SKYPARK AT SANTA'S VILLAGE

FINAL ENVIRONMENTAL IMPACT REPORT

SCH No. 2015091001

Lead Agency

County of San Bernardino

San Bernardino County Land Use and Services Department

Planning Division

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INTRODUCTION

The SkyPark at Santa's Village Project Draft Environmental Impact Report (Draft EIR) was circulated for a minimum 45-day public review period beginning June 7, 2016, and ending July 22, 2016, as assigned by the State of California Governor's Office of Planning and Research, State Clearinghouse, and consistent with the California Environmental Quality Act Guidelines (CEQA Guidelines). Copies of the document were distributed to federal, state, regional, and local government agencies, as well as organizations and individuals, for their review and comment.

Section 15088(a) of the State CEQA Guidelines states that:

> "The lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extension and may respond to late comments."

In accordance with Section 15088(a) of the State CEQA Guidelines, the County of San Bernardino (County), as the lead agency, has evaluated the comments received on the Draft EIR for the SkyPark at Santa's Village Project (the Project) and has prepared written responses to the comments received.

All comments on the Draft EIR, and the responses thereto, are presented in this document. Section 2 (Responses to Comments) provides all comment letters and responses to comments that were submitted on the Draft EIR during the public review period. The comments are organized into the following three categories:

- Agency Comments
- General Public and Organizations Comments

State CEQA Guidelines Section 15088 requires that lead agencies evaluate and respond to all comments on the Draft EIR that regard an environmental issue. The written response must address the significant environmental issue raised and provide a detailed response, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies need only to respond to significant environmental issues associated with the project and do not need to provide all the

information requested by the commenter, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204).

State CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible environmental impacts of the project and ways to avoid or mitigate the significant effects of the project, and that commenters provide evidence supporting their comments. Pursuant to State CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence. State CEQA Guidelines Section 15088 also recommends that revisions to the Draft EIR be noted as a revision in the Draft EIR or as a separate section of the Final EIR.

Section 3 (Errata) identifies text and/or graphical revisions to Draft EIR as a result of comments received, as well as staff-initiated text and/or graphical revisions. Text additions are indicated by underlining the text (underline) and deleted text is indicated by a line through it (~~strikethrough~~). It is important to note that none of the text revisions in Section 3 present significant new information that would result in new significant environmental impacts or a substantial increase in the severity of environmental impacts identified in the Draft EIR. Rather, they merely provide clarification or make minor modifications to an adequate EIR. Therefore, recirculation of the Draft EIR is not required pursuant to CEQA Guidelines Section 15088.5(b).

1.2 CONTENTS OF THE FINAL EIR

Consistent with Section 15132 of the State CEQA Guidelines, this Final EIR consists of the following:

- The Draft EIR
- A list of persons, organizations, and public agencies that commented on the Draft EIR
- All comments and recommendations received on the Draft EIR
- Written responses to each comment provided on the Draft EIR
- Revisions to Draft EIR resulting from written and/or verbal comments received.

1.3 CERTIFICATION OF FINAL EIR AND APPROVAL PROCESS

In furtherance of Section 15088(b) of the State CEQA Guidelines, for a period of at least ten days prior to any public hearing during which a lead agency will take action to certify an EIR, the Final EIR must be made available to, any public agency that provided comments on the Draft EIR. Pursuant to Section 15090(a) of the State CEQA Guidelines, the Final EIR must be certified before the lead agency can take action on the Project.

Following Final EIR certification, but prior to taking action on a project, the lead agency must prepare a Mitigation Monitoring and Reporting Program (MMRP). Before approving (or conditionally approving) the project, the lead agency must also prepare written CEQA Findings for each significant impact identified for the project, accompanied by a brief explanation of the rationale for the finding, in accordance with Section 15091 of the State CEQA Guidelines. If significant environmental impacts that cannot be reduced to a less than significant level are identified for the project, the lead agency must prepare a Statement of Overriding Considerations, pursuant to Section 15093 of the State CEQA Guidelines. As outlined in the Draft EIR, implementation of the proposed Project would not result in significant and unavoidable impacts.

Certification of a Final EIR may occur at a public hearing independent of project approval or during the same hearing. Prior to approval of a project, the lead agency must adopt the CEQA Findings and MMRP. Certification of the Final EIR must be the first in this sequence of approvals.

RESPONSES TO COMMENTS

Section A: Agency and Organization Comment Letters

Comment Letter A1 – California Department of Fish and Wildlife, Inland Deserts Region

State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 484-0459
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EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director

July 25, 2016

Mr. Kevin White
Senior Planner
County of San Bernardino
Land Use Services Department Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0187

Subject: Draft Environmental Impact Report
SkyPark at Santa's Village Project
State Clearinghouse No. 2015091001

Dear Mr. White:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the SkyPark at Santa's Village Project (project) [State Clearinghouse No. 2015091001]. The Department is responding to the DEIR as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1). A1.1

The Department reviewed the Notice of Preparation (NOP) and provided specific comments and recommendations to the County of San Bernardino, Land Use Services Department (County; the CEQA lead agency) in a letter dated September 30, 2015. The Department appreciates that some of the comments and recommendations raised by the Department in its September 30, 2015, comment letter were addressed in the DEIR, however the Department is concerned that the DEIR is inadequate in its assessment of impacts to biological resources and in the adequacy and enforceability of avoidance, minimization, and mitigation measures proposed by the County.

Conserving California's Wildlife Since 1870

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Comments and Recommendations

Following review of the Biological Resources section of the DEIR, the Department offers the comments and recommendations listed below to assist the County in adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources. These comments and recommendations are based on the requirement for the environmental document to include the following information:

A1.1 *cont'd*

A description of feasible mitigation measures to avoid potentially significant impacts, and/or mitigate significant impacts, of the proposed project on the environment (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370).

Special-Status Plant Species

CEQA requires public agencies in California to analyze and disclose potential environmental impacts associated with a project that the agency will carry out, fund, or approve. Any potentially significant impact must be mitigated to the extent feasible.

The DEIR identifies the moderate to high potential for three special-status plant species to occur within the project site: silver-haired ivesia, Parish's yampah, and Laguna Mountains jewelflower. Despite the moderate to high potential for these species to occur within the project site, the Habitat Assessment states that field surveys were general in nature, and none "…were conducted during the suitable blooming period for most sensitive plant species." Further, the Habitat Assessment notes that "because focused sensitive plant surveys have not yet been conducted on this project site, it is unknown if any sensitive plants are present and thus the project is unable to avoid any areas that may have sensitive plants."

A1.2

The Habitat Assessment details that potential impacts to special-status plant species will be minimized through reducing vegetation removal and disturbance, but concedes that impacts may also occur through the introduction and spread of non-native plant species, trampling, and collection; all of which may occur during construction and post-construction during long-term project operation.

Mitigation Measures (MM) BIO-1 through BIO-6 were formulated by the County to reduce impacts to special-status plant species to a level less than significant. Given that the Habitat Assessment states that the project is unable avoid areas that may have sensitive plants, and identifies additional potential impacts to sensitive plant species during project operation, the Department queries the defensibility of the County's assertion that impacts will be reduced to a level less than significant with the implementation of MMs BIO-1 through BIO-6. Further,

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should the avoidance of sensitive plant species be infeasible, the DEIR fails to include a detailed and enforceable mitigation plan to offset impacts, and instead implies that development of such a plan would occur at a later date, after public review: MM BIO-1 states "If in the unlikely event that avoidance is not feasible, the project applicant shall discuss potential relocation strategies with applicable regulatory agencies and obtain approval prior to activities that result in impacts."

Because the DEIR fails to include a detailed and enforceable mitigation plan to offset the impacts to the potential loss special status plant species, the Department is unable to determine whether the impacts would be mitigated, and cannot, without further information from the County concur that impacts to special status plant species would be mitigated to less than significant levels through the implementation of MMs BIO-1 through BIO-6. The Department recommends that the County condition a new Mitigation Measure that details specific and enforceable compensatory mitigation strategies that will be implemented should impacts to special status plant species occur. A1.2 *cont'd*

Southern Rubber Boa

The Habitat Assessment identifies potential impacts to southern rubber boa during both project construction and operations, but the DEIR fails to include a specific and enforceable mitigation plan to offset potential impacts to this species. Instead the DEIR infers that the development of a mitigation plan would occur at a later date, after public review: MM BIO-7 states that "If avoidance is not feasible, the project applicant shall consult with CDFW on potential relocation strategies that shall be approved by CDFW prior to initiation of the construction activities that result in impacts. Relocation or any other disturbance to southern rubber boa shall require obtaining CESA Section 2081 Incidental Take Permit from CDFW which will outline conditions to ensure impacts are minimized and fully mitigated."

Because the DEIR fails to include a detailed and enforceable mitigation plan to offset potential impacts to southern rubber boa, the Department is unable to determine whether the impacts would be mitigated, and cannot, without further information from the County concur that impacts to would in fact be mitigated to less than significant levels through the implementation of MM BIO-7. Given that the Habitat Assessment identifies areas of moderate and high quality habitat, and suitable refugia habitat for southern rubber boa with the project site, the Department recommends that the County condition a new Mitigation Measure that details specific and enforceable compensatory mitigation strategies that will be implemented for impacts to southern rubber boa. The Department also recommends that the County apply for CESA Incidental Take Permit (ITP) to reduce the potential for project delays should a southern rubber boa be discovered onsite. A1.3

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Mitigation Deferral

Please note that CEQA Guidelines §15126.4, subdivision (a)(1)(8) states formulation of feasible mitigation measures should not be deferred until some future date. The Court of Appeal in *San Joaquin Raptor Rescue Center* v. *County* of *Merced* (2007) 149 Cal.App.4th 645 struck down mitigation measures which required formulating management plans developed in consultation with State and Federal wildlife agencies after Project approval. Courts have also repeatedly not supported conclusions that impacts are mitigable when essential studies, and therefore impact assessments, are incomplete *(Sundstrom* v. *County* of *Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry* v. *City* of *Murrieta (1995)* 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc.* v. *County* of *Orange* (2005) 131 Cal. App. 4th 777). A1.4

Department Conclusions and Further Coordination

The Department appreciates the opportunity to comment on the DEIR for the SkyPark at Santa's Village Project (SCH No. 2015091001) and recommends that the County condition new, detailed and enforceable mitigation measures for special status plant species and southern rubber boa in the DEIR. If you should have any questions pertaining to the comments provided in this letter, please contact Joanna Gibson at (909) 987-7449 or at Joanna.Gibson@wildlife.ca.gov. A1.5

Sincerely,

Leslie MacNair
Regional Manager

Response A1
Leslie MacNair, Regional Manager

A1.1: The County appreciates the California Department of Fish and Wildlife's (CDFW) review of and input on the SkyPark EIR. The County received and considered CDFW's comments on the Notice of Preparation and an effort was made to address all of them. As outlined in Responses to Comments A1.2 through A1.5, mitigation measures in the EIR were revised in response to CDFW's comments on the DEIR. The mitigation measures, as revised are adequate and enforceable to ensure avoidance and minimization to the greatest extent feasible and the compensatory mitigation strategy to offset the potential impacts that cannot be avoided, such that potential impacts to sensitive biological resources remain less than significant.

A1.2: As outlined in the Habitat Assessment, contained in Appendix D of the DEIR, silver-haired ivesia, Parish's yampah, and Laguna Mountains jewelflower were determined to have a moderate potential to occur in the undeveloped areas of the site. None of these plant species are expected to occur on-site in areas that have already been disturbed or developed. The undeveloped areas of the site are located northwest of the existing developed Santa's Village attraction and parking lots, the meadow area, and the pond. These sensitive plant species are not listed as threatened or endangered under the federal or California Endangered Species Acts. The silver-haired ivesia is however designated by the California Native Plant Society (CNPS) as Rare Plant Rank 1B.2, the Parish's yampah is designated by the CNPS as Rare Plant Rank 2B.2, and the Laguna Mountains jewelflower is designated by the CNPS as Rare Plant Rank 4.3.

Construction activities are limited to the already disturbed and developed areas (campground site, Hencks Meadow, Santa's Village attraction/Amusement Park Zone), with the exception of light construction for new trails. Only one new hiking trail and one new biking trail are proposed in undeveloped areas with the potential for these plants to occur, as shown in Trail Plan Exhibit 3.0-5 of DEIR. All other trails already exist. As outlined in Section 3.0 Project Description, page 3.0-30, construction of hiking and mountain bike trails is by hand, using hand tools such as shovels, rakes, and McClouds. Mitigation Measure MM BIO-1 was specifically developed and included in the DEIR to reduce potential direct and indirect impacts on sensitive plant species from new trail construction and visitor use of existing and new trails to less than significant levels. In response to CDFW comments, this mitigation measure was revised to add measures that would further reduce the potential for impacts and include more specific compensatory mitigation strategies if all impacts cannot be avoided. As revised, with

implementation of Mitigation Measure MM BIO-1 potential direct impacts to sensitive plant species is reduced to less than significant levels.

