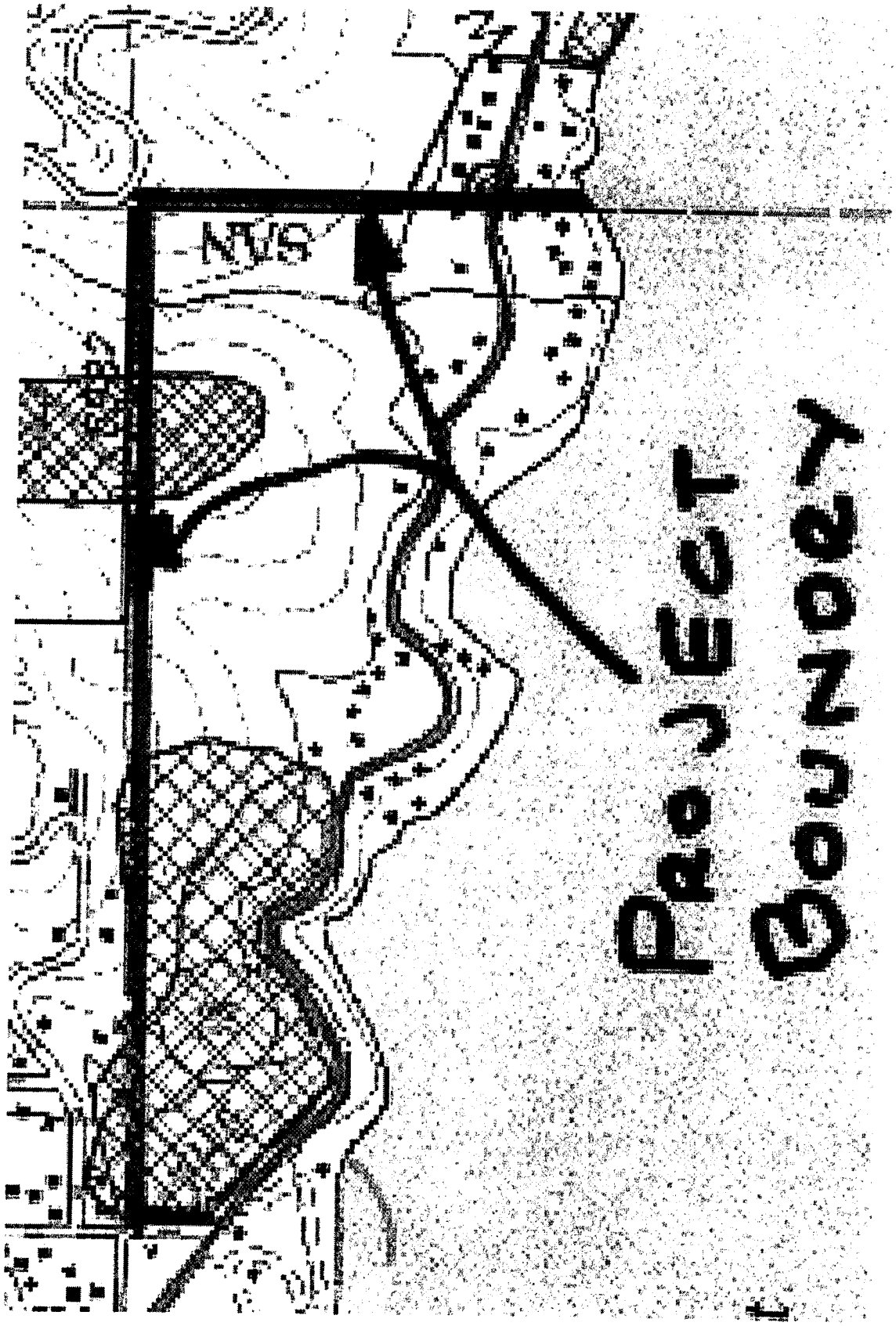

Exhibit 1 – Pebble Plain mapping by the U.S. Forest Service.

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- The RDEIR confirms that the Moon Camp site is a highly significant roosting and perching habitat for the remaining bald eagle population in the area. In fact, the report stresses that the "proposed project contains some of the most utilized bald eagle roosting and perching habitat in the Big Bear Valley." But the revised assessment also points out that the proposed project, which is entirely dependent upon a discretionary approval by the County of a preferential zoning change, would have an extremely adverse effect on the Bald Eagle, which could not be mitigated. Given the importance of the Bald Eagle in the Big Bear Valley both biologically and economically, this is tantamount to saying that the project would be an extremely bad idea and is completely detrimental to public interest. 77

- Recent increased development in the Big Bear Valley has corresponded with the simultaneous decline in the population of wintering bald eagles, as shown by the Forest Service Bald Eagle count statistics shown in RDEIR Appendix A.2, that inhabit the area. In addition to being the national bird, the bald eagle has also come to symbolize the unique wildlife values of the Big Bear Lake area in the San Bernardino National Forest. Beyond its importance as a threatened species, the presence of the bald eagle in Big Bear is a popular attraction for the visiting public, widely featured in media publications. Such attention is a considerable benefit to the tourist economy that thrives on a major destination like the National Forest. The Forest Service Discovery Center on the north shore is the main visitor center for the local mountains. Eagle tours are the primary attraction in winter. The health and sustainability of the bald eagle is a critical indicator of the overall natural resource values of the National Forest in the Big Bear Lake area. This proposed project is an unwarranted commercial venture that would actively confer special advantages to the applicant at public expense and stands clearly as a detriment to the public interest in direct contradiction to the goals of both the County General Plan and the Big Bear Community Plan. 78

- The RDEIR states that perch trees are to be saved, however it does not assure that all of them will be preserved, (only that they preserved whenever possible), nor does it offer effective mitigations for guaranteeing that preservation long term. This mitigation does not reduce the significant impact to the Bald Eagle in any way. 79

- The proposed project design includes many of the eagle perch trees in developable lots, thus nearly assuring that these perch trees will not be protected either due to removal during building construction or because the tree has become a safety hazard. CEQA requires that all feasible mitigation be identified to reduce a project's impacts. The EIR fails to include a mitigation measure or a project alternative that would place all perch trees, and especially the "most utilized perch tree on the North Shore' (according to the Bald Eagle survey in Appendix A) in conservation lots. The EIR must be revised to include a mitigation measure that ensures: (1) these perches would remain standing, barring natural events; and (2) that each designated perch tree is maintained in a conservation lot large enough to guarantee that the tree would not be considered a hazard to individual lots. 80

- The EIR calls for the use of artificial perch trees (MM BR-4) to mitigate the project's impact to the Bald Eagle, yet the document lacks fundamental details to ensure the effectiveness of this measure. First, the EIR does not identify the monitoring protocol for these perches. As discussed above, other developments in the valley, specifically Eagle Point Estates and Castle Glen (both by the same developers as Moon Camp) used artificial perches. When these perches fell down after a few years, they were not 81

replaced. Which agency would be responsible for monitoring the artificial perches associate with the proposed project? Who would be responsible to fund the replacement perches, should they be damaged or destroyed? What would be the replacement timeframes? How would placement of the artificial perches be determined so as to guarantee equal advantages to the Bald Eagle as the original perch tree, etc.? These are not trivial details. The EIR must be revised to address these serious flaws in the EIR's proposed mitigation measures. 81 CONT

- Although the RDEIR acknowledges, on page 2-29, 2-30, that the Bald Eagle could potentially nest on the project site, the document does not identify, analyze or mitigate impacts to nesting eagles. This is a serious violation of CEQA sufficient, in and of itself, to warrant recirculation of the EIR. Moreover, since the EIR proposes no mitigation for impacts to nesting eagles (e.g., pre-construction surveys, buffer zones, construction during non-nesting season), the project could result in a "take" pursuant to the Bald and Golden Eagle Protection Act. In addition, inasmuch as human activity that is within close proximity to eagles' nests interferes with nesting, perch trees on developable lots are ineffective for mitigating impacts to the eagle. 82

- The RDEIR acknowledges the site is used extensively by bald eagles and numerous other sensitive wildlife species. Although the project would cause both direct and indirect impacts to the habitat on this site, the EIR fails to even quantify the total loss of habitat, or analyze how specifically the loss of this habitat would effect the bald eagle and each of the other sensitive wildlife species that would result from this habitat loss. The closest the EIR comes to an analysis are a few vague, non-descriptive conclusory sentences: First, the EIR asserts, "the loss of habitat, loss of wildlife, wildlife displacement, and habitat fragmentation that would result from construction of the 2011 Alternative Project would not be considered significant because these impacts would not substantially diminish habitat for wildlife in the region nor reduce any specific wildlife populations in the region to below self-sustaining numbers." This conclusion, however, is pure speculation; there is no data or analysis accompanying it. CEQA requires that a project's conclusions be supported with evidence and analysis. What are, for example, the "self-sustaining numbers" for each of the impacted species? At what point would habitat fragmentation be considered to significantly effect an individual species? Would the loss of habitat on the project site cause the current eagle population, for example, to completely abandon the site? At what point would the site's habitat become so marginal that other sensitive wildlife species would no longer find it to be suitable and abandon the site? What are the specific impacts to the eagle and other species from some of the specific project components, such as the proposed marina? None of this information is provided. The EIR attempts to further evade its obligation to conduct a species-specific evaluation when it asserts that the "loss of foraging habitat [for many species] would be considered adverse, but less than significant due to the limited amount of habitat loss relative to the availability of foraging habitat for [species]." Again, the EIR provides no analysis or evidence to support this conclusion. Without an actual species-by-species analysis, how can the EIR authors be apprised of the "amount of habitat loss relative to habitat availability?" The Project site's invaluable biological resources mandate a clear and thorough evaluation of impacts to affected species. In the absence of a detailed evaluation of the Project's impact on **each** of the wildlife species that rely on the habitat found on the project site, the EIR has no basis to conclude that impacts on sensitive wildlife species would be less than significant. Because the EIR fails to conduct this necessary analysis, it inappropriately concludes that the impacts would be less than significant. Inasmuch as the duty to mitigate follows 83

the identification of a significant impact, the EIR fails to provide **any** mitigation for impacts to numerous sensitive wildlife species. Nor does the EIR identify cumulative loss of habitat (e.g., the loss of habitat from the project and other past, present and foreseeable future projects) or analyze how this loss of habitat would impact each of the affected species. These fundamental project-specific and cumulative impacts must be disclosed so that decision-makers and the public are provided the opportunity to understand the environmental repercussions of the Project. 83 CONT

- The Marina Point development project, also known locally as "Cluster Pines," immediately adjacent to the proposed Moon Camp project, is now proceeding forward, yet has not been considered in the RDEIR with regard to the severe cumulative impacts to the bald eagle. The following statement from a 2002 Forest Service BAER (Burn Area Emergency Response) document shows the significance of the cumulative impacts:

  "Two parcels on the north shore of Big Bear Lake (Cluster Pines and Moon Camp) are the last large area of undeveloped private land along the lake...Both sites are part of the "Fawnskin pair's" territory that is centered at Grout Bay. Development of the two parcels would substantially reduce the suitable foraging/perch habitat available for eagles. On any given day during the fall and winter, the greatest concentration of waterfowl on Big Bear Lake is usually found along the shoreline of Moon Camp and Cluster Pines in and around the Cluster Pines jetties and in the bays to the east of the jetties. These shoreline areas provide shelter and foraging sites relatively free of disturbance and sheltered from wind and waves. If the two areas are developed, significant foraging habitat will be lost along with important perching areas. As the other parts of Big Bear Lake's shoreline have been developed, the Moon Camp/Cluster Pines area has become more important for waterfowl and for bald eagles. Sometimes during the winter as many as 8-9 eagles concentrate in that area." 84

  These cumulative impacts must be fully analyzed in the EIR and more effective mitigations offered to reduce the significance of this cumulative impact.

- Several important perch trees on the proposed project site, including at least two of the perch trees designated on the map in the RDEIR, have already been lost recently due to cutting by the electric company, road maintenance or other tree-cutting on the site. This information has been omitted from the RDEIR analysis as part of the discussion regarding the already fragile nature of these perch trees. This makes the remaining perches even more key to the foraging Bald Eagles and requires additional mitigations to assure the safety of those trees for as long as natural circumstances will allow. The current mitigations (MM BR-4) are inadequate and unenforceable and do not reduce the significance of the impact to the Bald Eagle. 85

- There is at least one significant Bald Eagle perch tree that has been omitted from the mapping presented. On the lake side of the Highway 38, immediately adjacent to the proposed marina parking entrance, there are currently two trees used extensively for foraging by Bald Eagles. These maps much be updated and made accurate to properly evaluate potential impacts and appropriate mitigations. 86

- There is no discussion in the RDEIR regarding the impact to foraging habits of the Bald Eagle when houses are built on the slopes above the perch sites. Bald Eagles were known to frequently utilize the lakeside slopes below the Castle Glen development prior to that development and in fact, the foraging area was set aside as conservation for the 87

Bald Eagle. However, since homes have been built above those eagle perches, Forest Service eagle count data at the individual location sites shows that eagles using that area for foraging much less frequently. Building and human activity in the line of sight of perch trees was also discussed in the Castle Glen conditions review (Attachment B) and the decrease in numbers was documented in the conservation review (Attachment C) Since this Moon Camp proposed project would have homes on the slopes above and in direct line of sight of the perch trees that are being preserved as mitigation, this information must be analyzed and mitigations offered to reduce any increased impacts from this situation. 87 CONT

- Activity below and near Bald Eagle perch trees have an impact on the frequency that the tree is used by the eagles. This additional impact, even for perch trees that would remain, still has not been included in the analysis of the impact on eagles, nor has any mitigation been offered to reduce the activity below and near these trees. This is especially significant for the perch trees immediately adjacent to the proposed marina and marina parking area. Additional mitigations must be offered to reduce the significance of this impact as much as possible. 88

- Requiring 24-inch replacement trees for trees larger than 24-inch dbh does not reduce the significant impacts to the bald eagle. The cut trees could be many times larger than these replacement trees and ready to serve now or in the near future as Bald Eagle perch trees, whereas these tiny-by-comparison trees would take decades to grow to a size to actually serve as replacements. The only way to effectively mitigate is to require that no trees over 24-inch dbh be cut, in other words, for this development project to not be built. 89

- The project description continues to use site descriptions that were created for earlier drafts of the DEIR, including an average density of 44.4 trees per acre, plus the relative sizes of open Jeffrey pine forest and pebble plain. Since many trees on the property have died and been cut since those descriptions were created, these are no longer valid and must be updated and made accurate. 90

- There are wetlands on the proposed project site below the highway. While a small portion of this wetlands has been set aside on the west end as public lake access, no mitigation has been specified for the impacts to the remaining portions of the wetlands that would be destroyed by the marina parking, marina and launch ramp. 91

- As stated in comments under the Executive Summary section, the conclusions drawn in this RDEIR that no pebble plain exists on this project site are erroneous. As per the cited definitions stated above, pebble plain habitat does exist on this proposed project site and mitigations must be identified accordingly. Rather than offering sufficient mitigations for this Pebble Plain habitat, this new proposed project design promises to increase the significant impacts over the previous design by planning developable lots (Lots 1, 2 and 3) on portions of the habitat. This information has been obscured with unsubstantiated claims that the new design would reduce impacts. 92

- The map of Occupied Ashy-Gray Indian Paintbrush and Pebble Plain Soil Conditions in Exhibit 2-2, inaccurately leaves portions of the proposed road unmarked in designating the areas that would be impacted. This area, though it may have been damaged through vehicle use across it in the past, would recover given sufficient time 93

undisturbed, as per statements made by Dr. Tim Krantz to this author regarding other similar areas in the valley. Since the area is not marked on this map, it most likely was also not included in the calculations regarding the size of the area that would be impacted by this proposed development. This omission must be remedied and proper impact area size must be calculated and included in determining the significance of the impacts and the appropriate size of mitigation areas. 93 CONT

- It has been shown throughout the valley during fire hazard abatement operations that disturbing the ground opens the doorway for highly invasive plant species, especially including cheat grass and as a result, abatement operations now lay down a layer of wood chips on disturbed ground to minimize this impact. The RDEIR fails to take into consideration and fully analyze the additional impacts on the special status plant habitat and individual species that would result from land disturbance of the surrounding area and the introduction of these invasive species. To properly evaluate and consider potential long term impacts of this proposed project, this information and analysis must be presented. 94

- The shoreline of the site has been identified as habitat for the southwestern willow flycatcher, but no mitigation has been specified for the impacts to that habitat for the portions that would be destroyed by the marina parking, marina and launch ramp. 95

- The mitigation offered for the destruction of flying squirrel habitat, a flyer telling people that their cats might harm them, has absolutely no chance of creating any reduction in the impacts to the flying squirrel. No data or analysis of the actual impacts to the flying squirrel has been presented in the RDEIR. Accurate and sufficient analysis must be done and serious mitigations that have been proven to be effective must be proposed. 96

- The San Bernardino County Native Plant Protection policy regulates removal of trees greater than 6 inches at breast height and recommends an arborist survey regarding the Jeffrey pines and other native forest trees on the site. No arborist survey has been done. The mitigations discuss only trees over 20 inches. 97

- Mitigation MM BR-5 on tree removal has no long term enforceability and is therefore ineffective as mitigation. Who will be checking if individual property owners call an arborist and ask for trees to be removed? 98

- The analysis and evaluation of the Southern Rubber Boa habitat in the RDEIR is inadequate to determine that the impact would not be significant. The surveys stop short of following recommended DFG protocol. The analysis does not take into account that it is a secretive species, difficult to find in surveys. The discussion and conclusions are based on out of date information, especially regarding the statement that the habitat primarily runs in a 10-mile strip near Crestline. Current Forest Service species habitat mapping includes the proposed project site as being within the habitat of this species. This species was found at the Big Bear dam construction site and has now been recorded near the dump on the east end of the valley, thus demonstrating that the habitat spans this project site. Since the site does offer suitable habitat and is within the area mapped as habitat, offsite mitigation must be offered at a minimum of a 2:1 ratio, meaning the mitigation site must be 2 times the size of the size of the habitat that would be lost. 99

- The mitigation for the state-listed Threatened species southern rubber boa is inadequate at actually preserving habitat since the set-backs from the drainage would be on private lots and there are no enforcement options provided that would assure its effectiveness. What agency will be monitoring that no clearing takes place after the lot is sold? The habitat should not be included in private lots and mitigations proven effective at reducing impacts must be proposed. 100

- The RDEIR is incomplete in its analysis of the impact on current wildlife movement and local travel routes through the proposed project site. It makes a blanket conclusion that there is sufficient access to the east, but does not consider the great distance that eastern route would entail for some species that in general do not travel that far. The analysis of the impacts on all aspects of wildlife movement must be broken down by species with data presented to demonstrate any conclusions that are drawn. The information in the RDEIR is inadequate to determine the impact would be less than significant. Proper and complete data and analysis must be presented. 101

- The RDEIR misleads on page 2-55 by stating that the travel route for this site is diminished due to the dangers associated with crossing Highway 38. Since Highway 38 runs the full length of the north shore of Big Bear Lake, the same conditions exist everywhere equally and are irrelevant to the discussion of the impacts that would be caused by this proposed project. These impacts to wildlife movement and travel routes must be reanalyzed and presented with full disclosure. 102

- Mitigation MM BR-11 has already been proven to not be effective in other areas of the forest, according to the Forest Service comment letter on the 2010 DEIR. There are no reasons given nor data presented to demonstrate why this measure could be expected to be effective at this site. 103

- There is no agency that could conceivably be expected to follow through on checking to be certain that homeowners are not planting invasive or non-native species. This mitigation remains unenforceable and therefore would not reduce potential impacts. Unless the developer plans to have a round-the-clock staff-member permanently assigned to the site in perpetuity to check, verify and approve all homeowner plant purchases and plantings, this mitigation is ineffective. 104

- There are no mitigations offered for the impact of the 100-foot fuel modification set back that would be required along the boundary of the National Forest. In addition, the Forest Service comment letter on the 2010 DEIR points out that in some cases the set back must be 300 feet, but there is no analysis in the RDEIR taking this into consideration even with a new proposed project design. 105

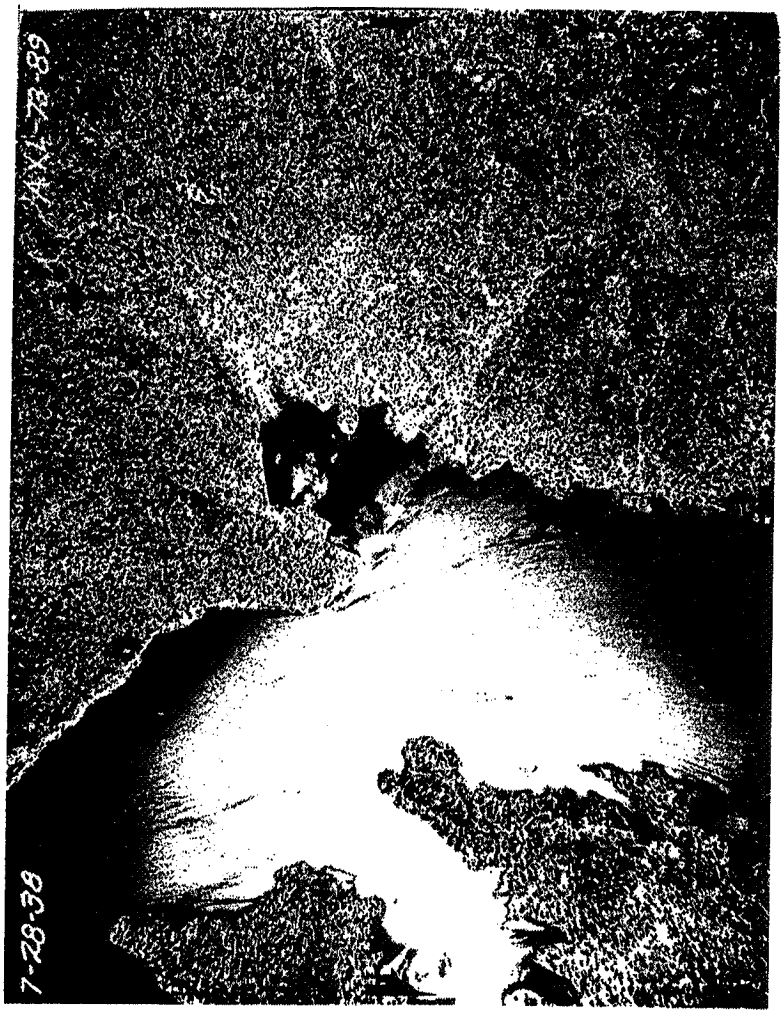
- The discussion and statements on page 2-56 that the impacts "on special status plant species are less than significant" is erroneous. At a minimum, this discussion completely omits any mention of special status plant species such as the Ashy-Gray Indian Paintbrush and other pebble plains plants that were, in fact, found on the site and would be impacted to a greater than significant level. 106

- Though Parish's Rock-Cress, a special status species plant, was found during all biological surveys to be "in scattered patches throughout the pebble plain and open 107

Jeffrey pine forest on the project site," no analysis is presented regarding the potential impacts to this species or how those impacts would be mitigated. 107 CONT

- No information or analysis has been presented in the DEIR regarding this site being a 50-year or 100-year flood plain, yet historic photographs (Exhibit 2) show that to be the case. (Though the quality here has been difficult to reproduce, the original photograph, on file with the Forest Service Fawnskin offices, clearly shows the flood plain.) 108

Exhibit 2--



- With regard to all of the special status plant species, no analysis is presented regarding the overall ecology of the habitats, including but not limited to the full cycle of the plants, seed banks present, seed dispersal and block pollination and what impacts would result from this proposed project. In addition, there is no data presented regarding how a reduction in size of the occupied habitat would impact this overall ecology. Without this complete analysis and discussion of the whole picture for these species, no conclusions can be drawn regarding the full significance of the impact on the habitats and their associated species. 109

- Even though portions of this site have been mapped by the Forest Service as suitable spotted owl habitat, and it is acknowledged that the site is used for foraging and that at least one nesting area is nearby, no actual analysis of the impacts to this species has been offered to draw the conclusion that the impacts would be less than significant and no mitigations have been offered for the loss of suitable habitat. 110

- The evaluation of the impacts to spotted owl does not take into consideration that this site is also flying squirrel habitat and that impacts to the flying squirrel would also increase the impacts to the spotted owl since this squirrel is its primary food source. Since the mitigations for impacts to the flying squirrel remain inadequate and unenforceable, the impacts to the spotted owl also remain more significant than has been presented in this RDEIR. There is no proof that these impacts would or could be mitigated to a less than significant level. 111

- By focusing on a tiny portion of the County General Plan on page 2-56, the RDEIR misleads the discussion away from the fact that there are many other goals within the plan that are not being met by the proposed project. All the Goals from the County General Plan regarding natural resources must be taken fully into consideration by the RDEIR in the evaluation of the biological resources and the potential impacts that could be created from this proposed project. The discussion in the RDEIR does not cover the individual goals or how the proposed project will meet them. The goals that would not be met, as stated in the 1989 General Plan, include, but are not limited to the following list. The RDEIR must present data and discussion demonstrating how each of these goals would be met by the proposed project. 112

  Natural Resources Goals (pg. 11-C-2)

  C-1 Natural Resources are a necessity to the quality of life within San Bernardino County and it is desirable to maintain them to the greatest extent possible.
  C-2 Certain scarce natural resources are best managed for preservation. These include biological resources, cultural resources, air quality, groundwater supply and quality, and open space.
  C-4 Maintenance of the natural resource base of the County requires prudent stewardship in coordination with appropriate agencies and interested groups.
  C-6 Preserve rare and endangered species and protect areas of special habitat value.
  C-7 Conserve populations and habitats of commonly occurring species.
  C-8 Establish plans for long term preservation and conservation of biological resources.

  Natural Resource Preservation Goals (pg. 11-C5-78)

C-34 Conserve as many of the County's natural resources as possible and ensure the protection and preservation of traditional regional park values for the benefit of future generations.
C-35 Provide and preserve large open-space areas for both active and passive resource values.
C-36 Include, protect and manage areas having natural values of regional significance.
C-38 Protect the alpine character and environment.
C-39 Protect the forest watersheds.
C-41 Throughout the County, protect natural slopes and topography.

112 CONT

When these goals are taken into account, it can easily be seen that the level of significance of the impacts on many of the biological resources has been greatly underestimated by the RDEIR. In addition, the need to protect these resources has been severely downplayed and basically ignored in the unenforceable and sometimes laughable mitigations that have been recommended in the document.

Summary and Conclusions

Protecting the interests of the public – both today's as well as tomorrow's, is of the highest calling for government officials in the political arena. Private individual financial concerns should never be placed ahead of the public interest, and indeed, San Bernardino County Development Code forbids it in its findings requirements necessary for changing existing zoning. The proposed Moon Camp development project would be, in all aspects, severely detrimental to the public interest.

Maintaining the current zoning for Moon Camp is essential. The Moon Camp site is a facet in the North Shore jewel – one square on the grid, and most radiant in its natural state. Construction would deface this natural beauty and obliterate its radiance by destroying critical portions of the County's environmental richness. Public interest, and indeed, the County's own General Plan, dictates that this richness be guarded and preserved, not only for the short-term enjoyment of the current population and visitors, but as a legacy for future generations to enjoy and appreciate.

113

The open land of the North Shore, with its proximity and availability to millions 'down the hill' is truly an irreplaceable treasure of southern California. There is no other place quite like it with regard to beauty, accessibility and open forestland. This area must be viewed as a County and California asset. Residential development at this site is completely inconsistent with County General Plan goals and policies, County Development Code regulations, state and federal laws governing sensitive and listed wildlife and plant species, clean water and clean air, and the goals of "Scenic Highway" designation. Changing the zoning to allow for development here would be unconscionable.

Certainly, the County should not consider this Project any further in the absence of a legally adequate EIR. We strongly disagree with the analysis in the RDEIR that changing the existing land use designation to accommodate a major development would result in a less than significant impact to the surrounding community, the San Bernardino National Forest, environmental quality, public resources, public values and public rights. The impacts on all biological resources are much more significant than has been identified, analyzed or mitigated for by the RDEIR. Sufficient and true analysis of the impacts on these biological resources is

obscured or missing in every case. The actual potential impacts, rather than the downplayed, under-estimated or omitted impacts, must be presented to the public and to public officials for them to have proper understanding and make informed decisions.

More than sufficient current housing exists for sale in the Big Bear Valley and in the Fawnskin area. Many residents are 'part-time' dwellers and/or own undeveloped lots within existing zoning. Given this excess, rezoning Moon Camp cannot be considered to be in the public interest. On the contrary, it is squarely in the interest of the developer. The fabric of the forest is not in buildings; it is the quiet solitude of open space. Fawnskin is saturated. To maintain its character and beauty as the County treasure that it is, it needs to retain its open spaces, not be forced to absorb unsustainable development.

The proposed project requires a General Plan Amendment to offset the existing conflict and, with that, would actively confer special advantages to the applicant. These special advantages can only be granted at significant expense and detriment to the public. In addition, even in the omission and underestimation of impacts, the RDEIR conclusions state a finding of 'significant and unavoidable impacts.' With that, the County must site overriding circumstances for this project to be legally approved. 113 CONT

With such detriment to the public interest, there are no justifiable 'overriding circumstances' that could possibly be cited to warrant the approval of this Project. For all of the above reasons the proposed General Plan Amendment should be denied.

We appreciate the opportunity to comment on this Revised and Recirculated Draft Environmental Impact Report No. 2 and thank you for your consideration of our comments.

Sincerely,

Sandy Steers
Executive Director, Friends of Fawnskin

Friends of Fawnskin (FOF2)

Response to FOF2-1
The County of San Bernardino acknowledges the commenter's general concerns and objections about the Project. The commenter's concerns will be forwarded to the County of San Bernardino decision-makers prior to consideration of the Project for approval.

Response to FOF2-2
Contrary to the commenter's assertions, the RRDEIR No. 2 analyzes the impacts of the Project on current existing environmental conditions. The commenter is correct that the Executive Summary portion of the RRDEIR No. 2 does contain a discussion and summary of the evolution of the Project since the release of the original Notice of Preparation in 2002. However, this discussion is for informational purposes only and does not form the basis for the analysis and significance determinations included in the RRDEIR No. 2. The analysis included in the RRDEIR No. 2 is based on impacts of the 2011 Alternative Project as designed and discussed in Section 1 of the RRDEIR No. 2, page 1-9 to 1-11, on the existing environment.

Response to FOF2-3
The commenter is concerned that Mitigation Measure BR-1c (RRDEIR No. 2, page 2-57) is ineffective in that it is written in a manner that is vague, voluntary, and unenforceable and therefore would be ineffective at protecting the site's sensitive plant species. Mitigation Measure BR-1c (RRDEIR No. 2, page 2-57) is intended to provide protection for the Open Space/Conservation Areas identified on-site. The specific provision at issue includes provisions to be included in the Project's CC&Rs restricting access to the Conservation Areas, including provisions allowing the Homeowner's Association, individual residents within the Project, and/or the County of San Bernardino the ability to enforce any violations of the prohibitions intended for the protection of sensitive plant species located within Lot A and Lot H (RRDEIR No. 2, pages 2-57, 2-58). In order for a mitigation measure to be legally adequate pursuant to CEQA, the measure must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4(a)(2). Mitigation Measure BR-1c (RRDEIR No. 2, page 2-57) is fully enforceable by requiring provisions to be inserted in the Project CC&Rs prohibiting access to the restricted Open Space/Conservation Areas and providing multiple entities (the Homeowner's Association, individual residents, and County of San Bernardino) with the ability to enforce these restrictions. CEQA does not require conclusive evidence that the restrictions will be enforced, only that the mitigation measures are accompanied by enforcement mechanisms that make the measures enforceable. Accordingly, the mitigation measure is fully enforceable and therefore legally adequate pursuant to CEQA. However, to clarify and strengthen Mitigation Measure BR-1c, it has been revised as follows:

BR-1c The Project Applicant shall take the following actions to further ensure the permanent preservation of the Conservation Areas ~~(Lot A and Lot H)~~:

- Except for access by residents to Lot B & C between April 1 and December 1, r~~R~~estrict access by pedestrians and motor vehicles to the Conservation Areas. The Conservation Areas shall be secured through installation of fencing or other barriers to prevent access to Conservation Areas. Barriers shall be installed prior to commencement of any construction activities on-site. The Project Applicant

shall also include provisions in the CC&Rs for the Project instituting penalties to residents who violate the restrictions and cause any damage to the protected plant habitat and Bald Eagle perch trees.

- Include enforcement provisions in the CCR's ~~allowing~~ requiring the Homeowner's Association, individual resident within the project, the Conservation Entity, and/or County of San Bernardino to enforce any violation of the provisions intended for the protection of sensitive plant species located within Lot A and Lot H.
- Install appropriate signage identifying Conservation Areas and the sensitive nature of such areas on the Project site and that access is prohibited. The Conservation Areas shall be monitored on a regular basis by the Conservation Entity.
- Prohibit use of invasive plant species in landscaping. Each lot owner shall be given a list of prohibited invasive plant species upon purchase of lot with the parcel. Landscape plans for individual parcels shall be approved by the County prior to development to ensure no inappropriate plant material is incorporated into the design of any individual lot or common area which may compromise the quality of the Conservation Areas.
- Development may not change the natural hydrologic conditions of the Conservation Areas. All grading plans shall be reviewed by the County to ensure hydrologic conditions of the conservation lands are not adversely changed by development.
- The Project Applicant or ~~appointed conservation entity~~ Appointed Conservation Entity shall monitor Conservation Areas on a periodic basis to ensure invasive, non-native species are not present. All non-nature invasive plant species shall be removed from Conservation Areas.
- Fuel modification zones and programs shall not be implemented in Lots A and H.
- The Conservation Entity shall prepare an annual biological monitoring report identifying the current status of the rare plant species and any necessary actions to further enhance and protect the habitat.
- The Conservation Entity shall conduct routine monitoring of rare plant resources on Lot A and H. The occurrence of non-native species outbreaks, or other examples of ecological disturbance as a result of indirect impacts of development in and around Lots A and H shall be reported in the annual biological monitoring reports and remedial action shall be recommended and implemented by the Conservation Entity.

Please refer to Section 4: Errata of this FEIR document, showing detailed revisions to mitigation measures.

Response to FOF2-4

For the reasons cited by FOF concerning other instances of lack of enforcement by homeowner associations in Big Bear, the Moon Camp Project proposes to establish an independent non-profit Conservation Entity to monitor and maintain the sensitive biological resources on- and off-site. The make-up of the board of directors of the Conservation Entity shall be comprised of members of concerned environmental groups, resource, and municipal agencies, as well as members of the

public. The Conservation Entity shall be sufficiently endowed to provide adequate funding to maintain fencing, signs, and other resource management provisions in the long term.

Response to FOF2-5
The commenter is concerned that including restrictions in Project CC&Rs prohibiting access to and disturbance of Open Space/Conservation Areas would be ineffective to protect the sensitive plant habitat. As evidence of this concern, the commenter cites two examples of perceived ineffectiveness of CC&Rs and apparent routine violations of CC&Rs governing activities at other residential developments in the mountain areas. The County of San Bernardino does not have specific knowledge of circumstances surrounding the effectiveness of CC&Rs governing other residential developments. The County of San Bernardino does not believe that violation of CC&Rs and failure of enforcement mechanisms included therein in those instances are substantial evidence that the restrictions and enforcement mechanisms included in Mitigation Measure BR-1c (RRDEIR No. 2, page 2-57) will be ineffective in mitigating the Project's impacts to sensitive plant species on-site. Moreover, unlike the vast majority of CC&Rs, Mitigation Measure BR-1c includes the County of San Bernardino as an entity able to enforce violations of restrictions intended to protect the sensitive plant species within Open Space/Conservation Areas. Additionally, the restrictions included in the CC&Rs are not the sole mechanism by which the Project proposes to restrict access to the Open Space/Conservation Areas. Mitigation Measure BR-1c requires Conservation Areas to be secured through installation of fencing or other barriers to prevent access, as well as installation of appropriate signage identifying location of Conservation Areas, the sensitive nature of such areas, and the fact that access is prohibited. Therefore, contrary to the commenter's assertions, the addition of restrictive fencing and appropriate signage indicating the prohibition against access to the Open Space/Conservation Areas will be apparent to all residents and guests of residents throughout the Project and will not merely be a paper restriction that becomes forgotten over time.

Please also refer to Section 4: Errata of this FEIR document, showing detailed revisions to the referenced mitigation measures.

Response to FOF2-6
Please refer to Response to FOF2-4 and FOF2-5.

Response to FOF2-7
Please refer to Response to FOF2-4 and FOF2-5.

Response to FOF2-8
Please see Response to FOF2-3. The commenter asserts that there is no evidence that the County of San Bernardino, or any other entity, would enforce Project mitigation measures in perpetuity. To be legally adequate pursuant to CEQA, a mitigation measure must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4). By setting up a regulatory scheme whereby the prohibitions identified in Mitigation Measure BR-1c (RRDEIR No. 2, page 2-57) may be enforced by the Homeowner's Association, individual residents, or the County of San Bernardino, the lead and approving agency for this project, the mitigation measure is "fully enforceable through permit conditions, agreements, or other legally binding instruments."

Response to FOF2-9

CEQA does not require a lead agency to prepare specific written responses to comments received from members of the public during public-scoping meetings conducted on a Project prior to release of a Draft EIR for public review. The County of San Bernardino is only obligated to prepare written responses to comments received during the designated Draft EIR review period. Therefore, the County of San Bernardino has prepared responses to all written comment letters received, commenting on the RRDEIR No. 2 between December 12, 2011, and February 7, 2012, consistent with CEQA's mandate. Additionally, CEQA requires the County of San Bernardino to prepare formal written response to comment letters received on prior versions of the Draft EIR, received during the public review period, with the exception of comments concerning those portions of the Draft EIR recirculated as part of the RRDEIR No. 2. CEQA Guidelines Section 15088.5 allows the County of San Bernardino to request that review is limited to comments to the revised chapters or portions of a Recirculated EIR (CEQA Guidelines Section 15088.5(f)(2) In that instance, the lead agency need only respond to (1) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised or recirculated, and (2) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. Ultimately, each version of the Draft EIR prepared and circulated for public review to date, as well as written comment letters and responses thereto, consistent with the provisions of CEQA Guidelines Section 15088.5, will comprise the 2020 Final EIR for the Project that will be considered by the County of San Bernardino decision-makers prior to making any decision on the Project.

Response to FOF2-10

The commenter is incorrect that the Project is inconsistent with County of San Bernardino code requirements related to minimum lot size in relation to slopes. The Project does not violate the County of San Bernardino code in that way. Please see Responses to FOF2-9 and -10.

Response to FOF2-11

The Project will comply with all applicable County and Water District regulations related to use of the proposed marina. Initially, it must be pointed out that a proposed marina is for use of homeowners within the Project only and not for general public use. Additionally, the launch ramp has been removed as a project component. Therefore, this significantly reduces the potential impact of introduction of foreign species, including the quagga muscle, into Big Bear Lake because of the relatively consistent presence of motor craft using the marina. Accordingly, there will be a less than significant impact.

Response to FOF2-12

The RRDEIR No. 2 analyzed all potential indirect impacts to sensitive plant and animal species located on the Project site. The commenter does not assert any specific impact that was not analyzed in the EIR. However, the RRDEIR No. 2 specifically analyzed impacts to human habitation, as well as light intrusion on sensitive plant and animal species, primarily the American bald eagle, and suggested mitigation measures to reduce those impacts to less than significant levels. For instance, Mitigation Measure BR-6 (RRDEIR No. 2, page 2-59) restricts construction activity on-site between February 1 and July 31, due to the potential of active bird nesting on-site, recognizing that activities on-site during this period could result in a significant impact to nesting birds. Additionally, Mitigation

Measure BR-8 (RRDEIR No. 2, page 2-60) restricts motorized boating from December 1 to April 1, coinciding with occupation of site by bald eagle and other nesting raptors. Finally, Mitigation Measure BR-9 (RRDEIR No. 2, page 2-60) restricts street lamp height to 20 feet and requires lights to be fully shielded to focus light onto the street surface avoiding light spillover that could impact sensitive animal species.

Response to FOF2-13

The commenter asserts that the RRDEIR No. 2 failed to describe a reasonable range of Alternatives to the Moon Camp Project. Contrary to the commenter's assertions, the RRDEIR No. 2 is consistent with CEQA's mandate to analyze a reasonable range of Alternatives in the RRDEIR No. 2. CEQA requires an EIR to describe a reasonable range of alternatives to the Project, which would feasibly obtain most of the basic objectives and would avoid or substantially lessen the significant effects of the Project (CEQA Guidelines Section 15126.6). An EIR need not consider and analyze every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation (CEQA Guidelines Section 15126.6(a)). There is no ironclad rule governing the nature and scope of the alternatives to be discussed other than the rule of reason (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553). The RRDEIR No. 2 analyzed four (4) Project Alternatives in addition to the statutory mandated No Project Alternative. These Alternatives included:

- Original proposed Project (92 residential lots, 103 slip marina and realignment of SR-38)
- No Project-Existing General Plan Land Use Development. Development pursuant to the existing general plan land use designation (40-acre minimum lots, no marina, no SR-38 realignment)
- Reduced Density (62 Lots), Without SR-38 Realignment, without Marina, alternatives (compared with the Original proposed Project)
- Proposed Project Alternative (50 residential lots, 55 slip marina, Open Space)

The RRDEIR No. 2 concluded that, outside of the No Project Alternative, the Project Alternative was the Environmentally Superior Alternative (RRDEIR No. 2, pages 7-29, 7-30). The alternatives discussed in the RRDEIR No. 2 represent a reasonable range of Alternatives consistent with CEQA's mandates.

The commenter asserts that the RRDEIR No. 2 should have included a project alternative with less than 50 homes. As indicated above, CEQA requires discussion of alternatives that avoid or substantially reduce identified significant impacts and meet most of the basic project objectives (CEQA Guidelines Section 15126.6). Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR is the inability to avoid significant environmental impacts (CEQA Guidelines Section 15126.6(c)). As indicated in the RRDEIR No. 2, the only significant unavoidable impact of the Project is the impact to the American bald eagle. (Please refer to Response to FOF2-12, above). The County of San Bernardino General Plan and Mountain Region Community Plan both identify goals to conserve eagle perch trees and protect the wintering population of bald eagles in Southern California. The County considers potential impacts to any eagle

perch trees, as well as human activity resulting in the addition of human activity resulting in noise, light, and glare within bald eagle habitat, to be significant unavoidable. Accordingly, **any** development on the Project site would result in a significant unavoidable impact to the bald eagle under CEQA. Therefore, aside from the No Project Alternative, there are no feasible Project Alternatives that could avoid or substantially reduce impacts to bald eagles while meeting most of the basic objectives of the Project. Impacts to all other threatened and endangered species are determined to be less than significant with mitigation. Accordingly, CEQA does not require analysis of a further reduced intensity alternative. An alternative site was not analyzed as a potentially feasible alternative because there are no other potential project sites of the size necessary to develop the Project, in private ownership and suitable for development along the shoreline of Big Bear Lake.

Response to FOF2-14 and -15
Please see Response to SBVAS-43.

Response to FOF2-16
The commenter asserts that the RRDEIR No. 2 incorrectly assessed and analyzed the existence of, and project impacts to, pebble plain habitat on the Project site. The commenter suggests that the RRDEIR No. 2 and Supplement Focused Special Status Plant Survey, conducted by Dr. Krantz in 2010, utilized the incorrect definition of pebble plain in determining the extent of pebble plain habitat on the Project site. The author of the 2010 Supplement Focused Special Status Plant Survey, Dr. Krantz, the preeminent authority on pebble plain habitat and related plant species, concluded that true pebble plain habitat is characterized by the existence of clay soils with a vestiture of Saragossa quartzite pebbles and presence of indicator plant species (presence of *Eriogonum kennedyi* ssp. and *Arenaria ursina* together, as originally mapped by the author in 1983). The "pebble plain like soil conditions" identified on the central knoll on-site was identified as such and has been included and preserved in large part by Letter Lot A. The 2010 Supplement Focused Special Status Plant Survey concluded that the .69-acre area that had been previously characterized as true pebble plain habitat, was in fact not true pebble plain habitat due to the lack of the existence of the two primary indicator species, *Eriogonum kennedyi* ssp. and *Arenaria ursine*. The clay soils with a vestiture of Saragossa quartzite pebbles are the signature characteristic of the unique plant community that is called "pebble plains." In fact, Dr. Krantz was the first to actually apply the term to this plant community (Krantz 1983). To suggest that all other areas "occupied by *Castilleja cinerea, Ivesia argyrocoma*, and *Arabis parishii* are, by definition, pebble plains" is inappropriate and would greatly expand the definition to include much of Big Bear Valley, including all of Sugarloaf Ridge, which has *Arabis parishii* and *Castilleja cinerea*, but is in fact a lodgepole pine forest without any similar soils. Ashy-grey Indian paintbrush or *Ivesia argyrocoma* are also known to occur in meadows; *Arabis parishii* is found on limestone, and *Ivesia argyrocoma* is also found in Baja California**,** none of which are even remotely considered pebble plain habitats.

The commenter cites the USFS Pebble Plain Habitat Management Guide (2002). Although the USFS Pebble Plain Habitat Management Guide purports to provide a points system for determining the existence of pebble plain habitat, according to Dr. Krantz, application of the Guide's point system results in overly inclusive results and would lead to characterization of lands that are not truly pebble plain, as pebble plain habitat, even those areas that do not have clay soils. Even by these

standards, the on-site occurrence of pebble plain-like soils on the Moon Camp property would be limited to the 0.69-acre Knoll area, largely contained within Lot A. It should be noted that the USFS definition of pebble plains describes five "strong indicators" (given 2 points each): clay soils (marginal on the Knoll), presence of *Eriogonum kennedyi* ssp. *Kennedyi* or ssp. *austromontanum* (neither on-site), *Arenaria ursina* (not on-site), and *Ivesia argyrocoma (on-site).* The only good "strong indicator" on-site is the presence of pebble plain-like soils. The presence of *Ivesia argyrocoma*, which occurs on many non-pebble plain habitats in the San Bernardino Mountains and in Baja California, is not considered to be a "strong indicator" by Dr. Krantz. The other "weak indicators" are truly only weak indicators—all occurring in a wide range of non-pebble plain habitats throughout the Big Bear-Holcomb Valley areas.

The commenter goes on to mention that the Dixie Lee Lane Conservation Area is high-quality pebble plain habitat that would adequately offset project-related impacts to pebble plain habitat on-site, but would not be adequate mitigation for impacts to ashy-grey Indian paintbrush or other rare plants. The County of San Bernardino agrees that to the extent the Project has any impacts to pebble plain habitat, preservation of the Dixie Lee Lane parcel would be adequate to offset such impacts.

Response to FOF2-17

The commenter asserts that the significance determinations regarding impacts to wildlife species included in the RRDEIR No. 2 are not supported by substantial evidence. Section 2 of the RRDEIR No. 2, pages 2-43 through 2-56, provides comprehensive analysis of the Project's potential impacts to threatened, endangered, and sensitive plant and wildlife species occurring or potentially occurring on the Project site. The RRDEIR No. 2, pages 2-46 and 2-47, includes a detailed analysis of the Project's potential impacts to 27 special-status plant species and 22 special-status wildlife species. The RRDEIR No. 2, page 2-62, concluded that the Project would have a less than significant impact, with incorporation of mitigation, to all special-status plant and wildlife species with the exception of the American bald eagle. With regard to special-status wildlife species, except for the American bald eagle, the RRDEIR No. 2 concluded that "the loss of habitat, loss of wildlife, wildlife displacement, and habitat fragmentation that would result from construction of the 2011 Alternative Project would not be considered significant because these impacts would substantially diminish habitat from wildlife in the region nor reduce any specific wildlife populations in the region to below self-sustaining numbers" (RRDEIR No. 2, page 2-50). Initially, this conclusion is supported by the limited development footprint of the Project. The Project proposes development of 50 single-family residents upon approximately 62 acres. Of those 62 acres, approximately 10 acres on-site will be maintained as Open Space. Additionally, as mitigation for impacts to sensitive plant species, an additional 10-acre off-site parcel will be permanently preserved and burdened by creation of a conservation easement. Project lot layout and location of the Open Space areas was strategically developed to maximize conservation of sensitive plant and wildlife species. The Project also involves the development of a 55-slip marina. However, as indicated in the RRDEIR No. 2, the lake shoreline adjacent to the Project site contains approximately 4 acres of ruderal lake shoreline plant species that would be impacted by the Project (RRDEIR No. 2, page 2-50). The 2008 and 2010 Supplemental Focused Special Status Plant Surveys concluded that the shoreline portion of the Project site does not support any sensitive plant species. Additionally, focused surveys conducted for the southwestern willow flycatcher concluded that, although this species may visit the Project site, the quality and quantity of the habitat along the shoreline is not sufficient to support breeding

populations of the species (RRDEIR No. 2, page 2-29). Accordingly, development of the marina portion of the Project will not result in a significant impact to sensitive wildlife species. With regard to the southern rubber boa and San Bernardino flying squirrel, multiple Focused Surveys analyzing the Project's impact to these species concluded that implementation of the Project would not result in a significant impact. With regard to the southern rubber boa, Focused Surveys conducted in 2002 and 2007 confirm the absence of the species on-site. The surveys also concluded that the southern rubber boa was not likely to occupy the Project site due to Project's location and other habitat characteristics absent from Project site (RRDEIR No. 2, page 2-27). A focused survey for San Bernardino flying squirrels was conducted on the Project site in 2007 and the results were negative. However, an individual of the species was trapped in 1998, by the USFS, approximately 0.5-mile north of the northern boundary of the Project site (RRDEIR No. 2, page 2-33). The analysis concluded that the Project site provided suitable foraging habitat for the species and the potential for occurrence is considered high despite the negative 2007 Focused Survey. Based on the moderate potential for occurrence, the RRDEIR No. 2 proposed Mitigation Measure BR-3 (RRDEIR No. 2, page 2-58) has been revised to require the following:

BR-3 ~~The project proponent shall have a biologist qualified with San Bernardino flying squirrel (SBFS) as a monitor during tree removal. Minimize the number of trees, snags, and downed wood removed for project implementation. Compensating the removal of snags containing cavities; this would be achieved by constructing and erecting two nest boxes and one aggregate box per snag removed. Appendix A of this Revised and Recirculated Draft EIR No. 2 provides the specifications of the nest and aggregate boxes (Flying Squirrels 2007). These boxes should be located on the adjacent U.S. Forest Service (USFS) land (with their permission) and the locations marked with a global positioning system. The locations of the boxes shall be provided to the USFS so that their biologists could monitor the boxes for occupation by SBFS.~~

~~Provide new homeowners with a flyer that would provide information on the biology of SBFS and how they are susceptible to depredation by cats. The flyer would also outline steps that homeowners could take to reduce their urban edge effects.~~

Given the negative results of on-site surveys and the available technical and peer reviewed literature, negative effects to the San Bernardino flying squirrel are not expected. However, because marginal foraging habitat was found on-site, the following mitigation measures will be implemented in the lots with densely forested areas and snags. These mitigation measures are to be implemented to avoid and minimize impacts to San Bernardino flying squirrels:

- The Project Applicant shall have a qualified biologist as a monitor just prior to and during all tree removal on-site.
- Minimize the removal of large coarse woody debris (>10cm diameter), which provide microhabitat for the growth of hypogeous fungi.
- Limit removal of standing snags (>25cm dbh) and large trees (>25cm dbh), which provide both structural complexity and potential nesting habitat.