Mitigation Measure MM BIO-1 was revised as follows (new text is underlined and deleted text has ~~strikethrough~~):

MM BIO-1: A qualified biologist or botanist shall conduct a pre-construction clearance survey for special-status plant species on the project site during the appropriate blooming period prior to trail creation or construction in new areas. If present, any special-status plants shall be clearly flagged for avoidance with a suitable buffer zone of a minimum of 50 feet, during construction by the qualified biologist/botanist. Physical barriers (e.g., logs, boulders, segments of split rail fence) shall be strategically placed along one side or both sides of the trail as directed by the biologist/botanist where the trail occurs within 500 feet of any identified special-status plant species, to control hiking and mountain biking trail users from leaving the trail. A letter report summarizing the results of the pre-construction plant survey and any placement of physical barriers to protect special-status plants shall be prepared by the biologist/botanist and be submitted to the San Bernardino County Land Use Services Department. ~~If in the unlikely event that avoidance is not feasible, the project applicant shall discuss potential relocation strategies with applicable regulatory agencies and obtain approval prior to activities that result in impacts.~~

If all impacts to special-status plant species cannot be avoided, then prior to issuance of a grading permit, or any other permit by the County, impacts to special-status plant species shall be mitigated through translocation and seed collection with propagation to an on-site or off-site preserved property acceptable to the CDFW. The property shall be composed of habitat characteristics suitable to support the special-status plant species, including but not limited to: appropriate soils, elevation, hydrology, and habitat. The suitability of the proposed preservation site shall be verified by a CDFW-approved special-status plant species expert. The property shall be conserved via recordation of a deed restriction or a conservation easement in favor of a California Department of Fish and Wildlife (CDFW)-due diligence approved local conservation entity to protect the special-status plant species on the property in perpetuity. Alternatively, the land may be transferred in fee title to a CDFW-approved local conservation entity. Except for uses

appropriate to habitat conservation, the public shall not have access to the mitigation area(s), and no activities shall be permitted within the site, except maintenance of habitat, including the removal of nonnative plant species, trash, and debris, and the installation of native plant materials.

Prior to any ground disturbance that would impact sensitive plant species, the Applicant shall prepare a special-status plant species planting plan (Plan). The Plan shall require a replacement ratio of no less than 1:1 by area, and ensure a minimum 90 percent survivorship at the end of a five-year monitoring period, which shall be verified by the monitoring biologist (minimum qualifications of the monitoring biologist are specified below). At a minimum, the five-year plan shall include the following information:

1. A description of the existing conditions of the receiver site(s), characterizing the suitability of the site(s) for the special-status plant species, and documenting the acreage of the site.
2. A description of how the site will be preserved in perpetuity, i.e., conservation easement, and the name of the CDFW-approved due diligence entity that will hold the easement.
3. Qualifications of the monitoring biologist. At a minimum, the monitoring biologist will possess a minimum of five-year's experience conducting habitat restoration projects in mountain meadow communities in San Bernardino County, California.
4. Receiver site preparation for transplanting.
5. Goals for success.
6. Schedule.
7. Propagation techniques.
8. Transplant and seedling installation methods.
9. Plant spacing.
10. Performance criteria for success, including provision for control of non-native and invasive species.
11. Monitoring and reporting procedures for each of the five years of the monitoring period.
12. Adaptive management strategies, including a contingency plan should the site fail to meet the specified success criteria.
13. Maintenance requirements that will be reviewed and approved by the CDFW.

Mitigation Measure MM BIO-6 was specifically developed and included in the DEIR to reduce potential indirect impacts to sensitive plant and wildlife species from visitor use of both new and existing trails. In response to CDFW comments, this mitigation measure was revised to provide more specific requirements related to the use of signage and barriers as well as enforcement actions. As revised, with implementation of Mitigation Measure MM BIO-6 potential indirect impacts to sensitive plant and wildlife species is reduced to less than significant levels.

Mitigation Measure MM BIO-6 was revised as follows (new text is underlined and deleted text has ~~strikethrough~~):

MM BIO-6: All trails shall be kept in a maintained state sufficient to clearly determine where the trail lies. Where trails are located within and adjacent to sensitive habitat areas, signs and physical barriers shall be strategically placed along one side or both sides of the trail, under direction of a qualified biologist, ~~discouraging~~ to prevent guests from wandering outside of the trail boundaries and to inform them off-trail use of the park is strictly prohibited and enforced and will result in ejection from the park without a refund of any entry fees.

Mitigation Measures MM BIO-2, MM BIO-3, MM BIO-4, and MM BIO-5 were all developed and included in the DEIR to minimize impacts to natural biological resources, including mixed conifer forest and chaparral plant communities, from construction and maintenance to the greatest extent feasible. These mitigation measures are not necessary to reduce potential impacts to sensitive plants and wildlife to less than significant levels, but shall still be implemented.

A1.3: Mitigation Measure MM BIO-7 was specifically developed and included in the DEIR to reduce potential direct impacts on sensitive wildlife species (California spotted owl and San Bernardino flying squirrel) from new trail construction to less than significant levels. In response to CDFW comments, this mitigation measure was revised to further clarify how potential impacts to these species from construction of trails will be reduced to less than significant levels. As revised, with implementation of Mitigation Measure MM BIO-7 potential direct impacts to sensitive wildlife species (California spotted owl and San Bernardino flying squirrel) is reduced to less than significant levels. Mitigation Measure MM BIO-8 and MM BIO-9 outlined below related specifically to the southern rubber boa.

Mitigation Measure MM BIO-7 was revised as follows (new text is underlined and deleted text has ~~strikethrough~~):

MM BIO-7: A qualified biologist shall conduct a pre-construction clearance survey for special-status wildlife species (including California spotted owl and San Bernardino flying squirrel~~, and southern rubber boa~~) on the project site immediately prior to trail creation or construction in new areas. Special-status wildlife if found foraging in an area shall be avoided by waiting for them to leave an area before working in it. If suitable nesting habitat for either species is found in an area it shall be avoided with a suitable buffer zone of a minimum of 200 feet, as identified by the qualified biologist. A letter report summarizing the results of the pre-construction clearance survey for special-status wildlife species shall be prepared by the biologist and be submitted to the San Bernardino County Land Use Services Department. ~~If avoidance is not feasible, the project applicant shall consult with CDFW on potential relocation strategies that shall be approved by CDFW prior to initiation of the construction activities that result in impacts. Relocation or any other disturbance to southern rubber boa shall require obtaining a CESA Section 2081 Incidental Take Permit from CDFW which will outline conditions to ensure impacts are minimized and fully mitigated.~~

The impact analysis included in *Section 4.4 Biological Resources* of the Draft EIR for southern rubber boa remains valid. However, a more detailed breakdown of potential impacts related to new trail construction and commercial use and maintenance of existing trails and the new trail was prepared in response to CDFW comments and for the Section 2081 Incidental Take Permit Application for the southern rubber boa and this project.

The southern rubber boa was State listed as threatened in 1971. It is only known to occur in the San Bernardino and San Jacinto Mountains at elevations between 5,050 and 8,070 feet, with over 40 known locations in the San Bernardino Mountains and eight known locations in the San Jacinto Mountains. Twenty-six of the 40 known locations in the San Bernardino Mountains occur in a ten-mile strip between Twin Peaks (west) and Green Valley (east), an area which encompasses the project site. Estimating the overall population size or population trends is extremely difficult because of the highly-secretive nature of the species. Although the habitat in the northern-most portion of the project site provides high quality

habitat for southern rubber boa, it has not been documented as occurring onsite. For purposes of this analysis, it is assumed that southern rubber boa has the potential to occur within any of the undeveloped portions of the project site.

Historically detrimental impacts to southern rubber boa has included unauthorized fuelwood gathering and off-highway vehicle (OHV) use. The recent drought conditions may also have resulted in reduction of southern rubber boa habitat over the last ten years. It should be noted, that most of the suitable habitat is on public lands, primarily within the San Bernardino National Forest.

The existing road and trails are maintained and have been in continuous use for several decades. They occur on heavily compacted soils, without leaf litter, downed trees or, decaying logs and no new significant impact is expected from their continued and expanded use. Three (3) new trails are proposed as part of this project (refer to Exhibit 4.4-4, *Existing and Proposed Trails in Southern Rubber Boa Habitat*). While there are some existing mountain bike trails partially located in high-quality habitat, there are no new proposed trails in high-quality southern rubber boa habitat in the northern portion of the project site. All hiking and biking trail use throughout the site restricted to existing and proposed trails (as mapped in Exhibit 4.4-4) and is unlikely to have a detrimental effect on this species. The designation of a new hiking trail and new bike trail will be carefully sited to avoid any significant impacts to habitat features used by southern rubber boa, thereby minimizing any potential impacts. The new multi-use trail is located in Hencks Meadow and will be constructed after the completion of the meadow restoration work.

Although it is very unlikely, there is a low potential that during trail construction or maintenance or during trail use by hikers and mountain bikers, a rubber boa may be injured or killed. Although this potential for "take" cannot be totally eliminated, with implementation of Mitigation Measures MM BIO 25, this potential for direct "take" is reduced to the greatest extent feasible. The proposed new bike, hiking, and multi-use trail will be developed in southern rubber boa habitat of varying levels of quality, resulting in a combined impact total of 0.52 acres.

The extent of continued use of the existing access road and trails, as well as the proposed new trails are summarized below in Table 4.4-2 and are shown in Exhibit 4.4-4, *Existing and Proposed Trails in Southern Rubber Boa Habitat*.

Table 4.4-2: Existing and Proposed Trails in Southern Rubber Boa Habitat Categories

Trails	High	Moderate-High	Moderate	Low	Not Expected
Existing					
Existing Access Road (2.04 Acres)	0.13	0.1	0.34	0.88	0.59
Existing Hiking Trail (0.21 Acre)	0	0	0	0.13	0.08
Existing Single Track Bike Trail (0.82 Acre)	0.1	0.15	0.19	0.29	0.09
Existing Double Track Bike Trail (2.70 Acres)	0.02	0.01	0.14	1.63	0.9
Proposed					
Proposed New Hiking Trail (0.15 Acre)	0	0	0.14	0	0.01
Proposed New Bike Trail (0.12 Acre)	0	0	0	0.08	0.04
Proposed New Multi-Use Trail (0.25 Acre)	0	0	0	0.08	0.17
Totals	**0.25**	**0.26**	**0.81**	**3.09**	**1.88**

The use of the existing and new roads and trails would generally not be expected to have any effect on southern rubber boa, which is a semi-fossorial (living underground most of the time), nocturnal (active at night) or crepuscular (active early morning or late evening) species that is rarely encountered even in suitable habitat. However, "black diamond" trails of increased difficulty do contain course obstacles that use naturally occurring environmental features such as rock piles, log piles, or log ramps that could feasibly provide marginal habitat for southern rubber boa. If one of these course obstacles (log ramps or log piles) were used by southern rubber boa, an individual boa could be harmed during trail use. Careful course inspections of these features prior to recreational use when boas are most likely to emerge, would reduce if not eliminate, the small potential for impacts (Mitigation Measure MM BIO-26).

Although strictly forbidden, off-trail excursions could result in direct but temporary impacts to the habitat. Impacts to the species itself, which emerges from hibernation in April and typically remains in deep crevices in large rock outcrops is unlikely. Because southern rubber boa may venture into cooler,

moister forest and riparian habitats until as late as October, before hibernating, guests venturing off the established trails in the spring, and early fall could encounter a southern rubber boa. However, they are typically not active during the day and are very unlikely to be encountered as hiking and mountain biking is only allowed during daylight hours (for guest safety). Inspections of these trails by course marshals prior to use during periods when the boa is most likely to emerge will reduce or avoid such limited but potential impacts (Mitigation Measure MM BIO-26).

Sufficient mitigation and conservation measures, as presented below in Mitigation Measures MM BIO-25 and MM BIO-26, will be implemented to fully mitigate any potential loss of southern rubber boa habitat and individuals. Because most of the paths, trails, and roads on the project site are already pre-existing, and only three new trails (one hiking, one biking, and one multi-use) are located in southern rubber boa habitat and are expected to result in 0.52 acre of habitat loss, the project would not jeopardize the continued existence of southern rubber boa within its range.

Mitigation measures were added, Mitigation Measures MM BIO-25 and MM BIO-26, to outline in much greater detail the avoidance and minimization measures to be used onsite during construction, maintenance, and use of trails and Mitigation Measure MM BIO 27, the compensatory mitigation strategy to offset the potential impacts that cannot be avoided. Mitigation Measures MM BIO-28 and MM BIO-29 were added to further reduce and minimize potential impacts from use of the trails. With implementation of Mitigation Measures MM BIO-25 through MM BIO-29, potential impacts to southern rubber boa from the construction of new trails and commercial use of all trails are reduced to less than significant levels.

Mitigation Measures MM BIO-25 and MM BIO-26 were added as follows (new text is <u>underlined</u>):

<u>MM BIO-25:</u> <u>Prior to any new work (e.g. clearing for trail construction or maintenance) that is conducted outside of the already developed areas of the site (Santa's Village and parking lots) outside of the winter hibernation months (November to March) of southern rubber boa shall be examined for southern rubber boa by a biologist no more than 5 days prior to disturbance; the biologist conducting this survey must hold a Memorandum of Understanding from the CDFW allowing take of southern rubber boa. During construction or maintenance, a qualified biologist familiar with southern rubber boa ecology and identification shall be on-site at all times to</u>

monitor for southern rubber boa in the work area(s). Any incidences of injuring or killing an individual southern rubber boa shall be reported immediately to SkyPark Management who shall notify CDFW within 24 hours.

The qualified biologist shall be responsible for submitting daily construction or maintenance monitoring reports, noting specifically if any southern rubber boa refugia (e.g., downed logs, boulders) were disturbed during construction or maintenance and/or if any southern rubber boa were found, and if so, the quantity of each and its condition at the time that the construction or maintenance site was left for the day. In addition, a final monitoring summary will be written upon completion of the monitored work and submitted to CDFW within 30 calendar days of construction or maintenance completion. The report shall include start and end dates of the monitored work, known project effects on southern rubber boa, occurrences of incidental take of southern rubber boa, and other pertinent information regarding the success or failure of the monitoring in protecting southern rubber boa.

Trail construction and maintenance activities conducted during the winter hibernation months of the southern rubber boa (November to March) do not require a biological monitor or reporting to CDFW.

MM BIO-26: In order to minimize the potential impacts from hiking and mountain biking on southern rubber boa to the greatest extent feasible the trails shall be inspected prior to use during periods when the boa is most likely to emerge onto the trails or into the obstacles on the trails. Inspections shall be conducted by SkyPark personnel that are trained on southern rubber boa. Inspections shall be conducted prior to trail use from April to October following heavy rain events and dense fog periods. If a southern rubber boa is observed on or adjacent to the trails the trail or appropriate segment of the trail shall be closed until the individual has moved out of the area.

MM BIO-27: Approximately thirty and a half acres (30.5 acres) of high quality southern rubber boa, San Bernardino flying squirrel, and California spotted owl habitat in the northern western portion of the project site will be set aside and preserved as mitigation to offset impacts from the proposed project. A restrictive covenant shall be placed over these 30.5 acres for conservation of that portion of the property in perpetuity (refer to Exhibit 4.4-5, *Conservation Area*).

The conservation area shall not undergo any new development of any kind (with the exception of the single new proposed hiking trail identified in the project description). Some maintenance of the existing road and biking trail segments located in the conservation area may be necessary after severe weather events and is allowed. Any new, illegal trails into this area shall be immediately closed off with a berm, rocks, or a similar method to discourage guests from using them and shall be restored to original conditions.

To protect the mitigation area, SkyPark Management shall place appropriate fencing and/or natural barriers and signage around the perimeter of conservation area. Except for existing trails in the conservation area (portions of existing single track bike trail and existing access road), the public shall not have access to the mitigation area, and no activities shall be permitted within the site, except maintenance of habitat, including the removal of nonnative plant species, trash, and debris, and the installation of native plant materials.

MM BIO-28: In order to ensure habitat for the southern rubber boa, San Bernardino flying squirrel, and the California spotted owl located in the 30.5-acre conservation area is being preserved and not degraded from SkyPark operations a baseline of existing habitat and annual monitoring shall be conducted. Baseline data on existing habitat located adjacent to trails shall be documented prior to start of commercial trail use. A minimum of 25 data point locations shall be identified using GPS/GIS mapping. The photo point locations shall be focused on areas where due to topography, lack of barriers, etc. trail users have the highest potential to accidentally or purposefully leave the trail. Annual inspection points and monitoring shall be completed, including photos and description of the trails and adjacent habitat conditions. Annual reports shall be submitted to CDFW.

MM BIO-29: A Sensitive Species Training Handbook shall be developed and reviewed and approved by a qualified biologist prior to start of commercial trail use at SkyPark. The handbook shall include pictures of the southern rubber boa, San Bernardino flying squirrel and California spotted owl, pictures of the habitats they are found in, and protocol for what to do if one is encountered. All SkyPark employees, within one month of their hiring date, shall complete the training.

A1.4: As outlined in responses to CDFW comments A1.2 and A1.3 above, mitigation measures were revised to include the potential for impacts, avoidance and minimization, and compensatory mitigation strategies for impacts that cannot be avoided. Responses to CDFW comments A1.2 and A1.3 also include the CESA Section 2081 Incidental Take Permit from CDFW for southern rubber boa. The mitigation measures as revised, require avoidance to the greatest extent feasible and provide adequate detail that they can be monitored and enforced. The mitigation measures, as revised, do not include deferral of any studies, consultation with State and Federal wildlife agencies or formulation of management plans.

A1.5: As outlined in responses to CDFW comments A1.2 and A1.3 above, mitigation measures were revised in response to CDFW's specific comments on mitigation. As revised, the mitigation measures for special status plant species and southern rubber boa are detailed, adequate, and enforceable.

Comment Letter A2 – Lahontan Regional Water Quality Control Board

Water Boards

Lahontan Regional Water Quality Control Board

July 21, 2016

File: Environmental Doc Review
San Bernardino County

Kevin White, Senior Planner
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Comments on the Draft Environmental Impact Report for the Sky Park at Santa's Village Project, San Bernardino County, State Clearinghouse Number 2015091001

The California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received the Draft Environmental Impact Report (DEIR) for the above-referenced project (Project) on June 7, 2016. The DEIR was prepared by the San Bernardino County Land Use Services Department (County) and circulated for public comment in compliance with provisions of the California Environmental Quality Act (CEQA). Water Board staff, acting as a responsible agency, are providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations, title 14, section 15096. Based on our review of the proposed Project, we recommend that additional analysis of the existing septic system be performed to evaluate potential impacts to water quality. We commend the County and Project proponent for integrating both meadow restoration and educational components into the Project. Our comments on the Project are outlined below. A2.1

SPECIFIC COMMENTS ON THE ENVIRONMENTAL REVIEW

Our specific comments on the Project and environmental review, as they pertain to water quality and hydrology, are outlined below. Because the Project site falls within the jurisdiction of two Regional Water Boards, the Lahontan and Santa Ana Water Boards, our comments are germane only to those areas of the Project within the Lahontan Region, unless otherwise specified.

1. **Section 4.17, Utilities** – Page 4.17-3 discusses the existing and proposed wastewater treatment systems for the Project. The portion of the Project north of State Route 18 (i.e. in the Lahontan Region) will be serviced by an existing septic system; the portion of the Project south of State Route 18 (i.e. in the Santa Ana Region) will be serviced by a new septic system to consist of a holding tank and leach lines. Water Board staff are aware that septic systems, if not properly

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constructed and maintained, have the potential to significantly degrade water quality.

a. The DEIR did not contain sufficient details describing the existing system nor was there an evaluation of the potential impacts the existing system may have on the quality of groundwater or surface water. We request that the DEIR be revised to include (1) a description of the components of the existing septic system, including a map showing the location of system components with respect to proximity to surface water resources, and (2) an evaluation of the existing septic system with respect to potential impacts to water quality. The evaluation should consider the age and capacity of the system and its ability to handle proposed flow rates, location of the system with respect to Hooks Creek and the onsite water supply wells, confirmation that the required minimum 5-foot separation between the bottom of the leach lines and the seasonal high groundwater elevation will be maintained throughout the life of the Project, and a discussion as to whether any upgrades or maintenance of the existing system is needed in order for it to perform as necessary for Project implementation.

b. The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) prohibits the discharge of waste from "new" leaching or percolation systems in the Deep Creek watershed at elevations greater than 3,200 feet above mean sea level. In the context of this prohibition, "new" is defined as any system installed after May 15, 1975. However, "new" may also include systems older than May 15, 1975, that have been or are upgraded or significantly modified after May 15, 1975. For these systems, Water Board staff would consider a "new" determination on a case-by-case basis. An exemption to this prohibition may be granted whenever the Water Board's Executive Officer finds that the operation of septic tanks or other means of waste disposal in a particular area will not, individually or collectively, directly or indirectly, adversely affect water quality or beneficial uses, and that the sewering of such an area would have a damaging effect upon the environment. The evaluation of the existing septic system, as requested in Comment No. 1.a above, is necessary in order for Water Board staff to determine whether the system qualifies as a "new" leaching or percolation system and, if so, whether an exemption to the prohibition may be warranted.

c. The new leaching system to service the proposed campground will be constructed south of State Route 18. Though not in the Lahontan Region, we recommend that this proposed onsite wastewater treatment system be thoroughly evaluated with respect to geology, soils, and seismicity, particularly since this portion of the site is identified as having a moderate- to high-landslide susceptibility and due to the proximity to Holocene-active faults. We recommend that staff with the Santa Ana Water Board be consulted early on regarding the design and siting of the onsite wastewater treatment system for this portion of the Project.

A2.1 *cont'd*

2. **Appendix D.3, Conservation Plan for Hencks Meadow and Hooks Creek** – The Conservation Plan included in Appendix D.3 of the DEIR describes a variety of conservation practices that will be implemented to restore Hencks Meadow and reconstruct Hooks Creek, including "lined waterway or outlet," "streambank and shoreline protection," and "water and sediment control basin" type practices. However, details regarding the installation and construction of these types of practices were minimal in the Conservation Plan, with the plan referencing back to "approved plans" and specifications for a particular practice type, which were not included as attachments to the plan. While limited construction details may be sufficient for the purposes of evaluation in the DEIR, any conservation or habitat restoration plan submitted to the Water Board in conjunction with a request for Water Quality Certification under section 401 of the Clean Water Act will need to be a standalone document that includes copies of all plans and construction specifications referenced in that plan. A2.2

3. **Appendix D.2, Jurisdictional Delineation** – The Jurisdictional Delineation Report included in Appendix D.2 of the DEIR describes the type and extent of surface water resources on the Project site. The report concludes that there are no wetlands present, but provides no basis for that conclusion or supporting documentation (i.e. field data sheets). Based on a review of the photographs provided in the Jurisdictional Delineation Report and on Water Board staff's knowledge of the site, at least two of the three required wetland parameters are present on the site: hydrology and indicator plant species. We request that the presence or absence of hydric soils on the Project site be verified in the field and a revised Jurisdictional Delineation Report prepared. The revised report must include the field data sheets that record site conditions and observations at the time the field work was conducted. A2.3

4. **Mitigation Measure HYDRO-1** – Mitigation Measure HYDRO-1 requires the development and implementation of a groundwater and surface water monitoring and reporting plan to monitor the potential impacts that groundwater pumping may have on surface water flow in Hooks Creek. We support this mitigation measure and request that thresholds of significance be identified and adaptive management strategies be incorporated into the monitoring program. A2.4

GENERAL COMMENTS AND RECOMMENDATIONS

Our general comments and recommendations, as they pertain to development projects within the Lahontan Region, are outlined below.

5. The Water Board requires that impacts to water resources be avoided where feasible and minimized to the extent practical. Compensatory mitigation will be required for all unavoidable permanent impacts to ensure no net loss of beneficial use and wetlands function and value. Water Board staff coordinate all mitigation requirements with staff from other federal and state regulatory agencies, including the United States Army Corps of Engineers (USACE) and the California Department of Fish and Wildlife. In determining appropriate mitigation ratios for impacts to waters of the State, Water Board staff considers Basin Plan requirements (minimum 1.5:1 mitigation ratio for impacts to wetlands) and utilizes A2.5

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12501-SPD Regulatory Program Standard Operating Procedure for Determination of Mitigation Ratios, published December 2012 by the USACE, South Pacific Division. A2.5 cont'd

6. Equipment staging areas, excavated soil stockpiles, and hazardous materials (i.e. oils and fuels) should be sited in upland areas outside surface waters and adjacent flood plain areas. We recommend that a comprehensive Spill Prevention and Response Plan be prepared that outlines the site-specific monitoring requirements and lists the BMPs necessary to prevent hazardous material spills or to contain and cleanup a hazardous material spill, should one occur. A2.6

7. Buffer areas should be identified and exclusion fencing used to protect water resources and to prevent unauthorized vehicles or equipment from entering or otherwise disturbing the surface waters. Equipment should use existing roadways to the extent feasible. A2.7

PERMITTING REQUIREMENTS

A number of activities associated with the proposed Project have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Resources Control Board (State Water Board) or Lahontan Water Board. The required permits may include the following. A2.8

8. Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill waste discharge requirements for impacts to non-federal waters, both issued by the Lahontan Water Board.

9. Land disturbance of more than 1 acre may require a CWA, section 402(p) storm water permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board. A2.9

10. Water diversion and/or dewatering activities may be subject to discharge and monitoring requirements under either NPDES General Permit, Limited Threat Discharges to Surface Waters, Board Order R6T-2014-0049, or General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality, WQO-2003-0003, both issued by the Lahontan Water Board. A2.10

Please be advised of the permits that may be required for the proposed Project, as outlined above. The Project proponent should consult with Water Board staff early on should Project implementation result in activities that trigger these permitting actions. Information regarding these permits, including application forms, can be downloaded from our web site at http://www.waterboards.ca.gov/lahontan/.