- Prioritize the retention of large trees and snags with visible potential cavity nesting structures, which are associated with higher densities of northern flying squirrels.
- Minimize the loss of continuous canopy closure, especially in the drainages, which provides protection from predators while foraging and may play an important role in maintaining habitat connectivity.
- The Project Applicant must compensate for the removal of suitable habitat through construction and erection of two nest boxes and one aggregate box per snag removed.
- The Project Applicant is required to provide homeowners with information on the biology of the San Bernardino flying squirrel and suggest steps that homeowners can take to reduce their urban-edge effects.
- All subsequent home developers must comply with these provisions which shall be enforced by the County of San Bernardino through implementation of the Mitigation Monitoring and Reporting Program as mandated by CEQA.

If the monitoring biologist observes a San Bernardino flying squirrel during pre-construction and/or construction monitoring, the biologist will immediately halt work until the occupied tree can be vacated prior to felling the tree; however, if the work is during the nesting season (generally March through May), when baby squirrels could be present, the nest will not be vacated until after the nesting season ends (June 1st), as cleared by the monitoring biologist.

Please refer to Section 4: Errata of this FEIR document, showing detailed revisions to mitigation measures.

With limited habitat disturbance and implementation of mitigation measures, the RRDEIR No. 2 includes substantial evidence that impacts to the San Bernardino flying squirrel will be less than significant. The RRDEIR No. 2 does identify potentially significant impacts to the American bald eagle. The Project will be developed consistent with the County of San Bernardino Plant Protection and Management Ordinance (County Code Section 89.0110(b)), which prohibits the removal of bald eagle perch trees within an identified American bald eagle habitat unless the perch tree creates a hazardous condition. The RRDEIR No. 2 imposed multiple mitigation measures to reduce the impact to the bald eagle, including requirements to replace perch trees (should they become hazardous and require removal) at a ratio of 5:1 or enhance existing trees to make them suitable for purchasing, as well as the replacement of trees 24 inches dbh and larger that are removed during construction activities at a ratio of 2:1. Therefore, even if perch trees or other large trees that may be used by the bald eagle are removed, they will be replaced to sufficiently mitigate the impacts. Based on this analysis, there is no evidence that the Project, as designed, will directly reduce the number of any sensitive wildlife species.

Similarly, the RRDEIR No. 2 concluded that the Project would have a less than significant indirect impact to wildlife species due to loss of habitat or habitat fragmentation. Initially, the Project site is adjacent to the community of Fawnskin on the north, northwest, and west side of the Project site. The community of Fawnskin is developed with single-family residential uses primarily with little

preserved Open Space providing connective habitat to the Project site. After Project development, the northeast and eastern portions of the Project site will remain undisturbed San Bernardino National Forest land under the management of the USFS. Accordingly, the Project is not fragmenting any special-status wildlife species habitat, since the Project is the extension of development in Fawnskin to the south and southeast. Therefore, the RRDEIR No. 2 concluded that the Project site did not consist of any wildlife crossings or corridors (RRDEIR No. 2, page 2-55). Additionally, the Project site is dominated by Jeffrey Pine Forest habitat totaling approximately 54.92 acres (RRDEIR No. 2, pages 2-3 and 2-4). Approximately 50 acres of Jeffrey Pine Forest, including 13.81 acres of open Jeffrey Pine Forest. As indicated in the RRDEIR No. 2, approximately 58,526 acres of Jeffrey Pine Forest occurs in the San Bernardino National Forest (RRDEIR No. 2, page 2-49). Accordingly, development of the Project within approximately 50 acres of Jeffrey Pine Forest does not result in a significant impact to the Jeffrey Pine Forest habitat, and the special-status wildlife species that occupy such habitat, considering the amounts of similar habitat that continues to exist in the Project area, including those portions of the USFS-managed lands adjacent to the Project site. In conclusion, the RRDEIR No. 2 does contain an adequate analysis of direct and indirect impacts of the Project.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species.

Response to FOF2-18

Please see Response to FOF2-17. The commenter asserts that creation of Open Space Lot H does not compensate for the loss of a portion of Open Space Lot A (due to lot layout redesign), since the habitat for the ashy-grey Indian paintbrush continues to be reduced in size and in number. Section 2 of the RRDEIR No. 2, page 2-57, includes a comprehensive analysis of the potential impacts to the Project on special-status plant and wildlife species and focuses on the impacts of the Project to ashy-grey Indian paintbrush. The 2011 Alternative Project design was influenced by prior concerns raised in comments received on the RRDEIR No. 1 and Supplemental Focused Special Status Plant Species Survey conducted in August of 2010 (RRDEIR No. 2, page ES-3). Based on the prior comments and Supplemental Focused Special Status Plant Survey, the Project Applicant redesigned the Project to avoid impacts to areas on-site containing highest density of ashy-grey Indian paintbrush. The commenter is correct that the redesign Project impacts 1.5 acres of the area previously designated as Lot A Open Space. However, the Project redesign also preserves, in perpetuity, 1.9 acres of habitat containing high densities of ashy-grey Indian paintbrush, in an area previously slated for development. The Supplemental Focused Special Status Plant Survey showed that Lot A Conservation Area contained minimal amounts of ashy-grey Indian paintbrush, only approximately 230 individual occurrences (RRDEIR No. 2, page 2-18). By comparison, the 1.9 acres of Lot H contained approximately 4,665 occurrences. The revised Project design, which impacts approximately 1.4 acres of previously identified Lot A Conservation Area, will impact only a portion of the limited occurrences ashy-grey Indian paintbrush in Lot A. Moreover, the Supplemental Focused Special Status Plant Survey discovered the area within Lot A, previously identified as pebble plain habitat, is not true pebble plain habitat, and, therefore, the Project redesign does not impact that identified sensitive habitat (RRDEIR No. 2, page 2-43 and 2-44). Finally, Mitigation Measure BR-1a (RRDEIR No. 2, page 2-57) requires permanent conservation of a 10-acre parcel, known as the Dixie Lee Lane parcel that contains high-quality pebble plain habitat. Although the Focused Special

Status Plant Survey did not identify significant occurrences of ashy-grey Indian paintbrush on the Dixie Lee Lane mitigation parcel, the 10-acre parcel does comprise suitable habitat for the ashy-grey Indian paintbrush. The creation of Lot A and Lot H Conservation Areas, along with the revised Project developable lot layout, will preserve eight-eight percent (88 percent) of the ashy-grey Indian paintbrush occurrences on-site. This permanent conservation of existing occurrences combined with the conservation of the 10-acre Dixie Lee Lane parcel adequately mitigates both the short- and long-term impacts of the Project to sensitive plant species occurring on-site.

Refer to Appendix I of this 2020 Final EIR, Table 1 in the Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting.

Response to FOF2-19
Impacts of the road alignment between Lots A and H have been calculated in terms of acreage (0.2 acre and numbers of ashy-grey Indian paintbrush plants (40 plants). The road alignment was purposefully designed to keep to the original dirt road track that traversed the property at that location, and was delineated to keep to a densely vegetated draw without sensitive resources between the two lots, so as to minimize impacts to rare plants and their habitat. Refer to Appendix I of this 2020 Final EIR, Table 1 in the Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting.

Response to FOF2-20
The commenter asserts that there is no evidence that the redistribution of buildable lots as shown on the site plan included as Exhibit 1-4 in the RRDEIR No. 2 minimizes impacts to the ashy-grey Indian paintbrush. As discussed in length in the RRDEIR No. 2, the results of the 2010 Supplemental Focused Sensitive Plant Survey, conducted by Dr. Krantz, revealed significant occurrences of ashy-grey Indian paintbrush on the westernmost portion of the property (RRDEIR No. 2, page 2-17). Approximately 4,665 individuals of ashy-grey Indian paintbrush were located within an area previously designate for residential development. Based on the results of the survey, the Project Applicant revised the developable lot layout to move Lots 1 through 3 (which encompassed the area of dense ashy-grey Indian paintbrush occurrences) to an area to the east where the survey showed significantly fewer plant occurrences (within the northern portion of Lot A). Based on the Project redesign the Project will conserve approximately 88 percent of the ashy-grey Indian paintbrush occurrences. Accordingly, the County of San Bernardino believes that there is substantial evidence to support the RRDEIR No. 2's conclusion that impacts to ashy-grey Indian paintbrush are less than significant. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species. Specifically, pages 2 through 4, and Table 1 address this species.

Essentially, the conservation Letter Lots were re-designed to include the substantial ashy-grey Indian paintbrush resources that were previously included within residential Lots 1-3. The new Lots 1-3, while still representing a "take" of ashy-grey Indian paintbrush plants, will result in taking of only several hundred plants, as opposed to several thousand plants.

Response to FOF2-21

The commenter asserts that the mitigation measures included in the RRDEIR No. 2 to reduce impacts to biological resources do not in fact reduce impacts to less than significant levels.

Section 2 of the RRDEIR No. 2, page 2-1, provides comprehensive analysis of the Project's potential impacts to threatened, endangered and sensitive plant and wildlife species occurring or potentially occurring on the Project site. The RRDEIR No. 2, pages 2-46 through 2-49, includes a detailed analysis of the Project's potential impacts to 27 special-status plant species and 22 special-status wildlife species. The RRDEIR No. 2 concluded that the Project would have a less than significant impact, with incorporation of mitigation, to all special-status plant and wildlife species with the exception of the American bald eagle. With regard to special-status wildlife species, except for the American bald eagle, the RRDEIR No. 2 concluded that "the loss of habitat, loss of wildlife, wildlife displacement, and habitat fragmentation that would result from construction of the 2011 Alternative Project would not be considered significant because these impacts would substantially diminish habitat from wildlife in the region nor reduce any specific wildlife populations in the region to below self-sustaining numbers" (RRDEIR No. 2, page 2-50). Initially, this conclusion is supported by the limited development footprint of the Project. The Project Applicant proposes development of 50 single-family residents upon approximately 62 acres. Of those 62 acres, approximately 10 acres on-site will be maintained as Open Space. Additionally, as mitigation for impacts to sensitive plant species, an additional 10-acre off-site parcel will be permanently preserved and burdened by creation of a conservation easement. Project lot layout and location of the Open Space areas was strategically developed to maximize conservation of sensitive plant and wildlife species. The Project also involves the development of a 55-slip marina. However, as indicated in the RRDEIR No. 2, the lake shoreline adjacent to the Project site contains approximately 4 acres of ruderal lake shoreline plant species that would be impacted by the Project (RRDEIR No. 2, page 2-50). The 2008 and 2010 Supplemental Focused Special Status Plant Surveys concluded that the shoreline portion of the Project site does not support any sensitive plant species. Additionally, focused surveys conducted for the southwestern willow flycatcher concluded that, although this species may visit the Project site, the quality and quantity of the habitat along the shoreline is not sufficient to support breeding populations of the species (RRDEIR No. 2, page 2-29). Accordingly, development of the marina portion of the Project will not result in a significant impact to sensitive wildlife species. With regard to the southern rubber boa and San Bernardino flying squirrel, multiple Focused Surveys analyzing the Project's impact to these species concluded that implementation of the Project would not result in a significant impact. With regard to the southern rubber boa, Focused Surveys conducted in 2002 and 2007 confirmed the absence of the species on-site. The surveys also concluded that the southern rubber boa was not likely to occupy the Project site due to Project's location and other habitat characteristics absent from Project site (RRDEIR No. 2, page 2-27). A focused survey for the San Bernardino flying squirrel was conducted on the Project site in 2007 and the results were negative. However, an individual of the species was trapped in 1998, by the USFS, approximately 0.5 mile north of the northern boundary of the Project site (RRDEIR No. 2, page 2-33). The analysis concluded that the Project site provided suitable foraging habitat for the species and the potential for occurrence is considered high despite the negative 2007 Focused Survey. Based on the moderate potential for occurrence, the RRDEIR No. 2 proposed Mitigation Measure BR-3 (RRDEIR No. 2, page 2-58) has been revised to require the following:

BR-3 ~~The project proponent shall have a biologist qualified with San Bernardino flying squirrel (SBFS) as a monitor during tree removal. Minimize the number of trees, snags, and downed wood removed for project implementation. Compensating the removal of snags containing cavities; this would be achieved by constructing and erecting two nest boxes and one aggregate box per snag removed. Appendix A of this Revised and Recirculated Draft EIR No. 2 provides the specifications of the nest and aggregate boxes (Flying Squirrels 2007). These boxes should be located on the adjacent U.S. Forest Service (USFS) land (with their permission) and the locations marked with a global positioning system. The locations of the boxes shall be provided to the USFS so that their biologists could monitor the boxes for occupation by SBFS.~~

~~Provide new homeowners with a flyer that would provide information on the biology of SBFS and how they are susceptible to depredation by cats. The flyer would also outline steps that homeowners could take to reduce their urban edge effects.~~

Given the negative results of on-site surveys and the available technical and peer reviewed literature, negative effects to the San Bernardino flying squirrel are not expected. However, because marginal foraging habitat was found on-site, the following mitigation measures will be implemented in the lots with densely forested areas and snags. These mitigation measures are to be implemented to avoid and minimize impacts to San Bernardino flying squirrels:

- The Project Applicant shall have a qualified biologist as a monitor just prior to and during all tree removal on-site.
- Minimize the removal of large coarse woody debris (>10cm diameter), which provide microhabitat for the growth of hypogeous fungi.
- Limit removal of standing snags (>25cm dbh) and large trees (>25cm dbh), which provide both structural complexity and potential nesting habitat.
- Prioritize the retention of large trees and snags with visible potential cavity nesting structures, which are associated with higher densities of northern flying squirrels.
- Minimize the loss of continuous canopy closure, especially in the drainages, which provides protection from predators while foraging and may play an important role in maintaining habitat connectivity.
- The Project Applicant must compensate for the removal of suitable habitat through construction and erection of two nest boxes and one aggregate box per snag removed.
- The Project Applicant is required to provide homeowners with information on the biology of the San Bernardino flying squirrel and suggest steps that homeowners can take to reduce their urban-edge effects.
- All subsequent home developers must comply with these provisions which shall be enforced by the County of San Bernardino through implementation of the Mitigation Monitoring and Reporting Program as mandated by CEQA.

> If the monitoring biologist observes a San Bernardino flying squirrel during pre-construction and/or construction monitoring, the biologist will immediately halt work until the occupied tree can be vacated prior to felling the tree; however, if the work is during the nesting season (generally March through May), when baby squirrels could be present, the nest will not be vacated until after the nesting season ends (June 1st), as cleared by the monitoring biologist.

Please refer to Section 4: Errata of this FEIR document, showing detailed revisions to mitigation measures.

With limited habitat disturbance and implementation of mitigation measures, the RRDEIR No. 2 includes substantial evidence that impacts to the San Bernardino flying squirrel will be less than significant. The RRDEIR No. 2 does identify potentially significant impacts to the American bald eagle. The Project will be developed consistent with the County of San Bernardino Plant Protection and Management Ordinance (County Code § 89.0110(b)), which prohibits the removal of bald eagle perch trees within an identified American bald eagle habitat unless the perch tree creates a hazardous condition. The RRDEIR No. 2 imposed multiple mitigation measures to reduce the impact to the bald eagle, including requirements to replace perch trees (should they become hazardous and require removal) at a ratio of 5:1, replacement of trees 24 inches dbh and larger that are removed during construction activities at a ratio of 2:1. Therefore, even if perch trees or other large trees that may be used by the bald eagle are removed, they will be replaced to sufficiently mitigate the impacts. Based on this analysis, there is no evidence that the Project, as designed, will directly reduce the number of any sensitive wildlife species.

Similarly, the RRDEIR No. 2 concluded that the Project would have a less than significant indirect impact to wildlife species due to loss of habitat or habitat fragmentation. Initially, the Project site is adjacent to the community of Fawnskin on the north, northwest, and west side of the Project site. The community of Fawnskin is developed with single-family residential uses primarily with little preserved Open Space providing connective habitat to the Project site. After Project development, the northeast and eastern portions of the Project site will remain undisturbed San Bernardino National Forest land under the management of the USFS. Accordingly, the Project is not fragmenting any special-status wildlife species habitat as the Project is the extension of development in Fawnskin to the south and southeast. Therefore, the RRDEIR No. 2 concluded that the Project site did not consist of any wildlife crossings or corridors (RRDEIR No. 2, page 2-55). Additionally, the Project site is dominated by Jeffrey Pine Forest habitat totaling approximately 54.92 acres (RRDEIR No. 2, page 2-3 and 2-4). Approximately 50 acres of Jeffrey Pine Forest, including 13.81 acres of open Jeffrey Pine Forest. As indicated in the RRDEIR No. 2, approximately 58,526 acres of Jeffrey Pine Forest occurs in the San Bernardino National Forest (RRDEIR No. 2, page 2-49). Accordingly, development of the Project within approximately 50 acres of Jeffrey Pine Forest does not result in a significant impact to the Jeffrey Pine Forest habitat, and the special-status wildlife species that occupy such habitat, considering the amounts of similar habitat that continues to exist in the Project area, including those portions of the USFS-managed lands adjacent to the Project site.

With regard to the Federally Threatened ashy-grey Indian paintbrush, Project design and Mitigation Measures BR-1a-BR-1d (RRDEIR No. 2, page 2-57 and 2-58) do in fact reduce impacts to less than

significant levels. Based on the prior comments and 2010 Supplemental Focused Special Status Plant Survey, the Project Applicant redesigned the Project to avoid impacts to areas on-site containing highest density of ashy-grey Indian paintbrush. The Project redesign preserves, in perpetuity, 1.9 acres of habitat containing high densities of ashy-grey Indian paintbrush, in an area previously slated for development. The Supplemental Focused Special Status Plant Survey showed that Lot A Conservation Area contained minimal amounts of ashy-grey Indian paintbrush, only approximately 230 individual plants (RRDEIR, page 2-18). By comparison, the 1.9 acres of Lot H contained approximately 4,665 plants. The revised Project design, which impacts approximately 1.4 acres of previously identified Lot A Conservation Area, will impact only a portion of the limited occurrences ashy-grey Indian paintbrush in Lot A. Moreover, the 2010 Supplemental Focused Special Status Plant Survey discovered the area within Lot A, previously identified as pebble plain habitat, is not true pebble plain habitat, and, therefore, the Project redesign does not impact that identified sensitive habitat (RRDEIR No. 2, pages 2-43 and 2-44). Finally, Mitigation Measure BR-1a requires permanent conservation of a 10-acre parcel, known as the Dixie Lee Lane parcel that contains high-quality pebble plain habitat. Although the Focused Special Status Plant Survey did not identify significant occurrences of ashy-grey Indian paintbrush on the Dixie Lee Lane mitigation parcel, the 10-acre parcel does comprise suitable habitat for the ashy-grey Indian paintbrush. The creation of Lot A and Lot H Conservation Areas, along with the revised Project developable lot layout, will preserve 88 percent of the ashy-grey Indian paintbrush occurrences on-site. This permanent conservation of existing occurrences combined with the conservation of the 10-acre Dixie Lee Lane parcel adequately mitigates both the short and long-term impacts of the Project to sensitive plant species occurring on-site.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special status species.

Response to FOF2-22
The total conserved area of the on-site conservation easements equals ~~4.84~~9.1 acres covering~~in~~ Lots ~~A and Lot~~ , B, C, D, and H. The commenter is directed to review Mitigation Measure BR-1b (RRDEIR No. 2, page 2-57), which states, in pertinent part "[p]rior to the initiation of clearing or grading activities on the Project site, the ~~4.84~~9.1-acre on-site conservation easements ~~(including Lot A and Lot H)~~ covering Lots A, B, C, D, and H shall be established." Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, and refer to Section 4.0: Errata of this FEIR document for the detailed revisions made to the modified mitigation measure.

Response to FOF2-23
The commenter suggests that there is no explanation as to how mitigation compliance will be monitored and measured. As part of the enforcement process, mitigation measures are subject to monitoring and reporting to ensure the measures will be implemented: "The reporting or monitoring program shall be designed to ensure compliance during project implementation" (Pub. Resources Code § 21081.6, subd. (a)). The purpose of these monitoring requirements is to ensure that feasible mitigation measure will actually be implemented as a condition of development, and

not merely adopted and then neglected or disregarded. The adequacy of a mitigation monitoring program is evaluated with the "rule of reason," a rule that requires that the mitigation measures be "reasonably feasible." The commenter appears to confuse the difference between the mitigation measures discussed in the RRDEIR No. 2 and the mitigation monitoring and reporting program, both which comply with CEQA. A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. All mitigation measures for the Project meet this standard. A broad statement that the "RDEIR fails to include any explanation as how to mitigation compliance will be monitored and measured" is vague and not sufficiently specific so that the agency has the opportunity to evaluate and adequately respond. No specific mitigation measure is identified.

Response to FOF2-24

The potential for the southwestern willow flycatcher is considered low. Surveys for this species were conducted in the spring and summer of 2002 and again in 2007. No breeding or individual southwestern willow flycatchers were detected during the surveys. Willows along the shoreline are patchy and lack the dense growth or willow thicket favored by this species as territorial or breeding habitat. Therefore, breeding southwestern willow flycatchers are not expected to occur on the Project site. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species.

Response to FOF2-25 through -30

CEQA requires four mandatory items to be included in a Project Description: (1) a detailed map with the precise location and boundaries of the Project, (2) a statement of Project objectives, (3) a general description of the Project's technical, economic, and environmental characteristics, and (4) a statement briefly describing the intended uses of the EIR and listing the agencies involved with, and the approvals required for, implementation (CEQA Guidelines Section 15124). The Guidelines also advise that the Project Description should not "supply extensive detail beyond that needed for evaluation and review of the [project's] environmental impact" (CEQA Guidelines Section 15124). The comments on the Project Description far exceed this scope. The commenter is advised to note that sections have been modified only related to the revised biological resources and to reflect the minor changes to the site plan that have been made to accommodate the mitigation provided for the ashy-grey Indian paintbrush. Because of the limited scope of revisions to the 2010 Alternative Project, the analysis included in the original EIR (2005), as modified by RRDEIR No. 1, for all other impact areas besides biological resources is still applicable to the 2011 Alternative project, and, therefore, those sections will not be recirculated. The commenter may wish to revisit responses to comments, including responses to comments on its prior comment letter with respect to the RRDEIR No. 1, with respect to its land use comments which exceed the scope of this EIR.

Response to FOF2-31

The westernmost drainage originally identified in the 2005 Draft EIR was omitted from Exhibit 2-4 of the RRDEIR No. 2 because it was determined not to be jurisdictional. Additionally, that area is now entirely within Lot H, is a Conservation Area, and, therefore, would not be impacted by development of the Project. FirstCarbon Solutions (FCS) biologist Dennis Peterson visited the site on May 18, 2018, to verify that the Jurisdictional Determination boundaries have not changed. Please see the

memorandum dated May 28, 2018, describing the site conditions during the updated jurisdictional delineation, including a description of the abandoned driveway that is not a jurisdictional feature by State or federal definitions (see Appendix E of this 2020 Final EIR).

Response to FOF2-32
The RRDEIR No. 2 acknowledges that development of the Project will impact drainages that have been identified as jurisdictional on both the federal and State level. Based on the jurisdictional delineation, impacts to jurisdictional drainages are approximately 0.04 acre. Mitigation Measure BR-13 (RRDEIR No. 2, page 2-61) requires impacts be mitigated on a 3-to-1 basis through on-site restoration, off-site restoration, or purchase of credits and an agency-approved mitigation bank. The mitigation measures provide a range of potential options with the understanding that by the time Project is approved, and appropriate permit applications are submitted to the California Department of Fish and Wildlife and USACE, the specific type of mitigation will be determined.

Response to FOF2-33
The commenter is correct that Mitigation Measure BR-2 (RRDEIR No. 2, page 2-58) requires that a 50-foot setback be maintained along the deepest ravine at the eastern edge of the property to manage the drainage and, therefore, provide additional habitat preservation for sensitive wildlife species. In addition to preservation on-site of jurisdictional drainages, Mitigation Measure BR-13 (RRDEIR No. 2, page 2-61) requires either on-site restoration, or off-site acquisition of additional mitigation for any disturbance to jurisdictional drainages. These two mitigation measures together adequately mitigate impacts to sensitive plant and animal species, due to development within the jurisdictional areas. The commenter asserts that there is no guarantee that future residents will respect the 50-foot setback area. Any violation of that setback will be enforceable through the CC&Rs for the Project site, which provides the Homeowner's Association, individual residents, and the County of San Bernardino the ability to enforce them up to and including initiation of legal action to remove/correct any violation.

Response to FOF2-34
The Project is being analyzed pursuant to CEQA. The commenter appears to request analysis of the Project versus a prior Proposed Project. CEQA does not require such an analysis. In determining whether environmental impacts of a project are significant, an EIR is required to compare potential impacts of the Project with pre-project environmental conditions, or the "environmental baseline" (CEQA Guidelines Section 15125(a)). The environmental baseline against which the Proposed Alternative Project's potential environmental impacts are determined is the current, vacant condition of the property.

Response to FOF2-35
The commenter is correct that with the new revised Project design, conservation Lot A would be directly behind the developable lots. However, this fact alone will not result in additional impacts to the continued preservation and quality of the habitat within Lot A. Based on project design requirements, as enforced through the adoption and recordation of CC&Rs, the rear yards of Lots 1 through 3 would be required to be fenced and all access from those lots will be prohibited. Mitigation Measure BR-1c (RRDEIR No. 2, page 2-57) requires that appropriate signage be placed around the Conservation Areas alerting residents and their guests to the prohibition against

accessing the Conservation Areas. The Homeowner's Association, individual owners, the County of San Bernardino, and the qualified Conservation Entity who manages the Conservation Areas will have the authority to enforce these prohibitions. Accordingly, with the implementation of these mitigation measures, the County of San Bernardino does not anticipate additional adverse impacts to Conservation Areas due to the proximity of the developable lots to the Conservation Areas.

Response to FOF2-36
Subsequent to preparation of the RRDEIR No. 2, the County of San Bernardino and the Project Applicant have determined what entity will provide potable water service to the project. Water service will be provided by the City of Big Bear Lake Department of Water and Power (DWP). However, the Project site will not be annexed into the DWP service area. Rather, DWP and County Service Area (CSA) 53C entered into an Outside Service Agreement for Potable Water Services, whereby DWP will own and operate the water service facilities constructed by the Project Applicant. Water for the project will still be provided by the on-site wells as discussed in detail in the RRDEIR No. 2.

Response to FOF2-37
See FOF2-36.

Response to FOF2-38
The purpose of the Project Description is not to "analyze or discuss impacts." The project description is merely the basis for analyzing impacts. Thus, an accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity. Impacts of the Project to traffic, aesthetics, noise, and air quality were discussed in detail in the RRDEIR No. 1 and therefore are beyond the scope of this document. However, for informational purposes, the sewer lines in Northshore Drive already exist. The Project will merely connect to these lines. See also the Response to FOF2-36.

Response to FOF2-39
Contrary to the commenter's assertion, the development of the proposed sewer lines for the Project will not disturb sensitive plant habitat that was not already considered impacted in the Biological Resource Analysis portion of the RRDEIR No. 2. Exhibit 2-2 and Table 2-3 show that sensitive plant habitat and individual occurrences of the ashy-grey Indian paintbrush will be disturbed and impacted by construction of the roadway facilities (see revised Table 2-3 in Section 4.0: Errata of this FEIR document). As indicated in Exhibit 2-7 of the RRDEIR No. 2, all new sewer lines developed as part of the Project will be placed within project roadway right-of-way. All sewer, water, and other utility lines will be installed within the right-of-way. Accordingly, impacts associated with construction of new sewer facilities were adequately analyzed in the EIR.

Response to FOF2-40
The purpose of the Project Description is not to "analyze or discuss impacts." The project description is merely the basis for analyzing impacts. Thus, an accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.

See Response to FOF-19 for a specific response to the bisecting roadway.

Response to FOF2-41
The Forester Report is contained within RBF's Final EIR, Appendix 15.6.

Response to FOF2-42 through -60
See Response to FOF2-25 through -30.

Response to FOF2-61
The County of San Bernardino acknowledges the commenter's general concerns regarding the inadequacy of the analysis included in the RRDEIR No. 2 regarding impacts to bald eagle, ashy-grey Indian paintbrush, pebble plains special-status plants, and other biological resources. The commenter also asserts that the RRDEIR No. 2 fails to impose mitigation measures adequate to reduce impacts to these species to below levels of significance. The County of San Bernardino believes that the RRDEIR No. 2 and its analysis of the Project's potential impacts to special-status plant wildlife species is sufficient and supported by substantial evidence. The RRDEIR No. 2 concluded that impacts to American bald eagle would be significant unavoidable despite implementation of numerous mitigation measures. The RRDEIR No. 2 concluded that impacts to all other special-status plant and wildlife species can be mitigated to less than significant levels, this analysis is supported by the analysis, including Section 2 of the RRDEIR No. 2 and imposition of Mitigation Measures BR-1 through BR-13 (RRDEIR No. 2, pages 2-57 through 2-62, as revised in Section 4.0: Errata of this FEIR document). The commenter has not identified any specific deficiency in the RRDEIR No. 2's analysis. Therefore, the County of San Bernardino is unable to provide a more detailed response to this comment. A general response is sufficient when a comment is relatively general and non-specific. See *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal. App. 4th 859, 874.

Response to FOF2-62
The commenter asserts that the RRDEIR No. 2 improperly characterizes the extent of mitigation for impacts to the ashy-grey Indian paintbrush and that application of the appropriate mitigation standards under CEQA show that the impacts cannot be mitigated to less than significant levels, and, therefore, the analysis in the RRDEIR No. 2 is misleading and inaccurate. The County of San Bernardino respectfully disagrees with the commenter's characterization of the legal standard for mitigating impacts to special-status plant species. The Project as designed will result in a creation of two conservation easements (Lot A, a 3.4-acre Open Space/Conservation Area and Lot H, a 1.9-acre Open Space/Conservation Area, which contain 4.84 total acres of occupied ashy-grey Indian paintbrush habitat) for preservation of ashy-grey Indian paintbrush, as well as preservation of a 10-acre parcel off-site, the Dixie Lee Lane property, which is comprised of pebble plain habitat. The commenter asserts that avoidance of impacts to ashy-grey Indian paintbrush and permanent preservation of on-site habitat may not be utilized as "mitigation" for a species otherwise impacted by the proposed development. Instead, the commenter asserts species impacted by the Project only can be mitigated through preservation of off-site habitat. This is not a correct statement of the law. Initially, CEQA does not require imposition of mitigation measures where there is no identified significant impact (Public Resource Code § 21100(b)(3), § 21150; CEQA Guidelines Section 15126.4(a)—discussion of mitigation measure is required only for significant environmental impacts). Therefore, if an impact is avoided in its entirety, no mitigation is required. As a result, contrary to the commenter's assertions, preservation of the ashy-grey Indian paintbrush occurrences

in the identified Open Space/Conservation Areas is not "mitigation" for the plant occurrences within those designated areas. CEQA authorizes preservation of special-status plant species occurring on-site as mitigation for impacts to those species. See *Miramar Mobile Community v. City of Oceanside (2004)* 119 Cal. App. 4th 477. Accordingly, the RRDEIR No. 2 appropriately characterized preservation of an on-site occurrence of ashy-grey Indian paintbrush as mitigation for impacts to that species occurring elsewhere on the Project site. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including extensive discussion of the proposed paintbrush conservation measures.

Response to FOF2-63

Contrary to the commenter's assertions, the 10-acre Dixie Lee Lane property is approximately 10 acres of actual pebble plain habitat. The Dixie Lee Lane property was originally surveyed by Hicks and Hartwick Engineering as a 10-acre pebble plain, the exterior lines of the parcel conforming to the bench top opening of the pebble plain, including Pinon Pines and Jeffrey Pines within the general distribution of the pebble plain habitat. Hence, the delineation of the 10-acre parcel generally conforms to the actual pebble plain configuration such that the proposed 10-acre parcel conforms very closely to the distribution of pebble plains species found on the ground. Additionally, the Dixie Lee Lane property has not been previously pledged as mitigation for another development project in the Big Bear area as mentioned by the commenter. First, the RRDEIR No. 2 did not identify potentially significant impact to pebble plain habitat. The Supplemental Focused Sensitive Plant Survey, conducted by Dr. Krantz, identified an area of approximately 0.69 acre where pebble plain like soil conditions occur. However, Dr. Krantz concluded that prior biological surveys had mischaracterized the 0.69-acre portion of the project site as true pebble plain due to lack of two indicator plant species. Therefore, the Dixie Lee Lane parcel is not technically mitigation for any impacts to pebble plain habitat. However, even if the 0.69-acre area were determined to be true pebble plain habitat, the Dixie Lee Lane parcel would adequately mitigate for those impacts. The Dixie Lee Lane parcel was previously proposed for mitigation, but that proposal was not completed. The Dixie Lee Lane parcel is still available for mitigation purposes. This parcel, as well as other Conservation Areas identified and set aside as part of the project development, will be placed under a conservation easement that will be held by a legitimate Conservation Entity that will be supported by a non-wasting endowment that will support the continued maintenance and conservation of the Conservation Areas consistent with Mitigation Measure BR-1a (RRDEIR No. 2, page 2-57). This comment is also addressed throughout the responses to Sierra Club1, including Sierra Club1-1, Sierra Club1-2 and Sierra Club1-15.

Response to FOF2-64

Contrary to the commenter's assertions, the 10-acre Dixie Lee Lane property is approximately 10 acres of actual pebble plain habitat. The Dixie Lee Lane property was originally surveyed by Hicks and Hartwick Engineering as a 10-acre pebble plain, the exterior lines of the parcel conforming to the bench top opening of the pebble plain, including Pinyon Pines and Jeffrey Pines within the general distribution of the pebble plain habitat. Hence, the delineation of the 10-acre parcel generally conforms to the actual pebble plain configuration such that the proposed 10-acre parcel conforms very closely to the distribution of pebble plains species found on the ground. In any event, as reflected in the RRDEIR No. 2, the Project will not have a significant impact on pebble plain

habitat; hence, no mitigation is required (RRDEIR No. 2, pages 2-43 and 2-44). Therefore, the Dixie Lee Lane parcel is not technically mitigation for any impacts to pebble plain habitat. However, even if the 0.69-acre area were determined to be true pebble plain habitat, the Dixie Lee Lane parcel would adequately mitigate for those impacts. Additionally, the Dixie Lee Lane property has not been previously pledged as mitigation for another development project in the Big Bear area as mentioned by the commenter. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species.

Response to FOF2-65

The commenter asserts that the methodology used in mapping occurrences and habitat of the ashy-grey Indian paintbrush and determining appropriate mitigation for impacts thereto is unsupported. Contrary to the commenter's assertions, the extent of the ashy-grey Indian paintbrush occurrences and their host plants were carefully delineated and recorded as part of the 2010 Supplemental Focused Special Status Plant Survey conducted by Dr. Krantz. It is important to note that ashy-grey Indian paintbrush is a hemi-parasite on its host plants and therefore does not readily disperse, dropping its seeds in the immediate vicinity of host plants themselves. Thus, the actual occupied habitat for ashy-grey Indian paintbrush does not generally change from year to year. Therefore, although other portions of the Project site that will be developed do contain "host plants" for ashy-grey Indian paintbrush such as the Wright's matting buckwheat, the current lack of ashy-grey Indian paintbrush occurrences in these areas of the Project site provide a strong indication that ashy-grey Indian paintbrush will never occur in those locations. This phenomenon is exhibited on the Dixie Lee Lane property. The Dixie Lee Lane property consists of 10 acres of high-quality pebble plain habitat and supports ashy-grey Indian paintbrush host plants. Despite this, recent surveys show only 27 plant occurrences, over the entire 10-acre property. In conclusion, appropriate mitigation includes protection of the host plants *and* ashy-grey Indian paintbrush occurrences. This is the most effective way to protect the continued existence of high-quality habitat supporting ashy-grey Indian paintbrush. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species.

Response to FOF2-66

As a short-lived perennial, ashy-grey Indian paintbrush is typically visible in any given year. The White survey in 2007 illustrates this fact, that, although the valley experienced only about half of normal precipitation in that year, ashy-grey Indian paintbrush plants were still visible and identifiable to the trained observer. That said, the survey years of 2008 and 2010 were average and above-average precipitation years, with ashy-grey Indian paintbrush plants not only present but with showy and long-lasting above-ground flowering stems. In such years, all plants, including non-flowering seedlings, are assumed to be aboveground and biologically active. This was certainly the case on the Moon Camp property, with large, showy patches of mature flowering plants and the presence of many seedlings, rendering a more accurate delineation of the actual occupied habitat than the drought year of 2007.

Response to FOF2-67

Contrary to the commenter's assertions, the RRDEIR No. 2 did analyze the project's impact to the federally threatened ashy-grey Indian paintbrush both on an individual occurrence basis *and* occupied habitat basis. As discussed on page 2-45 of the RRDEIR No. 2, the Project, with its redesigned lot configuration and additional Conservation Areas, will preserve 4,895 of the 5,567 individual plants on the Project site. This represents 88 percent of the total number of plants of ashy-grey Indian paintbrush within the Project site (RRDEIR No. 2, page 2-19). Additionally, Appendix I of this 2020 Final EIR provides an updated analysis prepared by Dr. Krantz (May 23, 2018) of the ashy-grey Indian paintbrush habitat and concluded that the Project includes approximately 7.71 acres of occupied ashy-grey Indian paintbrush habitat, of which a total of 4.84 acres of the occupied ashy-grey Indian paintbrush habitat is included within Lot A and Lot H Conservation Areas. The remaining 2.87 acres of ashy-grey Indian paintbrush habitat will be disturbed by development of the Project. The 2.87 acres that will be disturbed are located within Lots 1 through 45, Lots 47 through 50, portions of Lot F, and road right-of-ways (RRDEIR, page 2-45). Accordingly, the analysis does analyze impacts to the ashy-grey Indian paintbrush on both an occurrence basis and a habitat basis. Contrary to the commenter's assertions, the RRDEIR No. 2 was not required to analyze a project alternative that avoided all impacts to the ashy-grey Indian paintbrush. CEQA requires an EIR to describe a reasonable range of alternatives to the Project, which would feasibly obtain most of the basic objectives and would avoid or substantially lessen the significant effects of the Project (CEQA Guidelines Section 15126.6). An EIR not need consider and analyze every conceivable alternative to a Project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation (CEQA Guidelines Section 15126.6(a)). Here, the RRDEIR No. 2 did not identify a significant impact to the ashy-grey Indian paintbrush (RRDEIR No. 2, page 2-62). Accordingly, the EIR's range of alternatives did not need to include an alternative that avoided all ashy-grey Indian paintbrush occurrences on-site. Moreover, the commenter misrepresents the stated threshold of significance utilized in the RRDEIR No. 2 for impacts to sensitive plant species. The threshold of significance is whether the project "has a *substantial* adverse effect, through either direct, or indirect, modification of potential or suitable or occupied habitat, or direct take, to any species identified as a candidate, sensitive, or special-status species, in local or regional plans, policies, or regulations, or by the CDFG or USFWS" (RRDEIR No. 2, page 2-43). Pursuant to this threshold of significance, the Project will not have a significant impact on a sensitive plant species just because it has *any effect*. Effect needs to be substantial and adverse. Mere net reduction in number of species is not, in and of itself, a significant impact. Based on the design of the Project, the creation of Conservation Areas (Lot A, Lot H, and Dixie Lee Lane property), as well as other identifiable mitigation included in the RRDEIR No. 2 (Mitigation Measures BR-1a through BR-1d, RRDEIR No. 2, page 2-57 and 2-58), there is substantial evidence to support the determination that the Project will not have a significant unavoidable impact on the ashy-grey Indian paintbrush.

The permanent protection of the vast majority of the ashy-grey Indian paintbrush plants on-site in Letter Lots A and H, together with the protection of the Dixie Lee Lane pebble plain with its full suite of Threatened and Endangered plant species, comprise a mitigation program that more than compensates for the loss of some habitat/plants as a result of development. The County of San Bernardino believes that the permanent protection of ashy-grey Indian paintbrush occurrences and

habitat on-site and at Dixie Lee Lane represents adequate mitigation for potential adverse impacts to rare plants on-site.

Response to FOF2-68

The ashy-grey Indian paintbrush is a perennial plant, and is readily visible during the flowering season where it occurs, even in years with substandard rainfall. Furthermore, as a hemi-parasite on its host plants, ashy-grey Indian paintbrush does not readily disperse, dropping its seeds in the immediate vicinity of the host plants themselves. Thus, the actual occupied habitat for ashy-grey Indian paintbrush does not generally change from year to year. The Supplement Focused Special Status Plant Survey conducted by Dr. Krantz in 2010, revealed that there were no ashy-grey Indian paintbrush occurrences on the southeastern portions of the Project site, as indicated by White in 2007. Mr. White's survey was conducted in late July, during a drought year, when reliable plant identifications would be questionable for someone unfamiliar with the target species. Mr. White identified the existence of Wright's matting buckwheat in portions of the Project site and assumed that, because Wright's matting buckwheat is often a host species, the ashy-grey Indian paintbrush would otherwise occur in this area during years of normal or above-average precipitation. However, as mentioned, ashy-grey Indian paintbrush does not spread to areas just because the host plant species is found there. Changes in the occupied habitat are very limited from year to year, and, therefore, the assumptions regarding potential occurrences of ashy-grey Indian paintbrush on the southeastern portion of the Project site are incorrect. Refer to pages 1-4 of the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including a discussion of ashy-grey paintbrush conservation measures (see Appendix I of this 2020 Final EIR).

Response to FOF2-69

Scott White's 2007 report identified some "potential" introgression of Southern mountain buckwheat in the more ubiquitous Wright's matting buckwheat on the Project site. The two taxa are differentiated by the branched inflorescences of the latter, as opposed to unbranched, capitate inflorescences of the former. During Dr. Krantz's 2010 Survey, Krantz observed no unbranched specimens on-site, whatsoever. For there to be genetic introgression into Wright's matting buckwheat population on-site, one would have to have an area of entirely unbranched specimens with intergrades between the two populations. Dr. Krantz has documented introgressions between the two taxa in populations in Holcomb Valley, but the Moon Camp property Wright's matting buckwheat is not an example of this phenomenon.

Response to FOF2-70

The ashy-grey Indian paintbrush occurrences on these Lots are all situated at the very bottom of the sloping lots, immediately above the highway roadcuts. Occupied rare plant habitats within these lots fall naturally within the highway buffer and rear building setback areas on the lots, effectively precluding any construction within the sensitive habitat areas. However, although the ashy-grey Indian paintbrush occurrences and habitat within these lots are located in areas that are unlikely to be disturbed, the RRDEIR No. 2, taking a very conservative approach, assumed for purposes of a significance determination, that these occurrences would be disturbed because of the lack of formal conservation easements protecting them. These occurrences were included within the 2.87 acres of ashy-grey Indian paintbrush habitat disturbed by the project. However, with the preservation of the

most valuable 4.84 acres of ashy-grey Indian paintbrush habitat within conservation Lots A and H, as well as protection of the Dixie Lee Lane property, which supports modest population of ashy-grey Indian paintbrush, the loss of the 2.87 acres is not a significant unavoidable impact. Accordingly, no further mitigation is required. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including a discussion of ashy-grey paintbrush conservation measures.

Response to FOF2-71

The commenter is concerned that Mitigation Measures BR-1b and BR-1c (RRDEIR No. 2, page 2-57) are vague and therefore ineffective as mitigation measures. Mitigation Measure BR-1b obligates the Project Applicant to place the 9.1-acre open space areas (including Lot-A and Lot-H) within the boundaries of a recorded conservation easement. The conservation easement shall be in favor of a qualified Conservation Entity and shall provide for the continued protection and preservation of the property. The management entity is required to be approved by the CDFW. Mitigation measure BR-1C requires creation or recordation of CC&Rs further protecting the Conservation Areas and providing enforcement mechanisms for violation of the terms of the CC&Rs. In order for any mitigation measure to be legally adequate pursuant to CEQA, the measure must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4(a)(2)). Mitigation Measure BR-1b is legally adequate in that the creation of the conservation easement will restrict, at a minimum, all access to the Conservation Areas, as well as provide for ongoing management and protection of the Conservation Areas by a CDFW approved management entity. The protection of the Conservation Areas and the sensitive habitat contained therein are further enhanced through Mitigation Measure BR-1c which specifically requires project CC&Rs to include provisions restricting access to the Conservation Areas and providing enforcement mechanisms for violation of the terms. The commenter's opinion that it is likely that the terms of the CC&Rs and conservation easement will not be enforced, based on violation of CC&Rs by other housing projects in the Big Bear area, is not substantial evidence of the inadequacy of the mitigation measures. The commenter cites two examples of perceived ineffectiveness of CC&Rs in an apparent routine violation of the CC&Rs governing the activities of other residential developments. The County does not have specific knowledge of circumstances surrounding the effectiveness of CC&Rs governing other residential developments. The County of San Bernardino does not believe that violation of CC&Rs and failure of enforcement mechanisms included therein in those instances are substantial evidence that the restrictions and enforcement mechanisms included in Mitigation Measure BR-1c will be ineffective in mitigating the Project's impacts to sensitive plant species on-site. Moreover, unlike the vast majority of CC&Rs, Mitigation Measure BR-1c includes the County of San Bernardino as an entity able to enforce violations of restrictions intended to protect the sensitive plant species within Open Space/Conservation Areas. Additionally, the restrictions included in the CC&Rs are not the sole mechanism by which the Project proposes to restrict access to the Open Space/Conservation Areas. Mitigation Measure BR-1c requires Conservation Areas to be secured through installation of fencing or other barriers to prevent access, as well as installation of appropriate signage identifying location of Conservation Areas, the sensitive nature of such areas, and the fact that access is prohibited. Therefore, contrary to the commenter's assertions, the addition of restrictive fencing and appropriate signage indicating the prohibition against access to

the Open Space/Conservation Areas will be apparent to all residents and guests of residents throughout the Project and will not merely be a paper restriction that becomes forgotten over time. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including a discussion of ashy-grey paintbrush conservation measures and the Dixie Lee site.

Response to FOF2-72
See Response to FOF2-71.

Response to FOF2-73
See Response to FOF2-71.

Response to FOF2-74
The rare plant habitats to be conserved on-site will be subjected to minor indirect impacts as a result of residential development. Potential indirect impacts could result from fuel modification programs, unpermitted recreational activities, introduction of non-native plants, and loss/disruption of essential habitat due to "edge" effects. To eliminate or reduce such indirect impacts, the following measures should be incorporated into project conditions of approval.

- Fuel modification zones and programs shall not be implemented in Lots A or H (because of the brush-free nature of "pebble plains," these areas are not subject to fuel modification in any case, and represent naturally occurring low-fuel open space areas);
- Letter Lots A and H shall be fenced, signed, and monitored by the Conservation Entity to enforce restrictions on unauthorized recreational activities in sensitive areas;
- The Conservation Entity shall conduct routine monitoring of rare plant resources on Lot A and H. The occurrence of non-native species outbreaks, or other examples of ecological disturbance as a result of indirect impacts of development in and around Lots A and H shall be reported in the annual biological monitoring reports and remedial actions shall be implemented by the Preserve Management Committee.
- Lots A and H are configured to encompass a continuous area from the top of the "knoll pebble plain" to the ashy-grey Indian paintbrush habitat along the west side of the access road. Aside from the road crossing itself, there are no new "edge" effects created by the proposed subdivision of the Moon Camp property. Biological monitoring shall be focused on the road crossing, with particular attention to potential impacts as a result of erosion, non-native plant species, or other results of creating an ecological "edge" along the road. Other "edge" effects have already been mitigated by the Project Applicant voluntarily fencing the highway frontage, where off-highway vehicle recreational use was a problem until the present landowners constructed the barbed wire fence along the north side of SR-38.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including extensive discussion of the proposed paintbrush conservation measures.

Response to FOF2-75

There are no trails from the Moon Camp property to the USFS pebble plain. The slope between the proposed lots and the USFS pebble plain are steep and brush-covered. These topographic barriers will discourage residents and their guests from climbing through the Project site to reach the pebble plain. Impacts to the USFS pebble plain today are from uncontrolled off-highway vehicle use by motorcycles and vehicles coming off Polique Canyon Road, and a designated USFS roadway, northeast of the pebble plain. It is much more likely that residents, should they desire to access the pebble plain habitat on the USFS property, would utilize these previously created accessways. Because of the location of these accessways, the County of San Bernardino does not have the legal capability to restrict such access. Finally, any impacts to the USFS pebble plain habitat resulting from residents on the Project accessing USFS property are entirely speculative. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including extensive discussion of the proposed paintbrush conservation measures. Further, baseline conditions were established with the release of the NOP; the Applicant is not responsible to return the property to a speculative or unknown future or historic condition.

Response to FOF2-76

The USFS rare plant maps on private property are very generic, and are based on non-site specific historical collection records and uncorroborated anecdotal "sightings." The site-specific surveys replace such generic maps with more precise location data. The commenter asserts that the areas where pebble plain species were disturbed by unauthorized off-highway activities will recover if appropriate restrictive measures are taken. This is true, as has been seen on the Moon Camp property after the Knoll pebble plain was fenced, and on the Dixie Lee Lane pebble plain after that property was fenced and off-highway vehicles were excluded. This does not mean, however, that such pebble plains species will recolonize areas with inappropriate soil conditions; and in the case of Moon Camp, these "pebble plains"-like soil conditions are limited to the Knoll, which is largely included within Lot A. Therefore, even if there was unauthorized activities on the Project site that may have disturbed sensitive plant species in the past, restriction of such activities will not lead to new pebble plain species due to the lack of appropriate soil conditions.

Response to FOF2-77

The RRDEIR No. 2 analyzed the potential for the Project to have a significant impact on the American bald eagle. Although the American bald eagle was removed as a federal-listed endangered species in August 2007, it remains endangered in California, and remains a special-status wildlife species. The RRDEIR No. 2 acknowledged that the bald eagles were known to be present and roost on the Project site in the winter (RRDEIR No. 2, page 2-29). Many of the trees located on the Project site have been identified as bald eagle perch trees. Surveys and records searches were conducted for the Project site in the winter of 2002 and 2007, which determined that bald eagles use the site extensively. Bald eagle perch locations were recorded and individual trees were marked with numbered tags (RRDEIR No. 2, page 2-29). However, there are no records showing that bald eagles had historically nested on the Project site and neither the 2002 nor 2007 survey found nesting bald eagles on the Project Site. The proposed mitigation measures prohibit the intentional removal of identified perch trees as a component of Project development, but noted that perch trees may need to be removed in the future if they create a hazardous condition. The potential for future removal of bald eagle perch

trees, along with additional light and glare/noise introduced into the area by the project, is considered a potentially significant CEQA impact. Mitigation Measures BR-4, BR-6, and BR-7 (RRDEIR No. 2, page 2-59 and 2-60) will reduce impacts to the bald eagle. These mitigation measures include:

- Replacement of removed perch trees (should that be necessary) at a ratio of 5:1 with creation of artificial perch trees within the Conservation Areas or by enhancing other trees by trimming and limbing to make suitable for eagle perching. The exact method of perch tree replacement shall be made after consultation with a certified arborist. Prior to commencement of construction activity, the applicant shall have a qualified consultant survey all trees on-site to determine the location of all perch trees to be preserved. (Mitigation Measure BR-4)
- Replacement of identified non-perch trees larger than 24 inches dbh, removed as part of project development, at a ratio of 2:1. Whenever an eagle perch tree or other non-perch tree larger than 24 inches dbh is removed, the Homeowners Association shall retain a qualified consultant to oversee removal and compliance with the replacement requirement. (Mitigation Measure BR-4)
- Pre-construction survey of trees to identify existence of active nests. Active nests will be protected and avoided (Mitigation Measure BR-6)
- All vegetation removal, clearing, and grading on the Project site must be performed outside the breeding and nesting season to minimize effects to the bald eagle (Mitigation Measure BR-7)

Despite implementation of these mitigation measures, impacts were determined to be significant and unavoidable due to the very strict County of San Bernardino criteria for determining CEQA impacts to bald eagles. Any removal of perch trees or human activity resulting in the introduction of additional light and/or noise impacts is considered a significant impact under CEQA. Based on the County of San Bernardino's strict threshold of significance, any development activity is considered to result in a significant impact to the bald eagle. However, as indicated above, the Project is not likely to directly impact the eagle. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including discussion of the bald eagle. The Project would not result in take, as defined in California Fish and Game Code and the Bald and Gold Eagle Protection Act, so the Project is in compliance with both.