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Thank you for the opportunity to comment on the DEIR. If you have any questions regarding this letter, please contact me at (760) 241-7376, jan.zimmerman@waterboards.ca.gov or Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404, patrice.copeland@waterboards.ca.gov. Please send all future correspondence regarding this Project to the Water Board's email address at Lahontan@waterboards.ca.gov and be sure to include the State Clearinghouse No. and Project name in the subject line. A2.10 *cont'd*

Patrice J. Copeland

for: Jan M. Zimmerman, PG
Engineering Geologist

cc: State Clearinghouse (SCH 2015091001) (state.clearinghouse@opr.ca.gov)
Jeff Brandt, CA Dept. of Fish and Wildlife (Jeff.Brandt@wildlife.ca.gov)
Wanda Cross, Santa Ana Water Board (wanda.cross@waterboards.ca.gov)
Bill Johnson, Sky Park (bill@skyparksantasvillage.com)

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Response A2
Jan M. Zimmerman, PG, Engineering Geologist

A2.1: The County appreciates Lahontan Regional Water Quality Control Board's review of and input on the SkyPark EIR.

a. RWM & Associates, LLC is an engineering consultant for the project and prepared an analysis of the existing septic systems for the project. Appendix J, Existing Septic System Details, has been added to the EIR Appendices and shows the components of the existing septic system and their locations. The analysis states the existing septic systems has no added impact to the existing quality of groundwater. The minimum 5-feet of separation from the closest functioning well is met with no issues. The existing five leach lines have the following lengths of separation between the bottom of the leach field and the historical groundwater elevation: 8.8 feet (buildings #1 & 15); 14.8 feet (buildings #3, 4, 5 & 6); 40.8 feet (building #18); 50.8 feet (building #14); 29.8 (buildings #7 & 8). The systems have been maintained and upgraded over the years and are currently in great running condition for project implementation. Future maintenance and/or upgrades will be permitted accordingly.

b. The existing septic systems were in place prior to May 15, 1975 and over the years it has had septic certifications completed and the systems have undergone minor upgrades not considered to be substantially significant. Should additional analysis or considerations need to be addressed, the project owner will file changes through the County's Environmental Health Services.

c. Appendix F, Engineers Septic System Memo, is a technical memo prepared by a Professional Engineer and Professional Geologist that indicates no geological hazards were observed and that the installation of the proposed septic system would not adversely affect the stability of the area and would not have any negative effect on the surrounding environment. Additionally, during installation, all engineering recommendations will be followed.

A2.2: For the onsite restoration of Hencks Meadow and Hooks Creek the USDA Natural Resources Conservation Service did prepare Drawings and Specifications for the Lined Waterways or Outlet and Water & Sediment Control Basins which include Detail Plans for the Water & Sediment Control Basins and Lined Waterways. Both of these documents have been added to the EIR Appendices, in Appendix K, Drawings and Specifications, in response to comments on the DEIR to allow for public and agency review of these documents. The Drawings and Specifications include Practice Standards, Job Classification, Design Calculations, Utility Check Sheet, Engineer's Cost Estimate, Operation & Maintenance Requirements, Practice Specifications, Practice Requirements, and Construction Drawings. The

construction drawings or detail plans include the overall plan view, plan view and profile views of the three sediment basins (south, middle, and north), and section views of the rock lined waterways (south, middle and north).

The County and the Applicant have conducted additional consultation with the Lahontan Regional Water Quality Control Board on the meadow restoration and the 401 Water Quality Certification since circulation of the Draft EIR in June 2016 (including a site visit, conference calls, and meetings). The Lahontan Regional Board has provided input on design features they recommend be incorporated into the meadow restoration. One design feature includes the addition of earthen berms or water bars throughout the meadow to increase the retention and infiltration of stormwater and snowmelt runoff in the meadow. An Earthen Berm Detail plan sheet has been added to Appendix K.

As the plan to restore Hencks Meadow was developed by the NRCS under one of their grant programs, plan implementation is conducted under NRCS purview. Under this program SkyPark is reimbursed for construction costs once the improvements are completed and as long as completed in accordance with the plans and specs. The objective of the plan is to restore and enhance the meadow within forestland. The conservation practices in the plan will promote wildlife by providing cover, food and water. SkyPark management plans to complete the restoration of Hencks meadow regardless of whether or not the proposed Conditional Use Permit or general plan amendments are approved by the County.

As outlined in the DEIR Project Description (Section 3.0) the meadow was previously used as a storage for lumber following the western pine bark beetle epidemics that affected the San Bernardino National Forest in multiple droughts over the past several decades. The initial cleanup of the meadow was completed by SkyPark management in the summer of 2016. The initial cleanup was substantial and included multiple truck loads to remove the thick layer of wood debris to get to the underlying native soils. Construction of the sediment control basins and lined waterways were constructed by the property owner in the fall of 2016. In addition, over the past 2 years, SkyPark management has been collecting native seeds for use in the replanting of the meadow. The seed collection and storage has been under the direction of Gina Richmond, a botanist and mountain region expert. The meadow work commenced and was completed with the exception of the earthen berms recommended by Lahontan and the replanting.

A2.3: The field data sheets were inadvertently omitted from the Jurisdictional Delineation report that was included in Appendix D.2 of the DEIR. The Jurisdictional Delineation contained in Appendix D.2 has been amended to include the field data sheets, which are included in this report's Appendix C, Documentation. As shown in these field data sheets, soils were evaluated at 5 different soil pits. Hydric soils were not observed at 4 of 5 of the soil pits. Hydric soils were found at sampling point SP-4 located on the fringe of the existing pond. Water levels fluctuate within the pond and this area is frequently under water. The location of soil pits SP-1 through SP-5 are show on Exhibit 8, *Corps Jurisdictional Areas* within the Jurisdictional Delineation report. The results of the Jurisdictional Delineation related to waters of the US remain unchanged. The proposed Project will not result in adverse impacts to wetland waters of the US.

In response to additional input from the Lahontan Regional Water Quality Control Board the Jurisdictional Delineation Report was revised to expand waters of the State under jurisdiction of the Regional Board to include Hencks Meadow, in addition to Hooks Creek and Drainages 1-3. The revised Jurisdictional Delineation Report is included in Appendix D.2.

Page 4.4-45 and 4.4-46 of the Draft EIR were revised as follows (new text is underlined and deleted text has ~~strikethrough~~) to reflect the updated Jurisdictional Delineation Report:

> **Impact 4.4-2 Implementation of the Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. This impact would be *less than significant*.**
>
> As per the Jurisdictional Delineation Report (JD), approximately 1.49 acres of USACE jurisdiction (non-wetland waters) is located within the boundaries of the Project site. Approximately ~~2.8~~ 5.7 acres of Regional Board jurisdiction and California Department of Fish and Wildlife streambed is located within the boundaries of the Project site. There is a total of four drainage features present on the project site; Hooks Creek and three unnamed ephemeral drainage features (Drainages 1-3). Due to historic on-site land uses (timber farm), the upstream portions of Hooks Creek are heavily disturbed and covered with remnant debris from the processing and staging of timber.
>
> In agreement between SkyPark and the NRCS, the proposed project includes the rehabilitation of Hencks Meadow (restoration and improvement of the upstream portions of Hook Creek). Since there is an

established agreement between SkyPark and the NRCS, and the meadow rehabilitation is a planned NRCS activity, a Clean Water Act Section 404 permit is not required from USACE.

~~Based on the preliminary design plans, the proposed Project improvements and meadow restoration will result in 0.18 acre of temporary impacts to waters of the US under the jurisdiction authority of USACE and the Regional Board~~.

The proposed Project improvements will result in ~~0.05~~ 0.29 acre of permanent and ~~0.35~~ 0.53 acre of temporary impacts to Regional Board and CDFW jurisdiction. The meadow rehabilitation project will realign, expand, and restore the upstream portions of Hooks Creek and will include removal of the wood chips and other debris that were left behind from previous activities. The meadow rehabilitation project will also entail constructing a lined waterway along the length of the meadow, periodically split by new water/sediment control basins, to connect to an onsite pond. Exotic vegetation and large obstructions will be removed throughout the meadow, and new hedgerows will be planted along its perimeter. Wildlife structures including nest boxes, downed wood, and rock piles will be strategically located at different locations along or near to the new waterway.

Although the proposed Project will result in ~~0.18 acre of temporary impacts to waters of the US and~~ ~~0.05~~ 0.29 acre of permanent and ~~0.35~~ 0.53 acre of temporary impacts to Regional Board and CDFW jurisdiction, the restoration of Hooks Creek and Hencks Meadow in accordance with the NRCS Conservation Plan, impacts are reduced to less than significant levels. In addition, a CDFW Section 1602 SAA permit for impacts to Hooks Creek will be required. CDFW will include in the SAA permit any conditions to be followed during construction, operation and maintenance of the restored Hooks Creek and meadow, to ensure potential impacts remain less than significant.

Page 4.4-47 and 4.4-48 of the Draft EIR were revised as follows (new text is underlined and deleted text has ~~strikethrough~~) to reflect the updated Jurisdictional Delineation Report:

Hooks Creek and Drainages features D-1, D-2, and D-3 all qualify as waters of the United States, and fall under the regulatory authority of the USACE and Regional Board. There is approximately 1.49 acres (5,270 linear feet) of USACE~~/RWQCB~~ jurisdiction (non-wetland waters) within the boundaries of the Project site. ~~Based on preliminary design plans 0.18 acre of t~~

Temporary impacts to Hooks Creek, a waters of the U.S., is expected to occur from rehabilitation of Hencks Meadow. However, since the NCRS is taking the federal lead in the meadow rehabilitation project they are the federal lead agency implementing Section 404 of the CWA. As a result, per consultation with USACE a CWA Section 404 permit from the USACE will not be required for this project. It is anticipated these impacts to Hooks Creek would be authorized by Regional Board through Waste Discharge Requirements or CWA Section 401 Water Quality Certification. With the proposed project improvements and permits, impacts are expected to be less than significant.

Drainage features D-1 and D-3 will not be impacted by the proposed Project. Drainage feature D-3, a non-wetland waters of the U.S., occurs on the south side of SR-18 and west of the existing southern parking lot. The project is required to widen SR-18 with additional lanes and install a signalized intersection located at the project driveways on SR-18. The widening and associated fill will impact drainage feature D-2 up to approximately 50 feet in length, directly adjacent to SR-18. These impacts will require a CWA Section 404 permit from USACE and a CWA Section 401 Water Quality Certification from the Santa Ana Regional Water Quality Control Board. Implementation of mitigation measure MM BIO-~~25~~30 will reduce project impacts to drainage feature D-2 to less than significant levels.

Per the updated Jurisdictional Delineation, based on the results of the field investigation and soil pit data the only area that met all three wetland parameters is a small fringe wetland on the southern border of the existing on-site pond. When water levels are low in the pond, hydrophytic vegetation is able to establish on the banks of the on-site pond, and anaerobic soil conditions form resulting in a wetland on the boundary of the on-site pond. No impacts to this area will occur from project implementation. (Appendix D.2, Updated Jurisdictional Delineation, page 25)

Although the extent of jurisdictional waters of the State under the Regional Boards jurisdiction was increased, and the temporary and permanent impacts also have increased, implementation of the restoration plan will have an overall beneficial impact on Hencks Meadow and Hooks Creek. The meadow restoration is intended to restore the meadow to its natural condition prior to being degraded from use as a storage facility for wood material infested by bark beetles. The meadow restoration will result in an increase in the meadow's biological and hydrological

functions and values and beneficial uses and improve water quality for downstream receiving waterbodies. Although waters of the State will be permanently (0.29 acre) and temporarily (0.53 acre) impacted, with restoration of Hencks Meadow and Hooks Creek in accordance with the NRCS Conservation Plan and additional design features recommended by the Lahontan Regional Water Quality Control Board, potential impacts are reduced to less than significant levels. Although the revised Jurisdictional Delineation report and this Final EIR identify an increase in permanent and temporary impacts to waters of the US, this increase does not constitute a substantial increase in the severity of the impact. Potential impacts were determined less than significant in the Draft EIR, and remain less than significant with implementation of the NRCS Conservation Plan.

A2.4: As outlined in the Hydrogeologic Evaluation Technical Memo (Appendix G of the DEIR), groundwater in the Project Area occurs in the complex rock fractures that are recharged through percolation of precipitation and surface runoff. It is not known if the groundwater in the Project Area is directly connected to the surface water of Hooks Creek. However, it was assumed for the purposes of the DEIR and analysis of potential impacts to groundwater and surface waters, that they could be connected. Mitigation Measure MM HYDRO-1 was developed and included in the DEIR based on the assumption that they are directly connected and that pumping of the groundwater could have an effect on surface water in Hooks Creek. Mitigation Measure MM HYDRO-1 has been expanded in response to Lahontan Regional Water Quality Control Board's comments to include additional steps and clarification to confirm if the groundwater and the surface water of Hooks Creek are in fact directly connected. If initial testing by a qualified hydrogeologist determines that groundwater pumping could result in reduced surface water flow in Hooks Creek that is considered significant, then appropriate thresholds and adaptive management actions will be incorporated into a groundwater and surface water management plan.