Response to FOF2-78
Please see Response to FOF2-77.

Response to FOF2-79
Mitigation Measure BR-4 (RRDEIR No. 2, page 2-59) provides for the preservation of eagle perch trees that were identified in the 2002 Bonterra Consulting Bald Eagle Survey prepared for the Project to be preserved in place upon Project completion. The **only** way that the perch trees will not be protected is if there condition deteriorates and they become hazards to human safety. In that instance, and only in that instance, will the existing the existing bald eagle perch tree be removed. Upon removal of a hazardous perch tree, the Project is obligated to replace the lost perch tree with artificial perch trees on a 5:1 basis or the enhancement of trees by trimming and limbing to make

them suitable for eagle perching. The County of San Bernardino believes that this mitigation measure is effective to reduce potential impacts to the bald eagle though impact is still recognized as significant and unavoidable according to CEQA, but would not be considered take according to the federal and state definitions. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including discussion of the bald eagle on pages 1 and 2. The Project would not result in take, as defined in California Fish and Game Code and the Bald and Gold Eagle Protection Act, so the Project is in compliance with both.

Response to FOF2-80

The Project is specifically designed to ensure that the majority of bald eagle perch trees are located within designated Conservation Areas and open space lots. Only three of the identified bald eagle perch trees are located within the boundaries of a proposed developable lot. However, as indicated in Mitigation Measure BR-4 (RRDEIR No. 2, page 2-59), such trees must be preserved in place upon Project completion. They may be removed only if they become a hazard to human health. If such perch trees are removed due to their hazardous nature, the Project Applicant must replace the perch trees with artificial perch trees on a 5:1 basis or enhance other trees by limbing and trimming them to make them suitable for eagle perching. Contrary to the commenter's assertions, just because a perch tree is located within a developable lot, does not automatically assure that the perch tree will not be protected. The perch trees that are within the developable lot are located near the boundaries of the lot allowing for development of the specific lots without interfering with the continued existence of the perch tree. The commenter requests that the County of San Bernardino evaluate a mitigation measure requiring each perch tree to be located within a conservation lot and preclude them from being removed other than on the occurrence of a natural event. As indicated above, Mitigation Measure BR-4 precludes removal of the perch trees unless, due to a natural event, they become a hazard to human health. The County of San Bernardino believes the Mitigation Measure BR-4 adequately addresses preservation of existing bald eagle perch trees and no further mitigation measure is required.

Response to FOF2-81

See Response to FOF2-77 through -80.

Response to FOF2-82

The commenter is correct that the RRDEIR No. 2 does identify potentially significant impacts to the American bald eagle. The Project will be developed consistent with the County of San Bernardino Plant Protection and Management Ordinance (County Code Section 89.0110(b)), which prohibits the removal of bald eagle perch trees within an identified American bald eagle habitat, unless the perch tree creates a hazardous condition. The RRDEIR No. 2 imposes multiple mitigation measures to reduce the impact to the bald eagle, including requirements to replace perch trees (should they become hazardous and require removal) at a ratio of 5:1 or enhancement of trees by limbing and trimming, as well as the replacement of trees 24 inches dbh and larger that are removed during construction activities at a ratio of 2:1. Contrary to the commenter's assertions, the EIR does require preconstruction surveys for active eagle and raptor nests prior to construction activity as part of the Project mitigation. Mitigation Measure BR-6 requires that a qualified biologist shall survey within the limits of project disturbance for the presence of any active raptor nests seven days prior to the onset

of construction activities. Furthermore, Mitigation Measure BR-6 requires preservation of active nests until nesting activities have ended. Additionally, Mitigation Measure BR-6 (RRDEIR No. 2, page 2-59) implements restrictions on construction activity between February 1 and July 31, the nesting season for raptors and bald eagles in the region. Additionally, Mitigation Measure BR-8 (RRDEIR No. 2, page 2-60) prohibits the use of the boat dock for motorized boating during the bald eagle nesting season. Accordingly, the EIR has implemented all feasible and reasonable mitigation measures to mitigate impacts to the bald eagle. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including discussion of the bald eagle on pages 1 and 2. The Project would not result in take, as defined in the California Fish and Game Code and the Bald and Gold Eagle Protection Act, so the Project is in compliance with both.

Please refer to Section 4: Errata of this FEIR, showing detailed revisions to mitigation measures.

Response to FOF2-83

See Response to FOF2-82. The RRDEIR No. 2 contains comprehensive analysis of potential impacts to sensitive species, including the American bald eagle from the loss of habitat due to development of the Project site. As discussed, the Project site consists of approximately 62 acres bounded by SR-38 and Big Bear Lake to the south, the community of Fawnskin to the west and northwest, existing residential development to the southeast and USFS-managed land to the north and northeast. The RRDEIR No. 2 noted the Project's potential impacts to sensitive species and applied all feasible mitigation to reduce impacts to less than significant levels, and where impacts cannot be reduced to less than significant levels (American bald eagle) all feasible mitigation was identified. For example, the RRDEIR No. 2 identified the scope of bald eagle habitat on the Project site and the potential for the species to use the site for nesting activities. The RRDEIR No. 2 noted that the bald eagle has been present on the Project site and that it could potentially nest on the Project site (RRDEIR No. 2, page 2-29). The bald eagle perch and roost locations were recorded and individual trees were marked with numbered tags. Exhibit 2-3 in the RRDEIR No. 2 notes the location of the perch trees. The RRDEIR No. 2 also concludes that the development of the Project could impact the bald eagle and, therefore, proposes a number of mitigation measures to lessen those impacts to the extent feasible. The bald eagle habitat is required to be preserved on-site to the extent feasible and any perch trees removed due to hazardous conditions must be replaced by artificial perch trees or existing trees must be enhanced at a 5:1 ratio. Accordingly, through implementation of the Project and compliance with the mitigation measures, the bald eagle habitat will be preserved and/or enhanced. The RRDEIR No. 2 did a similar analysis for other sensitive species in the area. The RRDEIR No. 2 also concluded that, because of the limited size of the Project site and its proximity to existing development and human habitation, development of the Project would not result in a significant impact due to incremental loss of habitat for some species. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including a summary table for impacts and conservation of special-status plant species.

Response to FOF2-84

The commenter notes statement from at 2002 Forest Service Burned Area Emergency Response team (BAER) reporting to show the significance of cumulative impacts to the bald eagle from

development of the Project site. It is noted that the BAER identified the Project site as important forging/perch habitat available for bald eagles. The RRDEIR No. 2 does not disagree with this conclusion and in fact concludes that the Project may have a significant impact on bald eagles. However, the assumption in the 2002 Forest Service BAER is that development of the site would result in the loss of suitable perch/nesting trees. Contrary to that conclusion, implementation of the mitigation measures identified in the RRDEIR No. 2 will preserve perch trees and/or enhance perch/nesting locations on the Project site. There will be no loss of perch trees from the Project. Therefore, there is no expected cumulative impacts to bald eagle from the Project.

Response to FOF2-85

The commenter concludes that Mitigation Measure BR-4 (RRDEIR No. 2, page 2-59) is inadequate and unenforceable and does not reduce the significance of the impacts to the bald eagle. The commenter provides no further support for this conclusion. Contrary, the County of San Bernardino believes that preservation of the perch trees and/or replacement with artificial perch trees within the Conservation Areas or enhancement of existing trees at a 5:1 ratio should any existing perch tree be removed because of hazardous condition does provide mitigation for the bald eagle. Any development that may occur within the Project site and in the individual lots must avoid impacts to trees larger than 24 inches dbh and their root structures to the maximum extent feasible. If any additional non-perch trees on-site larger than 24 inches dbh are removed, then a replacement ratio of 2:1 shall be required and replacement trees shall be 24-inch box trees or larger. However, the RRDEIR No. 2 duly notes that impacts will remain significant and unavoidable even after implementation of mitigation.

Response to FOF2-86

The commenter asserts that there are two trees currently used for forging by bald eagles that are omitted from Exhibit 3-2 in the RRDEIR No. 2. Although the commenter provides no evidence of the exact location of the subject tree or that it is used by bald eagles for perching/nesting, Mitigation Measure BR-4 (RRDEIR No. 2, page 2-59) is amended to require confirmation of perch trees prior to commencement of construction activity.

Response to FOF2-87

The commenter asserts that the RRDEIR No. 2 failed to analyze the Project's impacts on forging habitats of the bald eagle due to Project development. The RRDEIR No. 2 does conclude that the Project has a significant unavoidable impact on the bald eagle primarily due to the existence of human habitation and proximity to bald eagle forging habitat. The RRDEIR No. 2 concludes that despite imposition of mitigation measures regarding preservation of perch trees, replacing of perch trees, restriction of construction activity during nesting periods and restriction on the use of the marina during bald eagle nesting periods, the Project would still have a significant unavoidable impact to the bald eagle. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including discussion of the bald eagle. The Project would not result in take, as defined in California Fish and Game Code and the Bald and Gold Eagle Protection Act, so the Project is in compliance with both.

Response to FOF2-88
Please see Response to FOF2-87.

Response to FOF2-89
Please see Response to FOF2-87. The commenter asserts that Mitigation Measure BR-4 (RRDEIR No. 2, page 2-59) requiring placement of trees that are larger than 24 inches dbh with 24-inch box trees is inadequate as mitigation for impacts to the bald eagle. Mitigation Measure BR-4 requires development of the Project to conserve existing non-perch trees that are 24 inches dbh or larger, but if any such trees are lost during Project development, they must be replaced by 24-inch box trees or larger at a 2:1 ratio. The commenter does not provide any evidence supporting the conclusion that mitigation would not assist in reducing impacts to the bald eagle. As stated previously, impacts will remain significant and unavoidable irrespective of implementation of such mitigation.

Response to FOF2-90
The commenter asserts that the environmental baseline discussion of the Project Description is inadequate and inaccurate because some of the trees on the property have recently died or have been cut since the RRDEIR No. 2 was released from public review. Even assuming the commenter is correct and a number of pine trees have been removed from the Project site, the existing project description remains valid and legally adequate for CEQA purposes. The general description of the environmental setting and resources existing on-site is general in nature and intended to give the reviewing public an understanding of the environmental baseline against which the impacts to the Project are analyzed. The loss of a few trees does not alter the informational value presented by the existing project description, nor does it invalidate the environmental analysis on which it is based.

Response to FOF2-91
Contrary to the commenter's assertions, the Project will not impact any identified wetlands on the part of the Project site located south of SR-38. The supplemental focused rare plant survey prepared by Dr. Krantz (June 2008), included as an Appendix A.11 to the RRDEIR No. 2 confirmed, through Project site visit, that the area located south of SR-38 does not contain any wetlands. The shoreline habitat consists of ruderal shoreline plant species that does not support any sensitive plan or wildlife species.

Response to FOF2-92
See Response to FOF2-16. As indicated in the RRDEIR No. 2 and accompanying Supplemental Focused Rare Plant Survey prepared by Dr. Krantz (August 2010) and included as an Appendix A.11 to the RRDEIR No. 2, there are no pebble plain soils located on the Project site. The "pebble plain habitat" previously mapped within Lot A—as well as Lots 1, 2, and 3 as identified in previous botanical reports—has some of the soil characteristics of a true pebble plain but lacks the two indicator threatened plant species that accompany true pebble plain habitat. Therefore, there is technically no pebble plain on the property but merely pebble plain like soil conditions. Accordingly, the Project redesign to shift Lots 1, 2, and 3 into the area previously designated as the northern portion of Lot A and does not result in an increase in impacts resulting from the Project. On the contrary, the redesign to shift Lots 1, 2, and 3 results in a significant preservation of ashy-grey Indian paintbrush occurrences and habitat. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT

Consulting for additional analysis of known and potential special-status species and further explanation of the on-site rare plant habitat and soil types.

Response to FOF2-93
Exhibit 2-2 accurately reflects the area of potential impacts to ashy-grey Indian paintbrush occurrences and habitat. The area of the road not shown as within the area of impacts to ashy-grey Indian paintbrush is so designated because Focused Plant Surveys conducted by Dr. Krantz did not show any ashy-grey Indian paintbrush occurrences within the boundaries of the future roadway at those points.

Response to FOF2-94
Please see Response to CBD2-11 and -12. Fortunately, the "pebble plains-like" soils on-site inhibit most non-native plant species from becoming established in such habitats in the Big Bear area. There are, nonetheless, several non-native taxa that occur widely on pebble plains, most notably *Bromus tectorum* and *Erodium cicutarium.* As long as there is no surface disturbance of the clay-quartzite soils that comprise Lots A and H, these two ubiquitous, non-native annuals are not expected to become a serious problem on the rare plant Conservation Areas. The botanical monitoring program shall identify any non-native species issues and propose remedial actions if deemed necessary.

Response to FOF2-95
The southwestern willow flycatcher is a federal and State-listed endangered species. The analysis in the RRDEIR No. 2 and supporting Biological Resource Analysis concluded that although the potential for the species to occur on Project site as a forging migrant is high, its potential to nest on the Project site is considered low. Surveys for the species concluded that no breeding or individual southwestern willow flycatchers were detected on the Project site. Habitat along the shoreline is considered to be of low quality, lacking the dense growth or willow thickets favored by the species (RRDEIR No. 2, page 2-29). Therefore, impacts to this habitat is not considered a substantially significant impact requiring mitigation

Response to FOF2-96
Contrary to the commenter's assertions, the RRDEIR No. 2 did include a substantive analysis of potential impacts of the Project on the San Bernardino flying squirrel. A focused survey for San Bernardino flying squirrel was conducted on the Project site and results were negative. However, an individual of the species was trapped in 1998 by the USFS. The analysis concluded that the Project site provided suitable forging habitat for the species and a potential for the occurrence is considered high despite the negative focused survey. Based on the moderate potential for occurrence, the RRDEIR No. 2 proposed Mitigation Measure BR-3 (RRDEIR No. 2, page 2-58) has been revised to require the following:.

BR-3 ~~The project proponent shall have a biologist qualified with San Bernardino flying squirrel (SBFS) as a monitor during tree removal. Minimize the number of trees, snags, and downed wood removed for project implementation. Compensating the removal of snags containing cavities; this would be achieved by constructing and erecting two nest boxes and one aggregate box per snag removed. Appendix A of this Revised and Recirculated Draft EIR No. 2 provides the specifications of the nest and aggregate~~

~~boxes (Flying Squirrels 2007). These boxes should be located on the adjacent U.S. Forest Service (USFS) land (with their permission) and the locations marked with a global positioning system. The locations of the boxes shall be provided to the USFS so that their biologists could monitor the boxes for occupation by SBFS.~~

~~Provide new homeowners with a flyer that would provide information on the biology of SBFS and how they are susceptible to depredation by cats. The flyer would also outline steps that homeowners could take to reduce their urban edge effects.~~

Given the negative results of on-site surveys and the available technical and peer reviewed literature, negative effects to the San Bernardino flying squirrel are not expected. However, because marginal foraging habitat was found on-site, the following mitigation measures will be implemented in the lots with densely forested areas and snags. These mitigation measures are to be implemented to avoid and minimize impacts to San Bernardino flying squirrels:

- The Project Applicant shall have a qualified biologist as a monitor just prior to and during all tree removal on-site.
- Minimize the removal of large coarse woody debris (>10cm diameter), which provide microhabitat for the growth of hypogeous fungi.
- Limit removal of standing snags (>25cm dbh) and large trees (>25cm dbh), which provide both structural complexity and potential nesting habitat.
- Prioritize the retention of large trees and snags with visible potential cavity nesting structures, which are associated with higher densities of northern flying squirrels.
- Minimize the loss of continuous canopy closure, especially in the drainages, which provides protection from predators while foraging and may play an important role in maintaining habitat connectivity.
- The Project Applicant must compensate for the removal of suitable habitat through construction and erection of two nest boxes and one aggregate box per snag removed.
- The Project Applicant is required to provide homeowners with information on the biology of the San Bernardino flying squirrel and suggest steps that homeowners can take to reduce their urban-edge effects.
- All subsequent home developers must comply with these provisions which shall be enforced by the County of San Bernardino through implementation of the Mitigation Monitoring and Reporting Program as mandated by CEQA.

If the monitoring biologist observes a San Bernardino flying squirrel during pre-construction and/or construction monitoring, the biologist will immediately halt work until the occupied tree can be vacated prior to felling the tree; however, if the work is during the nesting season (generally March through May), when baby squirrels could be present, the nest will not be vacated until after the nesting season ends (June 1st), as cleared by the monitoring biologist.

Please refer to Section 4: Errata of this FEIR, showing detailed revisions to mitigation measures.

With limited habitat disturbance and implementation of mitigation measures, the RRDEIR No. 2 includes substantial evidence that impacts the San Bernardino flying squirrel will be less than significant.

Response to FOF2-97
The commenter asserts that the Project EIR did not include an arborous survey regarding Jeffrey Pines and other native forest trees on the site. The commenter also asserts that such survey is recommended by the County of San Bernardino Native Plant Protection and Management Policies. The County of San Bernardino Code Chapter 88.01 does regulate management of plant resources in unincorporated areas of the County. This Code provision requires a tree or plant removal permit under certain circumstances. Section 88.01.050 provides that the County of San Bernardino *may* require certification from an appropriate arborous, registered professional forester, or a desert native plant expert to support the issuance of removal permit. Such arborous analysis is only required, if at all, through the tree removal permit process. Should a tree removal permit be required as part of implementation of the Project, appropriate conditions thereto shall be determined at the time of permit application.

Please refer to Section 4: Errata of this FEIR, showing detailed revisions to mitigation measures.

Response to FOF2-98
The commenter asserts that Mitigation Measure BR-5 (RRDEIR No. 2, page 2-59) has no "long term enforceability and therefore ineffective as mitigation." The commenter also ask who will be checking if individual property owners call an arborist and ask for trees to be removed.

The first comment simply makes a naked conclusion that there is no long-term enforceability without any discussion. As identified in the mitigation measure, the enforceability is perpetual and there is no distinction between short-term and long-term enforceability.

With regards to the second comment, the answer is that no individual or entity will be checking to see if an individual property owners call an arborist and ask for trees to be removed. The reason for that answer is that no mitigation measure has been proposed regarding calls to an arborist. Such a mitigation measure would be infeasible, and if it could be implemented, that measure would be less effective compared to the proposed mitigation measures that mitigate any potential impact to a level that is less than significant. Prior to vegetation clearing, grading, or other disturbance, the Project site shall be surveyed to identify all large trees (i.e., greater than 20 inches in diameter at 4.5 feet from the ground) within 600 feet from the high water line. Trees identified on the Project site as having a diameter in excess of 20 inches at 4.5 feet from the ground within 600 feet of the shoreline shall be documented and tagged. Any development that may occur within the Project site and in the individual lots shall avoid impacts to tagged trees and their root structures. If such trees cannot be avoided, their removal shall be coordinated with the County of San Bernardino to minimize impacts to the extent feasible. All construction or landscaping improvements, including irrigation, will be prohibited on or around the exposed root structures or within the dripline of these trees. These restrictions on development of individual lots must be clearly presented and explained to any

potential prospective developers and/or homeowners prior to assumption of title and close of escrow. This measure shall be identified as a Note on the Composite Development Plan.

Response to FOF2-99

The RRDEIR No. 2 included a substantive discussion about the Project potential impacts to the southern rubber boa, a species of concern on the federal level and the State-listed threatened species. The analysis is supported by multiple focused surveys conducted to determine whether the southern rubber boa occupies the Project site. Both focused surveys confirm the absence of this species on-site. The focused surveys noted that the species usually occurs in moist woodlands and conifer forests with deep, well-developed soils. Surveys noted that there is a lack of historical records indicating southern rubber boa occurrences in the immediate vicinity of the Project site, and the negative results of two independent focused surveys, the EIR concluded that the southern rubber boa had a low potential to occur on the Projects site. The commenter asserts that "the survey stops short of following recommended DFG protocol." However, the commenter does not indicate what component of the surveys failed to comply with CDFW protocol. To the contrary, the 2007 Focused Survey was conducted by Glenn Stewart, PhD, Professor of Zoology and Environmental Sciences, Cal Poly Pomona, a noted authority on the southern rubber boa. Based on his survey of the Project site and his vast and extensive knowledge of the southern rubber boa, the EIR concluded that the Project would not result in impacts to the southern rubber boa (see Appendix J of this 2020 Final EIR). Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species. Furthermore, Dr. Stewart's habitat assessment showed that the Moon Camp Tract is poor southern rubber boa habitat and is outside the area mapped as potential southern rubber boa habitat in the Forest Service habitat management guide. There have been no southern rubber boa sightings in the area; therefore, there is no suitable habitat to map.

Response to FOF2-100

The commenter asserts that the mitigation for southern rubber boa "Mitigation Measure BR-2" (RRDEIR No. 2, page 2-58) is inadequate since the required setbacks would be on private lots and there are no enforcement options provided that would assure its effectiveness. Mitigation Measure BR-2 requires that trees and downed-logs remain in place and that a 50-foot setback "measured on each side of the center line" must be maintained along the deepest ravine at the eastern edge of the property. Although it may be true that the setbacks would extend into private developable lots, the County of San Bernardino, as approving agency will enforce compliance with this mitigation measure. Accordingly, the County of San Bernardino believes that Mitigation Measure BR-2 is sufficient to mitigate potential impacts to the southern rubber boa. Refer to the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species (see Appendix I of this 2020 Final EIR). Furthermore, Dr. Stewart's habitat assessment (February 2007) showed that the Moon Camp Tract is poor southern rubber boa habitat and is outside the area mapped as potential southern rubber boa habitat in the Forest Service habitat management guide. There have been no southern rubber boa sightings in the area; therefore, there is no suitable habitat to map.

Response to FOF2-101
The RRDEIR No. 2 includes a discussion of whether the Project would impact existing wildlife corridors and wildlife movement.

The Project site is identified on the County of San Bernardino Land Use Plan—General Plan—Open Space Element map as a Major Open Space Area. Specifically, it is listed as Major Open Space Area Number 42, Big Bear Lake Watershed, with the following description: "Big Bear Lake Watershed-This area includes the entire watershed of Big Bear Lake, and contains a number of specialized habitat area, which support a large number of endangered plants and animals (as well as commonly occurring mountain species). Habitat values here should be maintained, potentially by controlling development to prevent damage to important habitat areas." While the San County of Bernardino Land Use Plan—General Plan—Open Space Element map does identify "Wildlife Corridors" within the county, according to the map, the Project site does not fall within a Wildlife Corridor. The Project site is located within what is designated as a "Policy Area." This designation is not defined on the map or within the General Plan documents. The Project area is not located within any other designation listed on the map. The map is available at http://cms.sbcounty.gov/Portals/5/Planning/ZoningOverlaymaps/OpenSpaceCountywide.pdf

Contrary to the commenter's assertions, the Project would not result in a substantially significant impact due to the destruction or impairment of wildlife corridor. The Project represents continuation of residential development to the east, along the north shore of Big Bear Lake. The Project site is bounded on the west and northwest by existing residential development in the community of Fawnskin. The Project is further bordered by Big Bear Lake and SR-38 to the south of the Project site with further existing residential development to the south and southeast of the Project site. As such, wildlife movement and use of the Project site as a wildlife corridor is currently constrained by existing development and other features restricting wildlife movement.

As such, development of the Project will not result in the destruction or impairment of existing wildlife corridors.

Response to FOF2-102
The commenter asserts that the RRDEIR No. 2 improperly characterizes SR-38 as a barrier to wildlife movement along the Project site. The commenter's opinion is noted and will be presented to the decision-makers prior to certification of the 2020 Final EIR.

Response to FOF2-103
The commenter asserts that Mitigation Measure BR-11 (RRDEIR No. 2, page 2-61) has been shown to be ineffective and therefore is not valid, or legally enforceable mitigation. Mitigation Measure BR-11 requires the Project Applicant to post signs along the northern and eastern perimeter of the Project site, where the property boundary abuts the USFS open space, indicating the existence of sensitive plant and wildlife habitat on federal lands and to request that people utilize existing trails on such federal lands to limit the amount of human disturbance on the adjacent natural open space areas. The analysis included in the RRDEIR No. 2 acknowledged that the Project could result in an indirect impact to the adjacent Forest Service open space natural habitat areas (RRDEIR No. 2, pages 2-51 and 2-52). Of note, the RRDEIR No. 2 noted that the Polique Canyon pebble plains are situated on

the USFS land approximately 1,056 feet northeast of the Moon Camp Project site at an elevation of about 200 feet above the Project site. The County believes that Mitigation Measure BR-11 is sufficient to mitigate any potential impacts to the extent feasible. First, there is no evidence to suggest that future residents of the Project site, as a matter of course, will hike into the USFS open space areas where no designated trails exist. This is particularly true considering the severe increase in grade moving north into USFS lands. Additionally, neither the Project Applicant nor the County of San Bernardino has a legal authority to preclude public access to federal lands which are not otherwise closed to public access. Accordingly, requiring the signage to be placed on the northern and eastern boundaries of the Project site adjacent to the USFS lands is sufficient to mitigate any potential impact that may be caused by development of the Project.

Response to FOF2-104

The commenter asserts that Mitigation Measure BR-12 (RRDEIR No. 2, page 2-61) is ineffective and unenforceable as a mitigation measure because "there is no agency that could conceivably be expected to follow through on checking to be certain that homeowners are not planting invasive or non-native species." Mitigation Measure BR-12 requires a landscaping plan to be submitted for the entire tract prior to recordation of the final subdivision map. The County of San Bernardino, prior to recordation of the final subdivision map, shall review and approve the landscaping plan for the Project. A note will be placed on the Composite Development Plan indicating that all future landscaping plans submitted for approval by individual lot owners shall conform to the landscaping plan for the entire tract. The requirement that each individual lots landscaping plan be consistent with the overall landscaping plan approved for the Project shall also be included as a requirement in the Project CC&Rs. To be legally adequate mitigation, the mitigation measure needs to be enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Sections 15126.4(A)(2)). Here, mitigation measure is enforceable through multiple mechanisms, including a County-approved landscape plan, as well as provisions of the Project CC&Rs. Such enforcement mechanisms are appropriate and render the mitigation legally adequate. The commenter's opinion that the County of San Bernardino will not enforce such mitigation measures will be forwarded to County of San Bernardino decision-makers prior to certification of the EIR.

Response to FOF2-105

The noted 100-foot fuel modification setback discussed in the RRDEIR No. 2 is mandated by the County of San Bernardino Fire Department pursuant to County ordinance. The Project will comply with all existing County of San Bernardino and USFS fuel modifications and requirements. As discussed in the RRDEIR No. 2, there are multiple mitigation measures proposed that will result in the preservation of sensitive plant and wildlife habitat. Implementation of fuel modification requirements consistent with County ordinance will not result in additional potentially significant impacts not identified in the RRDEIR No. 2 and mitigated through implementation of Mitigations Measures BR-1 through BR-2 (RRDEIR No. 2, page 2-57 and 2-58). Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species. Specifically, see pages 2 through 4 for discussion of this species.

Response to FOF2-106

Please see Response to FOF2-67. Contrary to the commenter's assertions, the RRDEIR No. 2 did analyze the Project's impact to the federally threatened ashy-grey Indian paintbrush both on an individual occurrence basis *and* occupied habitat basis. As discussed on page 2-45 of the RRDEIR No. 2, the Project, with its redesigned lot configuration and additional Conservation Areas, will preserve 4,895 of the 5,567 occurrences on the Project site. This represents 88 percent of the total occurrences of ashy-grey Indian paintbrush within the Project site (RRDEIR No. 2, page 2-19). Additionally, Appendix I of this 2020 Final EIR, dated May 23, 2018 provides an updated analysis of the ashy-grey Indian paintbrush habitat; the analysis concluded that the Project included approximately 7.17 acres of ashy-grey Indian paintbrush habitat. A total of 4.84 acres of the occupied ashy-grey Indian paintbrush habitat is included within Lot A and Lot H Conservation Areas. The remaining 2.87 acres of ashy-grey Indian paintbrush habitat will be disturbed by development of the Project. That 2.87 acres is located within Lots 1 through 45, Lots 47 through 50 and portions of Lot F, and road right-of-ways (RRDEIR No. 2, page 2-45). Accordingly, the analysis does analyze impacts to the ashy-grey Indian paintbrush both on an occurrence basis, as well as a habitat basis. Contrary to the commenter's assertions, the RRDEIR No. 2 was not required to analyze a project alternative that avoided all impacts to the ashy-grey Indian paintbrush. CEQA requires an EIR to describe a reasonable range of alternatives to the Project, which would feasibly obtain most of the basic objectives and would avoid or substantially lessen the significant effects of the Project (CEQA Guidelines Section 15126.6). An EIR not need consider and analyze every conceivable alternative to a Project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation (CEQA Guidelines Section 15126.6(a)). Here, the RRDEIR No. 2 did not identify a significant impact to the ashy-grey Indian paintbrush (RRDEIR No. 2, page 2-62). Accordingly, the EIR's range of alternatives did not need to include an alternative that avoided all ashy-grey Indian paintbrush occurrences on-site. Moreover, the commenter misrepresents the stated threshold of significance utilized in the RRDEIR No. 2 for impacts to sensitive plant species. The threshold of significance is whether the project "has a *substantial* adverse effect, through either direct, or indirect, modification of potential or suitable or occupied habitat, or direct take, to any species identified as a candidate, sensitive, or special-status species, in local or regional plans, policies, or regulations, or by the CDFG or USFWS." (RRDEIR No. 2, page 2-43). Pursuant to this threshold of significance, the Project will not have a significant impact on a sensitive plant species just because it has *any effect*. Effect needs to be substantial and adverse. Mere net reduction in number of species is not, in and of itself, a significant impact. Based on the design of the Project, the creation of Conservation Areas (Lot A, Lot H, and Dixie Lee Lane property), as well as other identifiable mitigation included in the RRDEIR, (Mitigation measures BR-1a through BR-1d there is substantial evidence to support the determination that the Project will not have a significant unavoidable impact on the ashy-grey Indian paintbrush.

The permanent protection of the vast majority of the ashy-grey Indian paintbrush plants on-site in Letter Lots A and H, together with the protection of the Dixie Lee Lane pebble plain with its full suite of Threatened and Endangered plant species, comprise a mitigation program that more than compensates for the loss of some habitat/plants as a result of development. The County of San Bernardino believes that the permanent protection of ashy-grey Indian paintbrush occurrences and

habitat on-site and at Dixie Lee Lane represents adequate mitigation for potential adverse impacts to rare plants on-site.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species. Specifically, see pages 2 through 4 for discussion of this species.

Response to FOF2-107
Please see Response to ELIASON-18 and Response to FOF2-62. Four other list 1B rare plants occur on-site: *Arabis parishii, Ivesia argyrocoma, Mimulus purpureus,* and *Phlox dolichantha.* All four of these species, although restricted or nearly restricted to the Big Bear area (the *Mimulus* and *Ivesia* both also occur in Baja California), are distributed rather widely throughout the area, occurring in a wide range of habitats other than pebble plains. All four of these species are found on the Dixie Lee Lane pebble plain and adjacent black oak woodland (*Phlox dolichantha*). The *Arabis parishii, Ivesia argyrocoma, and Mimulus purpureus* all occur on Lots A and H as well. *Arabis parishii* occurs primarily on the knoll pebble plain-like soils and several plants on the small openings on Lots 32 and 34. *Ivesia argyrocoma* occurs primarily on the knoll and rear swale of Lot 50. *Mimulus purpureus* occurs rather widely in forest openings, occurring in openings in the Jeffrey pine forest and on Lots A and H. *Phlox dolichantha* occurs widely on steeper, black oak-wooded slopes, as below the USFS Polique Canyon pebble plain, and also under black oaks on edges of the Dixie Lee Lane pebble plain. All four occur on and around the Dixie Lee Lane pebble plain in greater densities than here. See also Response CBD2-3 and CBD2-4 concerning distribution of these four List 1B species. "Mandatory Findings of Significance," as cited under the CEQA, require that an Environmental Impact Report must be prepared to address these potential impacts to the environment. This has been done not once, but twice in the case of the Moon Camp Project—once for the initial 100-lot proposal and again, in response to the findings of the first DEIR, for the 50-lot proposal; and then the DEIR has been recirculated yet again concerning the revised Lot configurations and Letter Lots proposed with the current revised Application.

Response to FOF2-108
The commenter claims that the EIR does not contain any analysis regarding the Project site being located in a 50-year or 100-year flood plain, though historic photographs tend to suggest that the Project site is vulnerable to flooding. The analysis of the Project site's potential to be subject to flooding is not a topic of the RRDEIR No. 2 and therefore is beyond the scope of this document. However, as discussed in the RRDEIR No. 1, the Project area is located in flood control district zone number 6, which is a low-flood potential zone. This is because the upstream watershed is relatively small and run-off is incapable of producing floods with huge amounts of water (RRDEIR No. 1, page 4.4-7). Despite the low probability of significant flooding on the Project site, RRDEIR No. 1 applied Mitigation Measures HYD-1 through HYD-3 (RRDEIR No. 1, page 4.4-15) to reduce the potential of flooding on-site to less than significant levels.

Response to FOF2-109
The RRDEIR No. 2 includes comprehensive discussion of potential impacts to special-status plant species from the loss of habitat due to construction of the Project. For instance, the RRDEIR No. 2 indicates that approximately 50 acres of Jeffrey Pine Forest, including 13.818 acres of open Jeffrey

Pine Forest are present on the Project site and will be impacted by development of the Project. However, the RRDEIR No. 2 also indicates that there are approximately 58,526 acres of Jeffrey Pine Forest within the San Bernardino National Forest (RRDEIR No. 2, page 2-49). Therefore, development of the Project resulting in the loss or disturbance of 50 acres of Jeffrey Pine Forest does not result in a significant impact to the Jeffrey Pine Forest habitat, and the special-status wildlife species that occupies such habitat considering the amount of similar habitat that continues to exist in proximity to the Project site, including those portions of the USFS-managed land adjacent to the Project site. Moreover, the RRDEIR No. 2 analyzed impacts to federally listed ashy-grey Indian paintbrush due to development of the Project. The RRDEIR No. 2 noted that development of the Project will disturb suitable habitat for the ashy-grey Indian paintbrush but that the loss of this habitat will not result in a significant impact to the ashy-grey Indian paintbrush because of the creation of Lot A and Lot H Conservation Areas along with the revised Project design that limits impacts to ashy-grey Indian paintbrush occurrences and habitat, as well as implementation of Mitigation Measure BR-1A (RRDEIR No. 2, page 2-57), which requires permanent conservation of a 10-acre parcel that contains high-quality pebble plain habitat and ashy-grey Indian paintbrush occurrences. Accordingly, the County of San Bernardino believes that the RRDEIR No. 2 does in fact contain inadequate analysis regarding impacts to sensitive species through loss of habitat. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species. Specifically, see pages 2 through 4 for discussion of this species.

Response to FOF2-110

The commenter asserts that the RRDEIR No. 2 should have included an analysis regarding the Project potential impacts to the spotted owl. The California spotted owl is a federal species of concern and a State species of special concern. This species occurs in all of the major mountain ranges in southern California. Focused surveys were conducted for the California spotted owl on the Project site. The surveys concluded that one male spotted owl was detected approximately 1 mile to the northwest of the Project site but no nesting pairs or individuals were observed on the Project site. The San Bernardino National Forest has been conducting focused spotted owl surveys for several years, and is monitoring the non-breeding owls, which are located in territories several miles north of the Project site in the dense conifer forest. Although the spotted owl could use the Project site for forging, the loss of the forging habitat has less than significant impact. The Project site makes up only approximately 62 acres of open Jeffrey Pine Forest located close to existing development in the community of Fawnskin. The loss of 62 acres of potential forging habitat is not a potentially significant impact to the California spotted owl considering the thousands of acres of similar habitat remaining throughout the Big Bear Valley, the majority of which remains under the control of the USFS. Accordingly, the County of San Bernardino believes that the analysis in the RRDEIR No. 2 regarding impacts to the California spotted owl is adequate.

Response to FOF2-111

Please see Response to FOF2-110. Contrary to the commenter's assertions, the County of San Bernardino believes that the mitigation measures incorporated into the RRDEIR No. 2 to reduce impacts to the San Bernardino flying squirrel are adequate to reduce impacts to less than significant levels. The RRDEIR No. 2 proposes Mitigation Measure BR-3 (RRDEIR No. 2, page 2-58), revised to require the following:

BR-3 ~~The project proponent shall have a biologist qualified with San Bernardino flying squirrel (SBFS) as a monitor during tree removal. Minimize the number of trees, snags, and downed wood removed for project implementation. Compensating the removal of snags containing cavities; this would be achieved by constructing and erecting two nest boxes and one aggregate box per snag removed. Appendix A of this Revised and Recirculated Draft EIR No. 2 provides the specifications of the nest and aggregate boxes (Flying Squirrels 2007). These boxes should be located on the adjacent U.S. Forest Service (USFS) land (with their permission) and the locations marked with a global positioning system. The locations of the boxes shall be provided to the USFS so that their biologists could monitor the boxes for occupation by SBFS.~~

~~Provide new homeowners with a flyer that would provide information on the biology of SBFS and how they are susceptible to depredation by cats. The flyer would also outline steps that homeowners could take to reduce their urban edge effects.~~

Given the negative results of on-site surveys and the available technical and peer reviewed literature, negative effects to the San Bernardino flying squirrel are not expected. However, because marginal foraging habitat was found on-site, the following mitigation measures will be implemented in the lots with densely forested areas and snags. These mitigation measures are to be implemented to avoid and minimize impacts to San Bernardino flying squirrels:

- The Project Applicant shall have a qualified biologist as a monitor just prior to and during all tree removal on-site.
- Minimize the removal of large coarse woody debris (>10cm diameter), which provide microhabitat for the growth of hypogeous fungi.
- Limit removal of standing snags (>25cm dbh) and large trees (>25cm dbh), which provide both structural complexity and potential nesting habitat.
- Prioritize the retention of large trees and snags with visible potential cavity nesting structures, which are associated with higher densities of northern flying squirrels.
- Minimize the loss of continuous canopy closure, especially in the drainages, which provides protection from predators while foraging and may play an important role in maintaining habitat connectivity.
- The Project Applicant must compensate for the removal of suitable habitat through construction and erection of two nest boxes and one aggregate box per snag removed.
- The Project Applicant is required to provide homeowners with information on the biology of the San Bernardino flying squirrel and suggest steps that homeowners can take to reduce their urban-edge effects.
- All subsequent home developers must comply with these provisions which shall be enforced by the County of San Bernardino through implementation of the Mitigation Monitoring and Reporting Program as mandated by CEQA.

> If the monitoring biologist observes a San Bernardino flying squirrel during pre-construction and/or construction monitoring, the biologist will immediately halt work until the occupied tree can be vacated prior to felling the tree; however, if the work is during the nesting season (generally March through May), when baby squirrels could be present, the nest will not be vacated until after the nesting season ends (June 1st), as cleared by the monitoring biologist.

Please refer to Section 4: Errata of this FEIR document, showing detailed revisions to mitigation measures.

With limited habitat disturbance and implementation of mitigation measures, the RRDEIR No. 2 includes substantial evidence that impacts the San Bernardino flying squirrel will be less than significant.

The commenter has provided no evidence that suggests any residual impacts to the San Bernardino flying squirrel from development of the Project that will result in a potentially significant impact to the California spotted owl. The commenter's opinion will be forwarded to the decision-maker for consideration prior to certification of the EIR.

Response to FOF2-112

The commenter asserts that the Project is inconsistent with certain goals for the County of San Bernardino General Plan related to managing natural resources. The County of San Bernardino respectfully disagrees with the commenter that the Project is in fact inconsistent with the General Plan goals listed by the commenter. The commenter's opinion will be forwarded to the decision-make for consideration prior to certification of the EIR.

Response to FOF2-113

This summary comment is noted. The comment is a summary and conclusion of the comment letter and does not address any specific issues regarding the RRDEIR No. 2.

Slowik, Matt - LUS

From: Martinez, Samuel
Sent: Monday, January 23, 2012 4:24 PM
To: Slowik, Matt - LUS
Subject: NOA Revised and Re-circulated Draft EIR No. 2 for the Moon Camp Project
Attachments: LAFCO Response to Mooncamp DEIR 1-23-12.pdf

Matt,

Attached is LAFCO's response to the Notice of Availability of the revised/re-circulated Draft EIR. Hard-copy is in the mail. 1

Thank you,

Sam

Samuel Martinez
San Bernardino Local Agency Formation Commission
909.383.9900 - fax 909.383.9901
215 North D Street, Suite 204
San Bernardino, CA 92415-0490

LOCAL AGENCY FORMATION COMMISSION

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LEGAL COUNSEL

CLARK H. ALSOP

January 23, 2012

Matthew W. Slowik, Senior Planner
Land Use Services Department, Planning Division
385 N. Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

RE: Notice of Availability of the Revised and Re-circulated Draft EIR No. 2 for the Moon Camp Project: General Plan Amendment and Tentative Tract Map (TTM #16136)

Dear Mr. Slowik:

The Local Agency Formation Commission (LAFCO) received the Notice of Availability (NOA) of the Moon Camp Project identified above. The NOA specifically limits the comments to the three revised sections of the Draft EIR – Executive Summary (Section ES), Project Description (Section 1), and Biological Resources (Section 2). After reviewing the documents, LAFCO has the following comments and/or concerns:

Water Service Options and Infrastructure, beginning on Page 1-15 (Section1, Project Description)

This section identifies three water service options. The first option, identified as Alternative #1, make statements that are either incorrect or confusing to the reader.

- First, it discusses annexation of the project area to the DWP's service area. Annexation, in the context of the LAFCO process, is construed to mean adding an area to the boundaries of an agency. In this scenario, since the DWP is a department of the City, annexation would mean that the project site will have to be annexed into the City of Big Bear Lake, which is not what this alternative is envisioning.

- Secondly, this section also identifies that the "DWP cannot provide water service without first complying with the provisions of Government Code (GC) Section 56133, which pertains to the Local Agency (not Area) Formation Commission ***annexation*** process."

1 CONT

Again, this statement is incorrect because GC Section 56133 pertains to the ability of an agency, whether a city or a special district, to provide service(s) outside its boundaries - not LAFCO's annexation process.

If the project anticipates water service through Alternative #1, the project will need an Out-of-Agency Agreement/Contract with the City of Big Bear Lake (since the DWP is a department of the City) to extend water service outside its jurisdiction. This service agreement will have to be reviewed by LAFCO prior to approval, pursuant to the provisions of GC Section 56133. However, one of the requirements of providing service outside an agency's jurisdictional boundaries, as outlined in GC Section 56133 (b), is that the area must be within the agency's sphere of influence. Therefore, in order to comply with the provisions of GC Section 56133, the project area must first be added to the City of Big Bear Lake's sphere of influence. This sphere expansion proposal for the City will require LAFCO approval.

1 CONT

Based on these comments, LAFCO suggests the following corrections to the Draft EIR:

Water Service Options and Infrastructure

There are currently three (3) separate water service options for the 2011 Alternative Project. Under Alternative #1, significant improvements to the Big Bear Department of Water and Power (DWP) upper Fawnskin pressure zone are necessary to provide water service to the site. The three ground water production wells located within the Project site would be deeded to the DWP at the time the tract map is recorded. **The project site is currently not within the water service area of the DWP. Therefore, Alternative #1 proposes to provide water service to the project through an out-of-agency service agreement, pursuant to Government Code Section 56133. This service agreement with the City of Big Bear Lake (since the DWP is a department of the City) will have to be reviewed and approved by the Local Agency Formation Commission (LAFCO), pursuant to the provisions of Government Code Section 56133.** ~~Annexation to the DWP's authorized service area is required for DWP to be the water service provider~~. DWP has conducted a Water Feasibility Study (Alda 2007), and provided a conditional will serve letter to the Applicant. However, ~~the majority of~~ the Project site is ~~outside of the DWP authorized service area as well as~~ **currently not within** the City's Sphere of Influence. **Therefore, in order to comply with the provisions of Government Code Section 56133,** ~~DWP cannot provide water service without first complying with the provisions of Government Code Section 56133, which pertains to the Local Area Formation Commission (LAFCO) annexation process. In order for the DWP to provide water service to the Project site and to own and operate the 2011 Alternative Project's water system,~~ LAFCO ~~would~~ **will also** have to approve an expansion of the City of Big Bear Lake's Sphere of Influence to include **the project site before it can consider the City's request to serve outside its boundaries.** ~~the entire existing DWP Water Service Area in Fawnskin as well as the entire Project site~~. The developer would be required to construct the on-site and off-site facilities as described in the DWP's Water Feasibility Study (Alda 2007), as amended by the 2011 update, as discussed below.

2

Thank you again for allowing us to provide comments to the Revised and Re-circulated Draft EIR No. 2 for the Moon Camp Project. If you have any questions concerning the information outlined above, please do not hesitate to contact me or Samuel Martinez,

Assistant Executive Officer, at (909) 383-9900. Please maintain LAFCO on your distribution list to receive further information related to this process. We look forward to working with the County and the City (and its DWP) on the future processing of this project.

Sincerely,

KATHLEEN ROLLINGS-McDONALD
Executive Officer

cc: Reggie Lamson, General Manager, City of Big Bear Lake DWP

Local Agency Formation Commission (LAFCO)

Response to LAFCO-1
The commenter provides introductory comments to preface the letter. No response is necessary.

Response to LAFCO-2
The commenter provides suggested revision to text provided within Section 1, Project Description, of the RRDEIR No. 2, page 1-1. Subsequent to circulation of the RRDEIR No. 2 for public review and receipt of the comment letter from the commenter, the Project Applicant has secured the services of a water supply agency to provide potable water service. As discussed in the RRDEIR No. 2, County of San Bernardino CSA 53C has authority to provide water and wastewater services to the Project site. However, CSA 53C does not have potable water facilities in the Big Bear Valley and are unable to economically provide water service to the Project site. By way of an Outside Service Agreement for Potable Water Services between CSA 53C and the BBDWP, BBDWP has agreed to be the water supplier to the Project. Consistent with the analysis in the RRDEIR No. 2, DWP will own the water distribution facility as well as the on-site groundwater wells. Appropriate changes to the EIR text have been made and included in the Final EIR Errata section.

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Slowik, Matt - LUS

From: Drew Feldmann [drewf3@verizon.net]
Sent: Tuesday, February 07, 2012 4:07 PM
To: Slowik, Matt - LUS; akeats@biologicaldiversity.org; karsten33@gmail.com; kimffloyd@verizon.net; JBrandt@dfg.ca.gov; Kelly, Christine - LUS; Derry, Neil; Watson, George; kstitt@earthlink.net
Subject: Moon camp
Attachments: Audubon RDEIR MoonCamp comments 2-12.pdf

Mr. Slowik,

Please see the attached comments.

Thank you.

Drew Feldmann
Conservation Chair, San Bernardino Valley Audubon Society

San Bernardino Valley Audubon Society
P. O. Box 10973, San Bernardino, California 92423-0973

February 7, 2012

Matt Slowik
County of San Bernardino
Land Use Services Department, Advanced Planning Division
385 North Arrowhead Avenue 1st Floor
San Bernardino, California 92415-0182

By email to: mslowik@lusd.sbcounty.gov

Subject: Revised and Recirculated Draft Environmental Impact Report No. 2
MOON CAMP 50-Lot Residential Subdivision, TT No. 16136, SCH #2002021105

Dear Mr. Slowik,

The *San Bernardino Valley Audubon Society* ("Audubon") appreciates the opportunity to comment on the Revised and Recirculated Draft Environmental Impact Report No. 2 (RDEIR) referenced above for the Moon Camp development project and marina in the Fawnskin area of Big Bear Lake.

Audubon is a nonprofit all-volunteer organization that represents some 2000 residents of the Inland Empire, who greatly enjoy the public benefits of the San Bernardino National Forest as one of the most outstanding natural areas of Southern California. Many of our members reside in the mountain area, and our Audubon Society regularly schedules eagle observation and other outings in the Big Bear Lake area. We have consistently advocated for high standards in safeguarding the unique character and natural resources of the mountain environment in compliance with all the laws and policies governing the County of San Bernardino. 1

The adverse impacts resulting from the proposed project would be significantly detrimental to the community of Fawnskin, to the rare North Shore open space, the citizens of Big Bear Valley, the San Bernardino National Forest and the general public. Given the latest facts on recurring fire hazard in the mountain area, overdraft of local water resources, insupportable infrastructure, major public safety issues related to overdevelopment and limited evacuation capability, and the excessive fragmentation of wildlife and National Forest resources, it is disturbing that the full project impacts have not been adequately represented or disclosed in the RDEIR. 2

The RDEIR acknowledges that future development proposals must be judged on a proven ability to provide adequate infrastructure and maintain consistency with the goals and policies of the 2007 Bear Valley Community Plan. However, the proposed project and required zoning change are not consistent with the community plan. Neither has the project fully demonstrated that adequate infrastructure in respect to water availability and fire protection services (including mountain-wide evacuation plans) is available to serve the proposed housing development. 3

<u>Failure to Adequately Analyze the Proposed General Plan Amendment</u>

The RDEIR fails to adequately address the most important component of the 50-unit proposal, which is the unsupportable request to amend the County General Plan to eliminate the existing 4

low-density rural land use designation of the site. The proposal needs to be recognized as an unwarranted change that would open the door to a host of adverse consequences that presently are wisely prohibited. As this fact is not accurately disclosed or acknowledged in the RDEIR, Audubon believes that no valid justification for approving project has been provided. 4 CONT

Criteria for a General Plan Amendment

The following is the Development Code criteria for a General Plan amendment that proposes to change to the existing land use zoning designation.

86.12.060 Findings and Decision
An amendment to the General Plan, this Development Code, a Community Plan, or an Area Plan may be approved only if all of the following findings are made, as applicable to the type of amendment.

(a) Findings for General Plan, Community Plan, or Area Plan amendments.

(1) If the amendment pertains only to changing a portion of the text of the plan, the Board shall first make both of the following findings:

(A) The proposed amendment is internally consistent with all other provisions of the respective plan, the General Plan or an applicable specific plan; and

(B) The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

(2) If the General Plan amendment proposes to change a land use zoning designation from one zone to another, the Board shall first make the two findings above plus all of the following additional findings:

(A) The proposed land use zoning district change is in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised; 5

(B) The proposed land use zoning district change will provide a reasonable and logical extension of the existing land use pattern in the surrounding area;

(C) The proposed land use zoning district change does not conflict with provisions of this Development Code;

(D) The proposed land use zoning district change will not have a substantial adverse effect on surrounding property; and

(E) The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

A Zone Change is Not an Entitlement

The RDEIR misleadingly treats the required General Plan Amendment as if the proposed zoning change were an automatic entitlement. That is not the case, and this fact should be acknowledged more explicitly in the RDEIR. The proposed General Plan Amendment for a zone change must satisfy the criteria for specific findings (indicated above), which the Moon Camp project fails to meet, when all factors are objectively and responsibly considered. The RDEIR fails to accurately disclose the full detriment of the project "to the public interest, health, safety, convenience, or welfare of the County" in the context of the existing public interest

protected by the current zoning designation, which should be the baseline against which all significant losses and detrimental consequences resulting from the project are measured and disclosed.

The fundamental issue is not whether the revised proposal is less terrible than any prior proposal but whether it is appropriate for the actual site and surroundings, given the strong validity of the existing low-density zoning. In this case the No Project Alternative is the most legitimate option, because it is the only one that fully conforms to all provisions and policies of the County General Plan and is also in the public's best interest, since it does not require a major and detrimental zone change amendment. 5 CONT

Insofar as a General Plan Amendment for a zoning change is not an automatic prerogative of land ownership, it should not be treated as an entitlement by the RDEIR. It entails an exceptional action on the part of the County, conditioned upon what best serves the overall public interest based on the criteria from the Development Code cited above. The cursory and dismissive treatment of this issue by the RDEIR unduly minimizes its importance by failing to provide an accurate analysis and proper disclosure as required.

Misconception of the "Holding Zone"

The RL-40 land use designation is identified as a "Holding Zone" within the Bear Valley Community Plan, which states: future development proposals (such as Moon Camp) within the RL-40 designation will be considered based on a demonstrated ability to provide adequate infrastructure and maintain consistency with the goals and policies of the 2007 Community Plan. (Page 1-2)

The Moon Camp project assumes all rural zoning on private land in the National Forest is only a temporary "holding zone" meant to be changed as soon as a specific project for the site is proposed. This concept was plausible 25 years ago, when the prior General Plan was being drafted, a time when substandard infrastructure, fire danger and forest impacts were not fully recognized to be the major problems they are today. Because conditions are worse than they were 25 years ago, rural zones are greatly needed to preserve the forest and serve as a buffer. 6

While all zoning is theoretically subject to potential amendment in general, it is by no means a routine practice or guaranteed procedure. The context of the surrounding area and the public interest are paramount considerations, especially inside the overdeveloped San Bernardino National Forest. The holding zone concept does not alter the fundamental test required for a zoning change or diminish the meaningful basis for keeping an existing rural designation intact. In the case of the Moon Camp project a zone change would not be in the public interest.

Perspective of the Bear Valley Community Plan

It is helpful in this context to reconsider the some of the background perspective and intent of the citizens of the Big Bear Valley that informs the content of the Bear Valley Community Plan.

B. PRESERVATION OF COMMUNITY CHARACTER

Residents feel that the high quality of life experienced in their neighborhoods today should not be degraded by growth and the subsequent impacts of traffic congestion, strains on infrastructure and threats to natural resources. The clean air, ambient quiet, dark skies, abundant wildlife and diverse natural vegetation are highly valued by residents as well as by the visitors who frequent the area. Residents are concerned about the conversion of natural open space to development, and particularly to a type of development that detracts from the natural 7

setting and rural-mountain character currently enjoyed by the community. The preservation of the community's natural setting, smalltown atmosphere and rural mountain character becomes important not only from an environmental perspective but from a cultural and economic point of view.

C. INFRASTRUCTURE

The Bear Valley area is faced with the potential for significant growth. Residents are concerned with the impacts that future growth and development will have on an infrastructure system they sense is already strained. The community's primary concerns centered around water supply and traffic and circulation.

BV1.3.3 COMMUNITY PRIORITIES

The community's priorities that have influenced the goals and policies included within this community plan are: (a) environment; and (b) community character.

ENVIRONMENT

A key consideration in developing this plan has been acknowledging the potential impacts that future development will have on the area's valued natural resources. The goals and policies included in this community plan emphasize the protection of these sensitive resources, the integration of natural vegetation and open space, and development that is scaled and designed to enhance the natural surroundings. In public workshops held to develop the General Plan and the Bear Valley Community Plan, the public has identified three principle planning issues and concerns to be addressed in the plan: 7 CONT

A. A community in a forest – the natural environment prevails

B. Ensure no conflict in the interface between the national forest and adjacent land uses

C. Conservation of natural resources and scenic beauty

D. Acknowledge service and infrastructure capacity and limitations of the area, particularly roads and water, to serve future development.

COMMUNITY CHARACTER

The Bear Valley Community Plan area will continue to experience growth as a variety of factors continue to drive people to migrate from more urban areas to areas attractive for their rural nature. Additionally the area will continue to attract attention as a recreation destination. As the valley develops, it will be imperative that adequate services and infrastructure are provided, that all improvements reflect the needs of locals as well as visitors, that all development maintains a sense of connection to the natural environment and that the smalltown, rural-mountain character of the community is preserved. Relating to community character, the public has identified the following five issues and concerns to be reflected and addressed in the community plan:

<u>Zone Change Proposal Lacks Public Benefit</u>

If Moon Camp's zoning conflict with the General Plan were erased by means of a special amendment, it would definitely grant a major benefit to the property owner (e.g. increasing allowable density to boost sales potential). But it would not be in the public interest. While granting special favor to the developer, such action at the same time would result in detrimental impacts on the public by stripping away long protected advantages of aesthetic open space, National Forest buffer area, greater fire safety, bald eagle habitat and other similar values compatible with the surrounding public lands. Is that justifiable in a National Forest? 8

Audubon disagrees with the erroneous opinion in the RDEIR, namely that changing the existing land use designation to accommodate a major development would merely result in a *less than significant* impact to the local community. The local community has been speaking out strongly

on its own behalf for nearly a decade against eliminating the existing General Plan safeguards. Below is an excerpt from the community plan on this issue.

A. Community Character (Land Use Issues/Concerns)

During public meetings held by the County, residents expressed concerns regarding growth and the impacts of that growth on the character of their community. The recreation opportunities and the intrinsic rustic qualities of the mountain environment continue to be attractive to a variety of people. Bear Valley offers a mountain lifestyle that attracts residents who choose Bear Valley as a quiet place to retire, residents who live in Bear Valley to escape from urban environments but continue to commute off the mountain for work, residents who enjoy the rural lifestyle and make a living in the area, and part-time residents who own vacation homes in the area. The mountain character is defined by the natural surroundings, large open spaces, recreation opportunities, limited commercial and industrial uses and physical development that complement the area's natural qualities.

The character of the plan area is further defined by the predominance of single-family development. The lot sizes and densities vary within the different community sub-areas, however despite these differences, most residents want to maintain the intensity of development within their individual communities as it currently exists. Additionally, the different resident groups and even non-resident visitors share the primary concern to preserve the natural beauty and mountain character of the plan area.

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CONT

Zoning is not supposed to be changed, when such change would prove detrimental to the greater public interest, health, safety, convenience, or welfare of the County. The RDEIR fails to adequately address this particular Development Code requirement, instead focusing only on the limited (but also invalid) assumption that adding more houses would constitute a community benefit. To the contrary more houses would not be a positive addition within a National Forest. The San Bernardino National Forest is already the most overdeveloped National Forest in the country with the highest percentage of housing density versus wildland acreage. Given the unavoidable recurring fire danger, the California Department of Forestry and Fire Protection (Calfire) notes that these mountains have one of the most severe fire conditions in the world. The extreme wildfires of 2003 and 2007 demonstrated that present firefighting capabilities are insufficient to defend existing structures in the mountains much less any additional structures, especially ones not authorized by existing General Plan guidelines. Without taking into account the natural resource and open space values that the project would impact, these factors alone make a compelling case why more houses are a detriment rather than a community benefit. Disregarding this fact is a critical flaw in the RDEIR's analysis and disclosure.

Fire danger cannot be expected to decrease in the foreseeable future. These facts should fully rule out any further mountain development that is not already prescribed in the General Plan. Each additional structure added to the hazardous mountain environment worsens the already out-of-balance ratio of excess development in the wildland-urban intermix. Defending against fire in wildland terrain is the most costly and difficult firefighting condition of all. Given such circumstances, a General Plan Amendment that worsens the already hazardous situation would be an irresponsible disservice to the public. The prospect of relaxing zoning restrictions to allow 50 additional units and the accompanying increase in population would be unreasonable.

The proposed General Plan Amendment to change the land use designation from BV/RL-40 to BV/RS-20,000 is also unjustified from a deficient infrastructure standpoint. The lack of a reliable water source is another significant reason to disallow any zoning change that permits higher densities. In addition, the major fire of 2003 provided substantial evidence that the mountain

area lacks adequate evacuation capacity in a worst case scenario. More residents should not be added to such an already overburdened infrastructure. 8 CONT

Although the RDEIR largely fails to adequately disclose the full negative impacts to the surrounding San Bernardino National Forest and the environmental quality of the public resources, it admits that the proposed project would have a significant and unavoidable impact (i.e. detrimental effect) on the bald eagle. The bald eagle is a prominent symbol of Big Bear and has become a major regional attraction as part of the unique natural environment. A zone change that would significantly impact this species, resulting in the potential abandonment of the project site by bald eagles altogether, would be detrimental to the public interest.

In addition, a zoning change would further imperil other important public resources such as the pebble plain habitat, flying squirrel habitat, California spotted owl habitat and southern rubber boa habitat. It would also adversely impact National Forest public lands located immediately adjacent to the site. While the RDEIR dismisses these impacts as *less than significant*, using a dubious "regional threshold of significance" and a challengeable lack of evidence, there is no question such losses would be highly detrimental to the local community and the large general public that uses the Big Bear Lake area of the National Forest. 9

The site also borders a scenic highway and is part of the aesthetic viewshed of the largely undeveloped North Shore of Big Bear Lake, a major tourist feature of the San Bernardino Mountains.

No Benefit from More Houses

A change in the land use designation cannot be justified on the grounds that adjacent or nearby property has similar residential density as the Moon Camp proposal. On the contrary, the proposed development site is bounded on the majority of its borders by National Forest and the natural shoreline within the visual corridor of the scenic highway. Compatibility to the National Forest is an important reason to maintain the status quo and to not change the existing rural zoning. Low-density rural zoning is the ideal buffer between a developed community and the wildland National Forest and avoids compromising the public's enjoyment of the wildlife and aesthetic open space.

Contrary to the RDEIR assumption, the proposed land use zoning district change will not "provide a reasonable and logical extension of the existing land use pattern in the surrounding area," which is one of the necessary findings for a General Plan amendment. In light of the serious wildland fire hazard, the danger of steep slopes, National Forest edge effects, and the need for 100-foot or more setbacks between structures, it is widely acknowledged that the prevailing urban-style zoning densities are not appropriate in forested mountain terrain (especially inside a National Forest). Existing neighboring densities can no longer be looked-upon as a responsible residential norm. In the same way that existing neighborhood shake roofs cannot serve as legitimate models for new development anymore (because they are especially unsafe in the fire-prone mountains), so too the old style urban densities (for the same reason) must no longer be accepted as valid in a wildland National Forest setting. 10

There is an excess of available housing and available lots in the Big Bear Valley, averaging as much as 700 homes at a given time in this relatively small market area. The surplus further weakens any potential justification for a zone change from rural to urban residential on the flawed premise that more houses represent a public benefit. While a new subdivision might be

considered a beneficial attribute in an urban setting, it is proves to be a significant detriment on a site adjacent to a National Forest and a scenic mountain lake.

A land use zoning district change must not be allowed if it has "a substantial adverse effect on surrounding property." In the case of Moon Camp, the project would adversely impact the scenic open space qualities as well as critical wildlife such as the bald eagle, the San Bernardino flying squirrel, California spotted owl, and southern rubber boa. Also an increased density of 50-fold would negatively impact the forest by incursions of domestic animals, additional noise, potential off-road vehicles and increased ignition sources of wildland fire. These all affect the Forest Service's ability to manage its lands. Also adverse impacts to rare and endangered plants adjacent to the proposed project site would increase on National Forest lands. 10 CONT

Because of the uncertainty regarding water availability for the project site and the potential reliance on proposed wells, there is a strong likelihood that owners of adjacent property, who depend on the local groundwater supply, could be adversely impacted if project wells were to draw down supplies serving neighboring private wells in the vicinity.

No Slope Analysis in the RDEIR

There is a question whether the "site is physically suitable in terms of design, location, shape, size, operating characteristics... to ensure that the proposed or anticipated uses and/or development would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvement in the vicinity in which the property is located," as per the zone change criteria. There appears to be no slope analysis of the Moon Camp site provided in the RDEIR, even though slopes on the site are potentially in excess of 30%. If so, the allowable density of the site would be subject to significant restrictions of the Development Code's Fire Safety Overlay. If the site is unduly steep, then that is another reason to disallow the unwarranted General Plan amendment.

> **BV/LU 1.3** Regulate the density of development in sloping hillside areas in order to reduce fire hazards, prevent erosion, and to preserve existing vegetation and the visual qualities of the plan area. One method this can be accomplished by is requiring adherence to the following hillside development standards required by the Fire Safety Overlay: 11

The slope analysis requirement for fire safety evaluation is per **section 82.13.040 (f) Application requirements:**

> Each land use and other project application shall include the following information and materials, in addition to what is required by Section 82.13.060(b)(6) (Application Forms and Information Packets).
>
> **(1) Slope analysis.**
>
> Each project application shall include a slope analysis. The slope analysis shall include the following information:
>
> (A) A topographic map of the proposed project area and all adjoining properties within 150 feet at a scale of not less than one-inch to 200 feet. The contour interval shall not be more than two feet except that the contour interval may be five feet if the general natural ungraded slope is more than 10 percent. Contour lines shall be obtained by aerial or field survey, done under the supervision of a licensed Land Surveyor or Registered Engineer.

(B) The natural, ungraded, slope categories to be computed are zero percent to less than 15 percent, 15 percent to less than 30 percent, 30 percent to less than 40 percent, and 40 percent and greater. The minimum area (polygon) used for slope calculation shall be 5,000 square feet.

(C) The area, in acres, shall be tabulated for each category.

Because there is already extensive urban-style development on the south shore of Big Bear Lake, the north shore is widely regarded by residents, visitors and the general public as the scenic showcase of the natural wildland integrity of the local National Forest. The existing Moon Camp low-density Rural Living zone is the optimum land use designation for an open space buffer area between the rural community and the National Forest. There is no valid justification provided in the RDEIR to amend the existing General Plan land use designation. 11 CONT

Bald Eagle Issues

In clarifying the overall effect of the proposed project on the bald eagle species in the Big Bear Valley, the conclusion of the report is that the project would result in "significant and unavoidable impacts" to bald eagle populations, for which no offsetting mitigation can be provided. Nor is there any reasonable overriding consideration that would validate such a detrimental sacrifice. Given the importance of the Bald Eagle in the Big Bear Valley both biologically and economically, this is tantamount to admitting that the project would be an extremely bad idea.

If the County of San Bernardino were to approve the project, it would be required to cite findings in accordance with Section 15091 of CEQA and prepare a Statement of Overriding Considerations in accordance with section 15093. In past instances of biologically detrimental development proposals in the mountain area, where significant unmitigable impacts were present, the County has employed the Statement of Overriding Consideration to substitute housing needs and economic benefits as tenuous justifications to override the particular significant biological impacts. That subterfuge cannot be legitimately employed in the case of a General Plan amendment, which requires stricter findings. 12

No longer can it be considered justifiable to sidestep critical biological resources on the claim that social, housing or economic benefits override the public value, the resources value or the economic value of the bald eagle habitat in the Big Bear Valley. The protection of natural resources on this site is clearly more in keeping with the highest public interest.

The Bald Eagle has become a prominent icon for the Big Bear area as well as a critical indicator species of the overall biological health and integrity of the forest and alpine lake environment.

As was pointed out in our 17 May 2004 comments (and is even truer today), increased development in the Big Bear Valley has corresponded with a simultaneous decline in the population of wintering bald eagles that inhabit the area. In addition to being the national bird, the bald eagle has also come to symbolize the unique wildlife values of the Big Bear Lake area in the San Bernardino National Forest. Beyond its importance as a California threatened species, the presence of the bald eagle in Big Bear has become a famous attraction for the visiting public, widely featured in a variety of publications and media exposure that confer a considerable level of high-profile advertising of this popular tourist destination. Such attention is of major benefit to the local economy that prospers from the prominence of the surrounding National Forest and the integrity of its wildlife. The Forest Service Discovery Center on the north shore is the main visitor center for the local mountains. Eagle tours are the primary

attraction in winter. The health and sustainability of the bald eagle is a critical factor for the overall natural resource values of the National Forest in the Big Bear Lake area.

The cumulative biological reports for the Moon Camp EIRs strongly confirm that the project site is a highly significant roosting and perching habitat for the remaining bald eagle population in the area. The point has been stressed that the "proposed project contains some of the most utilized bald eagle roosting and perching habitat in the Big Bear Valley." However, the overall assessment also points out that the proposed project, which is dependent upon the granting of a special General Plan amendment by the County for a major zoning change, would have an extremely adverse effect on the bald eagle, which could not be mitigated. The impacts from the development and road construction proposals would severely compromise the viability of the existing habitat and further compound the factors contributing to the significant population decline of the bald eagle throughout the Big Bear Valley. 12 CONT

The bald eagle is one of the most magnificent and irreplaceable natural resources of the region. It would be a tragic loss if the largest population of wintering bald eagles in Southern California were allowed to dissipate due to unwarranted zone changes for detrimental projects like this.

General Plan Factors

The bald eagle is certainly a prime example of the kind of natural resource that the County General Plan was fully meant to protect. Some 25 years ago the 1989 General Plan recognized that, "In the Mountain region, many plant and animal species, including Bald and Golden Eagles, are losing habitat to residential land use along lake shores." (Page 11-C1-2). Wildlife values were specifically highlighted in the Preservation of Natural Resources Section of the 1989 Open Space Element as having a collection of positive factors such as aesthetic, recreational, ecological, educational and scientific values as well as economic benefits, insofar as the wintering population of the Bald Eagle in particular is a popular tourist event in the Big Bear Valley. (Page 11-C5-57). Also the San Bernardino Mountains as a whole are considered an "Area of Biotic Significance" and in particular all perennial and intermittent ("Blue-line") streams, lakes and reservoirs, conifer forests and large mammals and raptors are specifically identified as being key natural resources. It is clear that the overall context of the mountain environment requires special attention to sustain a whole system of unique natural resources.

13

The supplemental 2004 Biological Resources Section of the DEIR is insightful in its assessment of these unique qualities and considerations as they relate to the proposed Moon Camp development project. But it is evident to Audubon from monitoring development trends in the San Bernardino Mountains over the past 20 years that the full protection of the County General Plan pertaining to natural resources needs to be more strongly invoked and more strategically reinforced, if the highest and best attributes of the local National Forest and its exceptional biological resources are to be adequately sustained as a regional treasure going forward into the future.

The County General Plan has long recognized the critical value in protecting natural resources, as again from 1989:

> Natural resources are distinctly different from other concerns normally dealt with in the planning process because these resources are exhaustible and can be permanently damaged. In order to ensure the continued ability of these natural resources to function in their supportive roles in maintaining the quality of life for the urbanized portions of the County, it is crucial to identify and implement strong definitive actions to assure their long term survivability. Without strong

direction and controls placed upon certain lands within the County, undesirable effects will result in:

-- Extinction of species
-- Depletion of groundwater aquifers
-- Consumption of nonrenewable resources
-- Loss of interpretive data
-- Conversions of natural open space

There are numerous goals and policies of the General Plan that fully emphasize these biological and natural resource priorities. A sampling of these policies strongly illustrates the special value and protections outlined in the 2007 General Plan, while and revealing how much the proposed zone change and subdivision project fail to meet these County guidelines:

CO 1.2 The preservation of some natural resources requires the establishment of a buffer area between the resource and developed areas. The County will continue the review of the Land Use Designations for unincorporated areas within one mile of any state or federally designated scenic area, National Forest, National Monument, or similar area, to ensure that sufficiently low development densities and building controls are applied to protect the visual and natural qualities of these areas. 13 CONT

The current zoning of BV/RL-40 fully conforms to the intent of this policy by providing a compatible buffer area of rural open space zoning between the National Forest and the existing community. That is a logical and responsible practice to apply within a National Forest, where the fragile interface area between residential and wildland requires complex management issues. Only a superficial buffer of 100 feet between houses and National Forest wildland would remain, if the current zoning protections were to be removed by a General Plan amendment. The public forestlands would become incorporated into the backyards of private homeowners, subjecting natural resources to various abuses of encroachment, predation by domestic animals, off-road vehicle damage, tree-cutting, etc. Increasing the zoning allowance to eliminate the low-density open space buffer would not be consistent with this General Plan policy, thereby violating one of the mandatory findings for justifying a zone change.

M/LU 1.20 Closely review development projects on private land adjacent to National Forest lands to ensure that development projects are capable of meeting all development requirements within the project boundaries or other non-federal land. Provide opportunities for the U.S. Forest Service to consult with the County on development of private land that may have an adverse effect on adjoining National Forest land.

The U.S. Forest Service submitted comments on the 2010 edition of the Revised Draft EIR, identifying various adverse impacts that the project would have on the Forest Service, the public lands under its management and the sensitive species and unique environmental resources found in the forest. The letter serves as an indicator of added reasons why the project and its proposed zoning change will have a substantial adverse effect on surrounding property, one of the criteria for disallowing the change. Some of the issues noted by the Forest Service include: 14

-- a request that the project eliminate the plan for street lighting to avoid substantial adverse impact on National Forest lands and to be consistent with the rest of Fawnskin, which has no street lighting,

-- there is a need for a detailed soils erosion and sedimentation plan and geotechnical investigation of slope stability to determine whether significant impacts may affect the National Forest and Big Bear Lake (this ties in with the fact indicated above that no slope analysis has been provided in the project's environmental document),

-- the professional advice that signage and CC&Rs do not provide effective mitigation in

preventing abuses of dispersed recreation and impacts on adjacent Forest Service land.

(As an example, the mitigation offered for the destruction of flying squirrel habitat is merely a flier informing residents that their cats might harm this species. Such a method has no potential to reduce the actual loss of flying squirrel habitat. It is only *pro forma* paper mitigation to give the appearance of addressing this issue). 14 CONT

GOAL M/OS 1. Ensure the preservation and proper management of National Forest lands within the Mountain Region to maintain the alpine character of the region.

The best way to ensure the preservation and proper management of National Forest lands, while maintaining the alpine character of the Mountain Region as it exists in Fawnskin, is to avoid making an unnecessary zoning change amendment to the existing General Plan.

GOAL CO 2. The County will maintain and enhance biological diversity and healthy ecosystems throughout the County.

Since the RDEIR indicates that adverse impacts to the bald eagle from the Moon Camp project will be significant and unavoidable in ways that cannot be mitigated, it is clear that Goal CO 2 points to another conflict between the proposed zoning change and the policies of the General Plan. While the RDEIR claims that additional adverse impacts to other sensitive species and plants are "less than significant," that claim is highly contestable on the basis that the CEQA Thresholds of Significance have not been applied properly and objectively in this case. Based on Development Code criteria, these negative impacts must not constitute a detriment to the public interest or have a substantially adverse effect on surrounding property. Given the cumulative force of all these detrimental impacts on the biological resources and ecology of Fawnskin, they add up to very substantial and significantly adverse consequences. 15

CO 2.1 The County will coordinate with state and federal agencies and departments to ensure that their programs to preserve rare and endangered species and protect areas of special habitat value, as well as conserve populations and habitats of commonly occurring species, are reflected in reviews and approvals of development programs.

Because of faulty analysis and inadequate mitigations, the Moon Camp RDEIR does not sufficiently comply with the spirit and intent of this policy. Rather than "preserve rare and endangered species and protect areas of special habitat," the project will have an overall detrimental effect on the habitats, species and unique public resource values contained on this site. By basing evaluations of rare plants and animals on an abstract and ill-defined "regional" context for justifying "less than significant" verdicts for habitat destruction and species loss at the project site, the RDEIR artificially downplays and minimizes the vital forest and ecological qualities that will be sacrificed. 16

M/CO 1.4 Designate and protect unique habitats supporting rare and endangered species.

Although the project proposes to designate and protect unique pebble plain habitat as well as bald eagle perch trees, the mitigation measures are not realistic or adequate and do not ensure long term survival of these resources. Instead, the project will result in greater long term loss and damage by crowding up against the National Forest and greatly magnifying overall detrimental effects. The best way to protect these unique habitats is by maintaining the RL-40 zoning designation for rural open space, which will ensure that the bald eagle perch trees and overlapping rare habitats/species on adjacent National Forest will not be overrun by inappropriate urban expansion. 17

M/CO 1.6 Prepare guidelines for the protection of eagle perch trees and spotted owl nest trees. 18

One excellent guideline for the protection of eagle perch trees and spotted owl nest trees is not to allow rural open space zoning to be converted to urban densities in critical buffer areas adjacent to National Forest as exemplified by this site. As pointed out by the Forest Service, the plans for the eagle perch trees are inadequate to effectively mitigate the impacts, and there are no mitigations offered for spotted owls contrary to recommendation from the Forest Service. 18 CONT

GOAL M/OS 2. Improve and preserve open space corridors throughout the Mountain Region.

Much of the north shore (this site included) forms an excellent wildlife landscape linkage between the National Forest and the lake. By ignoring this mountain open space goal, the RDEIR further demonstrates the project's inconsistency with the County General Plan.

LU 1.2 The design and siting of new development will meet locational and development standards to ensure compatibility of the new development with adjacent land uses and community character.

In Fawnskin, where the quality of life is defined by low-density rural living and wildland forest characteristics, unwarranted urban density would depreciate that quality. Locational standards are intended to ensure compatibility with adjacent land uses and community character. The proposed zone change would be contrary to General Plan locational standards as well as incompatible with adjacent National Forest land use and the north shore's scenic open space, which define the Fawnskin community character. The Rural Living (RL) zone is intended "to prevent inappropriate demand for urban services," and the County's locational criteria include such elements as: recreation areas, rural residences and vacation cabins; watershed, wildlife and open space uses; areas with limited, low-density development or mountainous areas with moderate slopes; areas where rural residences are the primary use of the land; and areas with limited public improvements. Such locational criteria clearly apply to the Fawnskin site and the existing RL-40 zone designation. 19

GOAL M/CO 1. Preserve the unique environmental features of the Mountain Region including native wildlife, vegetation and scenic vistas.

One of the best ways to meet and uphold this mountain conservation goal is to maintain rural open space land use designations in the critical interface buffer areas between mountain communities and the wildland environment of the National Forest. 20

M/CO 1.2 Protect scenic vistas by minimizing ridgeline development that would substantially detract from the scenic quality of major ridgeline viewsheds.

Demonstrating its indifference to this mountain policy, the proposed Moon Camp project calls for homes to be located along the ridgeline. There is no area more scenic than the north shore of Big Bear Lake. This policy is a further example of the project's inconsistency with the General Plan policy that runs contrary to the criteria for a zone change amendment. 21

M/CO 1.7 Encourage conservation and sound management of the mountain forest character and natural resources, including water, streams, vegetation, soils and wildlife. Require the planting of native or drought-tolerant cultivar species, capable of surviving the mountain environment and climate. 22

Conservation and sound management of the mountain forest character and natural resources requires that a compatible buffer of open space be maintained in the interface areas between the National Forest and mountain communities such as Fawnskin.

GOAL M/CO 2. Maintain the health and vigor of the forest environment. 23

The health and vigor of the forest environment is best maintained by minimizing the detrimental impacts of dispersed recreation and spill-over edge effects from urban-style densities placed too close the National Forest interface boundaries. Low-density buffer zones are necessary to uphold this goal. General Plan amendments for zone changes in areas such as Fawnskin should not be permitted. 23

GOAL M/CO 3. Conserve and protect surface and groundwater resources to meet the needs of a growing mountain population, to support the mountain environment and forest watershed and to preserve the quality of life for mountain residents and visitors.

One of the recommendations of the Forest Service was a more thorough surface and groundwater resources analysis, since water extraction associated with the project could result in potentially adverse impacts on riparian and wetland habitats. By disallowing an unwarranted zone change, these detrimental impacts to the forest watershed would be avoided. 24

M/CO 3.1 Utilize open space and drainage easements as well as clustering of new development as stream preservation tools.

Protecting streams and natural drainages is critical in the San Bernardino Mountains, where less than one percent of the National Forest landscape is riparian habitat but is required by 70% of all mountain wildlife for survival. The natural stream channels provide significant travel routes for wildlife. The detrimental impact of mountain development on these resources has been harmful over time. The onsite streams would be far better preserved by keeping the rural open space zoning intact. 25

GOAL M/CO 5. Preserve the dark night sky as a natural resource in the Mountain Region communities.

The street lighting designed into the Moon Camp project will result in significant impacts to the Fawnskin community's cherished dark skies, which are an important element of the mountain environment. Also occupants of newer modern housing demonstrate a stronger preference for urban-style security lighting. Overall this will have a negative impact on the forest and community. The best way to preserve the dark night sky is to preserve the existing open space zoning for this site. 26

M/CO 5.4 All outdoor lighting, including street lighting, shall be provided in accordance with the Night Sky Protection Ordinance and shall only be provided as necessary to meet safety standards.

Even if this policy is enforced, the impact of 50 new large modern houses will be significant on the adjacent National Forest. It will also impact the viewshed from across the lake. Like so many other major detriments of the proposed project, this negative impact can be avoided by keeping the existing zoning designation in the General Plan, which would also be consistent with all of the above cited goals and policies.

GOAL BV/LU 1. Retain the existing mountain character of the community.

To achieve this goal the proposed General Plan zoning change amendment should be rejected.

BV/LU 1.1 Require strict adherence to the Land Use Policy Map unless proposed changes are clearly demonstrated to be consistent with the community character. 27

Since the proposed project is not consistent with the community character, "strict adherence" to the existing rural zoning designation needs to be enforced.

BV/LU 1.2 In recognition of the community's desire to preserve the alpine character and protect the area's natural resources, projects that propose to increase the density of residential land uses or provide additional commercial land use districts or zones within the plan area should only be considered if the following findings can be made:

A. That the change will be consistent with the community character.
In determining consistency the entire General Plan and all elements of the community plan shall be reviewed.

28

The proposed zoning change is not consistent with the community character nor a large segment of the entire General Plan.

BV/CI 1.4 Preservation and protection of sensitive habitats shall have priority over road location, relocation or realignment, when other practical alternatives are available.

29

The road proposed to exit on the east end of the proposed development bisects sensitive plant habitat and unnecessarily separates two conservation lots.

BV/CI 1.6 Minimize the traffic load on mountain major highways and mountain secondary highways by requiring projects to minimize direct access to these main circulation roads.

Contrary to this policy, the proposed development proposes four new direct access points onto the substandard Highway 38, all within a very short distance of each other.

BV/CI 5.1 Through the development review process, permit new development only when adequate water supply exists or can be assured.

30

So far the evidence provided is deficient to show whether adequate water supplies exist to serve the proposed development. One option for supplying water has the potential to adversely impact groundwater supplies and draw down other private wells in the project vicinity.

BV/CO 4.5 Natural drainage courses shall not be occupied or obstructed.

31

The proposed project would completely occupy and obstruct the natural drainage course on the east end of the property.

Wildlife Impacts

The RDEIR asserts, "the loss of habitat, loss of wildlife, wildlife displacement, and habitat fragmentation that would result from construction of the 2011 Alternative Project would not be considered significant because these impacts would not substantially diminish habitat for wildlife in the region nor reduce any specific wildlife populations in the region to below self-sustaining numbers." This conclusion, however, lacks substantial evidence; there is no data or analysis accompanying it. CEQA requires that a project's conclusions be supported with evidence and analysis. What are, for example, the "self-sustaining numbers" for each of the impacted species? At what point would habitat fragmentation be considered to significantly affect an individual species? Would the loss of habitat on the project site cause the current eagle population, for example, to completely abandon the site? At what point would the site's habitat become so marginal that other sensitive wildlife species would no longer find it to be suitable and abandon the site? What are the specific impacts to the eagle and other species from some of the specific project components, such as the proposed marina? What is the definition of the referenced "region?" How does the loss of habitat add to the cumulative impacts of habitat loss in the Big Bear Valley over the years? None of this information is provided.

32

The RDEIR attempts to further evade its obligation to conduct a species-specific evaluation when it asserts that the "loss of foraging habitat [for many species] would be considered adverse, but less than significant due to the limited amount of habitat loss relative to the availability of foraging habitat for [species]." Again, the RDEIR provides no analysis or evidence to support this conclusion. Without an actual species-by-species analysis, how can the EIR authors be apprised of the "amount of habitat loss relative to habitat availability?" The Project site's important biological resources mandate a clear and thorough evaluation of impacts to affected species. 33

The decline in the population of wintering bald eagles (that parallels the increase in local development of Big Bear Valley) is apparent in the statistics from the Forest Service's Bald Eagle Counts as shown in Appendix A. The project modifications in the RDEIR do not materially reduce any of the significant impacts on the site or to the surrounding public resources of the San Bernardino National Forest. The RDEIR states that perch trees are to be saved, however it does not provide measures that fully promote survival nor offer effective mitigation that would guarantee long term preservation. This supposed mitigation does not reduce the significant impact to the Bald Eagle in any way. 34

Too many of the eagle perch trees within proposed project design are located on developable lots, where they will not be adequately protected against removal during building construction or upon becoming identified as a safety hazard. The RDEIR thus fails to provide adequate safeguards for these critical trees, especially the "most utilized perch tree on the North Shore" (according to the bald eagle survey in Appendix A). These trees should be fully protected in sufficiently large conservation lots. There ought to be a mitigation measure that ensures that these vital perch trees remain standing throughout their natural cycle. 35

Although the RDEIR acknowledges on page 2-29 and 2-30 that the bald eagle could potentially nest on the project site, the report does not identify, analyze or mitigate the potential impacts to nesting eagles. Because human activity within close proximity to eagles' nests interferes with successful nesting, perch trees on developable lots are ineffective for adequately mitigating impacts to the eagle. 36

Several important perch trees on the proposed project site, including at least two of the perch trees designated on the map in the RDEIR, have already been lost recently due to cutting by the electric company, road maintenance or other tree-cutting on the site. This information has been omitted from the RDEIR analysis as part of the discussion regarding the already fragile nature of these perch trees. This makes the remaining perch trees even more key to the foraging bald eagles and requires additional mitigations to assure the safety of those trees for as long as natural circumstances will allow. The current mitigations (MM BR-4) are inadequate and unenforceable and do not reduce the significance of the impact to the bald eagle. 37

The RDEIR fails to analyze the impact on foraging habits of bald eagles when houses are located on steep slopes above the perch sites. Bald eagles were known to frequent the lakeside slopes below the Castle Glen development prior to the construction of the project, where a foraging area was set aside as a conservation easement for the bald eagle. However, after homes were built above the eagle perches, the eagle count data by the Forest Service indicated that the eagles' use of the area for foraging was greatly reduced. Since the Moon Camp project proposes home sites on the steep slopes above the perch trees, which are supposed to be preserved as mitigation, these factors should be analyzed and mitigations devised to minimize impacts of this nature. 38

Human activity below and near bald eagle perch trees adversely affects the frequency of use by eagles. For the perch trees that are designated to remain on the site these impacts need to be fully analyzed and additional mitigation designed that will avoid such detrimental activity in the vicinity of the trees. 39

The RDEIR uses site descriptions that were created for earlier drafts of the report, including an average density of 44.4 trees per acre plus the relative sizes of open Jeffrey pine forest and pebble plain. Since many trees on the property have died and been cut since those descriptions were created, these are no longer valid and should be updated to reflect accurate data. 40

Requiring 24-inch replacement trees for trees larger than 24-inch dbh does not reduce the significant impacts to the bald eagle. The cut trees might be many times larger than the replacement trees and already functional as bald eagle perch trees, whereas these smaller trees could take decades to grow to attain the necessary height as replacements. The only way to effectively mitigate is to require that no trees over 24-inch dbh be cut, a measure that has not been adopted by the project proposal and can only be achieved by keeping the existing zoning designation intact. 41

Although the RDEIR concludes that impacts to the bald eagle would be significant, it substantially understates these impacts. It also greatly underestimates the impacts to the ashy-gray Indian paintbrush, other pebble plain special status plants, and other biological resources, while failing as well to adequately mitigate the true impacts to these species. 42

Rare Plant Habitat

Audubon believes the project would result in significant impacts to the ashy-gray Indian paintbrush (a federally-listed threatened species) and various other species to a much greater extent than is indicated in the RDEIR.

The RDEIR states on page ES-3 that "impacts to the ashy-gray Indian paintbrush are less than significant." This conclusion is not fully supported by the analysis, in which the true impacts have been understated, and the recommended mitigations are insufficient to properly offset the impacts.

Open Space Lot H as described on page ES-6 is intended as a measure to offset the loss of a portion of Lot A. The new conservation lot does not adequately compensate for the loss of a portion of Lot A, since the habitat for the ashy-gray Indian paintbrush becomes unduly reduced overall in size and in numbers of plants, while the pebble plain habitat also is reduced in size. The evidence supporting the RDEIR's conclusion on page ES-7 that the redistribution of the developable lots minimizes impacts to the ashy-gray Indian paintbrush is largely flawed. 43

The acreage specifications for the total size of the conservation easements as found in different parts of the RDEIR are inconsistent, making it confusing to determine whether the proposed conservation easements are adequate to protect the site's rare plant species and habitat.

The discussion regarding the ashy-gray Indian paintbrush on pages 2-45 and 2-46 is written in a confusing manner that obscures the information and leads to faulty conclusions. The method of calculating the extent of sensitive habitat switches inconsistently between specific numbers of plants on one hand and measurements of acreage on the other. The mixed use of different types of ratios contributes to the misleading character of the analysis. The standard ratio for mitigation typically compares acres protected versus acres lost, recommending two or three

times the number of acres set aside for offsite mitigation as per the number lost onsite. But the RDEIR introduces an added misleading ratio that simply compares the percentage of individual plants protected onsite versus the number to be eliminated. To mix these two types of ratios in the same context tends to hide and obscure critical deficiencies in the proposed methods of mitigation. The confusion frustrates the primary purpose of accurate public disclosure and leads to unsubstantiated conclusions. 43 CONT

Onsite conservation properly serves as mitigation for the habitat and plants that are actually located within the specified conservation area but not for others elsewhere that will be displaced by the project. Plants and habitat that are to be displaced by the proposed project should be mitigated offsite. 44

The practice of counting individual plants and not acreage of habitat introduces confusing comparisons into the equation. The RDEIR claims the project has the potential to impact 5567 plants in total of the ashy-gray Indian paintbrush species. Of this number, 4895 plants will be protected within an onsite conservation area, thus preserved onsite at a 1:1 ratio. That leaves 672 plants to be mitigated offsite. 45

Insofar as the offsite mitigation locale contains only 27 of the ashy-gray paintbrush plants (2010 Krantz survey, Appendix A), it appears that the proposed mitigation is not truly adequate. If the number of plants is made the focus, there are 672 plants to be lost and only 27 mitigated offsite. That leaves 645 plants without mitigation. The resulting offsite mitigation ratio in terms of individual plant numbers would be approximately 1:25 (one saved for every 25 lost). That indicates that the offsite mitigation does not reduce the adverse impacts to the ashy-gray Indian paintbrush to a less-than-significant level as claimed by the RDEIR.

However, when referencing the offsite mitigation for plants lost, the RDEIR switches from comparing the number of plants to comparing the acreage of the habitat. On this basis it somehow claims that the ratio of protection is 10:1 as described on page 2-46. 46

The total mitigation ratio calculated as 10:1 on page 2-46 is inaccurate and misleading. The RDEIR states on page 2-44 that there are 18.01 acres of occupied habitat of the ashy-gray Indian paintbrush. (The mapping done by the Forest Service of pebble plain habitat confirms this figure). This entire 18.01 acres has the potential to be impacted by the project. Of that total habitat, 5.38 acres are being mitigated onsite (in a 1:1 ratio) within the conservation areas being set aside. That leaves 12.63 acres that must be mitigated offsite. However, the offsite area being provided is only 10 acres. Although the biological recommendation is to mitigate offsite at a ratio of 3:1, even at 1:1 there are 2.63 acres that remain unmitigated. Consequently the offsite preserve is not adequate to reduce the impact to less-than-significant.

It is more practical in plant habitat mitigation to mitigate based on occupied habitat size, not plant numbers, since accurate counts of individual plants are unreliable based on a single survey. In the 2010 Krantz Survey (Appendix A), it is stated that count numbers were obtained by estimation.

The RDEIR does not discuss how the figure of 1.55 acres of impacted habitat was obtained. From the appearance of the map in Exhibit 2-2, the lost habitat appears only slightly smaller than the overall conservation area, or much larger than 1.55 acres. Was this measurement determined by measuring small patches around specific plants as opposed to taking the whole occupied area as habitat? 47

The true size of the actual pebble plain habitat on the offsite Dixie Lee parcel per the mitigation measure MM BR-1a is only about 5 acres. The ten acres is the size of the fenced area, but not actual pebble plain habitat. Thus, only the occupied pebble plain habitat should be counted. Since the mitigation does not contribute the stated amount of conservation area, the impact to ashy-gray Indian paintbrush cannot be reduced to below the level of significance. Also, two of the five acres were previously set aside as mitigation for the local high school. That leaves three instead of 10 acres that represent the true offsite mitigation acreage. 48

Other Biological Resources

The analysis and evaluation of the Southern Rubber Boa habitat in the RDEIR is inadequate to determine that the impact would not be significant. The surveys stop short of following recommended DFG protocol. The discussion and conclusions are based on out of date information, especially regarding the statement that the habitat primarily runs in a 10-mile strip near Crestline. This species was found at the Big Bear dam construction site and has now been recorded near the dump on the east end of the valley. The analysis does not take into account that it is a secretive species, difficult to find in surveys. The evaluation on the southern rubber boa does not take into account the Forest Service species habitat mapping, which includes the proposed project site as being within the habitat of this species. Since the site does offer suitable habitat and is within the area mapped as habitat, some form of mitigation or avoidance should be included in order to properly offset this impact. 49

The mitigation for the state-listed Threatened species southern rubber boa (BR-2) is ineffective at actually preserving habitat since the set-backs from the drainage would be on private lots and there are no enforcement options provided that would assure its effectiveness. What agency will be monitoring that no clearing takes place after the lot is sold? The habitat should not be included in private lots and effective mitigations must be proposed. 50

Even though portions of this site have been mapped by the Forest Service as suitable spotted owl habitat, and it is acknowledged that the site is used for foraging and that at least one nesting area is nearby, no actual analysis of the impacts to this species has been provided to justify a conclusion that the impacts would be less than significant, and no mitigations have been included for the loss of suitable habitat. 51

The evaluation of the impacts to spotted owl does not take into consideration that this site is also flying squirrel habitat and that impacts to the flying squirrel would also increase the impacts to the spotted owl since this squirrel is its primary food source. Since the mitigations for impacts to the flying squirrel are inadequate and unenforceable, the impacts to the spotted owl also remain more significant than has been presented in this RDEIR.

Citizen Participation

Audubon is appreciative of the extraordinary amount of volunteer hours, research and consultation with experts that has been undertaken by the local Friends of Fawnskin community organization in opposing the misguided Moon Camp proposal. The county should take note that the testimony from the community in regard to the adverse impacts of the project represents a much more accurate perspective than what has been provided in all versions and revisions of the draft environmental impact report. Certainly equivalent amounts of time, expertise and expense have been invested by citizens in placing their case before the county. There are abundant and compelling reasons why the existing General Plan guidelines ought to be maintained and not be irresponsibly overturned. Maintaining the status quo is in the best interest of the general public, for its safety, well-being and continued protections of a priceless 52

National Forest. The county is fortunate to have local concerned advocates and their clear perspectives on what constitutes the county's primary responsibilities.

52
CONT

We thank you for your consideration of these comments.

Sincerely,

Drew Feldmann

Drew Feldmann
Conservation Chair

cc: Jeff Brandt, DFG Ontario Office
Neil Derry, 3rd District SBCounty Supervisor
Christine Kelly, SBCounty Director of Land Use Services
Sandy Steers, Friends of Fawnskin
Adam Keats, Esq., Center for Biological Diversity
Kim Floyd, San Gorgonio Chapter Sierra Club

San Bernardino Valley Audubon Society (1) (SBVAS1)

Response to SBVAS1-1
The commenter provides general comment about the identity and purpose of the San Bernardino Valley Audubon Society. No specific comment regarding the adequacy of the environmental document is included. Therefore, no formal written response is necessary.

Response to SBVAS1-2
The commenter provides general statement regarding the Project's significant detrimental effect. No specific comment regarding the adequacy of the environmental document is included. Therefore, no formal written response is necessary.

Response to SBVAS1-3
The RRDEIR No. 2 represented the recirculation of only the Biological Resources section of the Project EIR, and, therefore, any comments not related to the Biological Resource analysis are outside the scope of the RRDEIR No. 2 and do not require formal written response. This relates to land use and zoning issues.

Response to SBVAS1-4
The comment relates to land use and zoning issues. The RRDEIR No. 2 represented the recirculation of only the Biological Resources section of the Project EIR, and, therefore, any comments not related to the Biological Resource analysis are outside the scope of the RRDEIR No. 2 and do not require formal written response.

Response to SBVAS1-5
The comment relates to land use and zoning issues. The RRDEIR No. 2 represented the recirculation of only the Biological Resources section of the Project EIR, and, therefore, any comments not related to the Biological Resource analysis are outside the scope of the RRDEIR No. 2 and do not require formal written response.

Response to SBVAS1-6
The comment relates to land use and zoning issues. The RRDEIR No. 2 represented the recirculation of only the Biological Resources section of the Project EIR, and, therefore, any comments not related to the Biological Resource analysis are outside the scope of the RRDEIR No. 2 and do not require formal written response.

Response to SBVAS1-7
The comment relates to land use and zoning issues. The RRDEIR No. 2 represented the recirculation of only the Biological Resources section of the Project EIR, and, therefore, any comments not related to the Biological Resource analysis are outside the scope of the RRDEIR No. 2 and do not require formal written response.

Response to SBVAS1-8
The comment relates to land use and zoning issues. The RRDEIR No. 2 represented the recirculation of only the Biological Resources section of the Project EIR, and, therefore, any comments not related to the Biological Resource analysis are outside the scope of the RRDEIR No. 2 and do not require formal written response.

Response to SBVAS1-9

The comment relates to land use and zoning issues. The RRDEIR No. 2 represented the recirculation of only the Biological Resources section of the Project EIR, and, therefore, any comments not related to the Biological Resource analysis are outside the scope of the RRDEIR No. 2 and do not require formal written response.

Response to SBVAS1-10

The comment relates to land use and zoning issues. The RRDEIR No. 2 represented the recirculation of only the Biological Resources section of the Project EIR, and, therefore, any comments not related to the Biological Resource analysis are outside the scope of the RRDEIR No. 2 and do not require formal written response.

Response to SBVAS1-11

The comment relates to land use and zoning issues. The RRDEIR No. 2 represented the recirculation of only the Biological Resources section of the Project EIR, and, therefore, any comments not related to the Biological Resource analysis are outside the scope of the RRDEIR No. 2 and do not require formal written response.

Response to SBVAS1-12

The RRDEIR No. 2 analyzed the potential for the Moon Camp Project to have a significant impact on the American bald eagle. Although the American bald eagle was removed as a federal-listed endangered species in August 2007, it remains endangered in California, and remains a special-status wildlife species. The RRDEIR No. 2 acknowledged that bald eagles were known to be present and roost on the Project site in the winter (RRDEIR No. 2, page 2-29). Many of the trees located on the Project site have been identified as bald eagle perch trees. Surveys and records searches were conducted for the Project site in the winter of 2002 and 2007, which determined that bald eagles use the site extensively. Bald eagle perch locations were recorded and individual trees were marked with numbered tags (RRDEIR No. 2, page 2-29). However, there are no records showing that bald eagles had historically nested on the Project site and neither the 2002 nor 2007 survey found nesting bald eagles on the Project Site. The proposed mitigation measures prohibit the intentional removal of identified perch trees as a component of Project development, but noted that perch trees may need to be removed in the future if they create a hazardous condition. The potential for future removal of bald eagle perch trees, along with additional light and glare/noise introduced into the area by the Project, is considered a potentially significant CEQA impact. Mitigation Measures BR-4, BR-6, and BR-7 (RRDEIR No. 2, page 2-59 to 2-60) will reduce impacts to the bald eagle. These mitigation measures include:

- Replacement of removed perch trees (should that be necessary) at a ratio of 5:1 with creation of artificial perch trees along the shoreline designated Open Space (Mitigation Measure BR-4)
- Replacement of identified non-perch trees larger than 24 inches dbh, removed as part of project development, at a ratio of 2:1 (Mitigation Measure BR-4)
- Pre-construction survey of trees to identify existence of active nests. Active nests will be protected and avoided (Mitigation Measure BR-6)

- All vegetation removal, clearing, and grading on the Project site must be performed outside the breeding and nesting season to minimize effects to the Bald Eagle (Mitigation Measure BR-7)

Despite implementation of these mitigation measures, impacts were determined to be significant and unavoidable, due to the very strict County of San Bernardino criteria for determining CEQA impacts to bald eagles. Any removal of perch trees or human activity resulting in the introduction of additional light and/or noise impacts is considered a significant impact under CEQA. Therefore, although the impacts are identified as significant and unavoidable, the proposed mitigation measures significantly reduce these impacts. The commenter is correct that the County of San Bernardino will be required to adopt a Statement of Overriding Considerations prior to Project approval.

Response to SBVAS1-13
The commenter makes a general assertion regarding impact of a General Plan Amendment and zone change on the surrounding Forest Service lands. The commenter does not make any comment regarding the content or adequacy of the RRDEIR No. 2. Therefore, no formal written response is necessary. This comment will be forwarded to decision-makers for consideration.

Response to SBVAS1-14
The commenter makes a general assertion regarding the perceived negative impact of the Project on Forest Service lands. The commenter also asserts that the mitigation for impacts to the San Bernardino flying squirrel is inadequate. Mitigation Measure BR-3 (RRDEIR No. 2, page 2-58) requires the Project to have biologist qualified with San Bernardino flying squirrel to be present as a monitor during tree removal. Where tree snag and downed wood containing cavities suitable for San Bernardino flying squirrel nesting are required to be removed as part of Project development, such loss of habitat shall be mitigated by constructing and erecting two nest boxes and one aggregate box per snag removed (Mitigation Measure BR-3). Appendix A to the RRDEIR No. 2 provides specifications for the nest and aggregate boxes. Additionally, the Project Applicant will provide new homeowners with a flyer that provides information on the biology of the San Bernardino flying squirrel and how they are susceptible to predation by domestic cats. Contrary to the commenter's assertion, the flyer given to prospective homeowners was not the only mitigation required and the requirement for replacement habitat is sufficient to reduce impacts to less than significant levels.

Response to SBVAS1-15
The commenter makes the general claim that any adverse impact to sensitive species is inconsistent with County of San Bernardino General Plan goals and policies to maintain enhanced biological diversity and healthy ecosystem throughout the County. Although the County of San Bernardino Code and General Plan do provide goals and policies relating to maintaining a diverse in healthy ecosystems throughout the County of San Bernardino, projects that result in potentially significant impacts to sensitive species are not inconsistent with such goals and policies merely because of those impacts. The RRDEIR No. 1 and RRDEIR No. 2 include sufficient discussion related to projects consistency with the County of San Bernardino General Plan goals and policies, including those related to conserving biological resources.

Response to SBVAS1-16
See Response to SBVAS1-15.