The mitigation measure MM HYDRO-1 was revised as follows (new text is <u>underlined</u> and deleted text has ~~strikethrough~~):

MM HYDRO – 1 <u>Hydrogeological testing shall be conducted by a qualified hydrogeologist to confirm the assumption used in this EIR analysis that the groundwater at SkyPark is directly connected to the surface water of Hooks Creek. The results of this testing shall be submitted to the San Bernardino County Land Use Services Department and the Lahontan Regional Water Quality Control Board.</u>

If the results of the hydrogeological testing confirms the assumption used in this EIR analysis, that there is connectivity between the groundwater source for SkyPark's wells and the surface water flow in Hooks Creek, a groundwater and surface water monitoring plan shall be developed and implemented and shall include:

- Installation of a stream gage on Hooks Creek, or other monitoring mechanism if Hooks Creek is ephemeral and only flows during storm events, at a location downstream of the Project boundary.
- Installation of an inline flowmeter on all Project pumping wells in order to record instantaneous and cumulative groundwater production.
- Baseline monitoring of groundwater levels ~~and Hooks Creek streamflow rates~~ at a minimum of three months prior to opening day ~~before the Project improvements are constructed~~. Groundwater monitoring shall be conducted on a monthly basis. ~~Stream gage measurements shall be collected continuously using recording equipment that is downloaded quarterly.~~
- On-going monitoring of groundwater levels and Hooks Creek streamflow rates to provide the data necessary to assess the role of Project pumping on changes in stream flow rates (if any).
- Baseline and on-going monitoring of groundwater levels and Hooks Creek streamflow rates will be submitted to the Lahontan Regional Water Quality Control Board on an annual basis.
- Within one year of opening day the threshold for change (reduction) in the streamflow rate that warrants implementation of adaptive management steps shall be established by a qualified hydrogeologist in coordination with Lahontan Regional Water Quality Control Board.
- The adaptive management steps that shall be implemented if the threshold for change in Hooks Creek is exceeded include one or more of the following until such time that monitoring data shows the threshold is no longer exceeded for two consecutive months:

- Reduce or eliminate use of on-site groundwater for irrigation;
- Reduce or eliminate use of on-site groundwater for potable/operational uses;
- Increase delivery and use of water from Skyforest Mutual Water Company for potable/operational uses.

However, if the results of the hydrogeological testing negate the assumption used in this EIR analysis, that there is connectivity between the groundwater source for SkyPark's wells and the surface water flow in Hooks Creek, a groundwater and surface water monitoring plan would not be required. This is because without connectivity, pumping of groundwater would not have an impact on the Hooks Creek streamflow.

A2.5: Comment Noted. The applicant will obtain all applicable permits for impacts to waters of the US from US Army Corps of Engineers and waters of the State from California Department of Fish and Wildlife and/or the Lahontan Regional Water Quality Control Board. The amount of compensatory mitigation, will be determined as applicable by each agency through processing of the permits, either in accordance with requirements of the Basin Plan or other policies developed and followed by each agency.

A2.6: Commented Noted. As recommended, a comprehensive Spill Prevention and Response Plan will be prepared that outlines the site-specific monitoring requirements and lists the BMPs necessary to prevent hazardous material spill or to contain and cleanup a hazardous material spill, should one occur. This has been added as a mitigation measure in the Final EIR, MM HAZ-3.

The new mitigation measure MM HAZ-3 was added as follows (new text is underlined):

MM HAZ – 3 A comprehensive Spill Prevention and Response Plan shall be prepared that outlines the site-specific monitoring requirements and lists the BMPs necessary to prevent hazardous material spill and to contain and clean up a hazardous material spill, should one occur.

This comment does not raise any new environmental issue. Mitigation Measure MM HAZ-3 is added to the EIR to implement best practices and is not required to reduce a potentially significant impact to less than significant levels.

A2.7: Physical barriers will be utilized and strategically placed to restrict visitor pedestrian access off of trails and operation and maintenance vehicles on designated roads/trails from entering surface waters and restored areas of Hencks Meadow. Exclusion fencing could restrict wildlife movement. It would only be used if the size, length, design, and location were deemed acceptable by a qualified wildlife biologist to not hinder wildlife movement. A key objective of the project is to restore the existing meadow onsite through implementation of the conservation plan developed by the US Department of Agriculture, Natural Resources Conservation Service and promote the importance of wildlife and habitat education through eco-tourism. Preservation of on-site water and habitat resources is critical to sustaining these long-term objectives of the project and continuing to draw visitors for education and eco-tourism.

A2.8: Comment noted. The applicant will obtain a Clean Water Act Section 401 Water Quality Certification for any impacts to waters of the US, or dredge and fill waste discharge requirements for any impacts to non-federal waters, as required.

A2.9: Comment noted. The applicant will obtain a Section 401(p) storm water permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2009-0009-DWQ, from the State Water Board, or an individual storm water permit from the Lahontan Water Board.

A2.10: If water diversion and/or dewatering activities are required for construction and the proposed project improvements, then the applicant will contact the Lahontan Water Board to determine if discharge and monitoring requirements under either NPDES General Permit, Limited Threat Discharges to Surface Waters, Board Order R6T-2014-0049, or General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality, WQO-2003-0003, is required and if so will be processed and obtained from the Lahontan Water Board.

The applicant has conducted early consultation with the following regulatory agencies: US Army Corps of Engineers, Lahontan and Santa Ana Regional Water Quality Control Boards, and California Department of Fish and Wildlife. Early consultation included site visits/meetings, conference calls, telephone calls and/or emails. During early consultation valuable input was provided to the applicant by the respective regulatory agencies regarding what would be expected to be included in the CEQA documentation as well as permit submittal and processing requirements.

Section B: General Public and Organizations Comment Letters

Comment Letter B1 – Chris Del Ross-Risher, AICP

Chris Del Ross-Risher, AICP
PO. Box 3302
Lake Arrowhead, CA 92352
delrossrisher.chris@gmail.com

July 21, 2016

County of San Bernardino
Land Use Services-Planning Department
Attn: Kevin White
385 North Arrowhead Avenue
San Bernardino, Ca 92514

Re: SkyPark At Santa's Village
Draft Environmental Impact Report SCH# 2015091001

Dear Mr. White,

I am a 25-year resident of the Lake Arrowhead community and am a certified land use and environmental planner. After reviewing the Draft Environmental Impact Report (DEIR) for the proposed SkyPark project proposed for the reestablishment of an Outdoor Commercial Entertainment Center in the old Santa's Village site I have several concerns about the project.

Transportation/Circulation
The project description -Section 3.0 within the DEIR states the proposed project (SkyPark) will require an amendment to the Lake Arrowhead Community Plan Policy LA/CI 1.14 and the Circulation Element of the San Bernardino County General Plan. The purpose of this proposed amendment is "to provide additional clarification and specificity for implementation while retaining the initial intent of the policy".

I believe the purpose of Lake Arrowhead Community Plan Policy LA/CI 1.14 is to provide good traffic circulation and a safe evacuation route for many residents in the Lake Arrowhead and Cedar Glen area utilizing Cumberland Road to exit to State Highway 18. Currently, if development is proposed in the project area, Cumberland Road must be be extended to provide for circulation and evacuation/public safety. B1.1

The SkyPark proponent wishes to amend the policy so that the extension would happen only if there is a proposed residential subdivision project approved in this area. It is unknown when or if that would happen. The proposed SkyPark project amendment to the Community Plan and Circulation Element would mean SkyPark could be built and more than 2000 + additional visitors, staff and campers a day would come to the area without the project's development condition of extending Cumberland Road. The Cumberland Dr. extension is important for safe traffic circulation and for emergency evacuation if the proposed SkyPark project is built.

Currently Cumberland Rd. is designated a Mountain Secondary road with a 60 foot right-of-way. This is a suitable size designation and width for a critical route for traffic and emergency evacuations. The proposed amendment would downsize the road to 40-foot Local Road. This is inadequate for safe traffic circulation and in the event of emergency evacuation. The proposed amendment to the Lake Arrowhead Community Plan is unwise as the mountain area maybe vulnerable to a catastrophic fire

due to continued drought conditions and this proposed diminishment of the local circulation system should not be allowed. The SkyPark project should be conditioned to extend Cumberland Road as required in the Lake Arrowhead Community Plan. The extension of Cumberland Road is critical in an emergency. The DEIR states there is no mitigation necessary for evacuation (Emergency Evacuation Plan 4.8 -7), I believe a concentration of new visitors and staff in this area as the SkyPark project proposes requires an Emergency Plan and mitigation for a significant environmental impact to public safety. B1.1 *cont'd*

Greenhouse Gas Emission (GHG)/Climate Change/Air Quality
The Greenhouse Gas emissions section of the DEIR (Section 4.7) only utilizes vehicle trip rates and project specific data to calculate emissions. I do not see addition of the project related exhaust of cars arriving and departing from SkyPark. As vehicles idle due to high traffic volumes entering from or exiting onto Highway 18 or within the parking lot areas, this would affect the calculated GHG emissions and air quality data. Currently the DEIR reflects a total project related emission level of 2,900.48 MTCO/yr in Table 4.7 -1 "Estimated Greenhouse Gas Emissions". If the total project related emissions included the idling emissions, this revised emission level could exceed the 3,000 MTCO/yr limit. Exceeding this limit indicates a significant environmental impact due to GHG and mitigation for GHG would be required. B1.2

Alternatives to the proposed SkyPark
The Alternatives portion of the DEIR (Section 8.0) is required by CEQA to analyze a range of alternatives to the proposed project. The DEIR analysis only looked at the "No Project" and a "Residential Project". A residential proposal of the size and scale of the SkyPark project would have greater environmental impacts and skews the analysis resulting in a finding that this alternative is not is not an Environmentally Superior Alternative. No residential projects have been proposed in this project area and this seems problematical. However, why was there was no "Reduced size/scale Outdoor Commercial Entertainment Center" alternative reviewed? Given the large scale of the proposed SkyPark project, this might be more feasible and would be the Environmentally Superior Alternative. The Alternatives to the project should add a "Reduced Project" alternative to complete a better range of project impacts. B1.3

There seems to be an overall diminishment of impacts in this DEIR of a very large scale development. Although SkyPark offers many economic development benefits I am very concerned that the project as proposed has many detrimental environmental impacts. Thank you for the opportunity to review the SkyPark DEIR and please keep me on the contact list for this project.

Christine A. Del Ross-Risher, AICP

Response B1
Chris Del Ross-Risher, AICP

B1.1: As outlined in the Project Description of the DEIR, Section 3.0, page 3.0-24, "An amendment to the Lake Arrowhead Community Plan Policy LA/CI 1.14 is proposed to provide additional clarification and specificity for implementation while retaining the initial intent of the policy."

The intent of the policy is to provide for an additional connection and evacuation route for residents in the Cedar Glen area to State Highway 18. The proposed amendment is intended to provide additional clarification and specificity while retaining the initial intent of the policy. The proposed amendment was developed based on extensive coordination and collaboration between the San Bernardino County Land Use Services -Planning Department, the Department of Public Works (that oversees transportation planning in the County), the Fire Department Chief, and County Counsel. The intent of this policy is to provide access for any additional residences if developed in the area between the existing southern terminus of Cumberland Drive and SR-18. This is clearly spelled out in Section 4.10, Land Use of the DEIR, page 4.10-15,

"The intent of the existing Lake Arrowhead Community Plan Policy LA/CI 1.14 is to ensure that any new development projects that will increase the number of residents in the Cedar Glen/Sky Forest area, will have adequate access to evacuation routes, including SR-173 and SR-18, in the event of a fire or other emergency. Currently Cumberland Drive only connects to SR-173 in the north and residents in the Cedar Glen area north and northwest of the Project site would need to utilize Cumberland Drive north to SR-173 to evacuate, further burdening Cumberland Drive and SR-173 in Cedar Glen and Lake Arrowhead. From SR-173 they could continue on SR-173 to evacuate to the north, or take SR-173 to the southwest to connect to SR-18 to evacuate to the southwest or southeast from the mountains. A future extension of Cumberland Drive from its existing southern terminus further south to connect with SR-18 would provide a shorter and more direct connection to SR-18 for existing and any new residents in the area north of the Project site, south to SR-18."

"The proposed amendment to LA/CI 1.14 provides additional clarification on what type of development and more specificity on the location of development that this policy is to be applied. New residential development would result in an increase in the number of people that would need to utilize the local roadway network to access evacuation routes from the mountain in the event of a fire or other emergency. If one or more new residential developments were to be completed without the extension of Cumberland Drive to SR-18 to the south, it would result in additional residents having to drive north on Cumberland Drive

to SR-173 to SR-18 as compared to direct access to SR-18 with the extension. The proposed Project would result in an increase in visitors to the mountains, the number of which will vary depending on the time of year and the time of day, however, it will not result in a significant increase in the population residing in the mountains. The Project site currently has immediate access to SR-18, a key evacuation route, and no extension of Cumberland Drive is needed for the SkyPark visitors and employees to directly access SR-18. Therefore, the proposed amendment to Policy LA/CI 1.14 retains the initial intent of the policy and only adds additional clarification on the type of developments and specificity on the location of developments in which the policy is to be applied to."