Response to SBVAS1-17
The commenter provides a general comment that mitigation measures for impacts to sensitive biological resources such as the American bald eagle and the ashy-grey Indian paintbrush are not realistic or adequate to ensure long-term survival of the resources. The commenter also generally states that the existing County of San Bernardino General Plan designation must be maintained to ensure continued preservation of sensitive species otherwise potentially impacted by the project.

The County of San Bernardino respectfully disagrees with the commenter. The RRDEIR No. 2 implements a number of mitigation measures that reduce impacts to these sensitive species. Moreover, the Project site plan was significantly redesigned to protect, in perpetuity, areas of sensitive habitat for the ashy-grey Indian paintbrush to ensure continued viability of that species.

Response to SBVAS1-18
The commenter makes a general claim regarding the inadequacy of mitigation measures for impacts to the bald eagle. The County respectfully disagrees and believes that the mitigation measures are sufficient to reduce impacts to the extent feasible.

Response to SBVAS1-19
The comment relates to land use and zoning issues. The RRDEIR No. 2 represented the recirculation of only the Biological Resources section of the Project EIR, and, therefore, any comments not related to the Biological Resource analysis are outside the scope of the RRDEIR No. 2 and do not require formal written response.

Response to SBVAS1-20
The comment relates to land use and zoning issues. The RRDEIR No. 2 represented the recirculation of only the Biological Resources section of the Project EIR, and, therefore, any comments not related to the Biological Resource analysis are outside the scope of the RRDEIR No. 2 and do not require formal written response.

Response to SBVAS1-21
The comment relates to land use and zoning issues. The RRDEIR No. 2 represented the recirculation of only the Biological Resources section of the Project EIR, and, therefore, any comments not related to the Biological Resource analysis are outside the scope of the RRDEIR No. 2 and do not require formal written response.

Response to SBVAS1-22
The comment relates to land use and zoning issues. The RRDEIR No. 2 represented the recirculation of only the Biological Resources section of the Project EIR, and, therefore, any comments not related to the Biological Resource analysis are outside the scope of the RRDEIR No. 2 and do not require formal written response.

Response to SBVAS1-23
The comment relates to land use and zoning issues. The RRDEIR No. 2 represented the recirculation of only the Biological Resources section of the Project EIR, and, therefore, any comments not related

to the Biological Resource analysis are outside the scope of the RRDEIR No. 2 and do not require formal written response.

Response to SBVAS1-24
The comment relates to land use and zoning issues. The RRDEIR No. 2 represented the recirculation of only the Biological Resources section of the Project EIR, and, therefore, any comments not related to the Biological Resource analysis are outside the scope of the RRDEIR No. 2 and do not require formal written response.

Response to SBVAS1-25
The RRDEIR No. 2 analyzed impacts to on-site jurisdictional drainages. Based on jurisdictional delineation prepared for the Project, development of the Project will result in disturbance of approximately 1.5 acres of jurisdictional "waters of the U.S." within the Project site. The identified drainages are ephemeral in nature and do not represent right pairing in the wetlands habitat. Based on the current site plan, the Project would impact approximately 0.04 acre of jurisdictional drainages. Such impacts shall be mitigated through implementation of Mitigation Measure BR-13 (RRDEIR No. 2, page 2-61) reducing such impacts to less than significant levels. Therefore, the Project is consistent with County of San Bernardino General Plan goals and policies relating to preservation of existing streams and waterways.

FCS Biologist Dennis Peterson visited the site on May 18, 2018, to verify that the Jurisdictional Delineation boundaries have not changed. Please see the memorandum dated May 28, 2018, describing the site conditions during the updated jurisdictional delineation (see Appendix E of this 2020 Final EIR). A total of 1.5 acres of jurisdictional waters were mapped on-site, of which only 0.04 acre will be impacted.

Response to SBVAS1-26
The commenter asserts that introduction of new source lights through streets lights for the Project will result in significant impacts to the Fawnskin community's cherished dark skies and the best way to preserve the dark night sky is to preserve the existing General Plan designation. Mitigation Measure BR-9 (RRDEIR No. 2, page 2-60) specifically requires that street lamps on the Project site shall not exceed 20 feet in height and shall be fully shielded to focus light onto the street surface avoiding any light spillover onto adjacent open space or properties. Furthermore, the streetlights are required to utilize low color temperature lighting to further reduce light and glare. Finally, Mitigation Measure BR-10 (RRDEIR No. 2, page 2-61) also limits the brightness of all outdoor lighting for any proposed homes developed within the Project site. These mitigation measures will reduce the impacts from the Project to less than significant level and ensure consistency with County of San Bernardino's General Plan goals and policies relating to mountain region dark-night sky resources.

Response to SBVAS1-27
The comment relates to land use and zoning issues. The RRDEIR No. 2 represented the recirculation of only the Biological Resources section of the Project EIR, and, therefore, any comments not related to the Biological Resource analysis are outside the scope of the RRDEIR No. 2 and do not require formal written response.

Response to SBVAS1-28
The comment relates to land use and zoning issues. The RRDEIR No. 2 represented the recirculation of only the Biological Resources section of the Project EIR, and, therefore, any comments not related to the Biological Resource analysis are outside the scope of the RRDEIR No. 2 and do not require formal written response.

Response to SBVAS1-29
The comment relates to land use and zoning issues. The RRDEIR No. 2 represented the recirculation of only the Biological Resources section of the Project EIR, and, therefore, any comments not related to the Biological Resource analysis are outside the scope of the RRDEIR No. 2 and do not require formal written response.

Response to SBVAS1-30
The comment relates to land use and zoning issues. The RRDEIR No. 2 represented the recirculation of only the Biological Resources section of the Project EIR, and, therefore, any comments not related to the Biological Resource analysis are outside the scope of the RRDEIR No. 2 and do not require formal written response.

Response to SBVAS1-31
The comment relates to land use and zoning issues. The RRDEIR No. 2 represented the recirculation of only the Biological Resources section of the Project EIR, and, therefore, any comments not related to the Biological Resource analysis are outside the scope of the RRDEIR No. 2 and do not require formal written response.

Response to SBVAS1-32
The commenter asserts that the significance determinations regarding impacts to wildlife species included in the RRDEIR No. 2 are not supported by substantial evidence. Section 2, page 2-1, of the RRDEIR No. 2 provides comprehensive analysis of the Project's potential impacts to threatened, endangered and sensitive plant and wildlife species occurring or potentially occurring on the Project site. The RRDEIR No. 2 includes a detailed analysis of the Project's potential impacts to 27 special-status plant species and 22 special-status wildlife species. The RRDEIR No. 2 concluded that the Project would have a less than significant impact, with incorporation of mitigation, to all special-status plant and wildlife species with the exception of the American bald eagle. With regard to special-status wildlife species, except for the American bald eagle, the RRDEIR No. 2 concluded that "the loss of habitat, loss of wildlife, wildlife displacement, and habitat fragmentation that would result from construction of the 2011 Alternative Project would not be considered significant because these impacts would substantially diminish habitat from wildlife in the region nor reduce any specific wildlife populations in the region to below self-sustaining numbers" (RRDEIR No. 2, page 2-50). Initially, this conclusion is supported by the limited development footprint of the Project. The Project proposes development of 50 single-family residents upon approximately 62 acres. Of those 62 acres, approximately 10 acres on-site will be maintained as Open Space. Additionally, as mitigation for impacts to sensitive plant species, an additional 10-acre off-site parcel will be permanently preserved and burdened by creation of a conservation easement. Project lot layout and location of the Open Space areas was strategically developed to maximize conservation of sensitive plant and wildlife species. The Project also involves the development of a 55-slip marina. However, as indicated in the RRDEIR No. 2, the lake shoreline adjacent to the Project site contains approximately 4 acres of

ruderal lake shoreline plant species that would be impacted by the Project (RRDEIR No. 2, page 2-50). The 2008 and 2010 Supplemental Focused Special Status Plant Surveys concluded that the shoreline portion of the Project site does not support any sensitive plant species. Additionally, focused surveys conducted for the southwestern willow flycatcher concluded that, although this species may visit the Project site, the quality and quantity of the habitat along the shoreline is not sufficient to support breeding populations of the species (RRDEIR No. 2, page 2-29). Accordingly, development of the marina portion of the Project will not result in a significant impact to sensitive wildlife species. With regard to the southern rubber boa and San Bernardino mountain flying squirrel, multiple Focused Surveys analyzing the Project's impact to these species concluded that implementation of the Project would not result in a significant impact. With regard to the southern rubber boa, Focused Surveys conducted in 2002 and 2007 confirm the absence of the species on-site. The surveys also concluded that the southern rubber boa was not likely to occupy the Project site because of Project's location and other habitat characteristics absent from Project site (RRDEIR No. 2, page 2-27). A focused survey for San Bernardino flying squirrels was conducted on the Project site in 2007 and the results were negative. However, an individual of the species was trapped in 1998 by the USFS approximately 0.5-mile north of the northern boundary of the Project site (RRDEIR No. 2, page 2-33). The analysis concluded that the Project site provided suitable foraging habitat for the species and the potential for occurrence is considered high despite the negative 2007 Focused Survey. Based on the moderate potential for occurrence, the RRDEIR No. 2 proposed Mitigation Measure BR-3 (RRDEIR No. 2, page 2-58) has been revised to require the following:

BR-3 ~~The project proponent shall have a biologist qualified with San Bernardino flying squirrel (SBFS) as a monitor during tree removal. Minimize the number of trees, snags, and downed wood removed for project implementation. Compensating the removal of snags containing cavities; this would be achieved by constructing and erecting two nest boxes and one aggregate box per snag removed. Appendix A of this Revised and Recirculated Draft EIR No. 2 provides the specifications of the nest and aggregate boxes (Flying Squirrels 2007). These boxes should be located on the adjacent U.S. Forest Service (USFS) land (with their permission) and the locations marked with a global positioning system. The locations of the boxes shall be provided to the USFS so that their biologists could monitor the boxes for occupation by SBFS.~~

~~Provide new homeowners with a flyer that would provide information on the biology of SBFS and how they are susceptible to depredation by cats. The flyer would also outline steps that homeowners could take to reduce their urban edge effects.~~

Given the negative results of on-site surveys and the available technical and peer reviewed literature, negative effects to the San Bernardino flying squirrel are not expected. However, because marginal foraging habitat was found on-site, the following mitigation measures will be implemented in the lots with densely forested areas and snags. These mitigation measures are to be implemented to avoid and minimize impacts to San Bernardino flying squirrels:

- The Project Applicant shall have a qualified biologist as a monitor just prior to and during all tree removal on-site.

- Minimize the removal of large coarse woody debris (>10cm diameter), which provide microhabitat for the growth of hypogeous fungi.
- Limit removal of standing snags (>25cm dbh) and large trees (>25cm dbh), which provide both structural complexity and potential nesting habitat.
- Prioritize the retention of large trees and snags with visible potential cavity nesting structures, which are associated with higher densities of northern flying squirrels.
- Minimize the loss of continuous canopy closure, especially in the drainages, which provides protection from predators while foraging and may play an important role in maintaining habitat connectivity.
- The Project Applicant must compensate for the removal of suitable habitat through construction and erection of two nest boxes and one aggregate box per snag removed.
- The Project Applicant is required to provide homeowners with information on the biology of the San Bernardino flying squirrel and suggest steps that homeowners can take to reduce their urban-edge effects.
- All subsequent home developers must comply with these provisions which shall be enforced by the County of San Bernardino through implementation of the Mitigation Monitoring and Reporting Program as mandated by CEQA.

If the monitoring biologist observes a San Bernardino flying squirrel during pre-construction and/or construction monitoring, the biologist will immediately halt work until the occupied tree can be vacated prior to felling the tree; however, if the work is during the nesting season (generally March through May), when baby squirrels could be present, the nest will not be vacated until after the nesting season ends (June 1st), as cleared by the monitoring biologist.

Please refer to Section 4: Errata of this FEIR, showing detailed revisions to mitigation measures.

With limited habitat disturbance and implementation of mitigation measures, the RRDEIR No. 2 includes substantial evidence that impacts to the San Bernardino flying squirrel will be less than significant. The RRDEIR No. 2 does identify potentially significant impacts to the American bald eagle. The Project will be developed consistent with the County of San Bernardino Plant Protection and Management Ordinance (County Code § 89.0110(b)), which prohibits the removal of bald eagle perch trees within an identified American bald eagle habitat unless the perch tree creates a hazardous condition. The RRDEIR No. 2 imposed multiple mitigation measures to reduce the impact to the bald eagle, including requirements to replace perch trees (should they become hazardous and require removal) at a ratio of 5:1, replacement of trees 24 inches dbh and larger that are removed during construction activities at a ratio of 2:1. Therefore, even if perch trees or other large trees that may be used by the bald eagle are removed, they will be replaced to sufficiently mitigate the impacts. Based on this analysis, there is no evidence that the Project, as designed, will directly reduce the number of any sensitive wildlife species.

Similarly, the RRDEIR No. 2 concluded that the Project would have a less than significant indirect impact to wildlife species due to loss of habitat or habitat fragmentation. Initially, the Project site is

adjacent to the community of Fawnskin on the north, northwest, and west side of the Project site. The community of Fawnskin is developed with single-family residential uses primarily with little preserved Open Space providing connective habitat to the Project site. After Project development, the northeast and eastern portions of the Project site will remain undisturbed San Bernardino National Forest land under the management of the USFS. Accordingly, the Project is not fragmenting any special-status wildlife species habitat as the Project is the extension of development in Fawnskin to the south and southeast. Therefore, the RRDEIR No. 2 concluded that the Project site did not consist of any wildlife crossings or corridors (RRDEIR No. 2, page 2-55). Additionally, the Project site is dominated by Jeffrey Pine Forest habitat totaling approximately 54.92 acres (RRDEIR No. 2, pages 2-3 and 2-4). Approximately 50 acres of Jeffrey Pine Forest, including 13.81 acres of open Jeffrey Pine Forest. As indicated in the RRDEIR No. 2, approximately 58,526 acres of Jeffrey Pine Forest occurs in the San Bernardino National Forest (RRDEIR No. 2, page 2-49). Accordingly, development of the Project within approximately 50 acres of Jeffrey Pine Forest does not result in a significant impact to the Jeffrey Pine Forest habitat, and the special-status wildlife species that occupy such habitat, considering the amounts of similar habitat that continues to exist in the Project area, including those portions of the USFS-managed lands adjacent to the Project site.

Response to SBVAS1-33

The commenter believes the RRDEIR No. 2 does not contain evidence to support the conclusion that loss of forging habitat for wildlife species would be considered adverse or less than significant. The dominant plant community and characteristics of the Project site is Jeffrey Pine Forest. A total of approximately 50 acres of Jeffrey Pine Forest, including 13.81 acres of open Jeffrey Pine Forest would be impacted by development of the Project (RRDEIR No. 2, pages 2-49 and 2-50). Jeffrey Pine Forest is a dominant habitat throughout the Big Bear area. There are approximately 58,526 acres of Jeffrey Pine Forest occurs in the San Bernardino National Forest. Because the Project will impact an extremely small portion of rather abundant Jeffrey Pine Forest habitat, the RRDEIR No. 2 concluded that the Project would have a less than significant impact on special-status wildlife species due to loss of habitat. Additionally, the Project will impact approximately 4 acres of ruderal shoreline plant species. The 2008 and 2010 Supplemental Focused Special Status Plant Surveys concluded that the shoreline portion of the Project site does not support any sensitive plant species. Additionally, focused surveys conducted for the southwestern willow flycatcher concluded that, although this species may visit the Project site, the quality and quantity of the habitat along the shoreline is not sufficient to support breeding populations of the species (RRDEIR No. 2, page 2-29). Impacts to only 4 acres of shoreline habitat are insufficient to result in a significant indirect impact to special-status wildlife plant species.

Response to SBVAS1-34

The RRDEIR No. 2 includes a comprehensive analysis of the Project's potential impacts to the American bald eagle. Many of the trees located on the Project site have been identified as bald eagle perch trees. Surveys and records searches were conducted for the Project site in the winter of 2002 and 2007, which determined that bald eagles use the site extensively. Bald eagle perch locations were recorded and individual trees were marked with numbered tags (RRDEIR No. 2, page 2-29). However, there are no records showing that bald eagles had historically nested on the Project site and neither the 2002 nor 2007 survey found nesting bald eagles on the Project Site. The proposed mitigation measures prohibit the intentional removal of identified perch trees as a component of

Project development, but noted that perch trees may need to be removed in the future if they create a hazardous condition. The potential for future removal of bald eagle perch trees, along with additional light and glare/noise introduced into the area by the Project, is considered a potentially significant CEQA impact. Mitigation Measures BR-4, BR-6 and BR-7 (RRDEIR No. 2, page 2-59 and 2-60) will reduce impacts to the bald eagle. These mitigation measures include:

- Replacement of removed perch trees (should that be necessary) at a ratio of 5:1 with creation of artificial perch trees within the Conservation Areas or by enhancing other trees by trimming and limbing to make suitable for eagle perching. The exact method of perch tree replacement shall be made after consultation with a certified arborist. Prior to commencement of construction activity, the applicant shall have a qualified consultant survey all trees on-site to determine the location of all perch trees to be preserved. (Mitigation Measure BR-4)
- Replacement of identified non-perch trees larger than 24 inches dbh, removed as part of project development, at a ratio of 2:1 (Mitigation Measure BR-4)
- Pre-construction survey of trees to identify existence of active nests. Active nests will be protected and avoided (Mitigation Measure BR-6)
- All vegetation removal, clearing, and grading on the Project site must be performed outside the breeding and nesting season to minimize effects to the Bald Eagle (Mitigation Measure BR-7)

The commenter is concerned about the enforceability of the bald eagle mitigation measures. All of these mitigation measures will be enforced by the County of San Bernardino as part of the Project's Mitigation Monitoring program that will be adopted as part of the Project approval process. Despite implementation of these mitigation measures, impacts were determined to be significant unavoidable, due to the very strict County of San Bernardino criteria for determining CEQA impacts to bald eagles. Any removal of perch trees or human activity resulting in the introduction of additional light and/or noise impacts is considered a significant impact under CEQA. Therefore, although the impacts are identified as significant and unavoidable, the proposed mitigation measures significantly reduce these impacts. Neither the focused surveys nor the RRDEIR No. 2 concludes that the Project will have a direct impact on the bald eagle resulting in the decline of the species in the Big Bear area.

Response to SBVAS1-35

The commenter is concerned that the RRDEIR No. 2 does not propose adequate mitigation for the protection of bald eagle perch trees. Focused bald eagle surveys conducted in 2002 and 2007 identified the most important bald eagle perch trees on-site. As reflected in Exhibit 2-3 of the RRDEIR No. 2, the surveys identified nine (9) known bald eagle perch trees on-site. The Project is designed so that six (6) of the trees are located within Open Space areas that will not be disturbed during Project development. The remaining three perch trees are located within the boundaries of developable lots. Initially, it is noted that the County of San Bernardino Plant Protection and Management Ordinance (County Code § 89.0110(b)) prohibits the removal of bald eagle perch trees, within an identified American bald eagle habitat, unless the perch tree creates a hazardous condition. Additionally, the RRDEIR No. 2 imposes mitigation designed to protect the continued existence of these important perch trees. These mitigation measures include:

- Replacement of removed perch trees (should that be necessary) at a ratio of 5:1 with creation of artificial perch trees along the shoreline designated Open Space or by enhancing other trees by trimming and limbing to make suitable for eagle perching. The exact method of perch tree replacement shall be made after consultation with a certified arborist. Prior to commencement of construction activity, the applicant shall have a qualified consultant survey all trees on-site to determine the location of all perch trees to be preserved. (Mitigation Measure BR-4 [RRDEIR No. 2, page 2-59])
- Replacement of identified non-perch trees larger than 24 inches dbh, removed as part of Project development, at a ratio of 2:1 (Mitigation Measure BR-4)

Even though the removal of perch trees is already prohibited by the County Code, the RRDEIR No. 2 imposes an additional prohibition upon removal that will become part of the project conditions of approval and enforced by the County of San Bernardino as part of the Project's Mitigation and Monitoring program in compliance with CEQA. A total prohibition on perch tree removal, with possible civil and criminal penalties for violation of the prohibition is a strong deterrent that promotes the perpetual protection of the trees. In the unfortunate situation where a perch tree must be removed to protect the health and safety of the public, it must be replaces at a ratio of 5:1. The commenter requests that the perch trees located on developable lots should be placed in Open Space areas. Because of the location of those three trees, Project redesign resulting in elimination of three lots would be required. Because of the significant reduction in density since the original Project was proposed in 2002, such a redesign is infeasible from an economic and planning perspective. Moreover, creating additional Open Space areas for these three perch trees would not eliminate the significant impact due to the introduction of additional light and noise sources through Project development.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species.

Response to SBVAS1-36
Surveys and records searches were conducted for the Project site in the winter of 2002 and 2007, which determined that bald eagles use the site extensively. Bald eagle perch locations were recorded and individual trees were marked with numbered tags (RRDEIR No. 2, page 2-29). However, there are no records showing that bald eagles had historically nested on the Project site and neither the 2002 nor 2007 survey found nesting bald eagles on the Project Site. Although no nesting bald eagles were discovered on-site during the focused surveys, the site provides suitable nesting habitat. To ensure impacts to nesting bald eagles is limited to the extent feasible, the RRDEIR No. 2 proposes Mitigation Measure BR-6. Mitigation measure BR-6 (RRDEIR No. 2, page 2-59) requires pre-construction surveys for active nests by a qualified biologist. If active nests are found, the nest must be protected until nesting activity has ended. Required protective measures include establishment of a 300-foot buffer zone around active nests (RRDEIR No. 2, page 2-60). Moreover, use of the marina is prohibited between December 1 and April 1, the bald eagle wintering season in the Big Bear area (Mitigation Measure BR-8 [RRDEIR No. 2, page 2-60]). Therefore, should bald eagles nest on the Project site, the imposition of the mitigation measures will reduce the Project's impacts.

With few exceptions, the Bald and Golden Eagle Protection Act (16 USC 668–668d) prohibits take of Bald Eagles and Golden Eagles. Unlike the MBTA, which defines "take" to mean only direct killing or taking of birds or their body parts, eggs, and nests, the Bald and Golden Eagle Protection Act defines take in a manner similar to FESA as including "pursuing, shooting, shooting at, poisoning, wounding, killing, capturing, trapping, collecting, molesting, and disturbing," with "disturb" further defined (50 CFR 22.3) as "to agitate or bother a Bald or Golden Eagle to a degree that causes, or is likely to cause, based on the best scientific information available; (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." The requirements for guarding against impacts to eagles generally are far more stringent than those required by the MBTA alone. Therefore, the Project is designed to avoid known perching trees along the shoreline of Big Bear Lake and mitigation measures are in place to replace trees that have to be removed with artificial perches. As explained and referenced on pages 1 and 2 in the Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting, the bald eagles are becoming more accustomed to human interaction and take of the species is not expected as a result of the Moon Camp Project (see Appendix I of this 2020 Final EIR).

Response to SBVAS1-37
Please see Responses to SBVAS1-34 through -36 above.

Response to SBVAS1-38
The commenter asserts that the RRDEIR No. 2 failed to analyze the Project's impacts on forging habitats of the bald eagle due to Project development. The RRDEIR No. 2 does conclude that the Project has a significant unavoidable impact on the bald eagle primarily due to the existence of human habitation and close proximity to bald eagle forging habitat. The RRDEIR No. 2 concludes that despite imposition of mitigation measures regarding preservation of perch trees, replacing of perch trees, restriction of construction activity during nesting periods and restriction on the use of the marina during bald eagle nesting periods, the Project would still have a significant unavoidable impact to the bald eagle, but would not result in take as defined pursuant to the CESA and the Bald and Golden Eagle Protection Act. With few exceptions, the Bald and Golden Eagle Protection Act (16 USC 668–668d) prohibits take of Bald Eagles and Golden Eagles. Unlike the MBTA, which defines "take" to mean only direct killing or taking of birds or their body parts, eggs, and nests, the Bald and Golden Eagle Protection Act defines take in a manner similar to FESA as including "pursuing, shooting, shooting at, poisoning, wounding, killing, capturing, trapping, collecting, molesting, and disturbing," with "disturb" further defined (50 CFR 22.3) as "to agitate or bother a Bald or Golden Eagle to a degree that causes, or is likely to cause, based on the best scientific information available; (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior. " Therefore, the requirements for guarding against impacts to eagles generally are far more stringent than those required by the MBTA alone. Therefore, the Project is designed to avoid known perching trees along the shoreline of Big Bear Lake and mitigation measures are in place to replace trees that have to be removed with artificial perches. As explained and referenced in the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting, the bald eagles are becoming more

accustomed to human interaction, and take of the species is not expected as a result of the Moon Camp Project (see Appendix I of this 2020 Final EIR).

Response to SBVAS1-39
See Response to Response to SBVAS1-38.

Response to SBVAS1-40
The commenter asserts that the environmental baseline discussion of the Project Description is inadequate and inaccurate because some of the trees on the property have recently died or have been cut since the RRDEIR No. 2 was released from public review. Even assuming the commenter is correct and a number of pine trees have been removed from the Project site, the existing project description remains valid and legally adequate for CEQA purposes. The general description of the environmental setting and resources existing on-site is general in nature and intended to give the reviewing public an understanding of the environmental baseline against which the impacts to the Project are analyzed. The loss of a few trees does not alter the informational value presented by the existing project description, nor does it invalidate the environmental analysis based thereon,

Response to SBVAS1-41
Please see Response to SBVAS1-34 through -36 above. The commenter is correct that replacement of trees larger than 24-inch dbh does not reduce the significant impacts to the bald eagle. As indicated in the RRDEIR No. 2, impacts to the bald eagle are considered significant and unavoidable. However, although trees removed may be much larger than 24 inches dbh, replacement of such trees at a 2:1 ratio helps limit Project impacts to the bald eagle. The County of San Bernardino acknowledges that such mitigation will not totally mitigate the impacts of the loss of much larger trees that bald eagles are familiar with and have potentially used in the past. However, it is infeasible to replace any lost trees with trees of the exact size and stature of those removed.

Response to SBVAS1-42
Please see Response to SBVAS1-34 through 36 above.

Response to SBVAS1-43
The commenter questions the adequacy of the proposed mitigation for the ashy-grey Indian paintbrush. The 2010 Supplemental Focused Special Status Plant Survey prepared by Dr. Krantz concluded that, based on careful examination of the Project site and documentation of individual occurrences of ashy-grey Indian paintbrush, there were 5,567 individual plant occurrences on the Project site, 4,895 of which are located within the identified Conservation Areas Lot A and Lot H. Appendix I of this 2020 Final EIR provides updated 2018 totals for the ashy-grey Indian paintbrush habitat, where it was concluded that there were approximately 7.71 acres of occupied ashy-grey Indian paintbrush habitat on the Project site, 4.84 of which is permanently preserved in the creation of Conservation Areas represented by Lot A and Lot H. Utilizing individual plant occurrences, creation of Lot A and Lot H results in preservation of 88 percent of the identified individuals, or mitigation of a ratio of 7:1. Utilizing occupied habitat acreage, the Project provides mitigation in excess of 1.68:1. Although other portions of the Project site contain plant species that have been associated with ashy-grey Indian paintbrush, such as the Wright's matting buckwheat, the lifecycle of the ashy-grey Indian paintbrush species is such that it is unlikely that the Wright's matting buckwheat would ever host ashy-grey Indian paintbrush occurrences. Ashy-grey Indian paintbrush is

a hemi-parasite on its host plants, and does not readily disperse; dropping its seeds in the immediate vicinity of the host plants themselves. Thus, the actual occupied habitat for ashy-grey Indian paintbrush does not change from year to year. According to CEQA Mandatory Findings of Significance, the Project will result in a significant adverse impact on threatened species such as the ashy-grey Indian paintbrush. However, the County of San Bernardino believes that the permanent protection of 88 percent of the ashy-grey Indian paintbrush population on-site, together with protection of the Knoll "pebble plain" on-site, and the Dixie Lee Lane pebble plain off-site represent substantial benefits to these same resources that override the adverse impacts of loss of some ashy-grey Indian paintbrush habitat.

An updated survey completed in 2016 by Dr. Krantz notes that there are essentially no changes in the distributions of rare plant species occurring on the Moon Camp property in comparison with previous surveys and as described in the RRDEIR (see Appendix K of this 2020 Final EIR).

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species. Pages 2 through 4 address the ashy-grey Indian paintbrush, and Table 1 shows the habitat numbers for ashy-grey Indian paintbrush.

Response to SBVAS1-44

The Project as designed will result in a creation of two conservation easements (Lot A, a 3.4-acre Open Space/Conservation Area and Lot H, a 1.9-acre Open Space/Conservation Area; which combined contain 4.84 acres of occupied ashy-grey Indian paintbrush habitat) for preservation of ashy-grey Indian paintbrush, as well as preservation of a 10-acre parcel off-site, the Dixie Lee Lane property, comprised of pebble plain habitat. The commenter asserts that avoidance of impacts to ashy-grey Indian paintbrush and permanent preservation of on-site habitat may not be utilized as "mitigation" for a species otherwise impacted by the proposed development. Instead, commenter asserts species impacted by the Project only can be mitigated through preservation of off-site habitat. This is not a correct statement of the law. Initially, CEQA does not require imposition of mitigation measures where there is no identified significant impact (Public Resource Code § 21100(b)(3), § 21150; CEQA Guidelines Section 15126.4(a)—discussion of Mitigation Measure is required only for significant environmental impacts). Therefore, if an impact is avoided in its entirety, no mitigation is required. As a result, contrary to the commenter's assertions, preservation of the ashy-grey Indian paintbrush occurrences in the identified Open Space/Conservation Areas is not "mitigation" for the plant occurrences within those designated areas. CEQA authorizes preservation of special-status plant species occurring on-site as mitigation for impacts to those species. See *Miramar Mobile Community v. City of Oceanside* (2004) 119 Cal. App. 4th 477. Accordingly, the RRDEIR No. 2 appropriately characterized preservation of an on-site occurrence of ashy-grey Indian paintbrush as mitigation for impacts to that species occurring elsewhere on the Project site. Additionally, Appendix K of this 2020 Final EIR provides an updated survey completed in 2016 by Dr. Krantz noting that there are essentially no changes in the distributions of rare plant species occurring on the Moon Camp property in comparison with previous surveys, and as described in the RRDEIR.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and

potential special-status species. Pages 2 through 4 address the ashy-grey Indian paintbrush, and Table 1 shows the habitat numbers for ashy-grey Indian paintbrush.

Response to SBVAS1-45 and -46
Please refer to Response to SBVAS No. 44. One of the primary objectives of the Supplemental Focused Special Status Plant Survey was to provide both quantitative and qualitative information on the rare plant populations occurring on the Moon Camp site, as well as on the proposed off-site mitigation area at Dixie Lee Lane in Sugarloaf. Populations of sensitive plant or animal species can be calculated in terms of acreage or actual numbers. Raw acreage is a discrete means of comparing "occupied" habitat on-site with other occupied habitats but does not provide qualitative habitat information. In the case of Moon Camp populations, the occupied habitat acreage of ashy-grey Indian paintbrush exhibits typical low-to-high densities on Lots 1-5, 47, 49, and Lot A, with numbers of individuals ranging from a few dozen to several hundred individuals per acre. A simple calculation of occupied habitat by itself, however, would completely ignore the fact that the population included within the newly established Lot H contains densities of ashy-grey Indian paintbrush as much as twenty times that of the other areas—indeed, one of the highest densities that Dr. Krantz has observed throughout the distribution of the species. Hence, Lot H was created to protect this unique occurrence of ashy-grey Indian paintbrush, and the actual estimated numbers (based on quantitative belt transects within Lot H) of individual plants was calculated and used to help delineate the Letter Lot so as to conserve the best (qualitatively) habitat on the Moon Camp property.

Response to SBVAS1-47
During the surveys that led to the 2010 Supplemental Focused Special Status Plant Survey, Dr. Krantz utilized GPS technology to identify and locate discrete occurrences of ashy-grey Indian paintbrush occurring throughout the Project site. Total occupied habitat located within Lots 1 through 5, 47 through 50, Lot F and driveway, and road and road right-of-way, equals 2.87 acres. Although a good portion of the 2.87 acres is located within identified building setbacks and therefore may not be disturbed through Project development, the RRDEIR No. 2 utilized a worst-case analysis and assumed that all 2.87 acres of occupied habitat would be disturbed due to a lack of formal protection for these areas. The RRDEIR No. 2 has been revised to clarify this calculation.

Additionally, Appendix K of this 2020 Final EIR provides an updated survey completed in 2016 by Dr. Krantz noting that there are essentially no changes in the distributions of rare plant species occurring on the Moon Camp property in comparison with previous surveys, and as described in the RRDEIR.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species. Pages 2 through 4 address the ashy-grey Indian paintbrush, and Table 1 shows the habitat numbers for ashy-grey Indian paintbrush.

Response to SBVAS1-48
The Dixie Lee Lane pebble plain was originally surveyed by Hicks & Hartwick Engineering as a curvilinear 10-acre pebble plain, the exterior lines of the parcel conforming to the benchtop opening of the pebble plain, including Pinyon Pines and Jeffrey Pines within the general distribution of the pebble plain habitat. Hence, the delineation of the 10-acre parcel generally conforms to the actual

pebble plain configuration, such that the proposed 10-acre mitigation parcel conforms very closely to the distribution of pebble plains species on the ground.

Response to SBVAS1-49

The commenter claims that the analysis included in the RRDEIR No. 2 regarding potential impacts to the southern rubber boa are legally inadequate because the survey stops short of following recommended protocol. Moreover, the commenter asserts that the discussion and conclusions are based on out-of-date information. The RRDEIR No. 2 analyzes the Project's potential impacts to the southern rubber boa, a federal species of concern and State-listed threatened species. As indicated in the RRDEIR No. 2, known locations for the species occur on the north-facing slopes immediately south of Big Bear Lake. Surveys for the species were conducted in the spring and summer of 2002, as well as 2007 (RRDEIR No. 2, page 2-27). No southern rubber boas were encountered during the surveys. Given the lack of historical records in the immediate vicinity of the Project site and the fact that the Project site is on the north side of Big Bear Lake on a south-facing slope, there is a low potential for the southern rubber boa to occur on the Project site (RRDEIR No. 2, page 2-27). Accordingly, the RRDEIR No. 2 adequately analyzes the potential for the Project to have a significant impact on this species.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species. Furthermore, Dr. Stewart's habitat assessment showed that the Moon Camp Tract is poor southern rubber boa habitat and is outside the area mapped as potential southern rubber boa habitat in the Forest Service habitat management guide (see Appendix J of this 2020 Final EIR). There have been no southern rubber boa sightings in the area; therefore, there is no suitable habitat to map.

Response to SBVAS1-50

The commenter asserts that the mitigation for the southern rubber boa is ineffective at preserving habitat since the setbacks are in private lots and there is no mechanism to enforce their preservation. Initially, as indicated in Response to SBVAS1-49, numerous surveys for the southern rubber boa concluded that it has a low potential to occur on the Project site. The identified Mitigation Measure BR-2 is not specifically intended to mitigate potentially significant impacts to the southern rubber boa. However, Mitigation Measure BR-2 (RRDEIR No. 2, page 2-58) will further the preservation of any southern rubber boa to the extent they exist on the Project site in the future.

Response to SBVAS1-51

The commenter asserts that the RRDEIR No. 2 is inadequate because it fails to analyze impacts to the California spotted owl and no mitigation has been implemented for a loss of suitable habitat. Page 2-30 of the RRDEIR No. 2 includes an analysis of the potential impacts to the California spotted owl. As indicated therein, surveys were conducted for the species on the Project site and although one male spotted owl was detected approximately 1 mile to the northwest of the Project site, no nesting pairs or individuals were observed on the Project site. The San Bernardino National Forest has been conducting Focused Owl Surveys for the past several years and all the identified known breading owls and territories are located several miles north of the Project site in the dense conifer forest. Accordingly, no individual nesting pairs were found on the Project site. However, individuals do have

the high potential to forge on the Project site. As indicated in the Project Description, the Project will result in the disturbance of approximately 62 acres currently bounded by the lake and SR-38 to the south, community of Fawnskin to the west and the northwest, and other residential development to the southeast. Despite the development, there remains abundant California spotted owl habitat to the north and the northeast on property under the management of the USFS where surveys have identified California spotted owl presence. Based on the minimal acreage currently disturbed by the Project, the loss of approximately 62 acres of suitable habitat close to human habitation and existing development will not result in a significant impact to the California spotted owl.

Response to SBVAS1-52

The commenter provides a general comment regarding its opposition to the Project but no specific comment related to the adequacy of the EIR. Therefore, no formal written response is required. The comment is noted and will be forwarded to the decision-makers.

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Slowik, Matt - LUS

From: Drew Feldmann [drewf3@verizon.net]
Sent: Monday, January 23, 2012 1:48 AM
To: Slowik, Matt - LUS
Cc: Watson, George; Supervisor Derry; Kelly, Christine - LUS
Subject: Moon Camp
Attachments: Audubon Moon Camp extension request.doc

Mr. Slowik,

Please see the attached letter from the San Bernardino Valley Audubon Society,

Thank you.

Drew Feldmann
Conservation Chair

San Bernardino Valley Audubon Society
P. O. Box 10973, San Bernardino, California 92423-0973

January 22, 2012

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Re: Revised and Recirculated DEIR No. 2 for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)—Request for Public Comment Deadline Extension

Dear Mr. Slowik,

The San Bernardino Valley Audubon Society respectfully requests an extension to the deadline for Public Comment to be received for the Revised and Recirculated DEIR No. 2 for the Moon Camp Development Project. The San Bernardino Valley Audubon Society, the local chapter of the National Audubon Society, is a nonprofit all-volunteer organization that represents some 2,000 residents of the Inland Empire, who greatly enjoy the benefits of the San Bernardino Mountains as one of the most outstanding natural areas of Southern California.

Since our chapter (in spite of its name) is responsible for both San Bernardino and Riverside Counties, we have a large workload at any given time. The release of the DEIR for public review over the Christmas and New Year's holiday season has made it exceptionally difficult to give the document the due consideration it necessarily requires. 1

Thank you for your consideration in this request.

We also request also that we be notified of any extensions granted by return email to Drewf3@verizon.net.

Sincerely,

Drew Feldmann

Drew Feldmann
Conservation Chair

xc: Third District Supervisor Neil Derry
George Watson, Supervisor Derry Chief of Staff
Christine Kelly, Land Use Services Director

San Bernardino Valley Audubon Society (2) (SBVAS2)

Response to SBVAS2-1

The commenter requests the County of San Bernardino to extend the close of the public review period for adequate review. The County of San Bernardino extended the public review period to February 7, 2012, for the RRDEIR No 2. No additional response is necessary.

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Slowik, Matt - LUS

From: ednjeanne [ednjeanne@charter.net]
Sent: Tuesday, February 07, 2012 2:12 PM
To: Slowik, Matt - LUS
Subject: Moon Camp -Revised DEIR
Attachments: Revised EIR Comments.doc

Attached are our comments on the Revised Draft of the Moon Camp DEIR. This replaces the comments that we sent on 1/22/2012. 1

Ed Wallace
Conservation Chair
Big Bear Group
Sierra Club

SIERRA CLUB
FOUNDED 1892

Big Bear Group

San Gorgonio Chapter

PO Box 3048 Big Bear Lake CA. 92315

www.sierraclubbigbeargroup.org

The County of San Bernardino January 22, 2012
Land Use Services Department, Advanced Planning Division
385 N. Arrowhead Ave, First Floor
San Bernardino, CA 92415-0182

Attn: Matthew W. Slowik Senior Planner

RE: Revised and Recirculated Draft Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc. (SCH#2002021105)

The Big Bear Group of the Sierra Club representing over180 local members in the Big Bear Valley would like to thank you for the opportunity to comment on the above referenced Environmental Impact Report. Our comments are as follow: 1 CONT.

Biological Resources

- **MM BR- 1a**
  The 10 – acres comprising the Dixie Lee property is not all pebble plain. Isn't using the entire acreage as mitigation for loss of pebble plain disingenuous? We also reiterate our comments to the initial EIR.

It is our understanding that this pebble plain was totally set aside as mitigation for the pebble plain lost as a result of the construction of Big Bear High School, its parking lots and outdoor athletic facilities and thus cannot be used for further mitigation. The 2 acres suggested by Tim Krantz does not seem reasonable considering the size of the High School complex. Do you have documentation to support the claim made by Tim Krantz? If a portion of the Dixie Lee Pebble Plain can be used for mitigation what will be the size endowment and what will be the projected costs per year to manage and maintain the property? Have you developed a list of organizations that are interested in taking on the management functions? Have they actually been contacted? Do they agree that the proposed endowment is adequate? If this has not been done aren't your proposed mitigation and management just words on paper with no real substance? 1 CONT.

- **MM Br -1b**
  Has a list of qualified conservation entities been identified that are interested in managing the conservation easements? Do they agree the amount of the proposed endowment (whatever that is) is sufficient? The reason for this question is that putting this down in paper is easy finding qualified organizations that will actually take on this responsibility could prove to be difficult. Do you understand that until this is done it cannot be considered a valid mitigation? 2
- **MM BR-1c**
  What is the exact language in the CC&Rs for the project that penalizes future residents that violate the Conservation Areas? Can these CC&Rs be changed by a future home owners association? Does the County understand their enforcement responsibility for protection and landscaping reviews? Are you asking the county to take on responsibility that is not funded? 3
  Does the drainage on the individual lots flow onto the Conservation Areas?
  Being that the development allows grass lawns, what is affect on the plants in the Conservation Areas due to lawn fertilization?

- **MM BR-1d**

  What prevents the owner of the property from destroying the Ashy-Gray Paintbrush after they have occupied their homes? Has making the back of these lots a fenced conservation easement been considered? If not, why not?

4

- **MM BR-3**

  New home owners will be provided with a flyer that would provide information on the biology of the San Bernardino Flying Squirrel. This flyer would provide homeowners on information on how to reduce their urban edge effects. Who is responsible for producing this flyer? Is there any enforcement mechanism for those that ignore the information and recommendations? How will this information be passed along to homeowners in the future?

5

- **MM BR-4**

  Our experience is that contractors pay little attention to maintaining a safe distance from trees during construction and most are killed during the construction process. Inspection efforts by building departments are at best ineffective. How do you propose to change this on this project? Replacing a dead perch tree with any number of young trees will only mitigate the loss in about 200 years which is not mitigation as required under CEQA. Do you agree with this statement and if not why? MM BR-4 also suggests that artificial perch trees will be used to replace any existing trees that need to be taken down. Our observation is that the artificial trees have a short life span due to rotting and wind and will need to be replaced on a regular basis. If this is an acceptable mitigation measure who is responsible for maintaining and replacing these trees? How will this be funded in perpetuity? What is the projected cost on a yearly basis?

6

- **MM BR- 5**

  As stated above, our experience is that contractors pay little attention to maintaining a safe distance from trees during construction and most are killed during the construction process. Inspection efforts by building departments are at best ineffective. How do you propose to change this on this project? Who is responsible for explaining the

7

restrictions on individual lots to developers and homeowners? How do you propose enforce these restrictions? How will these restrictions be passed on to future homeowners' overtime? Do you believe that this can be affective in perpetuity? Please explain why? 7 CONT.

- **MM BR-6**
  Who has determined that a 300 feet clearing limit from a nesting site is sufficient? What is their expertise? 8

- **MM BR-7**
  Explain how an active nesting site will be protected during construction activities. Do you have documentation that shows these measures to be effective? Is it the same for all species of birds? 9

- **MM BR-8**
  The USFS closes down trailheads and picnic areas on November 1 in deference to bald eagles. Why does this development choose to use December 1? 10

- **MM BR -10**
  Who is responsible to explain the restriction on outdoor lighting to potential developers and homeowners? How will these restrictions be passed on to future homeowners' overtime? Do you believe that this can be affective in perpetuity? Please explain why? 11

- **MM BR- 11**
  Because of fire we read California building codes require 100 ft set back from wild lands. What set backs are being used in this development? Who is responsible for assuring that homeowners staying out of the pebble plains on the National Forest? How will this be enforced? What is the penalty for non- compliance? 12

- **A. 11 Revised Supplemental Focused Special Plant Species Survey III. PG- 4 & 1V. PG- 5**

  This section tries to reconcile the difference between White and Krantz regarding the presence of ashy-gray paint brush located in the southeast portion of the property. We believe that White, a competent biologist saw what he saw as did Krantz. Could it be that these plants 13

do not appear unless conditions in the area are conducive? Krantz indicates that he observed these areas in years with above average precipitation. Does the timing of this precipitation have anything to do with the appearance of these plants? Are there other factors that could explain the discrepancies? Has Krantz or anyone else contact White to get his read on these discrepancies? If no. why not? 13 CONT.

- **A. 11 Revised Supplemental Focused Special Plant Species Survey V PG 8**

The argument here seems to be that resident can't hike up 200' to impact these pebble plains on USFS property. Has Dr. Krantz had a look at all the illegal trails all over the north facing slope above Big Bear Lake? What cause these trails people are in close proximity to the forest. Won't homes in this project cause the same problem? What would he suggest as a real solution to this problem? 14

- **A. 11 Revised Supplemental Focused Special Plant Species Survey V1 PG8**

The purchase of the Dixie Lee Lane pebble plain has been suggested as mitigation for the loss of pebble habitat. It is our understanding that this pebble was previously set aside as mitigation for the construction impacts of Big Bear High School and its parking lots and outdoor athletic facilities and thus cannot be used for further mitigation. Also, the two acres of mitigation for the high school complex as suggested by Tim Krantz does not seem reasonable considering the size of the complex. Does documentation exist to support the claim? made by Mr. Krantz? Certainly records of any mitigation discussion must have been kept during the approval process. Do they exist at the school district offices or the county? Was this looked into by those being paid to put together this DEIR and the attached appendixes? If not, why? 15

- **Fire Considerations**

The proposed project increases density in an area of potentially extreme fire danger. The impacts need to be better evaluated Any project built in the San Bernardino Mountains today that significantly increases the temporary or permanent population of the area creates a 16

major problem should the Big Bear Valley need to be evacuated. The evacuation routes out of Big Bear are limited and subject to major traffic jams during an evacuation. This is further exacerbated should one or possibly two of the three routes be shut down. The potential for this to happen is real should there be a fast fire moving up the Bear Creek drainage. Public safety is the foremost responsibility of our government officials and should not be ignored. Every new development adds to the problem! The following is a recent quote from CDF Chief Ruben Grijaiva "As more people move into and live in the WUI (Wildland Urban Interface), more people are at risk during a wildfire, and more people are in need of evacuation. Fire ground commanders must use initial resources on evacuation, rather than control the fire perimeter. Fires grow while we evacuate more and more people." When these items are brought up in public meetings the county usually will refer to the adopted Emergency Operation Plan. This plan has never been scrutinized by the public but is doubtful that this Plan is backed up by recent traffic studies that would indicate the time necessary to evacuate the Big Bear Valley should this be required in a wild fire. Has this EIR attempted to look at evacuation problems or traffic studies? If only one route is open will it be used to evacuate or bring fire equipment up the hill? We have heard a number of supervisors state that the safety of the people is their primary concern. If this is true than the county must reject any high density development that has the potential of adding to the population density of the valley and the safety problems that it creates for the present occupants of the valley. A well done EIR must evaluate these problems. If not, why not?

16 CONT.

Respectively submitted

Ed Wallace, Conservation Chair, Big Bear Group, Sierra Club

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Sierra Club (Ed Wallace, February 7, 2012) (SIERRA CLUB1)

Response to SIERRA CLUB1-1

Contrary to the commenter's assertions, the 10-acre Dixie Lee Lane property is approximately 10 acres of actual pebble plain habitat. The Dixie Lee Lane property was originally surveyed by Hicks and Hartwick Engineering as a curvilinear 10-acre pebble plain, the exterior lines of the parcel conforming to the bench top opening of the pebble plain, including Pinyon Pines and Jeffrey Pines within the general distribution of the pebble plain habitat. Hence, the delineation of the 10-acre parcel generally conforms to the actual pebble plain configuration such that the proposed 10-acre parcel conforms very closely to the distribution of pebble plains species found on the ground. Additionally, the Dixie Lee Lane property has not been previously pledged as mitigation for another development project in the Big Bear area as mentioned by the commenter. First, the RRDEIR No. 2 did not identify potentially significant impact to pebble plain habitat. The Supplemental Focused Sensitive Plant Survey, conducted by Dr. Krantz, identified an area approximately 0.69-acre where pebble plain soil conditions occur. However, Dr. Krantz concluded that prior biological surveys had mischaracterized the 0.69-acre portion of the Project site as true pebble plain due to lack of two indicator plant species. Therefore, the Dixie Lee Lane parcel is not technically mitigation for any impacts to pebble plain habitat. However, even if the 0.69-acre area were determined to be true pebble plain habitat, the Dixie Lee Lane parcel would adequately mitigate for those impacts. The Dixie Lee Lane parcel, as well as other Conservation Areas identified and set aside as part of the Project development will be placed under a conservation easement that will be held by a legitimate Conservation Entity that will be supported by a non-wasting endowment that will support the continued maintenance and conservation of the Conservation Areas consistent with Mitigation Measure BR-1 (RRDEIR No. 2, page 2-57).

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species. Specifically, page 4 includes a discussion of the Dixie Lee Land as mitigation.

Response to SIERRA CLUB1-2

The entire 10-acre Dixie Lee Lane parcel, as well as other Conservation Areas created as part of the Project development, will be encumbered by a formal conservation easement for the benefit of a Conservation Entity. A long-term non-wasting endowment providing funding for maintenance and preservation of the Conservation Areas will be established in favor of a designated 501(c)3 conservation organization dedicated to that purpose. Cost for maintenance and monitoring of the preserved areas are estimated to be modest—sufficient for initial fencing, signage with continuing endowment to fund fence repair, replacement signage and other activities over time necessary for the continued maintenance and conservation of the Conservation Areas. It is anticipated that the Conservation Entity will be a member-organization that will proactively organize and lead natural history walks and provide interpreted materials as a means of fund-raising and member recruitment.

Response to SIERRA CLUB1-3

CC&Rs for the Project have not yet been formed. It is anticipated that the CC&Rs will be drafted and recorded prior to the first property sale within the Project site. As required by Mitigation Measure BR-1 (RRDEIR No. 2, page 2-57), the CC&Rs will include language prohibiting residents and their

guests from accessing Conservation Areas or taking other action that would prohibit the perpetual preservation of Conservation Areas. Although CC&Rs generally can be amended by homeowners owning property subject thereto, because the provisions in the CC&Rs relating to preservation of the Conservation Areas and enforcement of violation of those provisions are explicitly included as mitigation measures in the EIR and project conditions of approval, those provisions must remain in perpetuity and the CC&Rs will provide for such.

Response to SIERRA CLUB1-4

The commenter expresses concern about homeowners destroying ashy-grey Indian paintbrush located within designated rear-lot setbacks and why Conservation Easements within these areas have not been considered. An updated analysis (May 23, 2018) of the ashy-grey Indian paintbrush habitat provides an analysis of the ashy-grey Indian paintbrush habitat (Appendix I of this 2020 Final EIR). The analysis indicates that occurrences of the federally endangered ashy-grey Indian paintbrush occurred on developable Lots 1, 47, 49, and 50. The analysis concluded that the occurrence of ashy-grey Indian paintbrush on the proposed developable lots were within the rear lot building setbacks, thereby increasing the chance that these species will be preserved. The commenter is correct that these areas are not within proposed Conservation Easement areas. The RRDEIR No. 2 did not assume that the plant species will be preserved due to their location within the identified building setbacks. The discussion of the occurrences within the setbacks was for informational purposes only. The 2018 analysis identified approximately 672 plant occurrences within the identified lots, which accounts for roughly 12 percent of the occurrences identified in the Project site. Even without preservation of the ashy-grey Indian paintbrush occurrences on Lots 1, 47, 49, and 50, the design of the Project and creation of Open Space Conservation Easements will preserve approximately 88 percent of the ashy-grey Indian paintbrush occurrences on-site, which results in mitigation at approximately a 7:1 ratio. Accordingly, the occurrences on Lots 1, 47, 49, and 50 do not need to be preserved in order for the Project to adequately mitigate impacts to the ashy-grey Indian paintbrush.