The proposed amendment to the Circulation Element is to change the designation of Cumberland Drive from Mountain Secondary to Local Road (40-foot right-of-way). However, this amendment will not affect its ability to provide an adequate emergency evacuation route as was outlined in the DEIR, Section 4.8 Hazards and Hazardous Materials, pages 4.8-17 and 4.8-18:

"Currently Cumberland Drive is designated as a Mountain Secondary (60-foot right-of-way) in the County's General Plan Circulation Element, as shown on Figure CI-2, *Major Roads and Freeways – Mountain Region*. The proposed amendment to the Circulation Element is to change the designation of Cumberland Drive from Mountain Secondary to Local Road (40-foot right-of-way). Cumberland Drive, as currently identified as a Secondary Street in Figure CI-2, *Major Roads and Freeways – Mountain Region* of the Circulation Element, would be removed from this figure as local streets are not shown on it."

"The change in classification from Mountain Secondary to Local Roadway will not adversely affect the ability of the existing segment of Cumberland Drive to continue to serve as a local connector to SR-173. The existing segment of Cumberland Drive north of the project between SR-173 and Bald Eagle Ridge Road is a two lane road with a painted center divider. The change in classification will not change the number of lanes, it will continue to be a two lane road, with one lane in each direction. The fire department requires that local roads are paved to a minimum width of 26-feet. A local roadway classification requires a two lane, 26-foot paved road with one lane in each direction. Cumberland Drive, with a local roadway classification will continue to provide the same level of access and evacuation capacity."

The SkyPark project was not conditioned by the County to extend Cumberland Drive. This is because only a portion of the total extension of Cumberland Drive could be located within the SkyPark property boundary. The SkyPark site cannot provide a complete connection from its existing terminus northwest of the SkyPark property boundary south to SR-18. This can be seen in Exhibit 3.0-9,

Surrounding Roadway Network of the DEIR. Additional segments of Cumberland Drive northwest of the SkyPark property would need to be constructed on other adjacent undeveloped private properties in order to provide a complete connection to SR 18.

Although the SkyPark project could not provide a complete connection for the existing southern terminus of Cumberland Drive to SR-18 the County is conditioning the project to dedicate right-of-way to the County as a contribution for the potential future extension of Cumberland Drive. This is outlined in the DEIR in Section 4.10 Land Use, page 4.10-16:

"The County of San Bernardino will require as a condition of approval of the proposed Project, a 20-foot wide right-of-way to be dedicated to the County, along the northwest boundary of the site, as a potential future contribution for the extension of Cumberland Drive. The extension of Cumberland Drive is expected to be constructed at some time in the future. In order for the Cumberland Drive extension to occur the following would have to occur:

- Property owners to the north of the Project site submit applications to the County for planned residential development;
- An alignment study is completed and reviewed and approved by the County Public Works Department to identify the exact location of the roadway;
- Future residential development or developments north of the Project site design and construct the extension of Cumberland Drive to SR-18 as a condition of approval, in accordance with the location identified in the alignment study.

As such, it cannot be determined at this time if the dedication as a part of the proposed Project will actually be used for an extension of Cumberland Drive. However, the dedication of right-of-way within the Project site ensures that the property will be retained for that purpose, if the road is to be constructed and in that location. Therefore, the proposed Project will not conflict with the potential future implementation of Lake Arrowhead Community Plan Policy LA/CI 1.14. Compliance with CEQA will be required for any future extension of Cumberland Drive prior to initiation of any construction activities."

Cumberland Drive is not required for emergency evacuation of SkyPark visitors and staff as the site already has direct access to SR-18 without the need to construct any new portions of Cumberland Drive. An Emergency Evacuation Plan was developed by the applicant for Project and was summarized and referenced in Section 4.8, Hazards and Hazardous Materials of the DEIR, page 4.8-14 as follows:

"In addition, the property owner has developed an Emergency Evacuation Plan specifically for the proposed Project. The *SkyPark at Santa's Village Emergency Evacuation Plan* includes the following:

- Communicating and working with emergency service authorities to insure adequate traffic flows in evacuating mountain residents on SR-18;
- A designated responsible official (highest management position) onsite shall monitor evacuation flow with Emergency Zone Management and assume liaison duties with external San Bernardino County emergency service authorities;
- A 15 to 20 emergency personnel staff consisting of onsite park managers, assistant managers will assume emergency zone management positions (five Zone Management Teams of three to four persons) and perform the following duties: Activate emergency sound alarms located in strategic areas in the park (Old Homestead Site, Water Tower, and Main Village Area); Wear reflective emergency vests to be immediately recognizable to the Public and gather supplemental evacuation backpacks carrying flashlights and first aid equipment. Vehicle evacuation will commence if safe to do so in an orderly and calm fashion, being directed by Management Teams. The Top of The World Upline road, which starts at the Good Witch Bakery/ Upper Village Gate and traverses the Bike Trails area, and eventually exits onto SR-18, West of Heaps Peak, may be utilized as an additional vehicle exit point. Furthermore, if mountain transportation corridors are severely impacted, Zone Management Teams will direct visitors and employees to shelter in the Campground, North and South Parking Lots, whilst keeping helicopter landing zone free and clear at all times until Emergency Services notification is provided."

B1.2: Greenhouse Gas (GHG) emissions were analyzed based on the results of the Traffic Impact Analysis (contained in Appendix I of the DEIR) and provides the public with clarity on the relation of GHG impacts and traffic impacts. Thus, to efficiently address the comment, the data from the Traffic Impact Analysis must first be addressed and then compared to the GHG emission impacts. The Traffic Impact Analysis goes through several steps as part of the traffic forecasting process and conservatively estimated the trip generation related to the project's land use for the DEIR analysis, "which estimates the total arriving and departing trips generated by the Project on a peak hour basis by applying the appropriate vehicle trip generation equations, or rates, to the size and land use designation of the Project development" (Traffic Impact Analysis, page 33). Also, the Traffic Impact Analysis "used the busiest hours of the day (9:00 to 10:00 AM and 3:00 to 4:00 PM), when the Project traffic generates the highest level of traffic. In addition, this analysis is based on the Design Day, which happens only on summer and

December weekends. All other days of the year will experience much less Project traffic than a Design Day." (Traffic Impact Analysis, page 35)

As outlined in Section 4.7, Greenhouse Gas Emissions of the DEIR, page 4.7-18, "For GHG modeling purposes, the weekend/peak day total of 2,600 daily trips was conservatively modeled for weekends, and the summer weekday total of 562 trips was modeled for the weekday. These values represent the most conservative number of daily trips provided in the Traffic Impact Analysis, and reflect a worst-case scenario.

The emissions from vehicles (exhaust from cars) for each trip to and from the project site are estimated using the California Emissions Estimator Model (CalEEMod), which was developed by the South Coast Air Management District (SCAQMD) and is recommended by the SCAQMD to estimate emissions generated by each project (from all sources including vehicles, construction equipment, electricity consumption, water demand, and solid waste generation). CalEEMod is a complex model with various equations utilized to create the most accurate outputs. This includes modeling for GHG emissions which take into account running, startup, and idling of vehicles. As the GHG emissions were based on conservative daily trips identified in the Traffic Impact Analysis the estimated GHG emissions from project also represent a worst-case-scenario and are more likely to be overstated than underestimated.

B1.3: As outlined in Section 8.0, Alternatives to the Proposed Project,

"Per Section 15126.6(a) of the CEQA Guidelines, the discussion of alternatives must include several different issues. The discussion of alternatives must focus on alternatives to the Project, or to the Project location, which will avoid or substantially reduce any significant effects of the Project, even if the alternatives would be more costly or hinder to some degree the attainment of the Project objectives. The "No Project" alternative must also be evaluated. The "No Project" analysis must discuss the existing conditions and what would reasonably be expected to occur in the foreseeable future if the Project was not approved. The range of alternatives required is governed by a "rule of reason." Therefore, the EIR must only evaluate those alternatives necessary to permit a reasoned choice. The alternatives must be limited to only ones that would avoid or substantially lessen any of the significant effects of the Project."

The "No Project" Alternative assumes that no development would occur on the Project site, and existing Santa's Village attraction buildings and parking lot and disturbed Hencks Meadow and area south of SR-18 would remain in its current state. The Santa's Village attraction would continue to be closed to the public. As outlined in the DEIR, Section 8.0, Table 8.0-2 Project Objectives Consistency

Analysis, this alternative does not meet any of the project objectives with the exception of providing adequate traffic access and adequate parking. This is because the current traffic access and parking is adequate for the existing use, as personal office space for the current property owner.

A residential alternative was not chosen in order to "skew the analysis," rather, it was selected as a reasonable alternative because it is what would reasonably be expected to occur in the foreseeable future if the Project was not approved. A portion of the Project site is designated as Lake Arrowhead/Single Residential-14,000 Square Foot Minimum lot size (LA/RS-14M). Areas to the north and west of the Project site are also designated as LA/RS-14 and include existing residential lots/homes. If the proposed Project were not to be implemented it is anticipated that the site may be developed as residential, consistent with the residential community to the north and west with a minimum lot sizes of 14,000 square foot.

A reduced size/scale outdoor commercial entertainment center was not evaluated as an alternative because the proposed Project already represents a small size/scale development of the Project site.

As outlined in Section 3.0 Project Description of the DEIR, page 3.0-23,

"The majority of the Project site is undeveloped, consisting of naturally occurring forest. Dirt fire access roads traverse the Project site. The developed portions of the Project site include buildings and infrastructure associated with the Santa's Village Amusement Park that opened in 1955. The various buildings associated with the amusement park have remained intact since the park's closure in 1998. After the park's closure, the parking lot on the north side of SR-18 (western portion of the project site) and the overflow parking lot south of SR-18 (southern portion of the Project site) provided a staging area for bark beetle infested lumber. Although the lumber has been removed from the Project site, however there are still wood chips throughout the meadow area north of the northern parking lot as well as the southern parking lot and proposed campground area."

The proposed Project does not include development of the entire site, rather re-use of the existing developed areas and a relatively small expansion of recreational facilities (hiking and mountain biking trails, zip-line, etc.), while retaining and preserving a large portion of the project site as natural forest, meadow (Hencks Meadow), and stream (Hooks Creek) which provides habitat for sensitive wildlife species. The proposed campground is proposed on an area that is disturbed and without natural forest or other vegetation due to the Old Fire and prior use as a staging area for lumber. The proposed Project includes only a minor development footprint than already exists on the site.

Another alternative to the proposed Project is an amusement park or commercial development of a much larger footprint that includes more amusement park rides, restaurants, gift shops, etc. However, this type of alternative would substantially increase the impacts to natural forest and streambed habitats and the sensitive wildlife species that they support. This type of alternative would be expected to be closer in proximity to existing residences to the west and north and US Forest Service land to the east. As located in closer proximity to adjacent residences and forest service land indirect impacts from noise and lighting would be expected to be increased at adjacent existing uses. This type of expanded amusement park or commercial development would not meet the following project objectives (page 3.0-35 of DEIR):

- "Provide the opportunity to become a role model for future sustainable, conservation-based recreation parks in the State;
- Promote the importance of wildlife and habitat education through eco-tourism;" are consistent with and further support the proposed small scale/size development footprint of the site and large scale preservation of natural forest land and habitat for wildlife.

As outlined in the analysis contained in the DEIR, all environmental issue areas and threshold questions outlined in the CEQA Guidelines, Appendix G: Environmental Checklist Form were thoroughly evaluated in the DEIR. All environmental issue areas were determined to be less than significant or less than significant after implementation of mitigation measures.

Comment Letter B2 – Robert Sherman

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July 14, 2016

County of San Bernardino
San Bernardino County Land Use and Services Department
Planning Division
385 North Arrowhead Avenue, First Floor,
San Bernardino, California 92415

SKYPARK AT SANTA'S VILLAGE
Draft ENVIRONMENTAL IMPACT REPORT
SCH No. 2015091001

Dear Land Use and Services, Planning Division:

I am writing these comments as an individual. They focus around the SkyPark Conservation/Meadow Restoration Plan, as put forth by the NRCS and other aspects of said plan, as they relate to the content of the DEIR.