Refer to Appendix I of this 2020 Final EIR of the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species. Pages 2 through 4 address the ashy-grey Indian paintbrush, and Table 1 shows the habitat numbers for ashy-grey Indian paintbrush.

Response to SIERRA CLUB1-5

The commenter is concerned that the proposed mitigation for impacts to the San Bernardino flying squirrel is inadequate and lacks enforcement mechanisms. The RRDEIR No. 2 included an analysis of the Project's potential impacts on the San Bernardino flying squirrel, a federally recognized species of concern and State-recognized species of special concern. A focused survey for San Bernardino flying squirrels was conducted on the Project site in 2007 and the results were negative. However, an individual of the species was trapped in 1998 by the USFS, approximately 0.5 mile north of the northern boundary of the Project site (RRDEIR No. 2, page 2-33). The analysis concluded that the Project site provided suitable foraging habitat for the species and the potential for occurrence is considered high despite the negative 2007 Focused Survey. Because marginal foraging habitat was found on-site, the following mitigation measures will be implemented in the lots with densely forested areas and snags. Based on the moderate potential for occurrence, the RRDEIR No. 2 proposed Mitigation Measure BR-3 (RRDEIR No. 2, page 2-58) has been edited to require the following:

BR-3 ~~The project proponent shall have a biologist qualified with San Bernardino flying squirrel (SBFS) as a monitor during tree removal. Minimize the number of trees, snags, and downed wood removed for project implementation. Compensating the removal of snags containing cavities; this would be achieved by constructing and erecting two nest boxes and one aggregate box per snag removed. Appendix A of this Revised and Recirculated Draft EIR No. 2 provides the specifications of the nest and aggregate boxes (Flying Squirrels 2007). These boxes should be located on the adjacent U.S. Forest Service (USFS) land (with their permission) and the locations marked with a global positioning system. The locations of the boxes shall be provided to the USFS so that their biologists could monitor the boxes for occupation by SBFS.~~

~~Provide new homeowners with a flyer that would provide information on the biology of SBFS and how they are susceptible to depredation by cats. The flyer would also outline steps that homeowners could take to reduce their urban edge effects.~~

Given the negative results of on-site surveys and the available technical and peer reviewed literature, negative effects to the San Bernardino flying squirrel are not expected. However, because marginal foraging habitat was found on-site, the following mitigation measures will be implemented in the lots with densely forested areas and snags. These mitigation measures are to be implemented to avoid and minimize impacts to San Bernardino flying squirrels:

- The Project Applicant shall have a qualified biologist as a monitor just prior to and during all tree removal on-site.
- Minimize the removal of large coarse woody debris (>10cm diameter), which provide microhabitat for the growth of hypogeous fungi.
- Limit removal of standing snags (>25cm dbh) and large trees (>25cm dbh), which provide both structural complexity and potential nesting habitat.
- Prioritize the retention of large trees and snags with visible potential cavity nesting structures, which are associated with higher densities of northern flying squirrels.
- Minimize the loss of continuous canopy closure, especially in the drainages, which provides protection from predators while foraging and may play an important role in maintaining habitat connectivity.
- The Project Applicant must compensate for the removal of suitable habitat through construction and erection of two nest boxes and one aggregate box per snag removed.
- The Project Applicant is required to provide homeowners with information on the biology of the San Bernardino flying squirrel and suggest steps that homeowners can take to reduce their urban-edge effects.
- All subsequent home developers must comply with these provisions which shall be enforced by the County of San Bernardino through implementation of the Mitigation Monitoring and Reporting Program as mandated by CEQA.

> If the monitoring biologist observes a San Bernardino flying squirrel during pre-construction and/or construction monitoring, the biologist will immediately halt work until the occupied tree can be vacated prior to felling the tree; however, if the work is during the nesting season (generally March through May), when baby squirrels could be present, the nest will not be vacated until after the nesting season ends (June 1st), as cleared by the monitoring biologist.

Please refer to Section 4: Errata of this FEIR, showing detailed revisions to mitigation measures.

Mitigation Measure BR-3 in the aggregate is adequate to mitigate impacts to the San Bernardino flying squirrel. The majority of impacts to the San Bernardino flying squirrel will occur through on-site development activities and a removal of suitable habitat. Mitigation Measure BR-3 outlines specific enforceable provisions to reduce impacts to development which, as stated above, include limitation on removing trees and snags, creation of replacement habitat and on-site monitoring to ensure no direct impacts to the San Bernardino flying squirrel occur during development activities. All subsequent home developers must comply with these provisions which shall be enforced by the County of San Bernardino through implementation of the Mitigation Monitoring and Reporting Program as mandated by CEQA. Impacts to the San Bernardino flying squirrel occurring after development of the Project are much less likely to occur. However, providing homeowners with information regarding ongoing impacts to the San Bernardino flying squirrel prepared by an expert in the field will provide an additional modicum of mitigation for potential impacts to the f San Bernardino lying squirrel.

Response to SIERRA CLUB1-6 and -7

The commenter expresses concern about the enforceability and feasibility of Mitigation Measures BR-4 and BR-5. Mitigation Measures BR-4 and BR-5 (RRDEIR No. 2, page 2-59) require identification of bald eagle perch trees, as well as other large trees on-site and provide mitigation for impacts to those trees. Mitigation Measure BR-4 requires that all eagle perch trees identified in the 2002 Bald Eagle Survey be preserved in place upon Project completion. If any of the designated perch trees should become hazardous and need to be taken down, they must be replaced (or enhanced) at a 5:1 ratio with artificial perch trees along the shoreline designated Open Space area. Additionally, development within the Project site must avoid trees larger than 24 inches dbh and if any non-perch trees larger than 24 inches dbh are removed, they must be replaced at a ratio of 2:1 with trees that are 24 inches dbh or larger. All large trees within 600 feet from the high water line shall be documented and tagged and such trees shall be avoided during development activities. These restrictions on development of individual lots will be included in the Mitigation Monitoring Reporting Program prepared and enforced by the County of San Bernardino through its Code Enforcement Division. Additionally, a copy of all Conditions of Approval and Mitigation Measures shall be provided to each homeowner upon purchase of an individual lot prior to its development. The restrictions on development will also be included in the Conditions, Covenants and Restrictions recorded against the property applicable to all development within the property and enforceable by the County of San Bernardino or each lot owner individually. CEQA requires that all Mitigation Measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4). Here, the Mitigation Measures identified include adequate enforcement mechanisms. The County h of San Bernardino as the authority to enforce

compliance with Mitigation Measures through a Mitigation Monitoring and Reporting Program adopted by the County of San Bernardino as a condition of Project approval. Failure to comply with the Mitigation Measures will result in enforcement actions brought by the County of San Bernardino and may possibly result in other penalties, such as withholding of Certificates of Occupancy or other County of San Bernardino approvals necessary for development of the Project until the Project is brought into compliance with the Mitigation Measures.

Response to SIERRA CLUB1-8
See Responses to SIERRA CLUB1-5 through -7.

Response to SIERRA CLUB1-9
See Responses to SIERRA CLUB1-5 through -7.

Response to SIERRA CLUB1-10
See Responses to SIERRA CLUB1-5 through -7.

Response to SIERRA CLUB1-11
The Homeowner Association will notify all purchasers of lots within the development regarding the Mitigation Measures for outdoor lighting. All new purchasers of existing homes will also be notified by the Homeowner Association regarding the Mitigation Measures for outdoor lighting.

Response to SIERRA CLUB1-12
One-hundred-foot setbacks along wild lands are utilized by this development. The Homeowner Association will notify all purchasers of lots within the development that they should not hike/walk onto the pebble plains on USFS lands adjacent to the development. The Homeowner Association will respond to any complaints of violations.

Response to SIERRA CLUB1-13
The ashy-grey Indian paintbrush is a perennial plant, and is readily visible during the flowering season where it occurs, even in years with substandard rainfall. Furthermore, as a hemi-parasite on its host plants, ashy-grey Indian paintbrush does not readily disburse, dropping its seeds in the immediate vicinity of the host plants themselves. Thus, the actual occupied habitat for ashy-grey Indian paintbrush does not generally change from year to year. The Supplement Focused Special Status Plant Survey conducted by Dr. Krantz in 2008 and 2010, revealed that there were no ashy-grey Indian paintbrush occurrences on the southeastern portions of the Project site, as indicated by White in 2007. Mr. White's survey was conducted in late July, during a drought year, when reliable plant identifications would be questionable for someone unfamiliar with the target species. Mr. White identified the existence of Wright's matting buckwheat in portions of the Project site and assumed that, because Wright's matting buckwheat is often a host species, ashy-grey Indian paintbrush would otherwise occur in this area during years of normal or above-average precipitation. However, as mentioned, ashy-grey Indian paintbrush does not spread to areas just because the host plant species is found there. Occurrences are very limited in scope from year to year, which supports the assumption regarding potential occurrences of ashy-grey Indian paintbrush on the southeastern portion of the Project site was incorrect.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting or additional analysis of known and potential special-status species. Specifically, ashy-grey Indian paintbrush is addressed on pages 2 through 4 and in Table 1.

Response to SIERRA CLUB1-14

There are no trails from the Moon Camp property to the USFS pebble plain. The slope between the proposed lots and the USFS pebble plain are steep and brush-covered. These topographic barriers will discourage residents and their guests from climbing through the Project site to reach the pebble plain. Impacts to the USFS pebble plain today are from uncontrolled off-highway vehicle use by motorcycles and vehicles coming off Polique Canyon Road, and a designated USFS roadway, northeast of the pebble plain. It is much more likely that residents, should they desire to access the pebble plain habitat on the USFS property, would utilize these previously created accessways. Because of the location of these accessways, the County of San Bernardino does not have the legal capability to restrict such access. However, the County of San Bernardino will work with San Bernardino National Forest (SBNF) to find a reasonable solution to jointly controlling this potential problem should it arise. However, any impacts to the USFS pebble plain habitat resulting from residents on the Project site accessing USFS property are entirely speculative.

Response to SIERRA CLUB1-15

Please see Response to Sierra Club Comment No. 1. Contrary to the commenter's assertions, the 10-acre Dixie Lee Lane property is approximately 10 acres of actual pebble plain habitat. The Dixie Lee Lane property was originally surveyed by Hicks and Hartwick Engineering as a curb linear 10-acre pebble plain, the exterior lines of the parcel conforming to the bench top opening of the pebble plain, including Pinon Pines and Jeffrey Pines within the general distribution of the pebble plain habitat. Hence, the delineation of the 10-acre parcel generally conforms to the actual pebble plain configuration such that the proposed 10-acre parcel conforms very closely to the distribution of pebble plains species found on the ground. Additionally, the Dixie Lee Lane property has not been previously pledged as mitigation for another development project in the Big Bear area as mentioned by the commenter. First, the RRDEIR No. 2 did not identify potentially significant impact to pebble plain habitat. The Supplemental Focused Special Status Plant Survey, conducted by Dr. Krantz, identified an area approximately 0.69-acre area where pebble plain soil conditions occur. However, Dr. Krantz concluded that prior biological surveys had mischaracterized the 0.69-acre portion of the Project site as true pebble plain due to lack of two indicator plant species. Therefore, the Dixie Lee Lane parcel is not technically mitigation for any impacts to pebble plain habitat. However, even if the 0.69 acre area were determined to be true pebble plain habitat, the Dixie Lee Lane parcel would adequately mitigate for those impacts. The Dixie Lee Lane parcel, as well as other Conservation Areas identified and set aside as part of the Project development, will be placed under a conservation easement that will be held by a legitimate Conservation Entity that will be supported by a non-wasting endowment that will support the continued maintenance and conservation of the Conservation Areas consistent with Mitigation Measure BR-1 (RRDEIR No. 2, page 2-57 and 2-58).

Response to SIERRA CLUB1-16

The commenter expresses concern regarding wildfire hazards. As outlined within Section 4.7, Public Services, of the RRDEIR No. 1 (page 4.7-1), wildfire is the primary safety issue in mountainous areas.

Fire conditions in the San Bernardino National Forest are more dangerous than ever, according to the USDA (2006). The Butler II fire (September 2007) required the evacuation of the Fawnskin community for a short period. Many decades of fire suppression policy, which led to growth of the understory and bark beetle infestation, are partially to blame for this unprecedented fire hazard. Implementation of the San Bernardino National Forest Plan (2006) for mechanical thinning of under-story trees and provision of fire-flow would reduce fire danger in the Project area.

The Project site is located adjacent to the National Forest Service on the north and east. The Project is located within a FS1 designated area, and, therefore, the Project is required to comply with the FS1 100-foot fuel modification zone, which is required for any development project that abuts USDA land. Ten of the residential lots are affected by this requirement and must abide by the Fuel Modification Plan required to be prepared for the Project. The current version of the revised Tract Map accurately designates the Fuel Modification Zone.

The Project site is in a high fire hazard area and included in the County's Fire Hazard Overlay District (FS1). The FS1 Area "includes areas within the mountains and valley foothills. It includes all the land generally within the San Bernardino National Forest boundary and is characterized by areas with moderate and steep terrain and moderate to heavy fuel loading contributing to high fire hazard conditions."

Since the Project is located within a FS1 designated area, it is subject to compliance with various requirements relative to construction, building separations, project design, and erosion and sediment control. The requirements applicable to each fire safety area are found in the County of San Bernardino's Development Code in Section 82.13.050 (General Development Standards), Section 82.13.060 (FS1, FS2, and FS3 Development Standards), and 82.13.070 (FS1 Additional Development Standards). The provisions for the FS1 District include, but are not limited to, fuel modification zones, setbacks, emergency access, water supply (for fire flows), and apply to all phases of project development. For a complete list of applicable codes, see Appendix F, County of San Bernardino Development Code, Fire Safety Overlay District.

In addition, because the proposed residential lots would be sold as custom lots and would be developed as they are sold, fuel modification on individual lots may be required if a lot being developed is adjacent to other lots that have not been sold or remain undeveloped. Under this condition, Development Code Section 82.13.060(6) (B) would apply. This provision states in part that "when a development project is phased, individual phases may be required to provide temporary fuel modification areas, where the development perimeter of a phase is contiguous to a subsequent phase of a project, which in its undeveloped state is a hazardous fire area . . ."

The fuel modification zone adjacent to the USDA boundary and areas within the site that would be required to maintain temporary fuel modification areas will be maintained by the prospective homeowners of these specific lots. Each homeowner will be required to pay property taxes and development impact fees based on then-current rates. The Project's increase in demand for fire protection services would be offset through project-related fees and taxes.

Regular thinning of these buffer zones would lessen the fire hazard. A potential loss of habitat could result from the removal of trees required for fire control. However, the County of San Bernardino requires under Chapter 88.01, Plant Protection and Management, of the Development Code that development on all private and public lands within the unincorporated areas of the County of San Bernardino is subject to specific requirements. Removal of any native plant from unincorporated areas of San Bernardino requires the approval of a removal permit. The Proposed Alternative Project would comply with this Plant Protection and Management Ordinance and the design standards specific for high fire areas.

This comment will be taken into consideration by County of San Bernardino decision-makers. No specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Slowik, Matt - LUS

From: ednjeanne [ednjeanne@charter.net]
Sent: Tuesday, January 10, 2012 4:19 PM
To: Slowik, Matt - LUS
Cc: Watson, George; Supervisor Derry
Subject: Review Extension For Moon Camp DEIR
Attachments: mc deir fof extension request0112.doc

Dear Mr. Slowik

Please find attached the Big Bear Group of the Sierra Clubs request for and extension of the Mooon Camp DEIR, Ed Wallace 1

January 10, 2011

County of San Bernardino Land Use Services Dept.; Advance Planning Div. 385 N. Arrowhead Ave., First Floor San Bernardino, CA 92415-0182 Attn: Matthew Slowik

Re: PUBLIC COMMENT PERIOD EXTENSION REQUEST—Revised and Recirculated DEIR No. 2 for the Moon Camp Development Project/RCK Properties Inc (SCH #2002021105)

Dear Mr. Slowik,

The Big Bear Group of the Sierra Club representing over 150 members in the Big Bear Valley would like to request a two week extension to the review period for the above DEIR which ends on January 23, 2012. This review period included the holiday period from prior to Christmas to after New Years. Many of the key members of our board were unavailable during this time to help conduct a thorough review. Please give this your upmost consideration. Sincerely, 1 CONT.

R. E. Wallace, Conservation Chair Big Bear Group Sierra Club

cc: Supervisor Neil Derry
George Watson, Chief of Staff for Supervisor Derry

Sierra Club (Big Bear Group, January 10, 2012) (SIERRA CLUB2)

Response to SIERRA CLUB2-1

The commenter requests the County of San Bernardino to extend the close of the public review period for adequate review. The County of San Bernardino extended the public review period so that it covered the period December 12, 2011, to February 7, 2012, for the RRDEIR No. 2. No additional response is necessary.

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SIERRA CLUB3
Page 1 of 7

Revised Draft Moon Camp DEIR

ednjeanne [ednjeanne@charter.net]

Sent: Sunday, January 22, 2012 2:37 PM

To: Slowik, Matt - LUS

Cc: Supervisor Derry

Attachments: Revised EIR Comments.doc (187 KB)

Dear Mr. Slowik

Attached are our comments on the Revised Draft of the Moon Camp DEIR.We commented on the first issue of the above report in June of 2010. The comments and questions that we made at that time still stand and need to be addressed in the final EIR. Also, this Revised Draft was issued for review prior to the Christmas and New Year's holidays which made it hard if not impossible to get a complete review done by the appropriate members and experts within our group. It took almost 18 months to produce the Revised Draft.We asked for an short extension but did not even get the courtesy of a response. These are serious issues to the environmental community that take time for a well thought out review and response and should be treated as such by the county. 1

Ed Wallace

Conservation Chair

Big Bear Group

Sierra Club

SIERRA CLUB3
Page 2 of 7

Extension requested in comment deadline for Mooncamp EIR

Adam Keats [akeats@biologicaldiversity.org]

Sent: Wednesday, January 18, 2012 1:41 PM

To: Slowik, Matt - LUS; Watson, George; Supervisor Derry; Kelly, Christine - LUS

Dear Matthew Slowik, George Watson, Christine Kelly, and Supervisor Derry:

The Center for Biological Diversity hereby requests a 14-day extension to the deadline for comments on the Mooncamp DEIR (TM#16136 / SCH#2002021105). The comment period straddled the holiday season, leaving less time than normal for members of the public to review and comment on the DEIR. Two weeks would not unreasonably delay official review of the DEIR and would give the public a legitimate opportunity to be involved in the review process. 1 CONT.

Thank you,

Adam Keats

Adam Keats
Senior Counsel ◦ Urban Wildlands Program Director
CENTER *for* BIOLOGICAL DIVERSITY
351 California St., Suite 600
San Francisco, CA 94104
phone 415-436-9682 x304 ◦ *fax* 415-436-9683
akeats@biologicaldiversity.org

SIERRA CLUB
FOUNDED 1892

Big Bear Group

San Gorgonio Chapter

PO Box 3048 Big Bear Lake CA. 92315

www.sierraclubbigbeargroup.org

The County of San Bernardino January 22, 2012
Land Use Services Department, Advanced Planning Division
385 N. Arrowhead Ave, First Floor
San Bernardino, CA 92415-0182

Attn: Matthew W. Slowik Senior Planner

RE: Revised and Recirculated Draft Environmental Impact Report for the Moon Camp Development Project/RCK Properties Inc. (SCH#2002021105)

The Big Bear Group of the Sierra Club representing over180 local members in the Big Bear Valley would like to thank you for the opportunity to comment on the above referenced Environmental Impact Report. Our comments are as follow:

1 CONT.

Biological Resources

- **MM BR- 1a**
  The 10 – acres comprising the Dixie Lee property is not all pebble plain. Isn't using the entire acreage as mitigation for loss of pebble plain disingenuous? We also reiterate our comments to the initial EIR.

2

It is our understanding that this pebble plain was totally set aside as mitigation for the pebble plain lost as a result of the construction of Big Bear High School, its parking lots and outdoor athletic facilities and thus cannot be used for further mitigation. The 2 acres suggested by Tim Krantz does not seem reasonable considering the size of the High School complex. Do you have documentation to support the claim made by Tim Krantz? If a portion of the Dixie Lee Pebble Plain can be used for mitigation what will be the size endowment and what will be the projected costs per year to manage and maintain the property? Have you developed a list of organizations that are interested in taking on the management functions? Have they actually been contacted? Do they agree that the proposed endowment is adequate? If this has not been done aren't your proposed mitigation and management just words on paper with no real substance? 2 CONT.

- **MM Br -1b**
  Has a list of qualified conservation entities been identified that are interested in managing the conservation easements? Do they agree the amount of the proposed endowment (whatever that is) is sufficient? The reason for this question is that putting this down in paper is easy finding qualified organizations that will actually take on this responsibility could prove to be difficult. Do you understand that until this is done it cannot be considered a valid mitigation? 3
- **MM BR-1c**
  What is the exact language in the CC&Rs for the project that penalizes future residents that violate the Conservation Areas? Can these CC&Rs be changed by a future home owners association? Does the County understand their enforcement responsibility for protection and landscaping reviews? Are you asking the county to take on responsibility that is not funded? 4
  Does the drainage on the individual lots flow onto the Conservation Areas?
  Being that the development allows grass lawns, what is affect on the plants in the Conservation Areas due to lawn fertilization?

- **MM BR-1d**

  What prevents the owner of the property from destroying the Ashy-Gray Paintbrush after they have occupied their homes? Has making the back of these lots a fenced conservation easement been considered? If not, why not? 5

- **MM BR-3**

  New home owners will be provided with a flyer that would provide information on the biology of the San Bernardino Flying Squirrel. This flyer would provide homeowners on information on how to reduce their urban edge effects. Who is responsible for producing this flyer? Is there any enforcement mechanism for those that ignore the information and recommendations? How will this information be passed along to homeowners in the future? 6

- **MM BR-4**

  Our experience is that contractors pay little attention to maintaining a safe distance from trees during construction and most are killed during the construction process. Inspection efforts by building departments are at best ineffective. How do you propose to change this on this project? Replacing a dead perch tree with any number of young trees will only mitigate the loss in about 200 years which is not mitigation as required under CEQA. Do you agree with this statement and if not why? MM BR-4 also suggests that artificial perch trees will be used to replace any existing trees that need to be taken down. Our observation is that the artificial trees have a short life span due to rotting and wind and will need to be replaced on a regular basis. If this is an acceptable mitigation measure who is responsible for maintaining and replacing these trees? How will this be funded in perpetuity? What is the projected cost on a yearly basis? 7

- **MM BR- 5**

  As stated above, our experience is that contractors pay little attention to maintaining a safe distance from trees during construction and most are killed during the construction process. Inspection efforts by building departments are at best ineffective. How do you propose to change this on this project? Who is responsible for explaining the 8

restrictions on individual lots to developers and homeowners? How do you propose enforce these restrictions? How will these restrictions be passed on to future homeowners' overtime? Do you believe that this can be affective in perpetuity? Please explain why? 8 CONT.

- **MM BR-6**
  Who has determined that a 300 feet clearing limit from a nesting site is sufficient? What is their expertise? 9

- **MM BR-7**
  Explain how an active nesting site will be protected during construction activities. Do you have documentation that shows these measures to be effective? Is it the same for all species of birds? 10

- **MM BR-8**
  The USFS closes down trailheads and picnic areas on November 1 in deference to bald eagles. Why does this development choose to use December 1? 11

- **MM BR -10**
  Who is responsible to explain the restriction on outdoor lighting to potential developers and homeowners? How will these restrictions be passed on to future homeowners' overtime? Do you believe that this can be affective in perpetuity? Please explain why? 12

- **MM BR- 11**
  Because of fire we read California building codes require 100 ft set back from wild lands. What set backs are being used in this development? Who is responsible for assuring that homeowners staying out of the pebble plains on the National Forest? How will this be enforced? What is the penalty for non- compliance? 13

- **A. 11 Revised Supplemental Focused Special Plant Species Survey III. PG- 4 & 1V. PG- 5**

  This section tries to reconcile the difference between White and Krantz regarding the presence of ashy-gray paint brush located in the southeast portion of the property. We believe that White, a competent biologist saw what he saw as did Krantz. Could it be that these plants 14

do not appear unless conditions in the area are conducive? Krantz indicates that he observed these areas in years with above average precipitation. Does the timing of this precipitation have anything to do with the appearance of these plants? Are there other factors that could explain the discrepancies? Has Krantz or anyone else contact White to get his read on these discrepancies? If no. why not? 14 CONT.

- **A. 11 Revised Supplemental Focused Special Plant Species Survey V PG 8**

  The argument here seems to be that resident can't hike up 200' to impact these pebble plains on USFS property. Has Dr. Krantz had a look at all the illegal trails all over the north facing slope above Big Bear Lake? What cause these trails people are in close proximity to the forest. Won't homes in this project cause the same problem? What would he suggest as a real solution to this problem? 15

- **A. 11 Revised Supplemental Focused Special Plant Species Survey V1 PG8**

The purchase of the Dixie Lee Lane pebble plain has been suggested as mitigation for the loss of pebble habitat.
It is also our understanding that this pebble plain was previously totally set aside as mitigation for the construction of Big Bear High School, its parking lots and outdoor athletic facilities and thus cannot be used for further mitigation. Also, the 2 acres suggested by Tim Krantz does not seem reasonable considering the size of the High School complex. Does documentation exist to support the claim made by Tim Krantz? Certainly records of any mitigation discussion must have been kept during the approval process. Do they exist at the school district offices or the county? Was this looked into by those being paid to put together this DEIR and the attached appendixes? If not, why? 16

Respectively submitted

Ed Wallace
Conservation Chair, Big Bear Group, Sierra Club

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Sierra Club (SIERRA CLUB3)

Response to SIERRA CLUB3-1 through -16

The commenter provides identical comments contained within the Sierra Club by Ed Wallace (SIERRA CLUB1) comment letter. See Responses to the SIERRA CLUB1 letter for responses to comments. No additional response is necessary.

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Slowik, Matt - LUS

From: Claudia [claudiaeads368@aol.com]
Sent: Sunday, February 05, 2012 3:39 PM
To: Slowik, Matt - LUS
Subject: Mooncamp DEIR
Attachments: Mooncamp DEIR.doc

Dear Mr. Slowik:
Please find attached my letter of concerns for the Mooncamp development DEIR in Fawnskin. Thank you. 1

A. Claudia Eads, MD
P O Box 368
Fawnskin CA 92333

P O Box 368
Fawnskin CA 92333
February 5, 2012

Matthew Slowik
San Bernardino County Planning
Re: Mooncamp Project DEIR, Fawnskin CA

Dear Mr. Slowik:

I am writing to express my reservations about the recent DEIR on the proposed Mooncamp Project. To start with, changing the zoning from 1 house per 40 acres to 1 house per 20,000 sq feet would be very detrimental to the public interest because of limited water availability, biological resources (bald eagle habitat, endangered plant species, sensitive plant habitat), heavy traffic, and much more. So I hope you will vote against approval of this change. 1 CONT

In addition, I have many concerns about the project itself. Here are a few of them: The impacts of the marina on biological resources, especially the bald eagle, has not been properly analyzed, and the impacts have been understated. One of the new roads proposed for the project is designed to run right through the middle of the proposed conservation area for sensitive plants, and the impacts of that have not even been discussed, let alone analyzed and mitigated. (The sewer line is also planned to be dug right through the middle of this proposed conservation area.) No analysis is presented on the potential impacts of the changes in water piping locations to traffic, noise, air quality, water availability, etc. for the surrounding neighbors. 2

Thank you for your consideration in this matter.

Very truly yours,
A. Claudia Eads, MD

3.2.9 - Individuals

Donald and Claudia Eads (February 5, 2012) (EADS)

Response to EADS-1
The commenters' remark about changing the zoning from 1 house per 40 acres to 1 house per 20,000 square feet. The Project is included in the County of San Bernardino "Holding Zone" zoning that allows additional density if the appropriate services can be identified as being available to the Project. The DEIR has shown that those services are available, and, therefore, the additional density can be granted.

Response to EADS-2
General Comment about impacts to Rare Plants.

The Project has been designed to conserve nearly 90 percent of Threatened ashy-grey Indian paintbrush habitat and most of the "pebble plain" habitat on-site. The impact of the roads and sewer lines on the plant species has been identified, analyzed and mitigated.

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Slowik, Matt - LUS

From: Donald Eads [donaldeadsmd@gmail.com]
Sent: Sunday, February 05, 2012 4:04 PM
To: Slowik, Matt - LUS
Cc: Don Eads
Subject: Mooncamp Project DEIR, Fawnskin, CA
Attachments: Mooncamp DEIR.doc

EADS1

P O Box 368

Fawnskin CA 92333

February 5, 2012

Matthew Slowik

San Bernardino County Planning

Re: Mooncamp Project DEIR, Fawnskin CA

Dear Mr. Slowik:

I am writing to express my reservations about the recent DEIR on the proposed Mooncamp Project. To start with, changing the zoning from 1 house per 40 acres to 1 house per 20,000 sq feet would be very detrimental to the public interest because of limited water availability, biological resources (bald eagle habitat, endangered plant species, sensitive plant habitat), heavy traffic, and much more. So I hope you will vote against approval of this change. 1

In addition, I have many concerns about the project itself. Here are a few of them: The impacts of the marina on biological resources, especially the bald eagle, has not been properly analyzed, and the impacts have been understated. One of the new roads proposed for the project is designed to run right through the middle of the proposed conservation area for sensitive plants, and the impacts of that have not even been discussed, let alone analyzed and mitigated. (The sewer line is also planned to be dug right through the middle of this proposed conservation area.) No analysis is presented on the potential impacts of the changes in water piping locations to traffic, noise, air quality, water availability, etc. for the surrounding neighbors. 2

Thank you for your consideration in this matter.

Very truly yours,

Donald L. Eads, MD

Donald and Claudia Eads February 5, 2012 (EADS1)

Response to EADS1-1 and -2

The commenter provides identical comments contained within the Donald and Claudia Eads (EADS) comment letter. See Response to EADS-1 and -2, above, for responses to comments. No additional response is necessary.

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P O Box 368
Fawnskin CA 92333
February 5, 2012

Matthew Slowik
San Bernardino County Planning
Re: Mooncamp Project DEIR, Fawnskin CA

Dear Mr. Slowik:

I am writing to express my reservations about the recent DEIR on the proposed Mooncamp Project. To start with, changing the zoning from 1 house per 40 acres to 1 house per 20,000 sq feet would be very detrimental to the public interest because of limited water availability, biological resources (bald eagle habitat, endangered plant species, sensitive plant habitat), heavy traffic, and much more. So I hope you will vote against approval of this change. 1

In addition, I have many concerns about the project itself. Here are a few of them: The impacts of the marina on biological resources, especially the bald eagle, has not been properly analyzed, and the impacts have been understated. One of the new roads proposed for the project is designed to run right through the middle of the proposed conservation area for sensitive plants, and the impacts of that have not even been discussed, let alone analyzed and mitigated. (The sewer line is also planned to be dug right through the middle of this proposed conservation area.) No analysis is presented on the potential impacts of the changes in water piping locations to traffic, noise, air quality, water availability, etc. for the surrounding neighbors. 2

Thank you for your consideration in this matter.

Very truly yours,
Donald L. Eads, MD

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Donald and Claudia Eads (EADS2)

Response to EADS 2-1

The commenter provides identical comments contained within the Donald and Claudia Eads (EADS) comment letter. See Response to EADS-1 and 2, above, for responses to comments. No additional response is necessary.

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Slowik, Matt - LUS

From: Drew Feldmann [drewf3@verizon.net]
Sent: Monday, January 23, 2012 4:37 PM
To: Slowik, Matt - LUS
Subject: Re: Mooncamp: Extension of Time for Notice of Availability of the Revised & Recirculated DEIR No. 2

Mr. Slowik,

Thank you. We greatly appreciate it.

Drew Feldmann
SBVAS Conservation Chair

On 01/23/12, Slowik, Matt - LUS<Matt.Slowik@lus.sbcounty.gov> wrote:

1

To all: Please be aware that the Extension of Time for the Notice of Availability of the Revised and Re-circulated DEIR No. 2 for the Moon Camp Project has been granted. Please see the attached Notice of Extension of Time. NOTE: The comment period will now close at **5:00 p.m. on Tuesday, February 7, 2012.** If you have any questions, please let me know. Thank you.

Matthew Slowik, MURP, MPA

Senior Planner

LUSD

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Drew Feldmann (FELDMANN)

Response to FELDMANN-1

The commenter acknowledges the County of San Bernardino's extension of the close of the RRDEIR No. 2 public review. The County of San Bernardino extended the public review so that it covered the period of December 12, 2011, to February 7, 2012. No additional response is necessary.

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Slowik, Matt - LUS

From: Elaine Lasnik-Broida [lasnikbroida@gmail.com]
Sent: Monday, February 06, 2012 9:14 AM
To: Slowik, Matt - LUS
Subject: Draft EIR for the Proposed Moon Camp Project

Dear Matthew-
I am writing to you as a concerned citizen who wants to ensure that the Fawnskin environment continues to thrive and not be compromised by profit-oriented developers. This new project design has minimal changes that, according to the DEIR, are meant to reduce impacts to endangered plant species. The new proposal still includes 50 homes (with 3 lots moved from one endangered plant habitat area to a different one), plus a 55-slip marina with parking. Based on an analysis of the document and proposal, the impacts still have been severely understated and have not been reduced to below significance. This draft EIR includes new sections for the Executive Summary, the Project Description and the Biological Resources sections, plus a new water feasibility study that changes the piping locations through Fawnskin streets for connection to the Fawnskin water system. 1

Most importantly, for this proposed project to be approved, it must have a zoning change (from 1 house per 40 acres to 1 house per 20,000 square feet). To do that, the County must determine that the change would be beneficial to the public interest. From every aspect of this project, it would only be detrimental to the public interest. There is no public benefit to additional homes here that could possibly override the extremely detrimental impacts to water availability, biological resources (bald eagle, federally-listed plant species, sensitive plant habitat, many other species, adjacent National Forest), traffic, aesthetics, and much more. 2

I appreciate your serious consideration of these issues.
Elaine Lasnik-Broida

--

Elaine Lasnik-Broida
President
Lasnik-Broida Consultants, Inc.
9454 Wilshire Blvd., Suite 550
Beverly Hills, CA 90212

Tel: 310-247-4945
Fax:310-247-4939
Email: lasnikbroida@gmail.com

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Elain Lasnik-Broida (LASNIK-BROIDA)

Response to LASNIK-BROIDA-1
The commenter describes changes to the project and states that she believes the impacts of the re-designed project are still understated. She does not refer to specific impacts of concern.

Response to LASNIK-BROIDA-2
The commenter discusses that the County of San Bernardino must make a finding of benefit to the public interest in order to approve the zone change. The commenter states that she believes the project would not be beneficial to the public interest. The commenter lists water availability, biological resources, traffic, aesthetics and "much more" as being her concerns. The 2020 Final EIR addresses all these areas and determines that only impacts to the bald eagle cannot be mitigated to a level of non-significance.

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Slowik, Matt - LUS

From: graskin@earthlink.net
Sent: Monday, February 06, 2012 6:11 PM
To: Slowik, Matt - LUS
Subject: Proposed Moon Camp project

Mr. Slowik,

My wife and I own a house in Fawnskin California and we are very concerned with the proposed Moon camp project. We would like to state our objections to the project and our concern about the adverse impact it would have on the eagle habitat, plant life, and quality and availability of ground water. In addition, we are concerned about the proposed zoning change and how that will impact our quality of life, both during and after construction. We chose to purchase property in Fawnskin with an eye towards the current restrictions that are in place; it is unfair to find out that a higher population density can be achieved through a zoning waiver for such a substantial project. Rather than raise property values in our neighborhood, we believe that this project will actually decrease the value of our property. 1

Sincerely,

Gary Raskin
Mary Devlin

1284 Ridge Road
Fawnskin, Ca 92333
818.415.5359

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Gary Raskin and Mary Devlin (RASKIN)

Response to RASKIN-1

The commenters state that they believe there are adverse impacts to eagle habitat, plant life, and water quality. In addition they believe the quality of life will be impacted and that the project will decrease property values in their neighborhood. The 2020 Final EIR has analyzed the impacts to eagle habitat and determined that they cannot be mitigated to a level of non-significance. The analysis determined that plant life and water quality impacts can be mitigated to a level of non-significance.

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Slowik, Matt - LUS

From: Glenda Webster [mgwent@charter.net]
Sent: Monday, February 06, 2012 8:46 AM
To: Slowik, Matt - LUS
Subject: Fawnskin Project

Dear Mr. Matthew Slowik;
I am writing as a homeowner in the Fawnskin Area (Big Bear) of your district. My house is close by the project that is currently under discussion for a zoning change from 1 home to 40 acres to 1 per 20,000 sq. ft. This is a terrible idea. This is an area that should never have this many houses. There are bald eagles that frequent this area as well as other wildlife that would be severely impacted if this type of project were to go forward. While I would like to see it remain empty I realize this is the homeowners right to develop the land however the project they are proposing is far to grandiose for this area. 1

Thank you,
Glenda & Mike Webster

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Glenda Webster (WEBSTER)

Response to WEBSTER-1

The commenters state that the Project will have too many homes for this area and that bald eagles and other wildlife that frequent the area will be impacted. The 2020 Final EIR analyzed these issues and determined that the impacts to bald eagles cannot be mitigated to a level of non-significance, but that the impacts to other wildlife can be mitigated to a level of non-significance.

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James C. And Lola E. Mc Grew
39760 Flicker Road
P. O. Box 493
Fawnskin, CA 92333

February 2, 2012

County of San Bernardino
Land Use Servicies Department
385 North Arrowhead Avenue 1st Floor
San Bernardino, California 92415-0182

Attn: Mathew Slowik

RE: REVISED AND RECIRCULATED DRAFT ENVIORONMENTAL IMPACT REPORT NO. 2 FOR THE CAMP 50-LOT RESIDENTIAL SUB DIVISION, TT NO. 16136 (BASED ON REVISED SITE PLAN) BIG BEAR LAKE, SAN BERNARDINO COUNTY, CALIFORNIA SCH #2002021105

Dear Sir,

We have a few comments on the DEIR # 2 on the Moon Camp property. It seems that although there is significant impacts on the bald eagle the report seems to brush them aside. They state they will place artificial perch trees if the existing trees need to be removed or fall down. As stated this area is the most used perch area in the valley and with this development it may deplete the population drastically. There is no mention of the Marina Point development in the DEIR # 2. This project seems to be to be going forward and with the impacts it will have on the bald eagle there will a major impact on the eagles. Artificial perch trees have been used in other parts of the valley and have not been used by the eagles. 1

The big concern we have is that all remed ion of other impacts is addressed with the CC&Rs or letters to the home owner CC&Rs are only as strong as the home owners association. If the home owners association is weak there will be no enforcement. The letters to the home owners may never be read. MMBR-1C on page 97of the DEIR # 2 states the Home Owners Association or San Bernardino County will enforce keeping people out of the conservation areas within Lot A and Lot H. I questioned the former third district San Bernardino County Supervisor about CC&Rs and was told San Bernardino County does not enforce them. They are only enforced by the home owners association. 2

There is no benefit to the people of the Big Bear Valley with this project. It will only add to traffic congestion and further strain on the infrastructure the Sheriffs Department and the Fire Department which is now manned by two Fireman. Please do not allow this zone change. 3

Sincerely,

James C. McGrew

Lola E. McGrew

James and Lola McGrew (MCGREW)

Response to MCGREW-1
The commenters state that it seems that significant impacts to the bald eagle are brushed aside by the report and that the development may deplete the perch trees and the population. The 2020 Final EIR has determined that the impacts to the eagle cannot be mitigated to a level of non-significance, even with the mitigation measures included with the project; see Response to CBD2-16.

The commenters mention that RRDEIR No. 2 does not mention Marina Point and that it will also have impacts on the eagle. This FEIR document has added Marina Point to the Cumulative Impacts List.

The commenters have stated that artificial perch trees are not used by the eagles. The 2020 Final EIR has found that artificial perch trees have been utilized by the eagles.

Response to MCGREW-2
The commenters state that their big concern is that the remediation of the impacts is addressed by the CC&Rs and are only as strong as the Homeowner Association and that Mitigation Measure BR-1C states that the Homeowner Association will enforce keeping people out of the Conservation Areas. The commenters questioned the former Supervisor and was told that the County of San Bernardino does not enforce CC&Rs. The commenters are concerned that the CC&Rs are only as strong as the Homeowner Association.

Response to MCGREW-3
The commenters' opinion is that the Project will not benefit the people of Big Bear Valley and will only add to traffic congestion and strain the infrastructure, Sheriff, and Fire Departments. The 2020 Final EIR has determined that other than impacts to the bald eagle, the impacts of the development can be mitigated to a level of non-significance.

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Slowik, Matt - LUS

From: J and B Francuz [jfrancuz@msn.com]
Sent: Tuesday, February 07, 2012 12:31 PM
To: Slowik, Matt - LUS
Subject: DEIR Proposed Moon Camp Project

Dear Mr. Slowik,

The Moon Camp development is a bad idea from the very beginning. The developer knew that the zoning for the property was RL-40 when he purchased it. There are so many houses and properties for sale already, there is no need for more homes to be built in the Big Bear area, let alone on the north shore of Big Bear Lake. There is a real need for open space for wildlife corridors to relieve the over development in many areas around Big Bear Lake. With the glut of houses on the market and the decline in values, there is no public benefit from this development being built. 1

There are numerous wildlife trails on the Moon Camp site. More extensive and specific wildlife evaluations need to be done; how else can the loss of this habitat be known. The DEIR doesn't provide mitigation for the loss or destruction of the habitats for each of the affected species. The DEIR should disclose these impacts to allow for the correct decision to be made. An example would be the adjacent proposed Marina Point development which is projected to build 30 condos and a 100 boat marina within a stone's throw of Moon Camp and its own 50 boat marina. Yet, there is no mention of this in the DEIR. 2

The proposed Moon Camp marina would destroy wetlands that exist on the property. I have personally witnessed when open ground is disturbed, that invasive plants such as Cheat Grass take over and that is a serious problem in the area already. Abatement with the use of woodchips is not even considered, nor does the DEIR take into account the impacts on individual species that would result from the disturbing of the soil and the introduction of non-native invasive plants. 3

Another issue with the proposed marina is that there really isn't a good place to put it on this stretch of narrow curving road. This road is a vital artery for the Big Bear Valley; to have boats and trailers coming and going on these curves could negatively impact the movement of goods and services as well as the potential for accidents on this curving highway. Semi-trucks, emergency vehicles, cars and bicycles all use this narrow road. Looking at this on a map gives the illusion of more space but in reality this is a very tight area. In case of emergency, an accident here could impact the safety of people trying to evacuate the valley. 4

Impacts on species, such as the Bald Eagle, manifest in the decline in their numbers. The construction of Eagle Point Estates and Castle Glen developments, as well as the mishandling of the property known as Marina Point, has had a negative impact on the eagles numbers. The building-out of Moon Camp has the potential of wiping the Bald Eagle totally out of Big Bear Lake and the Valley. Impacts on other species such as the 5

spotted owl, flying squirrel, rubber boa and many other sensitive plants have not been addressed. 5 CONT

One of the roads proposed for Moon Camp will run right through a conservation area for sensitive plants; this has not been discussed or analyzed. The map also shows a sewer line and the impacts of this are not being discussed either. There is also no mention of potential impacts on surrounding neighbors from the water pipe installation as far as noise, water availability and air quality for example. 6

Because of these issues we are asking that the zoning of Moon Camp remain RL-40. This property should be considered as mitigation for the other two developments this developer has built in the past. 7

Sincerely,

Joseph L. Francuz
Barbara Francuz
39787 Flicker Road
P. O. Box 514
Fawnskin, CA 92333

Because of these issues I am asking that the zoning of Moon Camp remain RL-40. This property should be considered as mitigation for the other two developments this developer has built in the past.

Joseph and Barbara Francuz (FRANCUZ)

Response to FRANCUZ-1
The commenters remark on their opinion that there is no need for additional homes, but a need for open space. "With the glut of houses on the market and the decline in values, there is no public benefit from this development being built."

Response to FRANCUZ-2
The commenters mention that Marina Point was not included in the DEIR. Marina Point has been added to the Cumulative Projects List. The commenters discuss the loss of habitat as not being adequately addressed, and that the DEIR does not provide mitigation for loss of habitat for each of the affected species. The 2020 Final EIR does address the habitat on the site.

Response to FRANCUZ-3
The commenters state that the marina will destroy wetlands. Contrary to the commenter's assertions, the Project will not impact any identified wetlands on the part of the Project site located south of SR-38. The supplemental focus rare plant survey prepared by Dr. Krantz (June 2008), (included as Appendix A.11 to the RRDEIR No. 2) confirmed, through Project site visits, that the area located south of SR-38 does not contain any wetlands. The shoreline habitat consists of ruderal shoreline plant species that does not support any sensitive plan or wildlife species.

Response to FRANCUZ-4
The commenters state that the location of the marina is a concern on the curving road. The 2020 Final EIR has concluded that the driveway to the marina meets Caltrans standards.

Response to FRANCUZ-5
The commenters state that previous developments have had a negative impact on the bald eagle and development could potentially wipe the bald eagle totally out of Big Bear Valley. The 2020 Final EIR has found that bald eagles are now hatching eagles in Grout Bay and that those new eagles are growing up healthy. The commenters stated that impacts on other wildlife have not been addressed. The 2020 Final EIR has addressed impacts on all wildlife that exist on the Project site.

Response to FRANCUZ-6
The commenters state that one of the roads and sewer lines goes through a Conservation Area that has not been analyzed. The 2020 Final EIR has analyzed the sensitive plants that occur in the proposed roadway/sewer area. The commenters state that the impacts of installing water lines on neighbors has not been analyzed. The 2020 Final EIR has analyzed those impacts and includes mitigation measures.

Response to FRANCUZ-7
The commenters ask that the zoning remain RL-40.

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Slowik, Matt - LUS

From: lwhitney@verizon.net
Sent: Tuesday, February 07, 2012 4:40 PM
To: Slowik, Matt - LUS
Subject: Comment on Moon Camp DEIR
Attachments: Fawnskin water.doc

Mathew Stowik,

Attached is my comment on the DEIR.

Lee Whitney

1

Comment on Moon Camp DEIR

Having owned homes in Big Bear for over 30 years, I think that water will become a severe problem for the Big Bear Valley. We have had water rationing almost every year and paying land owners to remove lawns. Climate change may cause wider swings in rain fall totals. We could have more droughts with the same average rainfall.

We may experience increased use of Big Bear Lake area for primary homes. I don't know, but water use could double with no new construction as baby boomers retire in Big Bear. Twenty years ago there was a limit of 250 new water meters per year. I guess that we must have ether solved the problem or just got new policy makers. 1 CONT.

Policy makers at the local water department may have a conflict of interest, and may have developed a forecast that meets their needs.

Lee Whitney
39784 Flicker, Rd.
Fawnskin, CA 92333

Lee Whitney (WHITNEY)

Response to WHITNEY-1
The commenter states that he has owned homes in Big Bear for 30 years and that he feels water supplies could become a severe problem in the future. The DWP has agreed to serve the Project, and the DWP Hydrogeologist, Tom Harder, has shown that there are adequate water supplies to serve the buildout of the Fawnskin area including the Project (Appendix F of this 2020 Final EIR).

The commenter is concerned with climate change; see Response to CBD2-10. The commenter stated that as baby boomers retire to Big Bear the water use could double. He stated that in the past new water meters were limited to 250 meters a year. The DWP reports that currently less than 50 new water meters are installed each year. The commenter stated that there may be a conflict of interest in the policy makers.

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RE Mooncamp Development
Fawnskin Ca 92333

To County Land Use Services
Planning Division

I am completely in favor of the Moon Camp Development. Not only will this project help beautify Fawnskin, it will bring more revenue, business development and tourists to our beautiful town. It will help transform Fawnskin into a destination resort like it once was years ago. It will be a great addition to our town and community

1

Sincerely

Milton

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MILTON

Response to MILTON-1

The commenter states his support for the Project and says it will beautify Fawnskin and bring revenue, business development, and tourists to his town.

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Slowik, Matt - LUS

From: Nancy& Bill /Inn at Fawnskin [innatfawnskin@charter.net]
Sent: Wednesday, February 01, 2012 3:25 PM
To: Slowik, Matt - LUS
Subject: Moon Camp DEIR response
Attachments: letter to the County re mooncamp.doc; Moon Camp bike trail map0001.jpg

1

Dear Mr. Slowik,
Please see attached letter and map.

Thank you,
William Hazewinkel
Nancy Walker

The INN at FAWNSKIN
BED & BREAKFAST

January 26, 2012

County of San Bernardino
Land Use Services Department, Planning Division
385 North Arrowhead Avenue 1st Floor
San Bernardino, California 92415-0182

Attn: Matthew Slowik

Via E-mail to mslowik@lusd.sbcounty.gov and U.S. Mail

RE: "REVISED AND RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT NO. 2 FOR THE MOON CAMP 50-LOT RESIDENTIAL SUBDIVISION, TT NO. 16136 (BASED ON REVISED SITE PLAN) BIG BEAR LAKE, SAN BERNARDINO COUNTY, CALIFORNIA SCH #2002021105."

Dear Mr. Slowik,

As neighbors of the proposed subdivision, and residents of Fawnskin in general, we would like to voice our concerns.

Probably the biggest objection we have to the project is the rezoning issue. We feel the property was zoned RL-42 for a reason....one being to provide a buffer between more densely populated areas and the National Forest. To change that to allowing 50 home sites is excessive. Residents and visitors alike love the north shore of Big Bear Lake because it is sparsely populated, is largely National Forest, and provides the opportunity to be surrounded by nature, in a quiet environment. Adding another 50 homes will greatly change that atmosphere, and will certainly have a negative impact. 1 CONT.

Other concerns we have are adequate water supply. The homes along North Shore Drive that are on wells, already experience times of inadequate water supply. In light of the fact that the DWP now makes residents limit their outdoor watering should tell you something. If the current residents don't have adequate water, what impact will 50 new homes have? 2

On January 12 of this year, the Board of Directors of the Fawnskin Chamber of Commerce unanimously voted in favor of your requiring an easement/dedication for a westerly extension of the Alpine Pedal Path through the proposed Moon Camp development. Attached is a map with one option for this extension. From Forest Service land, the path could follow the alley behind existing homes on the easterly end of Fawnskin, then through the proposed subdivision, ending up almost to Canyon Rd. Should the proposed subdivision be approved by the County, the above would be, possibly, the only way to continue the path in a westerly direction towards the commercial area of Fawnskin. 3

We appreciate the opportunity to review the DEIR, and provide our comments.