Let me first state that I have experience with the issues relative to the restoration plan. As my (attached) resume indicates, for sixteen years (prior to moving to Lake Arrowhead in 2006) I worked in the profession of Conservation Agent for the Town of Mashpee (on Cape Cod) in MA. One of my chief responsibilities in that role was evaluating natural-resource remediation plans similar to the one that the NRCS has prepared on behalf of SkyPark. I have a B.S. in Wildlife Management and was (during my professional career as Conservation Agent) a Professional Wetland Scientist (as certified by the Society of Wetland Scientists). I also completed graduate level courses in wetland plants and soils (given at the University of Massachusetts). B2.1

Further, in my professional career, I had extensive involvement with NRCS. They prepared Conservation Plans (for town-owned land) on behalf of my employer, the Town of Mashpee Conservation Commission. They also designed, helped fund and assisted in the implementation of a storm-water water- and sediment control basin/pollution- attenuation (natural wetland "filter) structure on town land subject to the jurisdiction of said Commission. And on many other occasions, they provided analysis and valuable insight on private land (subject to State and Town Bylaw jurisdiction) and on other parcels under the care and management of the Commission I worked for.

I thus can state that I am pleased that the developers of SkyPark have utilized NRCS services. As a matter of fact, I had recommended to Bill Johnson, almost a year ago, that he contact NRCS and take advantage of their expertise.

I think it's important to note two aspects related to the Conservation Plan that merit further scrutiny: B2.2

(A) While it has valuable aims and seems to contain many worthwhile features, the level of detail available for any meaningful assessment of its potential for achieving the stated goals in the DEIR* was meager. In particular, numbered "Specifications" as cited in the Conservation Plan were not published within the Conservation Plan as provided in the DEIR appendices [1]

*** Meadow Restoration**

The project also includes the removal of waste from the site and restoration of Hencks Meadow. Previously, the project site was used as a storage site for wood material infested by the bark beetle and has left the site with debris, woodchips, firewood, bark and trash. A Conservation Plan for the meadow was developed by the US Department of Agriculture, Natural Resources Conservation Service which includes construction of water & sediment control basins and a streambank protected waterway that conveys flows between them. The Conservation Plan also includes planting of native species, installation of structures for wildlife, and on-going herbaceous weed control. Refer to Exhibit 3.0-7, *Meadow Conservation Plan.* Ultimately, improvements to the health beauty and natural resources of the project area would serve as a balanced ecosystem that would be created for education, recreation and wildlife." (from 1.0-13 of the DEIR)

B2.2 *cont'd*

[1]*following(telephone and email) conversations with Kim Lary of the NRCS, a link was provided to access more details. Though that link did further expand upon details, it was still generic, and did not describe specifics to this particular project. Further, I was told that more details beyond what the link would provide would require requests through the Federal Freedom of Information Act.* ***I hardly think that these protocols reflect the openness that the CEQA process should manifest.*** *(Note- I do not wish to impugn Ms. Lary's interactions with me. Throughout, she was open, frank, insightful and helpful.)*

(B) The meadow (currently containing wetland areas, or not[2]; it most certainly did before it's filling) represents a significantly rare and valuable habitat/ecotone in our mountain area. The details concerning restoration plans thusly warrants a closer examination of the issues that I raise in my comments herein. While it is true that (as explained to me in conversations with NRCS) that the plan is, in fact, an agreement between SkyPark and NRCS, there also remains the vital issue of public involvement/the legitimate rights of the public, via the CEQA process, to address/have input into, as cited below:

"The significance criteria listed below are from the Environmental Checklist form in Appendix G of the CEQA guidelines. They are used to determine whether the proposed project would result in significant impacts to biological resources. Impacts would be significant if the project would:

B2.3

- ***Criterion BR1****: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies or regulations, or by CDFW or USFWS;*

- ***Criterion BR2:*** *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS;*

☐ ***Criterion BR3:*** *Have a substantial adverse effect on federally protected wetlands as defined by Section 404, of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;*

☐ ***Criterion BR4:*** *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or*

☐ ***Criterion BR5:*** *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.*

B2.3 cont'd

Corresponding to the above (criteria) I would like to raise the following issues (including citations from Appendix 2_Jurisdictional Delineation and other sections of the DEIR):

(1) It is not understood why the NRCS Conservation Plan does not seem to reference Code (Spec)643- **Restoration and Management of Rare and Declining Habitats** ***which would seem to be the very objective of the plan***. Within the provisions of the Code (Spec) are specific criteria that would seem to mandate protocols that relate to coordination between the parties involved in the meadow restoration:

- All necessary local, state, and federal permits shall be obtained by the landowner (or designee) prior to the restoration.
- Confer with other agencies and organizations to develop guidelines and specifications to conserve declining habitats.
- Habitat conditions should be evaluated and compared to reference conditions on a regular basis to adapt the conservation plan and schedule maintenance to ensure the desired habitat condition.

B2.4

Pursuant to the points I raise in these comments herein, it would seem that significant "loose ends need to be tied up" to provide for successful implementation of a restoration plan that achieves articulated goals (stated in passages below..). I would contend that the DEIR falls short in terms of articulating coordination/concurrence between the restoration to be done and the agencies/ parties Involved.

(2) Pursuant to (1) above, in particular, more detail (and larger scale plans) are necessary information related to the Meadow Restoration Plans**. More specifics would be essential if the outcome of the restoration is to reflect concerns raised by CA Fish and Wildlife in their letter of September 30, 2015. Critical and fundamental would be delineations of pre-restoration conditions versus proposed finished conditions , including (but not limited to): plantings, existing habitat type onsite (including vegetated communities)** and concomitant infrastructure designs, including (proposed) stream course, lined Waterway or outlet, streambank and shoreline Protection, water and sediment control basins, hedgerow plantings (living fence of shrubs, and/or trees that will ".. delineate field boundaries, serve as fences, establish contour guidelines"...). (Note: as noted above, the links provided to me, re Codes/Specs,by NRCS, were all still quite generalized/ "cookie-cutter".)

B2.5

From the September 30, 2015 letter by CA Fish and Wildlife: "An assessment of the various habitat types located within the project footprint, and a map that identifies the location of each habitat type. The Department recommends that floristic, alliance- and/or association based mapping and assessment be completed ..... Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions..... A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the project. " (From P. 2) B2.6

(Note – the entire letter from CA Fish & Wildlife, dated September 30, 2015 is attached to these comments.)

(3) A clearer understanding how the NRCS Conservation Plan interfaces with protocols for the CDFW section 1602 Streambed Alteration Permits needs to be articulated. On p. 20 of the DEIR, it states "**Instead, CDFW's jurisdictional limit is based on the topography or elevation of land that confines surface water to a definite course when the surface water rises to its highest point.** ***Further, the CDFW's jurisdictional limit extends to include any habitat (e.g. Riversidean alluvial fan sage scrub, riparian, riverine), including wetlands[2], supported by a river, stream, or lake regardless of the presence or absence of hydric soils and saturated soil conditions*****."** *(emphasis mine- RS)*

[2]The DEIR states, "no wetland features occur on the project site" (p. 28 of the Appendix,2_Jurisdictional Delineation)..In my conversations with Ms. Lary, she stated that NRCS did, in fact, dig soil pits to substantiate this (as one of the three criteria, hydrology, wetland plants and hydric soils). It would have been appropriate to have noted that in the DEIR, and to have provided details regarding NRCS's findings in that regard, especially in light of the fact that the CA Fish & Wildife letter and the DEIR itself mention wetlands. And, as documented in the paragraph above, CA Fish and Wildlife jurisdictional limit for review does include habitats and/or wetlands NOT defined by soil parameters. B2.7

(From 4.4-23 of the DEIR Environmental Analysis- Biological Resources): "The CDFW, through provisions of the California Fish and Game Code (Sections 1601-1603), is empowered to issue agreements for any alteration of a river, stream, or lake where fish or wildlife resources may be adversely affected. Streams (and rivers) are defined by the presence of a channel bed and banks, and at least an intermittent flow of water. The CDFW typically extends the limits of their jurisdiction laterally beyond the channel banks for streams that support riparian vegetation. In these situations, the outer edge of the riparian vegetation is generally used as the lateral extent of the stream and CDFW jurisdiction."

On p. 27 of Appendix 2_Jursdictional Delineation, it states "These areas are vegetated with isolated stands of **riparian vegetation** including arroyo willow (*Salix lasiolepis*), mulefat (*Baccharis salicifolia*), fragrant everlasting (*Pseudognaphalium beneolens*), slender leaved sedge (*Carex athrostachya*), Pacific rush (*Juncus effuses* ssp. *pacificus*), and cattail (*Typha* sp.). Further downstream, Hooks Creek becomes more densely vegetated and supports a southern willow scrub plant community. Plant species observed within this community include arroyo willow, stinging nettle (*Urtica dioica*), sticktight (*Bidens frondosa*), northern water plantain (*Alisma triviale*), horehound (*Marrubium vulgare*), and watercress (*Nasturtium officinale*)." (Note, all the above-mentioned plants, except fragrant everlasting (Pseudognaphalium beneolens), are USDA recognized wetland indicator plants.)

From the September 30 letter by CA Fish and Wildlife:

"Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; .... c) a schematic depicting the mitigation area.....(h) a detailed monitoring program.... Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various project components as appropriate." (From P. 6)

In summary, It is very unclear at this time whether or not the Conservation Plan identifies "vegetated ... isolated stands of riparian vegetation" as cited in the DEIR Jurisdictional Delineation, and, also, whether or not it provides for buffers to protect these areas. B2.8

> *** SEE Exec Summary pp. 1.0-26 – "MM BIO-5: For Class II streams, defined as those supporting aquatic life other than fish, a buffer of 75 feet (23 meters) on either side of the stream (measured from the high water mark) will be flagged and avoided. For Class III streams, defined as those not supporting aquatic life, a buffer of 25 feet (8 meters) on either side of the stream (measured from the high water mark) will be flagged and avoided. On-site streams are expected to be classified as a combination of Class II and Class III streams."**

(4) Another significant problem (and intrinsically related to the above) is the lack of appropriately scaled plans from which to render this (and other ecologically significant parameters needing substantiation).

> The DEIR states "The analysis presented in this report is supported by field surveys and verification of site conditions conducted on November 20, 2014 and September 23, 2015. Michael Baker biologists Travis J. McGill, Ryan S. Winkleman, and Thomas C. Millington conducted a site investigation to determine the jurisdictional limits of "waters of the United States" and "waters of the State" (including potential wetlands and vernal pools), located within the boundaries of the project site. While in the field, jurisdictional features were recorded on a base map at a scale of 1" = 50' using topographic contours and visible landmarks as guidelines." B2.9

I could not locate said plan within the DEIR and its myriad of appendices.. (and from my years of experience in assessing a significant number of wetland restoration plans, a 1" = 50' scale was too often inadequate for a definitive analysis...1"= 20' or 1" = 30' was significantly more appropriate.) Finally, maintaining buffers* was cited in other sections of the DEIR. My professional experience has been that if such are not explicitly depicted on a Plan of Record, they are not useful for analysis, nor do they provide for any meaningful protection for specific/important habitats!

(5) The Executive Summary for the DEIR refers to "construction of water & sediment control basins and a streambank protected waterway that conveys flows between them." **Will not construction of this waterway eventually yield emergence of "new" wetland areas. How will this be monitored, fostered,** B2.10

and integrated into the professed (DEIR- Executive Summary) goal, whereby : "Ultimately, improvements to the health beauty and natural resources of the project area would serve as a balanced ecosystem that would be created for education, recreation and wildlife."(p. 1.0-13) B2.10 *cont'd*

(6) It is also unclear if there will be an adequate amount well/water supply for water-course and associated riparian features? <u>This needs to be clearly articulated and demonstrated .</u>

1.0-43..- "MM HYDRO-1 Prior to pumping of groundwater to support operational use of SkyPark at Santa's Village, a groundwater and surface water monitoring plan shall be developed and implemented and shall include:

- Installation of a stream gauge on Hooks Creek at a location downstream of the Project boundary.
- Baseline monitoring of groundwater levels and Hooks Creek streamflow rates before the Project improvements are constructed. Groundwater monitoring shall be conducted on a monthly basis. Stream gauge measurements shall be collected continuously using recording equipment that is downloaded quarterly.
- On-going monitoring of groundwater levels and Hooks Creek streamflow rates to provide the data necessary to assess the role of Project pumping on changes in stream flow rates (if any).
- Baseline and on-going monitoring of groundwater levels and Hooks Creek streamflow rates will be submitted to the Lahontan Regional Water Quality Control Board on an annual basis.

B2.11

In summary, it is laudable that the developers, consultants and agencies involved with the meadow-restoration seem committed to recreating a functional ecosystem and associated ecotones. **However, I believe that the points I have raised herein demonstrate the need for more comprehensive and consolidated clarification of all components relative to <u>concurrence between the NRCS Conservation Plan, the CA Fish & Wildlife Streambed Alteration Agreement (and process thereto) and DEIR narratives dealing with construction methodologies, timetables, monitoring protocols and designations of responsibilities for the multi-level phases of work</u>. These constitute deficiencies that should be definitively addressed in the FEIR.**

Lastly, I would be remiss if I did not emphasize that what I detail above is reminiscent of what I have seen in previous reviews I have done regarding other projects that have gone before the County Planning Agency. "Details to be determined later" seems to an all-too-prevalent modus operandi. The adage here is the old "the devil is in the details". And it is our already beleaguered environmental resources of rare and special value that suffer the consequences. B2.12

Attachments:

Resume
CA Fish & Wildlife Letter, DATED September 30, 2015

Response B2
Robert Sherman

B2.1: Comment noted. Your professional expertise and experience is acknowledged and appreciated.