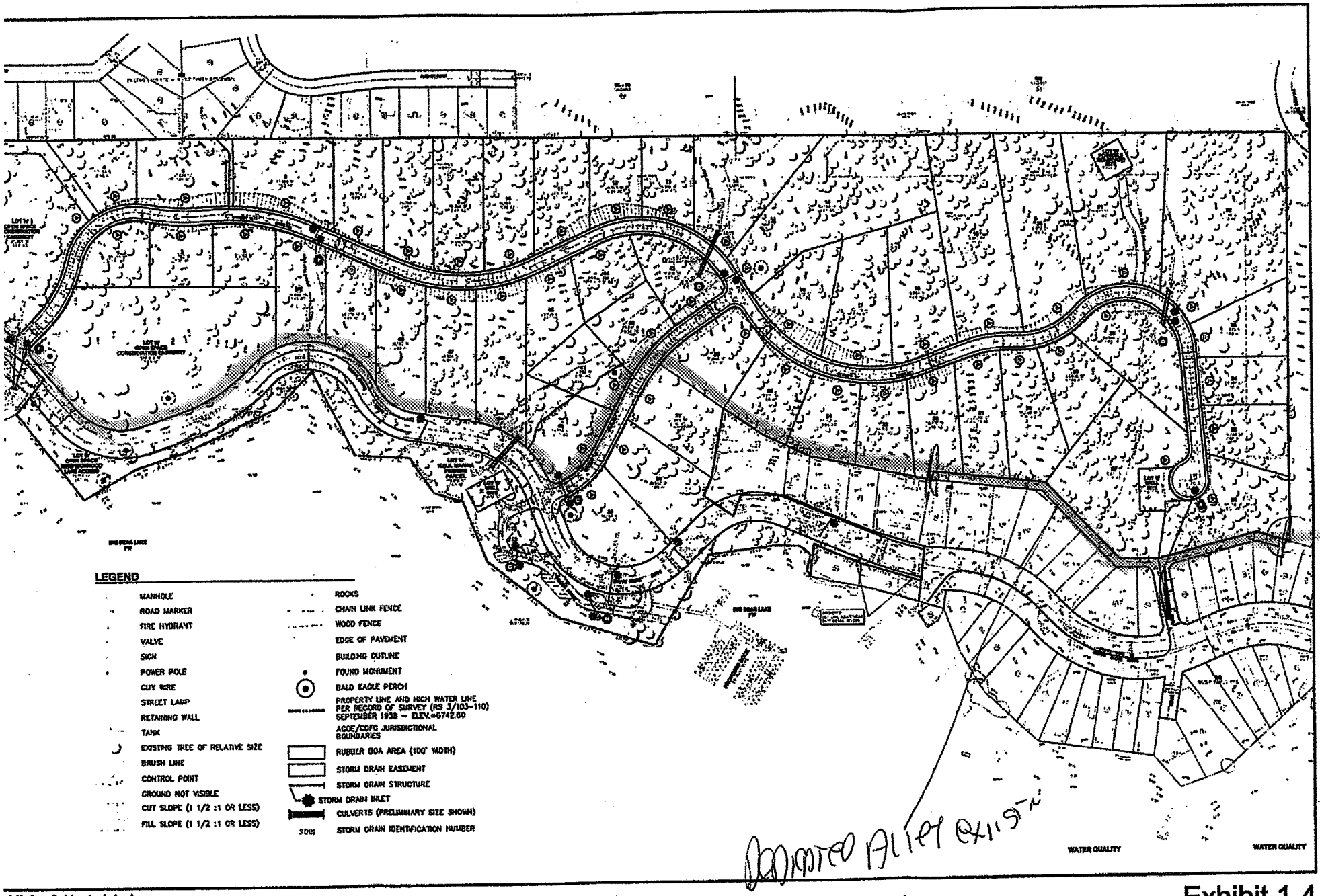
Very truly yours,

William C. Hazewinkel

Nancy C. Walker

William Hazewinkel
Nancy Walker

880 CANYON ROAD ~ POST OFFICE BOX 378 ~ FAWNSKIN, CA 92333 ~ (909) 866-3200
www.fawnskininn.com ~ innatfawnskin@charter.net



Hicks & Hartwick, Inc.

NORTH

Brandman Associates

89 • 09/2011 | 1-4_ttm 16136 Proposed 2011 Alt Proj.cdr

Exhibit 1-4
Moon Camp TTM No 16136
Proposed 2011 Alternative Project

SAN BERNARDINO COUNTY
MOON CAMP RESIDENTIAL SUBDIVISION PROJECT

Nancy Walker (WALKER)

Response to WALKER-1
The commenters state that their biggest objection is the rezoning from RL 40 to RS 20,000, believing that 50 lots is excessive. The 2020 Final EIR includes an Alternative Project that has reduced the number of lots from the original 92 to 50 lots with a minimum of 0.5 acre and average lot size of nearly 1 acre. Surrounding development is much more dense than what the Alternative Project includes.

Response to WALKER-2
The commenters state that homes along North Shore are on wells and at times experience inadequate water supply, and want to know what assurances are there that the 50 new homes will have adequate water. The DWP has agreed to be the water supplier, and its Hydrogeologist, Tom Harder, has shown that there is an adequate water supply for Fawnskin to build out including the 50 lots (Appendix F of this 2020 Final EIR).

Response to WALKER-3
The commenters state that the Board of the Fawnskin Chamber voted to request an easement for an Alpine Pedal Path extension through the Project—Caltrans and County Roads were consulted about the Pedal Path extension and both stated that it was not safe to extend the Pedal Path along the State Highway.

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Moon Camp Development Comment Letter

Robin Eliason [reliason@charter.net]

Sent: Sunday, January 22, 2012 8:11 PM

To: Slowik, Matt - LUS; Supervisor Derry; Supervisor Mitzelfelt; Supervisor Rutherford; Supervisor Ovitt; Supervisor Gonzales

Attachments: Mooncamp_letter_2012.docx (32 KB)

Hi – please consider the attached comments in your evaluation of the proposed Moon Camp development in Fawnskin, CA. Thank you. 1

Robin Butler Eliason (reliason@charter.net)

Robin and Scott Eliason
PO Box 309
Fawnskin, California 92333
January 22, 2012

County of San Bernardino
Land Use Services Department, Planning Division
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Attn: Matthew Slowik

Via E-mail to mslowik@lusd.sbcounty.gov and U.S. Mail

Re: "Revised and Recirculated Draft Environmental Impact Report No. 2 For The Moon Camp 50-Lot Residential Subdivision, Tt No. 16136 (Based On Revised Site Plan) Big Bear Lake, San Bernardino County, California Sch #2002021105."

Dear Mr. Slowik and County Supervisors,

We are long-time year-round residents of the community of Fawnskin and request that the County Supervisors consider the following comments in making their decision about the proposed Moon Camp development. We re-iterate our previous comments and present new comments below. 1 CONT

1) First and foremost, under CEQA, the only reason to approve a project with un-mitigatable significant impacts is for over-riding considerations of benefits to the public or County. **In the case of the Moon Camp development, there are no benefits that could possibly outweigh the unmitigated impacts.**

> ***15093. Statement of Overriding Considerations***
> *(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."*
>
> *(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.*
>
> *(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.*

2

a) Economic Impacts: There are many houses in our neighborhood and throughout the Big Bear Valley that have been on the market for years without selling. Fawnskin also has 3

many undeveloped lots in a wide range of sizes, views, and prices. There is no apparent need for additional lots and housing in the Fawnskin or the greater Bear Valley area now or in the foreseeable future. Residents and home-owners in Big Bear are struggling to survive. Adding more houses during this economic recession is not fair to local home owners who have been trying to sell for years. **Placing additional burden on already-struggling real estate situation is definitely not to the community's benefit; rather it is a clear detriment.** 3 CONT

b) Water Resource Impacts: The proposed development would result in more demand on already limited water resources. In the Big Bear area, we already have water conservation restrictions and guidelines. Adding additional housing (especially housing that is not needed) does not make sense. **Placing additional burden on the groundwater basin and the existing Fawnskin water system is definitely not to the community's benefit; rather it is a clear detriment.**

It appears that none of the three water service alternatives are feasible. All are complex, speculative, and uncertain. Option B, the stated preferred way for each of the three alternatives to tap into Fawnskin's water supply, seems to involve pipeline construction through occupied lots in our neighborhood. **Approving a development without a single clearly defined, feasible, and supported water supply would be irresponsible in the extreme, and probably also illegal.** 4

c) Fires and Evacuation Impacts: After having been evacuated twice for fires threatening the Fawnskin area (2003 Old Fire and 2007 Butler II Fire), we are extremely concerned about the impacts of more people and houses in our town in terms of safe and effective evacuation of our community. During each evacuation, it took people many hours to get off the mountain. Adding additional people to the community would result in more people having to be evacuated. The added population is much greater relative to Fawnskin than to Bear Valley as a whole, but the analysis of the impacts to emergency evacuation takes a valley-wide perspective. The impacts specifically to Fawnskin therefore are understated and not honestly disclosed. **Increasing the population in an area with limited evacuation means is definitely not to the public's or community's benefit; rather it is a clear detriment. Adding additional infrastructure that would require firefighter protection is not in the public interest.** 5

d) Bald Eagle Impacts: As development and activities around the mountain lakes have increased, habitat for bald eagles, a state-listed Threatened and federally-protected species, has been lost and/or degraded. While we concur with the findings in the DEIR that it is not possible to mitigate for the loss of bald eagle habitat, we feel that the extent of the effects is understated.

- The effects of the proposed project would likely include nesting bald eagles, not just wintering bald eagles visiting the area for 4 months a year. A pair of bald eagles has taken up residence in the Grout Bay area, including the Moon Camp proposed development, year-round (not just during winter months). They have built a nest and may soon produce young. These eagles forage in Grout Bay year- 6

round. The proposed mitigation measures only provide for cessation of activities at the proposed marina during winter months. As such, the significance of the loss of habitat is greater than described in the analysis of effects. Further loss of habitat could discourage this resident pair of eagles from nesting successfully. 6 CONT

- The proposed access road on the east end of the development (across from the marina entry driveway) and development of lots would further degrade the habitat quality for bald eagle perching at that favored and frequently-used perch site. It is unlikely that eagles would continue to perch at that site after another road and the marina were developed. 7

- The proposal fails to provide long-term provisions for protecting eagle perch habitat. If the residential area is developed, only "large" trees would be protected. Homeowners would be allowed to remove the small and medium sized trees needed to eventually grow into large trees to continue to provide perching sites. Over time as the "large" trees die and fall (or are cut to remove hazards), the site will lack suitable perch sites. Those perch trees are critical for bald eagle foraging. 8

- The analysis states that it is not possible to mitigate the effects to bald eagle. That is true – it is not possible to add more habitat for bald eagles anywhere around the mountain lakes. In fact, each year, bald eagle habitat throughout the San Bernardino Mountains diminishes in quality and quantity. The proposal does not include an alternative that reduces effects. Elimination of the marina, residential lots 38, 39, and 40, and elimi[6]Street B would provide much lower levels of effects to bald eagles than is in the 2011 proposal. While it is not possible to mitigate all of the effects, there are certainly reasonable alternatives that could reduce the extent and severity of effects. This would at least provide the Supervisors with a range of alternatives up[6]ch to base their decision. 9

- **Eliminating and degrading a limited resource (bald eagle habitat) is definitely not to the public's or community's benefit; rather it is a clear detriment.** 10

e) Rare Plant Habitat Impacts: The impacts to pebble plain habitat and to ash-gray paintbrush and other rare plants are understated and would not be mitigated to below the level of significance. The analysis is misleading and fails to correctly disclose these unmitigated significant effects. Information and analysis related to pebble plains habitat is erroneous and misleading. 11

- *Pebble Plain Habitat:* The analysis discounts all impacts to pebble plain habitat based on an out of date definition and the personal opinion of one source. The areas occupied by *Castilleja cinerea*, *Ivesia argyrocoma* and *Arabis parishii* are, by definition, pebble plains (U.S. Forest Service Pebble Plain Habitat Management Guide, 2002). The DEIS fails to disclose the acreage of this habitat. However, if the 10- acre Dixie Lee parcel is actually unprotected and available for legitimate mitigation, it is likely that the approximately 5 acres of high quality pebble plain habitat there would adequately offset project-related impacts to pebble plain habitat 12

(but would not be adequate mitigation for impacts to ash-gray paintbrush or other rare plants, as described below). The factual errors regarding pebble plain impacts should be corrected throughout the document. 12 CONT

- *Ash-Grey Paintbrush Mitigation:* The proposed mitigation will not reduce or offset the impacts to ash-grey paintbrush to below significance for two reasons. First, the value of the onsite mitigation depends heavily on the quality and effectiveness of management. Small habitat fragments such as Lots A and H would be extremely vulnerable to degradation and edge effects and maintenance of habitat quality would rely heavily on effective and active management. The protection of the plants and habitat on those lots relies on self-policing by the home owners group and lacks teeth to enforce the protective measures. As we've seen time and again in the Big Bear area, commitment to mitigation measures has evaporated soon after the houses are built. 13

- Second, the proposed 10-acre off-site mitigation parcel at Dixie Lee Lane would not off-set impacts to ash-grey paintbrush that would occur at Moon Camp. Within the 10-acre parcel, there are about 5 acres of pebble plain habitat. This pebble plain habitat, while of very high quality and high conservation importance, supports nearly no ash-grey paintbrush - so it would not offset losses of this special-status species. The mitigation value of the off-site pebble plain habitat is subject to the same speculative future management as lots A and H. And finally, it is likely that this parcel is already protected – at least it has been fenced and signed as such for over 20 years, since it was supposedly set aside as mitigation for development of the Big Bear High School. 14

- The mitigation calculations for ash-grey paintbrush (pg. 2-45) are nonsense. Mitigation ratios for rare plants are typically calculated and evaluated by acres of roughly equivalent occupied habitat, with a typical target of 3:1 equivalent acres. Exhibit 2-2 appears to provide between a 1:1 and 2:1 ratio by acreage. This is just an eyeball estimate, because the document fails to disclose the actual acreages or acreage ratio. **It does not make sense to base mitigation ratios on numbers of individuals because this is prone to large errors in counts, and also wide fluctuations from year to year.** The habitat to be impacted and proposed mitigation lands need to be characterized in terms of habitat quality, density, and acreage. 15

  If the acreage is of roughly equivalent habitat quality and population density, than 3:1 or greater is an appropriate threshold for proper mitigation that has well-established precedent. There is no way based on the information in the document to determine the adequacy of the proposed mitigation. However, based on the disclosed fact that the Dixie Lee pebble plain supports only very low numbers of ash-grey paintbrush and therefore cannot be considered equivalent habitat, combined with the apparent 1:1 or 2:1 onsite mitigation ratio, the total mitigation appears to be less than 3:1. This does not provide for a valid basis for determining 16

that impacts to ash-grey paintbrush would be mitigated to below the level of significance. 16 CONT

- The proposal would result in impacts to ash-grey paintbrush and pebble plain habitat, regardless of the ultimate mitigation package. Any Moon Camp subdivision would have significant impacts to this species and its habitat. Therefore, an alternative should have been developed to reduce the extent and severity of these significant impacts. In development of this alternative, additional lots should be dropped in order to maximize protection of this rare species and rare habitat type: 1, 2, 3, 4, 5, 47, 49, and 50. Lot F (well lot) should be moved so it is not in rare plant habitat. This would at least provide the Supervisors with a range of alternatives upon which to base their decision. 17

- *Other Rare Plants:* In addition to ash-grey paintbrush, the project would impact four list 1B rare plants (Parish's rock cress, silver-haired ivesia, Bear Valley phlox, and purple monkeyflower). The first paragraph on page 2-47, claiming that these impacts would not reach the level of significance is arbitrary and capricious. First, other than disclosing the presence of these species, there is no analysis or disclosure of impacts to these species, or the extent to which (if at all) the proposed mitigation may offset these impacts. Second, impacts to these species, based on their recognized status, should each trigger mandatory findings of significance under CEQA sections 15380 (b) and (d) (per California Department of Fish and Game: Protocols for Surveying and Evaluating Impacts to Rare Plant Populations and Natural Communities, November 24, 2009). 18

- *Herbicides and Fertilizers:* There are no provisions in the proposal to protect the rare plant habitat from effects of herbicides and fertilizers. Runoff from adjacent and upslope lots and roads could impact the plants in ways that were not analyzed or disclosed. 19

- **Eliminating and degrading a limited resource (ash-grey paintbrush and pebble plain habitat) is definitely not to the public's or community's benefit; rather it is a clear detriment.** 20

2) There are many specifics about the proposed development that are problematic. We describe them below.

   a) Marina Impacts. The proposed marina and marina parking location is problematic for many reasons and should not be approved:

   - The marina parking lot and road access is located one of the favored bald eagle perch sites. During the winter, that area often has one or two eagles perched in the trees. They use those perch sites to watch for prey (fish and ducks) in the lake. 21

   - Dredging the marina would eliminate shallow water in a sheltered bay that is favored by waterfowl, especially during the winter. Even if no dredging is needed, installation of boat docks would reduce the habitat quality for waterfowl. In turn, if waterfowl habitat is lost or degraded, the bald eagle foraging opportunities will diminish or be 22

eliminated. During the winter when the lake is partially frozen, there have been a number of times that we have seen eagles (including one time when there were 7 eagles) perched on the ice next to open water in the location of the proposed marina. 22 CONT

- The marina's access road entry and exit points to Highway 38 will increase the risk of vehicle accidents along this already-busy winding mountain road. Vehicles (including those pulling boat trailers) trying to enter or exit the marina access road will cause more traffic safety issues. As a dangerous ingress/egress on a curve with poor site distance, cars turning into or out of the parking lot would create an extremely dangerous traffic situation. That curve is called "dead man's curve" for a reason. 23

- Building parking areas and roads so close to the water would increase run-off that could affect water quality, further affecting fish, waterfowl, and species that eat them. Installing more asphalt and hardscape into that narrow buffer strip between Hwy 38 and the water is undesirable. 24

- **For these reasons, the marina should not be approved.**

b) Drainage Impacts: The drainages and wet swales in the project area are important for a number of reasons. Aside from helping protect water quality and water control, they are areas that wildlife focus for water and moisture. Additionally, they support some rare plants, including purple monkeyflower (*Mimulus purpureus*), a List 1B species that would suffer significant unmitigated (and undisclosed) impacts. It appears that storm drains would be installed in those areas, eliminating above-ground flow and soil moisture important to plants and animals. Instead, the natural drainages should be left as is and those residential lots should be eliminated (Lots 14, 40, 41, 42, 43, and 50). This would at least provide the Supervisors with a range of alternatives upon which to base their decision. 25

c) Visual Impacts: We are concerned about the visual impacts of the large amount of cut-and-fill that would be required to construct the interior road in the proposed development. 26

d) Lighting: As an amateur astronomer, I value the dark skies in our neighborhood and the lack of street lights. While the proposal includes measures to reduce the effects of street lights, we feel that the street lights are unnecessary – no other areas in Fawnskin (and most of the Big Bear Valley) have or need them. Adding streetlights not only creates light pollution, they would completely change the character of the landscape in the area. Because of the sloping landscape of the Moon Camp project, they would be visible from many areas. **Please do not approve installation of street lights in the proposed development.** 27

e) Mountain Character: We value the quietness of our neighborhood. If the Supervisors approve the proposed development, the character will completely change. We will be faced with years of construction noise. There is no way to mitigate for those impacts. 28

f) Traffic/Safety Impacts: We are very concerned about the two intersections that would be added to this very curvy and already dangerous stretch of Hwy 38. In particular, creating a 4-way intersection at Street B and the Marina entrance on that curve is seems problematic. 29

If installation of turn lanes is included in the proposal, we could not find it. If it is part of the proposal, widening of Hwy 38 would result in further losses of open space and bald eagle habitat. We request elimination of Street B (some lots along Street B should be eliminated for bald eagle habitat protection as mentioned above; other interior lots could be eliminated and made open space or alternatively adjacent lots could be enlarged) and, as mentioned before the elimination of the marina. Eliminating those two parts of the proposal would help reduce, but not eliminate, the potential traffic and safety concerns along Hwy 38. 29 CONT

g) Open Space: While the proposal includes "Open Space" lots, we feel that the Open Space is inadequate. Some of the Open Space lots will not truly be open – the marina and ash-gray paintbrush lots will be fenced and otherwise unavailable to residents and neighbors. The only true Open Space would be along the shoreline. For residents of the proposed development, particularly the northern-most lots, they may not want to walk that far and cross Hwy 38 in order to access Open Space (for example, when walking dogs or playing with children). **We strongly urge that several of the interior lots (that do not have rare plants, bald eagle perches, or drainages/swales) currently slated for development be changed to Open Space.** These would provide residents areas for children to play, snow-playing, and dog-walking and lessen the likelihood of impacts in the Conservation lots. 30

h) Zoning Change: When buying property, we researched the current zoning of property around the house and were comfortable with the R-40 zoning of the Moon Camp property. We never would have considered buying property at this Fawnskin location had we known that the Board of Supervisors would consider changing it, thereby adversely affecting our property. If it were this easy to change zoning, the County General Plan would be useless. Please use it as it was meant to be, as a planning document to guide the future of the County and its residents. Please do the right thing and smart thing for the environment, the residents, and visitors by denying this development proposal. **Again, there is no public or community benefit that justifies the un-mitigated impacts that would occur by changing the current zoning to one that would allow for substantial development.** 31

We again urge the County Supervisors to fulfill their responsibilities to protect the Public Trust and to meet obligations to protect the quality of the environment. Please select the "No Project" alternative. **The County Supervisors have no reasonable basis to approve this project. Over-riding considerations cannot be justified because this project is NOT in the public interest.** This proposed project should be denied. 32

Sincerely,

ROBIN and SCOTT ELIASON

Robin and Scott Eliason (ELIASON)

Response to ELIASON-1
The commenter focuses on the discrepancy between the White botanical survey results (2007) and Krantz's findings in 2008.

Mr. White mistakenly identified several areas as containing ashy-grey Indian paintbrush and they do not (the two polygons to the east in his original survey); and he overestimated the extent of ashy-grey Indian paintbrush in the areas of Lots 47-50 based upon the extent of Wright's matting buckwheat, not actual ashy-grey Indian paintbrush distribution. The 2010 survey by Dr. Krantz confirmed the general distribution of the 2008 survey and provided quantitative data concerning discrete and estimated ashy-grey Indian paintbrush numbers and densities. Additionally, an updated survey completed in 2016 by Dr. Krantz noted that there are essentially no changes in the distributions of rare plant species occurring on the Moon Camp Property in comparison with previous surveys and as described in the RRDEIR (Appendix K of this 2020 Final EIR).

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species. Pages 2 through 4 address the ashy-grey Indian paintbrush, and Table 1 shows the habitat numbers for ashy-grey Indian paintbrush.

Response to ELIASON-2
The commenter is correct that the Revised and Recirculated Draft Environmental Impact Report (RRDEIR No. 2) does identify significant unavoidable impacts to the American bald eagle due to the potential for removal of perch trees on the Project site and/or construction of residential uses that will introduce human activity, light and noise into an area utilized by bald eagles (RRDEIR No. 2, page 2-48). CEQA requires that a lead agency, prior to approval of the Project for which an EIR discloses a significant unavoidable impact, must adopt a Statement of Overriding Considerations (CEQA Guidelines Section 15093). The Statement of Overriding Considerations is a finding that economic, legal, social, technical, or other benefits of a Project outweigh its unavoidable environmentalists. The County of San Bernardino acknowledges that the commenter does not believe that the benefits of this Project outweigh its identified unavoidable significant impacts. The County of San Bernardino decision-makers will consider of all the information pertinent to this Project in deciding whether or not to adopt a Statement of Overriding Considerations.

Response to ELIASON-3
The commenter asserts that the development of the Project will place additional strain on the already struggling real estate economy and home values in the Fawnskin and greater Big Bear Valley area. This comment relates to the potential economic and not environmental impact to the Project. Accordingly, no formal responses are required. The comment shall be forwarded to the decision-makers for their consideration.

Response to ELIASON-4
The commenter raises concern regarding the availability of water supply to serve the Project. The RRDEIR No. 2 and RRDEIR No. 2 identified three potential sources of water supply for the Project. Subsequent to circulation of the RRDEIR No. 2 for public review and receipt of the comment letter

from commenter, the Project Applicant has secured the services of a water supply agency to provide potable water service. As discussed in the RRDEIR No. 2, County of San Bernardino CSA 53C has authority to provide water and wastewater services to the Project site. However, CSA 53C does not have potable water facilities in the Big Bear Valley and are unable to economically provide water service to the Project site. By way of an Outside Service Agreement for Potable Water Services dated November 17, 2015, between CSA 53C and DWP, DWP has agreed to be the water supplier to the Project. Consistent with the analysis in the RRDEIR No. 2, DWP will own the water distribution facility, as well as the on-site groundwater wells. Appropriate changes to the EIR text have been made and included in the Final EIR errata.

Response to ELIASON-5

The commenter is concerned that the Project will result in increased population grown in the Fawnskin community thereby increasing the difficulty of adequate and efficient evacuation in the event of forest fire. The RRDEIR No. 2 consisted of the recirculation of the Biological Resource section of the EIR. Therefore, comments regarding public safety are outside the scope of the RRDEIR No. 2.

Response to ELIASON-6

The commenter is concerned that development of the Project site would inhibit use of currently used bald eagle perch sites. The RRDEIR No. 2 includes a comprehensive analysis of the Project's impacts to the American bald eagle. The analysis concludes that the Project would result in a potentially significant impact to the bald eagle. As mitigation, the EIR proposes a number of measures, including preservation of existing perch trees in place and replacement of downed perch trees with artificial perch trees at a 5:1 ratio. The commenter is concerned that despite preservation of the existing perch trees, bald eagles would not use such perch trees due to the proximity of the Project development and human habitation. This conclusion is speculative at this point. Although the RRDEIR No. 2 acknowledges the impact of approximate human habitation on bald eagle, there is no evidence to suggest that eagles would no longer use perch sites after project completion.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species. Specifically, the discussion of the bald eagle on pages 1 and 2 address the commenter's concerns.

Response to ELIASON-7

The commenter is concerned that development of the Project site would inhibit use of currently used bald eagle perch sites. The RRDEIR No. 2 includes a comprehensive analysis of the Project's impacts to the American bald eagle. The analysis concludes that the Project would result in a potentially significant impact to the bald eagle. As mitigation, the EIR proposes a number of measures, including preservation of existing perch trees in place and replacement of downed perch trees with artificial perch trees at a 5:1 ratio. The commenter is concerned that despite preservation of the existing perch trees, bald eagles would not use such perch trees due to the proximity of the Project development and human habitation. This conclusion is speculative at this point. Although the RRDEIR No. 2 acknowledges the impact of approximate human habitation on bald eagle, there is no evidence to suggest that eagles would no longer use perch sites after Project completion.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including bald eagle habitat and conservation discussion on pages 1 and 2.

Response to ELIASON-8
The commenter indicates that development of the Project will result in inadequate protection for necessary bald eagle perch sites. As indicated, Mitigation Measure BR-4 (RRDEIR No. 2, page 2-59) requires preservation of all existing mapped bald eagle perch trees, as well as replacement of perch trees that must be removed due to hazardous conditions at a 5:1 ratio. It is true that the Project may result in the loss of smaller trees that had not been identified as important perch trees for the bald eagle. However, the requirement to preserve and protect existing known perch trees, as well as replace those which are lost because they become hazardous conditions are sufficient to preserve perching opportunities for the bald eagle in the future.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including bald eagle habitat and conservation discussion on pages 1 and 2.

Response to ELIASON-9
The commenter asserts that the EIR should have included an alternative that looked at elimination of the marina, lots 38, 39 and 40 and access point Street B. Initially, Street B cannot be eliminated from the Project because, under County of San Bernardino requirements, the Project site must have two points of access to Highway 39. Elimination of access Street B would leave only one connection to SR-38. Additionally, there is no evidence to suggest that elimination of lots 38, 39, and 40, as well as the marina would result in elimination or reduction of an identified significant environmental impact. As indicated in the RRDEIR No. 2, the only significant unavoidable impact that will result from the Project is to the American bald eagle. An alternative configured as suggested by the commenter would not result in elimination or significant reduction of that impact and therefore need not be considered by the County of San Bernardino in this 2020 Final EIR.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including bald eagle habitat, and conservation discussion on pages 1 and 2.

Response to ELIASON-10
The commenter makes a general comment that eliminating bald eagle habitat is not to the public's or community's benefit. This comment will be forwarded to the decision-makers.

Response to ELIASON-11 and -12
The commenter asserts that the RRDEIR No. 2 incorrectly assessed and analyzed the existence of, and project impacts to, pebble plain habitat on the project site. The commenter suggests that the RRDEIR No. 2 and Supplement Focused Special Status Plant Survey conducted by Dr. Krantz in 2010, utilized the incorrect definition of pebble plain in determining the extent of pebble plain habitat on

the project site. The author of the 2010 Supplement Focused Special Status Plant Survey, Dr. Krantz, the preeminent authority on pebble plain habitat and related plant species, concluded that true pebble plain habitat is characterized by the existence of clay soils with a vestiture of Saragossa quartzite pebbles and presence of indicator plant species (presence of *Eriogonum kennedyi* ssp. and *Arenaria ursina* together, as originally mapped by the author in 1983). The "pebble plain soil conditions" identified on the central knoll on-site was identified as such and has been included and preserved in large part by Letter Lot A. The 2010 Supplement Focused Special Status Plant Survey concluded that the 0.69-acre area that had been previously characterized as true pebble plain habitat, was in fact not true pebble plain habitat due to the lack of the existence of the two primary indicator species, *Eriogonum kennedyi* ssp. and ssp. and *Arenaria ursine*. The clay soils with a vestiture of Saragossa quartzite pebbles are the signature characteristic of the unique plant community that is called "pebble plains." In fact, Dr. Krantz was the first to actually apply the term to this plant community (Krantz 1983). To suggest that all other areas "occupied by *Castilleja cinerea, Ivesia argyrocoma*, and *Arabis parishii* are, by definition, pebble plains" is inappropriate and would greatly expand the definition to include much of Big Bear Valley, including all of Sugarloaf Ridge, which has *Arabis parishii* and *Castilleja cinerea*, but is in fact a lodgepole pine forest without any similar soils. Ashy-grey Indian paintbrush or *Ivesia argyrocoma* are also known to occur in meadows; *Arabis parishii* is found on limestone, and *Ivesia a.* is also found in Baja California, none of which are even remotely considered pebble plain habitats.

The comment cites the USFS Pebble Plain Habitat Management Guide (2002). Although the USFS Pebble Plain Habitat Management Guide purports to provide a points system for determining the existence of pebble plain habitat, according to Dr. Krantz, application of the Guide's point system results in overly inclusive results and would lead to characterization of lands that are not truly pebble plain, as pebble plain habitat, even those areas that do not have clay soils. Even by these standards, the on-site occurrence of pebble plain-like soils on the Moon Camp property would be limited to the 0.69-acre Knoll area, largely contained within Lot A. It should be noted that the USFS definition of pebble plains describes five "strong indicators" (given 2 points each): clay soils (marginal on the Knoll), presence of *Eriogonum kennedyi* ssp. *Kennedyi* or ssp. *austromontanum* (neither on-site), *Arenaria ursina* (not on-site), and *Ivesia argyrocoma (on site).* The only good "strong indicator" on-site is the presence of pebble plain-like soils. The presence of *Ivesia argyrocoma*, which occurs on many non-pebble plain habitats in the San Bernardino Mountains and in Baja California, is not considered to be a "strong indicator" by Dr. Krantz. The other "weak indicators" are truly only weak indicators—all occurring in a wide range of non-pebble plain habitats throughout the Big Bear-Holcomb Valley areas.

The commenter goes on to mention that the Dixie Lee Lane Conservation Area is high-quality pebble plain habitat that would adequately offset Project-related impacts to pebble plain habitat on-site, but would not be adequate mitigation for impacts to ashy-grey Indian paintbrush or other rare plants. The County of San Bernardino agrees that to the extent the Project has any impacts to pebble plain habitat, preservation of the Dixie Lee Lane parcel would be adequate to offset such impacts.

Response to ELIASON-13

Contrary to the commenter's assertions, the creation of conservation Lots A and H will effectively create the first of its kind ashy-grey Indian paintbrush preserve dedicated solely to protection of this

important population of that species. The County of San Bernardino disagrees with the commenter's characterization of the Conservation Areas as small habitat fragments. An updated analysis of the ashy-grey Indian paintbrush dated May 23, 2018, from the 2010 Supplemental Focused Special Status Plan Survey performed by Dr. Krantz, is based on detailed Project site surveys of the extent of ashy-gray Indian paintbrush occurrences, and shows that the Project site contains approximately 7.71 acres of occupied ashy-gray Indian paintbrush habitat (Appendix I) of this 2020 Final EIR. Conservation areas Lot A and Lot H will preserve 4.84 acres of that occupied habitat resulting in a mitigation ratio of greater than 1.68:1. In terms of individual plant occurrences, permanent preservation of the habitat within Lots A and H would conserve nearly 88 percent of ashy-grey Indian paintbrush plants on-site within two large contiguous Conservation Areas; a ratio of 7:1 individual plants. The distribution of pebble plains is by natural circumstances, predating human occupation in the valley, fragmentary by nature—limited openings in the pine forest. Mitigation measure BR-1 (RRDEIR No.2, page 2-57 and 2-58) requires the permanent preservation and maintenance of the Conservation Areas. Conservation areas will be controlled and managed by a qualified Conservation Entity that will receive property pursuant to a conservation easement. Mitigation Measure BR-1 also requires Conservation Areas to be fenced and for signage to be erected alerting residents and their guests of the sensitive nature of the Conservation Areas and prohibiting access thereto. The Project CC&Rs will also include enforcement mechanisms allowing the Homeowner Association, individual residents, the County of San Bernardino, as well as the chosen Conservation Entity to bring enforcement action where there is a violation of any provisions in the CC&Rs or project conditions of approval relating to the preservation and maintenance of the Conservation Areas.

Response to ELIASON-14

The County of San Bernardino agrees with the commenter that permanent preservation of the Dixie Lee Lane property would not, in and of itself, adequately mitigate for the Project's impacts to the ashy-grey Indian paintbrush. As disclosed in RRDEIR No. 2 and the 2010 Supplemental Focused Special Status Plant Survey, although the Dixie Lee Lane property is comprised of high-quality pebble plain habitat and will require host species for the ashy-grey Indian paintbrush, very few individual occurrences of ashy-grey Indian paintbrush were identified in the 2010 Survey. The Dixie Lee Lane property would be subject to a conservation easement in favor of a qualified Conservation Entity similar to Lot A and Lot H. The Conservation Entity would be provided with a non-waste endowment to allow for the perpetual maintenance and preservation of the Dixie Lee Lane property. The Conservation Entity will, pursuant to the terms of the conservation easement, be obligated to take such steps as required to ensure the continued viability of the Dixie Lee Lane property as high-quality pebble plain habitat. Contrary to the commenter's assertions, this property has not been previously pledged as mitigation for any other development project in the Big Bear Valley. The Project is currently fenced at the election of the property owner to preclude unauthorized access.

Response to ELIASON-15 and -16

The commenter questions the adequacy of the proposed mitigation for the ashy-grey Indian paintbrush. An updated analysis of the ashy-grey Indian paintbrush habitat, dated May 23, 2018, is included as Appendix I of this 2020 Final EIR. Within that analysis, Dr. Krantz concluded that based on careful examination of the Project site and documentation of individual occurrences of ashy-grey Indian paintbrush, there were 5,567 individual plant occurrences on the Project site; 4,895 of which are located within the identified Conservation Areas of Lot A and Lot H. The 2018 analysis also

concluded that there was approximately 7.71 acres of occupied ashy-grey Indian paintbrush habitat on the Project site; 4.84 acres of which is permanently preserved in the creation of Conservation Areas represented by Lot A and Lot H. Utilizing estimated counts of individual ashy-grey Indian paintbrush plants, creation of Lot A and Lot H will result in preservation of approximately 90 percent of the rare plants, or mitigation at a ratio of 7:1. Although other portions of the Project site contain plant species that have been associated with ashy-grey Indian paintbrush, such as the Wright's matting buckwheat, the lifecycle of the ashy-grey Indian paintbrush species is such that it is unlikely that these occurrences of Wright's matting Buckwheat will ever host ashy-grey Indian paintbrush occurrences. Ashy-grey Indian paintbrush is a hemi-parasite on its host plants, and does not readily disperse; dropping its seeds in the immediate vicinity of the host plants themselves. Thus, the actual occupied habitat for ashy-grey Indian paintbrush does not change much from year to year. Therefore, the mitigation proposed by the Project will exceed the 3:1 ashy-grey Indian paintbrush mitigation requested by the commenter.

Response to ELIASON-17

The commenter suggests that the EIR should analyze an alternative that would adjust the developable lot layout in a manner that completely avoids occupied ashy-grey Indian paintbrush habitat. CEQA requires an EIR to describe a reasonable range of alternatives to the Project, which would feasibly obtain most of the basic objectives and would avoid or substantially lessen the significant effects of the Project (CEQA Guidelines Section 15126.6). An EIR need not consider and analyze every conceivable alternative to the Project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation (CEQA Guidelines Section 15126.6(a)). As indicated in Section 2 of the RRDEIR No. 2, page 2-17 through 2-19, the Project will not have a significant unavoidable impact on the ashy-grey Indian paintbrush. Accordingly, the EIR is not required to analyze an alternative that would avoid or substantially lessen impacts to ashy-grey Indian paintbrush.

Response to ELIASON-18

Four other list 1B rare plants occur on-site: *Arabis parishii, Ivesia argyrocoma, Mimulus purpureus,* and *Phlox dolichantha.* All four of these species, although restricted or nearly restricted to the Big Bear area (the *Mimulus* and *Ivesia* both also occur in Baja California), are distributed rather widely throughout the area, occurring in a wide range of habitats other than pebble plains. All four of these species are found on the Dixie Lee Lane pebble plain and adjacent black oak woodland (*Phlox dolichantha*). The *Arabis parishii, Ivesia argyrocoma and Mimulus purpureus* all occur on Lots A and H as well. *Arabis parishii* occurs primarily on the knoll pebble plain-like soils and several plants on the small openings on Lots 32 and 34. *Ivesia argyrocoma* occurs primarily on the knoll and rear swale of Lot 50. *Mimulus purpureus* occurs rather widely in forest openings, occurring in openings in the Jeffrey pine forest and on Lots A and H. *Phlox dolichantha* occurs widely on steeper, black oak-wooded slopes, as below the USFS Polique Canyon pebble plain; and also under black oaks on edges of the Dixie Lee Lane pebble plain. All four occur on and around the Dixie Lee Lane pebble plain in greater densities than here. See also Response to CBD2-3 and CBD2-4 concerning distribution of these four List 1B species. "Mandatory Findings of Significance," as cited under the CEQA, require that an Environmental Impact Report must be prepared to address these potential impacts to the environment. This has been done not once, but twice in the case of the Moon Camp Project—once for the initial 100-lot proposal and again, in response to the findings of the first DEIR, for the 50-lot

proposal; and then the DEIR has been recirculated yet again concerning the revised Lot configurations and Letter Lots proposed with the current revised Application.

Response to ELIASON-19
Lot A and H are not hydrologically "downstream" from other residential properties. Uphill lots from Lot A will drain to the primary access street, and Lots 1, 2 and 3 drain to the west and east of the Knoll, respectively. Lot H is not downstream from other lots.

Response to ELIASON-20
The pebble plain and ashy-grey Indian paintbrush habitat within the preserve parcels on-site will be protected in perpetuity. The Conservation Entity, together with informed local residents, will monitor and help maintain the preserve parcels in the long term.

Response to ELIASON-21
The commenter indicates that the marina parking lot is located in proximity with one of the favorite bald eagle perch sites. This comment will be forwarded to the decision-makers.

Response to ELIASON-22
The commenter asserts that development of the marina will degrade waterfowl habitat, thereby reducing bald eagle forging opportunities. There is no evidence to suggest that development of the marina will reduce bald eagle forging opportunities along the lake front. Moreover, as required by Mitigation Measure BR-8 (RRDEIR No. 2, page 2-60), the marina may not be utilized for motorized boating between December 1 and April 1, prime bald eagle nesting and forging season. Accordingly, the County of San Bernardino does not believe that development of the marina will result in an additional impact to the bald eagle from loss of forgoing opportunities.

Response to ELIASON-23
The commenter asserts that the location of the entry road to marina on SR-38 will increase risks to accidents. RRDEIR No. 2 consists of the recirculation of the Biological Resource section of Project EIR. As such, comments related to traffic and public safety are outside the scope of the EIR and therefore need not be formally addressed.

Response to ELIASON-24
RRDEIR No. 2 consists of the recirculation of the Biological Resources section of the Project EIR. Therefore, comments related to run-off and water quality are outside the scope of this EIR and therefore need not be addressed.

Response to ELIASON-25
The Project was designed to maintain natural drainage facilities to the extent feasible by incorporating culverts to transport the water from the uplands portion of the natural drainage swells under Project roadways where the flows would continue unimpeded through natural drainages. Allowing stormwater to continue to utilize the natural drainages that remain after Project development will help in maintaining free development conditions to the extent feasible and thereby preserve species within these areas.

The Project will impact only 0.04 acre of the 1.5 acres of on-site waters of the U.S. The impacts are only to ephemeral drainages and will not result in impacts to jurisdictional wetlands.

Response to ELIASON-26
The commenter raises concerns regarding the visual impacts of roadway development within the Project site. RRDEIR No. 2 represents the recirculation of the Biological Resource section of the Project EIR. As such, comments regarding visual impacts are outside the scope of the RRDEIR No. 2 and therefore need not be addressed formally in writing.

Response to ELIASON-27
The commenter is concerned that the Project will result in the introduction of new light sources that will degrade night sky conditions in the Project vicinity. RRDEIR No. 2 represents the recirculation of the Biological Resources Section of the Project EIR and as such, comments regarding visual impacts are outside the scope of the document and need not be formally addressed in writing. However, the commenter is directed to mitigation measures included in RRDEIR No. 2 including Mitigation Measure BR-9 and BR-10 (RRDEIR No.2, page 2-60 and 2-61), which restrict the height of street lamps on the Project site to 20 feet and require them to be fully shielded to focus light onto the street service avoiding any light spillover. These mitigation measures also limit outdoor lighting for proposed homes to 1,000 lumens. Although these mitigation measures are intended to mitigate impacts to biological resources, they will also limit impacts to the night sky.

Response to ELIASON-28
The commenter has a general concern regarding construction noise. This comment does not raise any specific issue related to the adequacy of the EIR. This comment will be forwarded to decision-makers for consideration.

Response to ELIASON-29
The commenter raises concern regarding traffic safety on the Project site. The commenter asserts that the location of the entry road to marina on SR-38 will increase risks to accidents. RRDEIR No. 2 consists of the recirculation of the Biological Resources section of Project EIR. As such, comments related to traffic and public safety are outside the scope of the EIR and therefore need not be formally addressed.

Response to ELIASON-30
The commenter makes a general comment regarding the need for more open space within the Project site to allow for additional recreational areas for residents of Project site. This comment does not identify a concern or deficiency concerning the adequacy of the analysis included in the RRDEIR No. 2. This comment will be forwarded to the decision-makers for consideration.

Response to ELIASON-31
The commenter makes a general comment regarding the proposed General Plan Amendment and zone change and urges the County of San Bernardino to not approve the request. This comment does not identify a deficiency concerning the analysis included in the RRDEIR No. 2. This comment will be forwarded to the decision-makers for consideration.

Response to ELIASON-32
The commenter makes a general comment regarding the Project not being in the public interest. This comment does not raise a concern regarding the adequacy of the RRDEIR No. 2. This comment will be forwarded to the decision-makers for consideration.

Slowik, Matt - LUS

From: Russ Humphreys [rdh@rhainsurance.com]
Sent: Monday, February 06, 2012 10:28 AM
To: Slowik, Matt - LUS
Subject: moon camp proposed changes

Dear Sir. I am a resident of Fawnskin. My comments, however, are based on my concern not for only Fawnskin, but the national forest in general.

I am very concerned about the continued encroachment on the forest itself by the space allowed for home development in its current proposal. Any alterations to reduce the size of space for buildings would be most detrimental for a number of reasons and only help developers make additional money at the expense of the environment and the public. I see no earthly reason why the change should be considered. It certainly does not enhance the public welfare at all. 1

Actually, all factors considered, it is a negative move to allow the changes proposed. What is on the current drawing board already affects the habitat, both animal and land wise. The water resources available are already at a maximum determent. I respectfully request a no vote on any reduction in the size of the lots to 20,000 square feet. 2

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Ross Humphreys (HUMPHREYS)

Response to HUMPHREYS-1
The commenter states that he is very concerned about encroachment on the forest itself and is opposed to reducing the size of space for buildings. The 2020 Final EIR includes an Alternative Project that has increased the size of the lots from a minimum of 7,200 square feet to a minimum of 20,000 square feet.

Response to HUMPHREYS-2
The commenter respectfully requests a no vote on the 20,000 square feet lot size.

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Slowik, Matt - LUS

From: sandy ellis [fsellis67@gmail.com]
Sent: Monday, February 06, 2012 8:43 AM
To: Slowik, Matt - LUS
Subject: Moon Camp Project

Dear Mr. Slowik,

I am writing to oppose the change of zoning being considered for the Moon Camp Project located in Fawnskin. This change would be detrimental not beneficial to the public interest. There is NO public benefit. On the contrary an increase number of houses in this beautiful area would have significant and unavoidable impacts on water availability, biological resources, traffic, and aesthetics. There are already more homes for sale then there are buyers. Why build more unneeded homes and in the process destroy a sensitive plant area as well as an area where bald eagles love to be? 1

Most sincerely,
Sandra Ellis
PO Box 8542
Green Valley Lake, CA 92341
909 867-7115

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Sandra Ellis (ELLIS)

Response to ELLIS-1

The commenter opposes the change in zoning as not beneficial to the public interest and states that an increase in houses has significant and unavoidable impacts to water, biology, traffic, and aesthetics. The commenter is concerned about the impact to the sensitive plants and eagles. The 2020 Final EIR concludes that impacts to bald eagles will be significant but that all other impacts can be reduced to a level of non-significance.

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Slowik, Matt - LUS

From: Sandy Steers [karsten33@gmail.com]
Sent: Monday, January 23, 2012 12:20 PM
To: Slowik, Matt - LUS
Subject: thank you!!

Hi Matt,
Thank you thank you for the deadline extension on Moon Camp!!!
Very much appreciated!
Sandy

1

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Sandi Steers (STEERS)

Response to STEERS-1
The commenter thanks the County of San Bernardino for extending the deadline for comments.

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SECTION 4: ERRATA

The following are revisions to the Revised and Recirculated Draft Environmental Impact Reports (RRDEIRs), referred to as RRDEIR No. 1 and RRDEIR No. 2. These revisions are minor modifications and clarifications and do not change the significance of any of the environmental issue conclusions within the RRDEIRs. The revisions are listed by page number. RRDEIR text that is shown is indented underneath explanatory information. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

4.1 - Revisions or Additions to the Text of RRDEIR No. 1 and RRDEIR No. 2

4.1.1 - Revisions or Additions to RRDEIR No. 1

Section 1.5 – Determination of the Lead Agency and Responsible Agencies

Page 1-10

Additional Responsible agency added to the bullet list provided:

- California Department of Forestry & Fire Protection (CAL FIRE)—Timber Harvesting Plan approval.

Section 4.2.12—Construction Mitigation

Page 4.2-31

Detail added to Mitigation Measure AQ-1.

AQ-1 Prior to construction of the project, the project proponent will provide a Fugitive Dust Control Plan that will describe the application of standard best management practices (BMPs) to control dust during construction. The Fugitive Dust Control Plan shall be submitted to the County and SCAQMD for approval and approved prior to construction. Best management practices will include, but not be limited to:

- For any earth moving which is more than 100 feet from all property lines, conduct watering as necessary to prevent visible dust emissions from exceeding 100 feet in length in any direction.
- For all disturbed surface areas (except completed grading areas), apply dust suppression in a sufficient quantity and frequency to maintain a stabilized surface; any areas which cannot be stabilized, as evidenced by wind driven dust, must have an application of water at least twice per day to at least 80 percent of the unstabilized area.
- For all inactive disturbed surface areas, apply water to at least 80 percent of all inactive disturbed surface areas on a daily basis when there is

evidence of wind-driven fugitive dust, excluding any areas that are inaccessible due to excessive slope or other safety conditions.
- For all unpaved roads, water all roads used for any vehicular traffic once daily and restrict vehicle speed to 15 mph.
- For all open storage piles, apply water to at least 80 percent of the surface areas of all open storage piles on a daily basis when there is evidence of wind-driven fugitive dust.
- Mass grading activities shall be limited to a maximum of 5 acres per day.

Page 4.2-31, 4.2-32

Mitigation Measure AQ-2 has been revised.

AQ-2 To reduce emissions from the construction equipment within the project site, the construction contractor will:

- ~~To the extent that equipment and technology is available and cost effective, the contractor shall u~~Use catalyst and filtration technologies on mobile construction equipment.
- All diesel-fueled engines used in construction of the project shall use ultra-low sulfur diesel fuel containing no more than 15-ppm sulfur, or a suitable alternative fuel.
- All construction diesel engines, which have a rating of 50 hp or more, shall meet the Tier II California Emission Standards for off-road compression ignition engines~~, unless certified by the contractor that such engine is not available for a particular use. In the event that a Tier II engine is not available, Tier I compliant or 1996 or newer engines will be used preferentially. Older engines will only be used if the contractor certifies that compliance is not feasible.~~
- Heavy-duty diesel equipment will be maintained in optimum running condition.

Section 4.4, Hydrology

Page 4.4-1

A detail has been added.

In addition, the discussion of groundwater and water supply is based on the Recommendations for Groundwater Monitoring, prepared by Geoscience Support Services, Inc., September 2004 (Appendix G.5), the Final Feasibility Study to Serve the Proposed Moon Camp Residential Development (TTM No. 16136), March 2007, Prepared by ALDA Engineering, Inc., as amended by 2011 update (Appendix G.2); the Moon Camp Well FP-Z Report, August 2008, prepared by California Collaborative Solutions, August 2008 (Appendix G.3); the "Water Supply Analysis," February 2009,

prepared by California Collaborative Solutions (Appendix C.5); and the "Water Supply Report," May 2009, prepared by California Collaborative Solutions (containing the Thomas Harder Groundwater Consulting Analysis and Big Bear DWP correspondence letter, May 2009) (Appendix C.6).

Page 4.4-8

A Water Quality Control Board Order number has been revised.

WQMP Requirements

The Santa Ana Regional Water Quality Control Board Order Number ~~R8-2002-0012~~ R8-2010-0036, NPDES Permit No. CAS618036 (Permit) requires post-construction BMPs to be implemented for new development and significant redevelopment projects, for both private and public agencies. A WQMP is then used to guide the development and implementation of a program to minimize the detrimental effects of urbanization on the beneficial uses of receiving waters, including effects caused by increased pollutants loads and changes in hydrology.

Page 4.4-9

Text has been amended to reflect an update in project circumstances with regard to MS4 permit.

~~The deadline for the Regional Board's update to the MS4 permit is February 29, 2008; however, as noted in Implementation Task 3.1, changes to the MS4 permit may not be necessary to address TMDL issues.~~

On January 29, 2010, the Regional Board adopted Order No. R8-2010-0036 (NPDES Permit No. CA5618036) as the new MS4 permit for San Bernardino County and incorporated municipalities therein. This permit expired on January 29, 2015. On August 1, 2014, San Bernardino County submitted a Report of Waste Discharge in compliance with the terms of the MS4 permit.

Page 4.4-10

Detail added with regard to the project's low impact design goals.

Site Design

Lots in the Proposed Alternative Project are proposed to be low density with stem wall construction, thereby reducing the area of construction. This criterion in planning reduces the overall footprint of construction and minimizes the imperviousness of each lot. The Proposed Project Alternative also proposes to include 5.73 acres of dedicated open space. Maximizing open space thereby minimizing impervious development will retain optimum on-site precipitation and

supplement natural recharge to the site's two ground water basins. These are important concepts guiding the projects low impact design goals.

Section 4.9, Utilities

Page 4.9-2

Text amended to describe update in circumstances with regard to water service provider.

~~Although~~ DWP has completed a Water Feasibility Study (Alda, 2007) and provided a conditional will serve letter to the Applicant. DWP will be the water provider to the project site. Because the majority of the project site, is outside of the DWP authorized service area as well as the City's Sphere of Influence. ~~As a result, DWP cannot provide water service without first complying with the provisions of Government Code Section 56133, which requires that cities receive Local Agency Formation Commission (LAFCO) annexation approval to provide new or extended services outside their jurisdictional boundaries, but within their spheres of influence,~~ DWP and County CSA 53C entered into an Outside Service Agreement for Potable Water Service dated November 17, 2015, to allow DWP to serve the project. San Bernardino County LAFCO approved the Agreement at its November 18, 2015 meeting.

Page 4.9-4 through 4.9-6

Text has been amended to reflect changes to water service alternatives.

4.9.4 - Water Service Alternatives

Although water service is not presently provided to the project site, the site is immediately adjacent to the jurisdiction of the DWP and ~~annexation to the DWP's authorized service area is one of three possible water service alternatives. DWP has conducted a Water Feasibility Study (Alda, 2007), and provided a conditional will serve letter to the Applicant. However, the majority of the project site is outside of the DWP authorized service area as well as the City's Sphere of Influence. DWP cannot provide water service without first complying with the provisions of Government Code Section 56133, which pertains to the LAFCO annexation process. In order for the DWP to provide water service to the project site and to own and operate the Proposed Alternative Project's water system, LAFCO would have to approve an expansion of the City of Big Bear Lake's Sphere of Influence (SOI) to include the entire existing DWP Water Service Area in Fawnskin as well as the entire project site. The developer would be required to construct the on-site and off-site facilities as described in the DWP's Water Feasibility Study (Alda, 2007). This is Water Service Alternative #1 (see below~~

~~for details).~~ existing DWP water distribution facilities currently providing potable water service to portions of the Fawnskin community.

~~Water Service Alternative #2 (see below for details) would not require LAFCO's approval and would not create the expansion of the City's Sphere of Influence around Fawnskin and the project site. Instead, County Service Area 53C (CSA 53C) would own and operate the water facilities within the project site and contract with the DWP for a water interconnection to the existing Fawnskin water system. The developer would be required to construct the same on-site and off-site facilities as described in the DWP's Water Feasibility Study (Alda, 2007).~~

~~Water Service Alternative #3 (see below for details) would not require LAFCO's approval and would not create the expansion of the City's Sphere of Influence around Fawnskin and the project site. Alternative #3 would involve the developer constructing an independent water system completely within the project site. The developer would construct the same on-site water lines as in Water Alternatives #1 and #2, and, in addition the required water reservoir and water booster station would be constructed by the developer on the project site (rather than constructing the off-site water facilities identified in the DWP's Water Feasibility Study). CSA 53C would own and operate this independent water system.~~

~~Water Service Alternative #1~~

According to the Water Feasibility Study prepared by Alda Engineering Inc. (Appendix G.2), water service to the project site could be provided from the DWP's Upper Fawnskin pressure zone (Water Feasibility Study, Appendix G.2, Alternative B). ~~However~~Because the project site is located outside of the DWP Service area and sphere of influence, DWP and County CSA 53C entered into an Outside Service Agreement for Potable Water Service dated November 17, 2015, whereby DWP and CSA 53C agreed that, due to the lack of potable water facilities operated by CSA 53C in the Fawnskin area, it was not economical for CSA 53C to be the water provider for the Moon Camp property and that it was more appropriate for DWP to be the water purveyor. LAFCO approved the Agreement at its November 18, 2015 meeting. However, for DWP to serve the project, significant transmission improvements in the Fawnskin system would be needed to provide fire flow to the project site. The closest DWP pipeline within the Upper Fawnskin system is a single six-inch-diameter pipeline located near the intersection of Flicker Road and Chinook Road, approximately 2,000 feet from the westerly boundary of the project site.

~~The Upper Fawnskin pressure zone has an operating hydraulic grade of 7,113 feet set by the high water level of the existing 0.25 million gallon Raccoon Reservoir. Based on this hydraulic elevation, static pressures within the project site would range from a low of 71 psi at the highest point in Lot 18 to 157 psi near the lake. Therefore, individual pressure regulators would be required for all lots with static pressures exceeding 80 psi. The future homeowners would install and fund the individual pressure regulators as required for specific lots.~~

The Water Feasibility Study provides two options (A and B) for expanding the existing Fawnskin Water System infrastructure. Option B has been chosen by DWP and the Applicant as the preferred Water Feasibility Study alternative for Water Service Alternative #1. In either case, the Applicant would install all common infrastructures, including fire hydrants, and would also install the water main lines within the project site. The water improvements will primarily be constructed within the rights-of-way of existing or proposed paved roads. The water service infrastructure required is as follows:

- 900 ft of 12-inch pipeline along Ridge Road from the intersection of Raccoon Drive south to tie to an existing 8-inch PVC pipeline on a private easement.
- 200 ft of 12-inch pipeline along private easement to connect Fawnskin Drive and Canyon Road.
- 650 ft of 12-inch pipeline along Canyon Road to Chinook Road.
- 600 ft of 12-inch pipeline along Chinook Road to Flicker Road.
- 500 ft of 12-inch pipeline along Flicker Road to Mesquite Drive.
- 400 ft of 12-inch pipeline along Mesquite Road to North Shore Drive.
- 250 ft of 12-inch pipeline along North Shore Drive to development westerly boundary.
- Refurbishing existing Cline Miller pump station to augment pumping capacity to approximately 300 gmp.
- 50 KW on-site emergency generators at the Cline Miller Reservoir.

Page 4.9-7 through 4.9-8

Text revisions with regard to the two options (Option A and B) have been provided in the Water Feasibility Study, and former Option 2 and Option 3 have been removed.

Currently there are three groundwater wells on-site (constructed by the project's property owner and developer), Wells FP2, FP3 and FP4. ~~Alternative #1 involves~~ As a

condition of obtaining water service to the project site, the project proponent will deed title to the wells FP2, FP3, and FP4 ~~being deeded~~ to the DWP at the time the tract map is recorded.

The ~~Water Feasibility Study provides two options (A and B) for expanding the existing Fawnskin Water System infrastructure. Option B has been chosen by DWP and the Applicant as the preferred Water Feasibility Study alternative for Water Service Alternative #1. In either case, the~~ Applicant would install all common infrastructures, including fire hydrants, and would also install the water main lines within the project site. The water improvements will primarily occur within existing paved roads. Nearby residents are not required to tie into the proposed DWP water system. The impacts related to the installation of the off-site and on-site water improvements would be temporary and are considered less than significant. See Exhibit 2-6 for the proposed water facilities and improvements.

~~Water Service Alternative #2~~

~~This Alternative assumes the City does not wish to expand its Sphere of Influence, or that LAFCO does not approve an expansion of the City of Big Bear Lake's Sphere of Influence to include the entire existing DWP Water Service Area in Fawnskin as well as the entire project site (Water Service Alternative #1). The existing County Service Area 53C (CSA 53C) is authorized to own and operate water systems, and currently CSA 53C encompasses the entire project site. No LAFCO action would be required for CSA 53C to own and operate the Proposed Alternative Project's Water System. Alternative #2 would include the developer constructing the on-site and off-site water facilities contained in the DWP's Water Feasibility Study (Alda, 2007); CSA 53C owning and operating the Proposed Alternative Project's On-site Water System (the three water wells and the water main lines); DWP owning and operating the water facilities constructed by the developer within the DWP's Fawnskin Water System; and CSA 53C contracting with the DWP for a water interconnect between the DWP's existing Fawnskin Water System and the Proposed Alternative Project's On-site Water System.~~

~~All of the water demand calculations for the Proposed Alternative Project, water system descriptions, and the Water Feasibility Study Option B described in Water Service Alternative #1, apply to Water Service Alternative #2.~~

~~The water improvements for Water Service Alternative #2 would primarily occur within existing paved roads. The impacts related to the installation of the off-site~~

and on-site water improvements would be temporary and are considered less than significant. See Exhibit 2-6 for the proposed water facilities and improvements.

Water Service Alternative #3

Instead of constructing the off-site water facilities (within the Fawnskin Water System) identified in the DWP's Water Feasibility Study Option B (Alda, 2007, which is the basis for Water Service Alternatives #1 and #2, above), the Proposed Alternative Project's developer would construct an on-site reservoir (238,600 gallons) and an on-site booster station capable of providing the daily water supply flow and the required 1,750 gallons per minute fire flow. The reservoir and booster station would be sized based upon the same demand calculations contained in the Water Feasibility Study and Water Service Alternatives #1 and #2:

- Average Day Demand (ADD) = 8.68 gpm.
- Maximum Day Demand (MDD) = 15.27 gpm;
- Fire Flow = 1,750 gpm with a 2 hour duration;
- Operational Storage = 30% of MDD (15.27 gpm) = 6,600 gallons;
- Emergency Storage = 100% of MDD (15.27 gpm) = 22,000 gallons;
- Fire Flow Storage for 1,750 gpm (2 hour duration) = 210,000 gallons; and
- Total Storage Requirement per the Alda Water Feasibility Study = 238,600 gallons.

The developer would also construct the same on-site (within the project site) water facilities (water main lines, fire hydrants, etc.) identified in the Alda Water Feasibility Study. Existing water wells FP2 and FP4 would be connected to the on-site water system and pump their water into the 238,600 gallon on-site reservoir. The on-site booster station would produce the Average and Maximum Daily Demand flows (8.68 gpm and 15.27 gpm) and the Fire Flow of 1,750 gpm for the 2-hour duration. The booster station would include an emergency electrical generator to allow the station to operate during a power outage.

The water improvements for Water Service Alternative #3 will primarily occur within the Proposed Alternative Project's paved roads and at the Proposed Alternative Project's reservoir site. The construction of the reservoir would include grading an approximately 75-foot-diameter pad for the reservoir. The impacts related to the installation of the on-site water improvements would be temporary and are considered less than significant.

Page 4.9-15

Clarification has been provided on DWP as water purveyor in Mitigation Measure U-1b and U-1c.

U-1b Pumping and extraction of groundwater shall be limited to 9 acre-feet per year for Well FP-2, 0 acre-feet per year for Well FP-3, and 5 acre-feet per year for Well FP-4. If ~~the water purveyor~~ DWP desires to extract groundwater from Well FP-2 in excess of 9 acre-feet per year, the purveyor shall conduct an independent environmental analysis and consider potential impacts at that time.

U-1c The grant deeds transferring ownership of Wells FP-2, FP-3 and FP-4 shall include the pumping and extraction limitations included in Mitigation Measure U-1b. The grant deeds shall also state that ~~the water purveyor~~ DWP, on January 1st of each year, shall report the amount of the prior year's annual groundwater production from Wells FP-2, FP-3 and FP-4 to the County Planning Department and the County Health Department.

Section 5: Cumulative Impacts

Page 5-2

Table 5-1, Cumulative Project List was updated.

Table 5-1: Cumulative Project List

Project Type	Name/Area	Description	Number of Units/Size	Population
County of San Bernardino				
Marina Point	Okovita	SFR	120	276
TT 17670	Sobczyk/Fawn	SFR	22	51
TT 17217 &TT17022	Stinson, Lisa A Moonridge	SFR	53	122
TPM 19262	Musto/Baldwin	SFR	4	9
TT 18806	Burtner/Erwin	SFR	18	41
Conv Store/Gas Station/Residence	Munem Maida	Conv Store/Gas Station/Residence	1	2
Total (County of San Bernardino)			**218 SFR**	**501**
City of Big Bear Lake				
CUP 2000-52	The Club	Timeshare	61	140
TT 16611	Shadow Mtn	SFR	8	18
TT 18580	Morgan Pines	SFR	23	53
CUP 2008-319	Bay Meadows	Conf Center	11,500 s.f.	—

Table 5-1 (cont.): Cumulative Project List

Project Type	Name/Area	Description	Number of Units/Size	Population
Relocation	Moonridge Zoo	Animal Park	—	—
618 Pineknot	N.P. Fudge	2 apartments	2	5
Total (City of Big Bear Lake)			**94 SFR**	**216**
TOTAL			**312 SFR**	**717**

If approved and constructed, these projects could introduce an additional 866 residents to the Big Bear area. This is down significantly from the 2,210 residents and transient population that would have been introduced to the area under the cumulative project list utilized for the environmental analysis of the Project. The cumulative impacts analysis in the Project EIR actually overstates cumulative impacts but was not revised despite the revised cumulative project list.

4.1.2 - Revisions or Additions to RRDEIR No. 2

Section 1: Project Description

Page 1-10

Additional information regarding Alternative Project Characteristics has been added.

The 2011 Alternative Project proposes 6.2 acres of open space/conservation/Neighborhood Lake Access within the Project site. The 2011 Alternative Project also includes a 55-slip marina. The marina parking lot also includes some open space for the preservation of existing trees; however, because of the development of the parking lot, the lot would not be considered Open Space. The main differences between the 2010 Alternative Project and the 2011 Alternative Project that is the subject of this Revised and Recirculated Draft EIR No. 2 and are summarized below:

- Redesigned Residential Lot Layout. The 2011 Alternative Project still reflects development of 50 residential lots on approximately 62.43 acres. The 2011 Alternate Project does not increase development intensity but merely proposes a revised lot configuration. Lots 1-3, which were located north of Street A on the western-most portion of the Project site have been shifted east and will be located in an area previously occupied by a portion of Lot A which was designated as Open Space Conservation Easement. (Please see Exhibit 1-4)
- Creation of Open Space Lot H. To compensate for the loss of a portion of Lot A, previously designated as Open Space Conservation Easement, and in response to

the Supplemental Focused Special Status Plant Species Survey (August 29, 2010) which identified significant occurrences of Ashy-Gray Indian Paintbrush in the area previously designated for development, a 1.98 acre portion of the Project site previously occupied by Lots 1-3 will now become lettered Lot H which, like Lot A, is designated Open Space/Conservation Easement. Lot A and Lot H together comprise 4.84 acres of occupied Ashy-Gray Indian Paintbrush that will be preserved in perpetuity.

Page 1-15

Information with regard to water service options and infrastructure has been edited.

Water Service Options and Infrastructure

~~There are currently three (3) separate water service options for the 2011 Alternative Project. Under Alternative #1, significant improvements to~~ Water Service for the Project site would be provided by the Big Bear Department of Water and Power (DWP). Although the project site is partially located outside of the DWP Service area and sphere of influence, the DWP and County CSA 53C entered into an Outside Service Agreement for Potable Water Service dated November 17, 2015, whereby the DWP and CSA 53C agreed that, because of the lack of potable water facilities operated by CSA 53C in the Fawnskin area, it was not economical for CSA 53C to be the water provider for the Moon Camp property and that it was more appropriate for the DWP to be the water purveyor. LAFCO approved the Agreement at its November 18, 2015 meeting. For the DWP to provide potable water to the project site, significant improvements to the upper Fawnskin pressure zone are necessary. ~~to provide water service to the site.~~ The three ground water production wells located within the Project site would be deeded to the DWP at the time the tract map is recorded. ~~Annexation to the DWP's authorized service area is required for DWP to be the water service provider.~~ DWP has conducted a Water Feasibility Study (Alda 2007), and provided a conditional will serve letter to the Applicant. ~~However, the majority of the Project site is outside of the DWP authorized service area as well as the City's Sphere of Influence. DWP cannot provide water service without first complying with the provisions of Government Code Section 56133, which pertains to the Local Area Formation Commission (LAFCO) annexation process. In order for the DWP to provide water service to the Project site and to own and operate the 2011 Alternative Project's water system, LAFCO would have to approve an expansion of the City of Big Bear Lake's Sphere of Influence to include the entire existing DWP Water Service Area in Fawnskin as well as the entire Project site.~~ The developer would be required to construct the on-site and off-site facilities as described in the DWP's Water Feasibility Study (Alda 2007), as amended by the 2011 update, as discussed below.

Page 1-16

Information with regard to water service options and infrastructure has been edited.

~~Water Service Alternative #2 (see Section 4.9 of the Revised and Recirculated Draft EIR No. 1 for details) would not require LAFCO's approval and would not create the need for expansion of the City's Sphere of Influence around Fawnskin and the project site. Instead, County Service Area 53C (CSA 53C) would own and operate the water facilities within the project site and contract with the DWP for a water interconnection to the existing Fawnskin water system. The developer would be required to construct the same on-site and off-site facilities as described above.~~

~~Under Water Service Alternative #3 (see Section 4.9 of the Revised and Recirculated Draft EIR No. 1 for details), instead of constructing the off-site water facilities (within the Fawnskin Water System) identified in the DWP's Water Feasibility Study Option B (Alda, 2007, which is the basis for Water Service Alternatives #1 and #2, above), water service would be provided entirely from an onsite water supply, storage and distribution system. Water would be extracted from the onsite water wells; the 2011 Alternative Project would require construction of an on-site aboveground water tank (238,600 gallons) and an on-site booster station capable of providing the daily water supply flow and the required 1,750 gallons per minute fire flow. The water tank and booster station would be sized based upon the same demand calculations contained in the Water Feasibility Study and Water Service Alternatives #1 and #2. Water Service Alternative #3 would not require LAFCO's approval and would not require the expansion of the City's Sphere of Influence around Fawnskin and the project site. The developer would also construct the same on-site (within the Project site) water facilities (water main lines, fire hydrants, etc.) identified in the Alda Water Feasibility Study necessary to transmit water to the developed lots within the 2011 Alternative Project. Existing water wells FP2 and FP4 would be connected to the on-site water system and pump their water into the 238,600 gallon on-site reservoir. The on-site booster station would produce the Average and Maximum Daily Demand flows (8.68 gpm and 15.27 gpm) and the Fire Flow of 1,750 gpm for the 2-hour duration. The booster station would include an emergency electrical generator to allow the station to operate during a power outage. The water improvements for Water Service Alternative #3 will primarily occur within the 2011 Alternative Project's paved roads and at the 2011 Alternative Project's water tank site. The construction of the water tank would include grading of an approximately 75-foot-diameter pad for the reservoir. CSA 53C would own and operate this independent water system.~~

Section 2, Biological Resources

Page 2-1

Additional bullet point added:

- Survey of Ashy-Gray Indian Paintbrush Moon Camp Tentative Tract 16136, Timothy Krantz Environmental Consulting (2016) (2020 Final EIR Appendix K)

Page 2-16

A spelling error has been corrected.

As outlined within Table 2-2, eighty-one (81) special status plant species are known to occur in the Project region, 30 of which occur or have a moderate or higher potential to occur on the Project site. In addition, six of these special status plant species have been observed on the Project site. A brief description of these special status plant species are described ~~bellow~~below:

Page 2-17

Detail has been added with regard to ashy-gray Indian paintbrush habitat, conservation areas, and habitat preservation.

Findings and conclusions of the Supplemental Focused Special Status Plant Species ~~Survey~~ Surveys conducted by Dr. Krantz (June 29, 2008) (August 29, 2010) as confirmed by his June 27, 2016 update (2020 Final EIR Appendix K) with respect to the Ashy-Gray Indian Paintbrush at the Project site are described below. Altogether, the 2010 Krantz Survey concluded there were 7.71 acres of Ashy-Gray Indian Paintbrush habitat located within the boundaries of the project site, 4.84 acres of which are located within the Lot A and Lot H Conservation Areas.

Open Space Lot A

Krantz conducted a discrete count of the Ashy-Gray Indian Paintbrush occurrences on Lot A by systematically walking the surrounding area of the knoll at this location. Altogether, a total of approximately 230 individual Ashy-Gray Indian Paintbrush occurrences were identified within the boundaries of Lot A, a 3.40-acre open space area.

Open Space Lot H

The newly-proposed Lot H Open Space Conservation Easement was created to protect the high densities of Ashy-Gray Indian Paintbrush occurring in this area. Lot H is approximately 1.98 acres in area. The highest concentration of these plants extends in a broad opening in the Jeffrey pine woodland, in association with Wright's matting buckwheat. A total of approximately 4,665 Ashy-Gray Indian Paintbrush occurrences were estimated to occur in this area based on a combination of discrete counts and a

belt transect through the middle of the highest density area. Altogether, a total of 5,567 Ashy-Gray Indian Paintbrush plants were estimated to occur on the Moon Camp property. Permanent protection of Lot H results in preservation of 84 percent (4,665 plants of 5,567 plants) of the total Ashy-Gray Indian Paintbrush plants on-site. Combined, Lot A and Lot H comprise a total of 4.84 acres of occupied Ashy-Gray Indian Paintbrush habitat that will be permanently preserved.

Page 2-19

Detail has been added with regard to ashy-gray Indian paintbrush habitat, conservation areas, and habitat preservation.

Redesign of the lot layout, as reflected in the 2011 Alternative Project, results in a significant increase in Ashy-Gray Indian Paintbrush conservation. On an acreage basis, the project will impact approximately 2.87 acres of the 7.71 acres of habitat. Creation of Lot A and Lot H preserves 4.84 acres of habitat, resulting in an on-site mitigation ratio of 1.68:1. With permanent preservation of the 10-acre Dixie Lee Lane Property mitigation for impacts to Ashy-Gray Indian Paintbrush habitat is 5.04:1. Of the 5,567 Ashy-Gray Indian Paintbrush plants determined to occur on site through the updated plant surveys, 4,895 plants will be permanently protected within Lot A and H, representing 88 percent of the total number of Ashy-Gray Indian Paintbrush plants within the proposed Project site. Of the remaining Ashy-Gray Indian Paintbrush plants on private Lots, plants within Lots 1, 47, 49, and 50 are all within the rear Lot building setbacks, as well as 20 plants on Lot 4, for a total of 127 plants.

Table 2-3 has been replaced as follows:

~~Table 2-3: Summary of Ashy-Gray Indian Paintbrush Occurrence on the Moon Camp Site~~

~~Lot Number~~	~~Total Plants~~
~~Lot 1~~	~~45~~
~~Lot 2~~	~~150~~
~~Lot 3~~	~~175~~
~~Lot 4~~	~~90~~
~~Lot 5~~	~~30~~
~~Lot 47~~	~~50~~
~~Lot 49~~	~~9~~
~~Lot 50~~	~~3~~
~~Lot A~~	~~230~~
~~Lot F~~	~~80~~

~~**Table 2-3 (cont.): Summary of Ashy-Gray Indian Paintbrush Occurrence on the Moon Camp Site**~~

~~Lot Number~~	~~Total Plants~~
~~Road ROW*~~	~~40~~
~~Lot H~~	~~4,665~~
~~Total~~	~~5,567~~

~~Source: Supplemental Focused Special Status Plant Species Survey (August 29, 2010).~~
~~* ROW = Right of Way.~~

Table 2-3: Summary of Ashy-Gray Indian Paintbrush Occurrence, Impacts, and Conservation on the Moon Camp Site

Lot Designation	Habitat (acres)	Number of Plants	Impacts		Conservation	
			Acres	Individual Plants	Acres	Individual Plants
Lot H/A	4.84	4,895	-	-	4.84	4,895
Roadway	0.5	40	0.5	40		
Lot F	0.14	80	0.14	80		
Lots 1-5	2.00	490	2.00	490		
Lot 47/48	0.11	50	0.11	50		
Lot 49	0.01	9	0.01	9		
Lot 50	0.11	3	0.11	3		
Dixie Lee Lane	-	-	-	-	10.0	21
Totals	**7.71**	**5,567**	**2.87**	**672**	**14.48**	**4,916**

Source: ELMT. 2018. Technical Review of the Biological Database for the Moon Camp Project Site. May 23, 2018. Attachment A (2020 Final EIR Appendix I).

Page 2-44, 2-45

Detail about soil conditions has been added.

Special Status Plant Species Known to Occur on the Project Site

One Federally-listed Threatened and CNPS List 1B species, Ashy-Gray Indian Paintbrush; and five CNPS List 1B species, Parish's rock cress, Big Bear Valley woollypod, silver-haired ivesia, purple monkeyflower, and Bear Valley phlox, were observed on the Project site during the 2002, 2007, 2008, ~~and~~ 2010 and 2016 (see 2005 Final EIR Appendix 15.6; RRDEIR No. 1 Appendix B; RRDEIR No. 2 Appendix A; and 2020 Final EIR Appendix J, K) ~~Supplemental Focused Special Status Plant Species Survey~~. The surveys identified an herbaceous layer of Wright's matting buckwheat

(in the western half of the Project site) and found inclusions of Ashy-Gray Indian Paintbrush and Parish's rock cress throughout an approximate 18.01-acre area of open Jeffrey pine forest. Silver haired ivesia was found to be concentrated entirely within the Project site's mapped pebble plain ~~habitat~~ like soil conditions. Bear Valley woollypod was found in patches scattered throughout Jeffrey pine forest habitat on the Project site. Purple monkeyflower was found to be widely distributed on the pebble plain-like soils conditions in the conservation area, with a small portion of the population extending down the draw to the east into the southern half of proposed Lot 50. Finally Bear Valley phlox was found to be distributed in the open black oak woodland and under Jeffrey pines.

Development of the 2011 Alternative Project has the potential to significantly impact the aforementioned special status plant species. The majority of occurrences of these species exist in the western portion of the project site. In addition to protecting the most exemplary and best quality habitat on-site (located within Lot A and the newly-proposed Lot H Open Space Conservation Easement), all five of the CNPS List 1B status species observed on-site will be protected through implementation of Mitigation Measures (MMs) BR-1b, BR-1d and BR-12, which provide for the establishment and management of a Conservation Area that encompasses the location of these plants. Additionally, the 10-acre Dixie Lee Lane parcel provides additional habitat for these species.

Page 2-45

Information about ashy-gray Indian paintbrush preservation with open space creation has been added.

Ashy-Gray Indian Paintbrush

As concluded within the Supplemental Focused Special Status Plant Species Survey (August 29, 2010), there are approximately 7.71 acres of Ashy-Gray Indian Paintbrush habitat on the project site, of which 4.84 acres would be permanently protected through the creation of open space Lot A and Lot H. On an occurrence basis, there are approximately 5,567 Ashy-Gray Indian Paintbrush occurrences are located within the proposed Project site. Of the 5,567 occurrences, 4,895 will be permanently protected within the Open Space Conservation Easement of Lot A and H, representing 88 percent of the total occurrences of Ashy-Gray Indian Paintbrush within the proposed Project site. Of the remaining Ashy-Gray Indian Paintbrush plants within the boundaries of private Lots, plants within Lots 1, 47, 49, and 50, are all within the rear Lot building setbacks, as well as 20 plants on Lot 4, for a total of 127 plants.

Page 2-45

Detail with regard to Ashy-Gray Indian Paintbrush has been added.

The new Lot 3 contains approximately 175 plants. Lot 4 contains approximately 70 plants to the front-center of the Lot, and another 20 plants to rear of the Lot, within the required building setback, for a total of approximately 90 plants; and Lot 5 contains approximately 30 plants and another approximately 40 Ashy-Gray Indian Paintbrush plants are in the road right-of-way across the front of Lot 5. Well Site Lot F and the associated access road contain approximately 80 plants. In total, the 2011 Alternative Project will impact approximately 672 occurrences of Ashy-Gray Indian Paintbrush occupying approximately 2.87 acres. Based on the foregoing, the reconfiguration of the 2011 Alternative Project and creation of permanent conservation easements covering the areas designated as Lot H and Lot A will permanently conserve approximately 88 percent of the Ashy-Gray Indian Paintbrush occurrences on the Project site (4,895 occurrences conserved, compared to 672 impacted occurrences). This onsite conservation of Ashy-Gray Indian Paintbrush occurrences results in mitigation for 2011 Alternative project impacts at more than a 7:1 ratio. <u>On an acreage basis, the project will mitigate impacts to the Ashy-Gray Indian Paintbrush on-site at a 1.68:1 ratio.</u>

Additionally, Mitigation Measure BR-1a requires permanent conservation of the 10-acre, off-site, Dixie Lee Lane parcel that acts as further mitigation for impacts to the ashy-gray Indian paintbrush. These 10 acres of pebble plain are private land located at the northern terminus of Dixie Lee Lane in the Sugarloaf area of Big Bear Valley. The 10 acres are fenced and exhibit very high densities of the two indicator species (*Arenaria ursina* and *Eriogonum kennedyi austromontanum*). Implementation of Mitigation Measure BR-1a will conserve the high quality pebble plain that is one of the best remaining examples of pebble plain habitat in private ownership and will protect the high density of pebble plain soil conditions. As indicated in the Supplemental Focused Special Status Plant Species Survey (August 29, 2010) performed by Dr. Krantz, the 10-acre parcel comprises habitat that can support the Ashy-Gray Indian Paintbrush and, in fact, during the survey, multiple occurrences of this plant species were observed. Accordingly, in addition to formal conservation of 88 percent of the Ashy-Gray Indian Paintbrush occurrences on the Project site, through conservation easements covering Lot H and Lot A, permanent preservation of the 10-acre Dixie Lee property will provide further mitigation for impacts to the Ashy-Gray Indian Paintbrush species. With the preservation of the Dixie Lee Lane property, the 2011 Alternative Project will permanently set aside <u>14.48</u>acres of

Ashy-Gray Indian Paintbrush occupied habitat. ~~On an acreage basis~~ With the inclusion of the Dixie Lee Lane property, the 2011 Alternative Project is mitigating impacts on an approximately ~~10:1~~ 5:1 basis.

The on-site preservation of 88 percent of Ashy-Gray Indian Paintbrush occurrences and over 60 percent of the habitat acreage as well as implementation of Mitigation Measures BR-1a through BR-1d will reduce impacts to the Ashy-Gray Indian Paintbrush to less than significant levels.

Page 2-47

Additional detail added for Special Status Plant Species occurring on the Project Site.

According to the Supplemental Focused Special Status Plant Species Survey conducted by Dr. Krantz (2008), ~~no endangered threatened, or~~ five special status plant species were identified on the Moon Camp property~~, and the potential for any occurrence of such species is considered to be extremely low. In addition, impacts to CNPS List 1B or 2 species special status plants, not listed as threatened or endangered (Section IV. B.4) do not meet the County's CEQA threshold for a potentially significant impact.~~ Special status plant species found by Dr. Krantz on the project site included: Parish's rock cress, Bear Valley phlox, purple monkeyflower, and fuzzy rat-tail. The other potentially four occurring Pebble Plain special status plant species (Bear Valley sandwort, southern mountain buckwheat, San Bernardino Mountains dudleya, and Baldwin Lake linanthus) were not observed despite favorable conditions during both surveys and are presumably absent.

None of the five listed or special status Montane meadow plant species were identified on-site. The shoreline habitat was determined to be highly disturbed and ruderal in nature. The area did not support a viable Montane meadow habitat capable of supporting listed or special status plant species.

A search of the yellow pine habitat, particularly areas with rocky soils or outcrops, identified one of the three CNPS List 1B plant species (Bear Valley Woollypod) as occurring on the Project site. The other two potentially occurring special-status plant species (Big Bear Valley milkvetch and southern yellow jewelflower) were not observed and are presumed absent.

The majority of special-status species observed on-site are confined to the western portion of the Project site. The creation of the Conservation Areas (Lot A and Lot H) provide conservation of occurrences and habitat for these species. Additionally,

implementation of Mitigation Measure BR-1a will permanently preserve an additional 10 acres of habitat for the special status species. Therefore, impacts in this regard will be less than significant.

Page 2-47

Additional detail added regarding Bald Eagles.

Bald Eagle. The bald eagle was taken off the federal list of threatened species, but remains on the State endangered species list. Small wintering populations of bald eagle often occur in scattered mountain locations in the region. Big Bear Lake supports the largest wintering population of bald eagle in southern California and may include as many as 30 individuals in peak years. The bald eagle was observed using several trees on the Project site for perch and roost locations. A records search also demonstrated that some of the most utilized perch and roost trees on the north shore of the lake are located on the Project site. Seven of the identified perch trees are adjacent to the Big Bear Lake's shoreline. Perch trees are used for resting, for monitoring their territories for predators or other eagles, and for hunting. Steenhof (1978) investigation into bald eagle perch determined that proximity to a food source is most important factor in diurnal perch selection by bald eagles. Optimal perch trees are typically tall with an open growth structure that provide line-of sight-opportunities and that are near water (Steenhof, 1978 and Stalmaster and Newman 1979). In their study they also found that bald eagles used artificial perch trees more than would be expected from occurrence alone. In their study, the artificial perch trees provided the closer proximity to water, were generally taller than the native trees and had a greater open growth structure for line-of-site opportunities. Given artificial and native trees that provided comparable characteristics, bald eagle, are using artificial and native trees similarly. The study's conclusion was that artificial perch trees may be an effective tool as both a mitigation measure and a management strategy. For Moon Camp, the use of artificial perch trees that proximate the existing perch trees in terms of size, structure and proximity to the shoreline would compensate for the loss of native perch trees. It is recommended that the existing perch trees be surveyed for their overall health and expected longevity and that a plan for replacement be developed from this information. Replacement trees would be installed in advance to the projected loss of a perch tree to ensure there is no loss of perching opportunities.

It is also important to note that bald eagle populations have expanded in recent years, even as increasing human presence and activity near nesting and perching

sites has increased. Bald eagle populations have increased in face of increasing human recreation and development along shorelines within prime eagle habitat. This combined growth in eagle populations and human populations have resulted in more frequent interactions with humans (Johnsgard 1990). Due to this increasing overlap with human populations and human activities, bald eagles have habituated to presence of humans. Observations of eagle populations suggest that many eagles are more accepting of eagle activities near nests and wintering sites (Watson et al. 1999, Anthony 2001, and Millsap et al. 2004). A recent newspaper article in The Wash Post by Gregory Lee Sullivan (February 29, 2016) quoted Kevin McGowan of the Cornell Lab of Ornithology as saying "the main thing is that they (bald eagles) just don't really care as much about people anymore" and are now found nesting in residential areas. He concluded that changes in the behavior of the bald eagle are the results of laws that protect the bird and have helped the species recover after nearly dying out in the early 1960s. The number of bald eagles breeding pairs in the lower 48 contiguous states has increased from a low of 487 in 1963 to 9,789 in 2006. As indicated above, the species was removed by USFWS from the endangered species list in 2007. Given that the Moon Camp area is not used by nesting pairs and only supports overwintering eagles and given the proposed mitigation measure for maintaining perch trees, the presence of 50 new homes in rural residential community of Fawnskin will not adversely affect foraging behavior or other roosting behavior of the overwintering bald eagles. ~~Given the limited distribution of wintering populations of bald eagles in southern California, removal of these trees and/or construction of uses in proximity to trees are considered a significant impact. Therefore,~~ However, any construction activities in proximity to the identified perch and most trees are considered by the County as a significant impact under CEQA. Two pair of bald eagles were documented nesting at Big Bear during Spring/Summer 2007. As the bald eagle has recently nested at Big Bear, ongoing surveys of the Project site during breeding season is recommended to verify the continued absence of nesting bald eagles on the Project site.

Mitigation measures BR-4, B-6 and B-7 will reduce identified impacts to the bald eagles potentially occurring on the Project site. Although Mitigation Measures BR-4, B-6 and B-7 will reduce impacts to the bald eagle, implementation of the 2011 Alternative Project will directly impact eagle perch locations. Based on the County of San Bernardino criteria for determining impacts to bald eagles, any removal of perch trees or human activity resulting in light and/or noise impacts are considered a significant impact under CEQA. This threshold is so restrictive that there is no reasonable configuration to the 2011 Alternative Project that could avoid a

significant impact to the bald eagle. Therefore, further project modifications would not avoid or substantially reduce the identified impacts to bald eagles. Therefore, impacts in this regard will remain significant and unavoidable.

Page 2-56

Discussion of cumulative impacts to Special Status Plant Species is added.

Six listed threatened or endangered species could potentially occur on the Project site. These include bird's foot checkerbloom (endangered), San Bernardino bluegrass (endangered), California dandelion (endangered), Big Bear Valley sandwort (threatened), southern mountain buckwheat (endangered), Ashy-Gray Indian Paintbrush (threatened) and slender-petalled thelypodium (endangered). In addition, 26 CNPS List 1B or 2 species could potentially occur on the Project site. According to the Supplemental Focused Special Status Plant Species Survey conducted by Dr. Krantz (2008), only the Ashy-Gray Indian Paintbrush was observed on-site. ~~no endangered, threatened, or special-status plant species were identified on the Moon Camp property, and the potential for any occurrence of such species is considered to be extremely low.~~ Special status plant species found by Dr. Krantz on the project site included: Parish's rock cress, Bear Valley phlox, purple monkeyflower, and fuzzy rat-tail. The other potentially four occurring Pebble Plain special status plant species (Bear Valley sandwort, southern mountain buckwheat, San Bernardino Mountains dudleya, and Baldwin Lake linanthus) were not observed despite favorable conditions during both surveys and are presumably absent.

None of the five listed or special status Montane meadow plant species were identified on-site. The shoreline habitat was determined to be highly disturbed and ruderal in nature. The area did not support a viable Montane meadow habitat capable of supporting listed or special status plant species.

A search of the yellow pine habitat, particularly areas with rocky soils or outcrops, identified one of the three CNPS List 1B plant species (Bear Valley woollypod) as occurring on the Project site. The other two potentially occurring special-status plant species (Big Bear Valley milkvetch and southern yellow jewelflower) were not observed and are presumed absent.

All but one, Bear Valley phlox, of the observed special-status species are confined to the western portion of the Project site. In addition, impacts to CNPS List 1B or 2 species special status plants, not listed as threatened or ~~end angered~~ endangered (Section IV. B.4.) would generally not meet the CEQA threshold for mandatory

findings of significance. As indicated previously, on-site and off-site mitigation is sufficient to mitigate impacts to the Ashy-Gray Indian Paintbrush to less than significant levels both on a Project specific and cumulative basis. Impacts to other special status plant species is similarly reduced to less than significant levels. ~~Therefore, impacts in this regard will be less than significant.~~ When considered in connection with the development of the cumulative projects, the impacts of the 2011 Alternative Project on special status plant species are less than significant.

Page 2-57

Additional detail for Mitigation Measure BR-1a (Special Status Plants and Plant Communities) has been added.

Special Status Plants and Plant Communities

BR-1a Prior to the initiation of clearing or grading activities on the Project site, a conservation easement shall be placed upon the 10-acre Dixie Lee Lane property. The conservation easement shall be in favor of a ~~qualified~~ California Department of Fish and Wildlife approved conservation entity and shall be recorded in the San Bernardino County Recorder's Office. The easement shall provide for the continued protection and preservation of the property through development of a Long-Term Management Plan (LTMP). The LTMP shall provide for the preservation, restoration, and enforcement of the Conservation Areas so that each area is maintained, and restored where needed, to its natural condition. The LTMP will also include documentation of baseline conditions, any needed site preparation, anticipated restoration/enhancement activities, a biological monitoring program, the creation of a set of success criteria for managing the site, anticipated maintenance activities, an annual reporting process, and a set of contingency or adaptive management measures to be implemented in case success criteria are not being met; to ensure that the implementation of the LTMP is fully funded, a Property Action Report (PAR) will be prepared that will document costs for site security, maintenance activities, site preparation, restoration/enhancements activities, biological monitoring, contingency measure and annual reporting. The costs identified in the PAR will be used to develop a non-wasting endowment that will ensure all costs will be available to establish the site, conduct any needed restoration and enhancements, and to fund reoccurring annual cost needed to manage the site in perpetuity. The easement shall, at a minimum, restrict all use of the property that has the potential to impact the quality of pebble plain soils

and other valuable biological habitat, including the occurrences of the Federally Threatened Ashy-Gray Indian Paintbrush. The property shall be fenced and signs shall be placed on the fencing indicating the sensitive nature of the property habitat and warning that any entry would be prosecuted as a trespass. ~~Project proponent shall also create a perpetual, non-wasting endowment for the management and preservation of the mitigation property. The management entity will be approved by the CDFG.~~

Page 2-57

Additional detail for Mitigation Measure BR-1b has been added.

BR-1b Prior to the initiation of clearing or grading activities on the Project site, the 9.1 ~~5.38~~-acre on-site conservation easements covering Lots A, B, C, D and H ~~(including Lot A and Lot H)~~ shall be established. The conservation easement shall be in favor of a California Department of Fish and Wildlife approved qualified conservation entity and shall be recorded in the San Bernardino County Recorder's Office. The easement shall provide for the continued protection and preservation of the ~~property~~ American Bald Eagle and Rare Plant habitat through development of a Long-Term Management Plan (LTMP). The LTMP shall provide for the preservation, restoration, and enforcement of the Conservation Areas so that each area is maintained, and restored where needed, to its natural condition. The LTMP will also include documentation of baseline conditions, any needed site preparation, anticipated restoration/enhancement activities, a biological monitoring program, the creation of a set of success criteria for managing the site, anticipated maintenance activities, an annual reporting process, and a set of contingency or adaptive management measures to be implemented in case success criteria are not being met; to ensure that the implementation of the LTMP is fully funded, a Property Action Report (PAR) will be prepared that will document costs for site security, maintenance activities, site preparation, restoration/enhancements activities, biological monitoring, contingency measure and annual reporting. The costs identified in the PAR will be used to develop a non-wasting endowment that will ensure all costs will be available to establish the site, conduct any needed restoration and enhancements, and to fund reoccurring annual cost needed to manage the site in perpetuity. The easement shall, at a minimum, restrict all use of the property that has the potential to impact Bald Eagle perch trees, the quality of ~~pebble plain soils and other~~ valuable biological habitat, including the

occurrences of the Federally Threatened ashy-gray Indian paintbrush. The property shall be fenced and signs shall be placed on the fencing indicating the sensitive nature of the property habitat and warning that any entry would be prosecuted as a trespass. ~~The easement shall provide for the continued protection and preservation of the property. The easement shall, at a minimum, restrict all use of the property that has the potential to impact the occurrences of the Federally Threatened Ashy-Gray Indian Paintbrush. Project proponent shall also create a perpetual, non-wasting endowment for the management and preservation of the mitigation property. The management entity will be approved by the CDFG.~~

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Additional detail added to Mitigation Measure BR-1c.

BR-1c The Project Applicant shall take the following actions to further ensure the permanent preservation of the Conservation Areas: ~~(Lot A and Lot H):~~

- Except for access by residents to Lot B & C between April 1 and December 1, r~~R~~estrict access by pedestrians and motor vehicles to the Conservation Areas. The Conservation Areas shall be secured through installation of fencing or other barriers to prevent access to Conservation Areas. Barriers shall be installed prior to commencement of any construction activities on-site. The Project Applicant shall also include provisions in the CC&Rs for the Project instituting penalties to residents who violate the restrictions and cause any damage to the protected plant habitat~~.~~ and Bald Eagle perch trees.
- Include enforcement provisions in the CCR's ~~allowing~~ requiring the Homeowner's Association, individual resident within the project, the Conservation Entity, and/or County of San Bernardino to enforce any violation of the provisions intended for the protection of sensitive plant species located within Lot A and Lot H.
- Install appropriate signage identifying Conservation Areas and the sensitive nature of such areas on the Project site and that access is prohibited. The Conservation Areas shall be monitored on a regular basis by the Conservation Entity.
- Prohibit use of invasive plant species in landscaping. Each lot owner shall be given a list of prohibited invasive plant species upon purchase of lot with the parcel. Landscape plans for individual parcels shall be approved by the County prior to development to ensure no inappropriate plant material is incorporated into the design of any individual lot or common area which may compromise the quality of the Conservation Areas.

- Development may not change the natural hydrologic conditions of the Conservation Areas. All grading plans shall be reviewed by the County to ensure hydrologic conditions of the conservation lands are not adversely changed by development.
- The Project Applicant or ~~a~~Appointed ~~c~~Conservation ~~e~~Entity shall monitor Conservation Areas on a periodic basis to ensure invasive, non-native species are not present. All non-nature invasive plant species shall be removed from Conservation Areas.
- Fuel modification zones and programs shall not be implemented in Lots A and H.
- The Conservation Entity shall prepare an annual biological monitoring report identifying the current status of the rare plant species and any necessary actions to further enhance and protect the habitat.
- The Conservation Entity shall conduct routine monitoring of rare plant resources on Lot A and H. The occurrence of non-native species outbreaks, or other examples of ecological disturbance as a result of indirect impacts of development in and around Lots A and H shall be reported in the annual biological monitoring reports and remedial action shall be recommended and implemented by the Conservation Entity.

Page 2-58

Mitigation Measure BR-3 has been updated.

BR-3 ~~The project proponent shall have a biologist qualified with San Bernardino flying squirrel (SBFS) as a monitor during tree removal. Minimize the number of trees, snags, and downed wood removed for project implementation. Compensating the removal of snags containing cavities; this would be achieved by constructing and erecting two nest boxes and one aggregate box per snag removed. Appendix A of this Revised and Recirculated Draft EIR No. 2 provides the specifications of the nest and aggregate boxes (Flying Squirrels 2007). These boxes should be located on the adjacent U.S. Forest Service (USFS) land (with their permission) and the locations marked with a global positioning system. The locations of the boxes shall be provided to the USFS so that their biologists could monitor the boxes for occupation by SBFS.~~

~~Provide new homeowners with a flyer that would provide information on the biology of SBFS and how they are susceptible to depredation by cats. The flyer would also outline steps that homeowners could take to reduce their urban edge effects.~~

Given the negative results of on-site surveys and the available technical and peer reviewed literature, negative effects to the San Bernardino flying squirrel are not expected. However, because marginal foraging habitat was found on-site, the following mitigation measures will be implemented in the lots with densely forested areas and snags. These mitigation measures are to be implemented to avoid and minimize impacts to San Bernardino flying squirrels:

- The Project Applicant shall have a qualified biologist as a monitor just prior to and during all tree removal on-site.
- Minimize the removal of large coarse woody debris (>10cm diameter), which provide microhabitat for the growth of hypogeous fungi.
- Limit removal of standing snags (>25cm dbh) and large trees (>25cm dbh), which provide both structural complexity and potential nesting habitat.
- Prioritize the retention of large trees and snags with visible potential cavity nesting structures, which are associated with higher densities of northern flying squirrels.
- Minimize the loss of continuous canopy closure, especially in the drainages, which provides protection from predators while foraging and may play an important role in maintaining habitat connectivity.
- The Project Applicant must compensate for the removal of suitable habitat through construction and erection of two nest boxes and one aggregate box per snag removed.
- The Project Applicant is required to provide homeowners with information on the biology of the flying squirrel and suggest steps that homeowners can take to reduce their urban-edge effects.
- All subsequent home developers must comply with these provisions which shall be enforced by the County of San Bernardino through implementation of the Mitigation Monitoring and Reporting Program as mandated by CEQA.

If the monitoring biologist observes a flying squirrel during pre-construction and/or construction monitoring, the biologist will immediately halt work until the occupied tree can be vacated prior to felling the tree; however, if the work is during the nesting season (generally March through May), when baby squirrels could be present, the nest will not be vacated until after the nesting season ends (June 1st), as cleared by the monitoring biologist.

Page 2-59

Detail added to Mitigation Measure BR-4 has been added.

BR-4 Eagle perch trees identified in the 2002 Bonterra Consulting Bald Eagle Survey for Tentative Tract 16136, Moon Camp, Fawnskin, San Bernardino County, California, (see Appendix A of the Revised and Recirculated Draft EIR No. 2) and the Long Term Management Plan shall be preserved in place upon project completion. If any of the designated perch trees should become hazardous and need to be taken down, replacement will be either (1) at a 5:1 ratio with the creation of artificial perch trees ~~along shoreline designated open space.~~ within the Conservation Areas or by enhancing other trees by trimming and limbing to make suitable for eagle perching. The exact method of perch tree replacement shall be made after consultation with a certified arborist. Prior to commencement of construction activity, the applicant shall have a qualified consultant survey all trees on-site to determine the location of all perch trees to be preserved. Any development that may occur within the Project site and in the individual lots must avoid impacts to trees larger than 24 inches dbh and their root structures to the maximum extent feasible. If any additional non-perch trees on-site larger than 24 inches dbh are removed, then a replacement ratio of 2:1 shall be required and replacement trees shall be 24-inch box trees or larger. Whenever an eagle perch tree or other non-perch tree larger than 24 inches dbh is removed, the Homeowner's Association shall retain a qualified consultant to oversee removal and compliance with the replacement requirement. All construction or landscaping improvements, including irrigation, will be prohibited on or around the exposed root structures or within the dripline of these trees. These restrictions on development of the individual lots must be clearly presented and explained to any potential prospective developers and/or homeowners prior to assumption of title and close of escrow. This measure shall be identified as a Note on the Composite Development Plan.

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Date range for Mitigation Measure BR-6 has been corrected.

BR-6 Seven days prior to the onset of construction activities, a qualified biologist shall survey within the limits of project disturbance for the presence of any active raptor nests. Any nest found during survey efforts shall be mapped on the construction plans. If no active nests are found, no further mitigation would be required. Results of the surveys shall be provided to the ~~CDFG~~ CDFW.

If nesting activity is present at any raptor nest site, the active site shall be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the California Fish and Game Code. Nesting activity for raptors in the region of the Project site normally occurs from February 1 to ~~June~~ July 31~~0~~. To protect any nest site, the following restrictions on construction are required between February 1 and ~~June~~ July 31~~0~~ (or until nests are no longer active as determined by a qualified biologist): (1) clearing limits shall be established a minimum of 300 feet in any direction from any occupied nest and (2) access and surveying shall not be allowed within 200 feet of any occupied nest. Any encroachment into the 300/200-foot buffer area around the known nest shall only be allowed if it is determined by a qualified biologist that the proposed activity shall not disturb the nest occupants. Construction during the nesting season can occur only at the sites if a qualified biologist has determined that fledglings have left the nest.

Page 2-60

Detail range for Mitigation Measure BR-7 has been corrected.

Vegetation removal, clearing, and grading on the Project site should be performed outside of the breeding and nesting season (between February 1 and ~~June 30~~July 31), when feasible, to minimize the effects of these activities on breeding activities of migratory birds and other species. If clearing occurs during breeding season, a 30-day clearance survey for nesting birds shall be conducted. Any nest found during survey efforts shall be mapped on the construction plans. If no active nests are found, no further mitigation would be required. Results of the surveys shall be provided to the ~~CDFG~~ CDFW. If nesting activity is present at any nest site, the active site shall be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the California Fish and Game Code.

Page 2-62

Detail with regard to conservation of Ashy-Gray Indian Paintbrush has been added.

The Supplemental Focused Special Status Plant Species Survey (August 29, 2010) concluded that Project site contained 7.71 acres of habitat for the Ashy-Gray Indian Paintbrush, of which 4.84 acres will be permanently preserved on-site. This results in mitigation of project impacts on a 1.68:1 ratio (with inclusion of the Dixie Lane property it is 5.04:1). On an occurrence basis, the project site contains 5,567 occurrences of Ashy-Gray Indian Paintbrush with 84 percent, or 4,665 of the occurrences, located in the area now classified as Lot H. An additional 230 Ashy-Gray

Indian Paintbrush occurrences are located in the remainder portion of Lot A after redesign of the subdivision. In total, approximately 88 percent of the ashy gray Indian paintbrush occurrences on the Project site will be protected through permanent conservation easements burdening both lettered Lots A and H.

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