B2.2: Additional information on the NRCS restoration of Hencks meadow was summarized and referenced in the DEIR, Section 4.4 Biological Resources, page 4.4-45 and referenced in the DEIR in Section 9.0, References, page 9.0-6, "U.S. Department of Agriculture, Natural Resources Conservation Service, Detail Plans for the Water & Sediment Control Basin and Lined Waterway for SkyPark Santa's Village LLC and Drawings and Specifications, October 2015. Available at the San Bernardino County Land Use Services Department." These plans are available upon request by either visiting or calling the San Bernardino County Land Use Services Department. NRCS does not release information on projects they are involved in on private property. However, the private property owner can choose to release project information at their discretion.

As outlined above in Response to Comment A2.2, both of these documents have been added to the EIR Appendices, in Appendix K, Drawings and Specifications, in response to comments on the DEIR to allow for public and agency review of these documents. The Drawings and Specifications include Practice Standards, Job Classification, Design Calculations, Environmental Assessment, Utility Check Sheet, Engineer's Cost Estimate, Operation & Maintenance Requirements, Practice Specifications, Practice Requirements, and Construction Drawings. The construction drawings or detail plans include the overall plan view, plan view and profile views of the three sediment basins (south, middle, and north), and section views of the rock lined waterways (south, middle and north).

B2.3: Throughout the DEIR, the meadow, also known as Hencks Meadow, is recognized as a valuable habitat ecotone in the mountain area. The commenter's recommendation to utilize NRCS and their expertise related to restoration of the meadow was followed. As outlined above in Response to Comment A2.2 and B2.2, the Detail Plans for the Water & Sediment Control Basin and Lined Waterway for SkyPark Santa's Village LLC and Drawings and Specifications have been added to the EIR Appendices, in Appendix K, Drawings and Specifications, in response to comments on the DEIR to allow for public and agency review of these documents.

As outlined in the analysis contained in the DEIR, all environmental issue areas and threshold questions outlined in the CEQA Guidelines, Appendix G: Environmental Checklist Form were thoroughly evaluated in the DEIR. All environmental issue areas were determined to be less than significant or less than significant after implementation of mitigation measures. Therefore, the public has

had full disclosure of potential impacts and the opportunity to review and comment on these threshold questions or significance criteria.

B2.4: The Natural Resources Conservation Service Conservation Practice Standard, Restoration and Management of Rare or Declining Habitats, Code 643, NRCS, CA April 2007 is available online at https://efotg.sc.egov.usda.gov/references/Delete/2012-4-7/643std-04-07.pdf. The first two bullets in this comment are listed under the "Considerations" subheading of the referenced NRCS document. As outlined above in Response to Comment A2.5, the applicant will obtain all applicable permits for impacts to waters of the US from US Army Corps of Engineers and waters of the State from California Department of Fish and Wildlife and/or the Lahontan Regional Water Quality Control Board. It is anticipated that in developing the restoration plan for the meadow that NRCS staff if appropriate/applicable NRCS staff conferred with other agencies and organizations to develop the specifications for conserving declining habitats. As indicated in comment B2.1, NRCS has expertise in this matter, and the County defers to NRCS on what is appropriate in terms of coordination with other agencies and organizations in developing the restoration plan.

The third bullet in this comment is listed under the "Operation and Maintenance" subheading of the referenced NRCS document. The long term operation and maintenance of the meadow will include the evaluation of habitat conditions on a regular basis to adapt the conservation plan and schedule maintenance to ensure the desired habitat condition.

B2.5: As outlined above in Response to Comment A2.2 and B2.2, the *Detail Plans for the Water & Sediment Control Basin and Lined Waterway for SkyPark Santa's Village LLC and Drawings and Specifications* have been added to the EIR Appendices, in Appendix K, Drawings and Specifications, in response to comments on the DEIR to allow for public and agency review of these documents.

As outlined in Response to Comment A2.10, the applicant has conducted early consultation with the following regulatory agencies: US Army Corps of Engineers, Lahontan and Santa Ana Regional Water Quality Control Boards, and California Department of Fish and Wildlife. Early consultation included site visits/meetings, conference calls, telephone calls and/or emails. During early consultation valuable input was provided to the applicant by the respective regulatory agencies regarding what would be expected to be included in the CEQA documentation as well as permit submittal and processing requirements. Further, it should be noted that the CDFW comment letter on the DEIR (Comment Letter A1) did not contain any comments related to the NRCS restoration plan.

The County and the Applicant have conducted additional consultation with the Lahontan Regional Water Quality Control Board on the meadow restoration and the 401 Water Quality Certification since circulation of the Draft EIR in June 2016. The Lahontan Regional Board has provided input on design features they recommend be incorporated into the meadow restoration. One design feature includes the addition of earthen berms or water bars throughout the meadow to increase the retention and infiltration of stormwater and snowmelt runoff in the meadow. An Earthen Berm Detail plan sheet has been added to Appendix K.

B2.6: A very detailed and thorough Habitat Assessment was included in the DEIR as Appendix D.1. The Habitat Assessment included an evaluation, classification, and mapping of habitat type or plant communities. Per Section 2.4 Plant Communities of this report, "Plant communities were mapped using 7.5-minute USGS topographic base maps and aerial photography. The plant communities were classified in accordance with Sawyer, Keeler-Wolf and Evans (2009) and Holland (1986), delineated on an aerial photograph, and then digitized into GIS Arcview." According to the California Native Plant Society website (http://www.cnps.org/cnps/vegetation/manual_2ed.php) A Manual of California Vegetation, Second Edition (Sawyer, Keeler-Wolf and Evans, 2009) has been adopted as the standard vegetation classification by state and federal agencies such as the California Department of Fish and Game, US Forest Service, National Park Service, and US Geological Survey. It also has become the standard reference for vegetation used by consulting firms and planners. The manual contains descriptions for vegetation types down to the alliance and associations levels. Therefore, the EIR analysis was based on habitat mapping at the alliance and association level. The Habitat Assessment also included a thorough inventory of fish, amphibian, reptile, bird, and mammal species that have been documented historically in the region, have the potential to occur in the project area, and were observed during on-site evaluations.

B2.7: As outlined in Response to Comment A2.3, the field data sheets were inadvertently omitted from the Jurisdictional Delineation report that was included in Appendix D.2 of the DEIR. The Jurisdictional Delineation contained in Appendix D.2 has been amended to include the field data sheets, which are included in this report's Appendix C, Documentation. As shown in these field data sheets, soils were evaluated at 5 different soil pits. Hydric soils were not observed at 4 of 5 of the soil pits. Hydric soils were found at sampling point SP-4 located on the fringe of the existing pond. Water levels fluctuate within the pond and this area is frequently under water. The location of soil pits SP-1 through SP-5 are show on Exhibit 8, Jurisdictional Areas within the Jurisdictional Delineation report. The results of the Jurisdictional Delineation remain unchanged. The proposed Project will not result in adverse impacts to wetlands.

B2.8: Refer to Response to Comment B2.5 above.

B2.9: Refer to Response to Comment B2.2 above.

B2.10: The restored Hencks Meadow in accordance with the NRCS plan, including the basins and streambank protected waterway to convey flows between them are anticipated to be considered lakes or streambeds by the California Department of Fish and Wildlife and waters of the US by US Army Corps of Engineers and the Lahontan Regional Water Quality Control Board. As such, future maintenance of these areas, regardless of whether or not they develop the three wetland parameters of hydrophytic vegetation, hydrology, and hydric soils, will require permits and approvals from the regulatory agencies.

B2.11: Refer to Response to Comment A2.4 and A2.10 above.

B2.12: Refer to Response to Comment A2.2 above.

Comment Letter B3 – Save Our Forest Association, Inc.

Save Our Forest Association, Inc.
Post Office Box 126 • Rim Forest, California 92378

21 July 2016 by e mail : Kevin.White@lus.sbcounty.gov

Mr. Kevin White, Senior Planner
County of San Bernardino
Land Use Services - Planning Division
385 No. Arrowhead Ave, First Floor
San Bernardino, CA 92415-0187

Sub : Public Review of Draft Environmental Impact Report : Project #P201500051

The Save Our Forest Association, Inc. (SOFA) appreciates the opportunity to respond to the completed Draft EIR for the SkyPark at Santa's Village Project. SOFA is the largest grass roots environmental organization in the San Bernardino Mountains focused on quality of life issues. SOFA has been engaged in analyzing and responding to projects in our communities since its inception in 1987.

Our Board is encouraged by the significant effort that has led to a rigorous draft EIR addressing many of the concerns raised in our 24 September 2015, letter responding to the notice of preparation. There remain several areas of concern that should be evaluated with preparation of the final EIR.

SOFA supports the proposed amendment to the Lake Arrowhead Community Plan, Policy LA/CI 1.14, and the Circulation Element of the County of San Bernardino General Plan. The proposal to require the extension of Cumberland Drive from Cedar Glen to State Hwy 18 as a condition of development of any new residential subdivision is a pragmatic amendment that would address increased residential density, while providing an emergency access for local traffic and first responders. The right-of-way dedication commits a specific route for potential future extension of Cumberland Drive. The extension of Cumberland Drive at this time would further increase project site noise, light pollution, greenhouse gas emissions, and degradation of a portion of the wildlife corridor, while being detrimental to the project's non-motorized recreational focus. B3.1

Appendix D.1 Habitat assessment includes Section 6 Recommendations : 6.1 Pre-construction sensitive plant clearance surveys be conducted with the appropriate blooming season prior to trail installation, and 6.2 Portions of the project site that contain suitable moderate and high quality habitat for SRB, SBFS and CASO remain undeveloped. SOFA supports the above recommendations and further notes that existing fire access roads and trails should not be expanded in these sensitive habitat areas. B3.2

A review of Appendix G. Hydrogeologic Evaluation 5.0 Conclusions and Recommendations leads us to support the recommendation to develop a groundwater and surface water monitoring plan as part of the Project. The extensive Henck's Meadow rehabilitation plan has as its goal stated in the DEIR Executive Summary to create "ultimately, improvements to the health, beauty and natural resources of the project area would serve as a balanced ecosystem that would be created for education, recreation and wildlife." The July 14, 2016, comments by Mr. Robert Sherman raise specific questions about how this goal is to be achieved and to the interaction and coordination between multiple agencies responsible in working with the project manager. B3.3

The Final EIR should have additional details regarding the meadow restoration and the challenges that this key element of the project raises. There is an opportunity here to demonstrate a dramatic positive environmental outcome with the appropriate planning.

The 70 site campground is mentioned in several areas of the draft EIR including Section 4.12 Noise. Since it is intended to have self-contained RV's in the campground there is the likely use of generators to provide on-board electricity for those RV's staying overnight, particularly since there is no mention of full-service "hook-ups" being part of the campground facilities. Generator noise can be a particularly bothersome aspect of RV camping, especially to those tent camping nearby, and in our local mountains where sound can travel extremely long distances. Development of guidelines/policies for generator use, particularly at night, should be included in the final EIR to minimize/eliminate noise pollution to those enjoying the typically quiet mountain evenings, and for those neighbors in Skyforest. B3.4

The County of San Bernardino Conservation Element Goal : M/CO 5 is concerned with preserving the dark night sky as a natural resource in the mountain region communities. Lighting is commented on relative to the campground, primarily on the lack of impact to the adjacent Hwy 18 where it is anticipated to have no adverse affect. The bathroom/shower/laundry facility for the campground will have "soft lights for ground illumination" for camper guidance and safety. Presumably there will not be additional campground lighting that would make the campground facility more visible from the valley below, or other sight lines along Hwy 18. B3.5

Section 4.16 Transportation and Circulation noted that there are no existing bicycle facilities nearby the proposed project. Cyclists travelling through the area must use Hwy 18 with minimal shoulder and higher speed vehicle traffic creating a hazardous situation. The project site is in extremely close proximity to the community of Skyforest and Sycamore Drive, which parallels Hwy 18, and terminates practically at the project site. Consideration of a Class I or II Bikeway providing off highway access from the project site to the community of Skyforest and Kuffel Canyon Road would create opportunities for bike-centered events in the local community and increased recognition for SkyPark as the most bike-friendly destination in our area. B3.6

Additional Transportation and Circulation observations include Impact 4.16-1. "...taking into account all modes of transportation, including mass transit and non-motorized travel..." Only signalization is mentioned as a mitigation measure, with no consideration for a greater role of Mountain Area Regional Transit in providing transportation for project employees, and visitors. Impact 4.7-27 refers to a Transportation Demand Management Program and the recommendation that "...if available, mass transit facilities shall be provided (e.g. bus stop bench/shelter). Additionally, Impact 4.16-6 states that implementation of the project would not conflict with adopted policies, plans or programs regarding public transit, bicycle or pedestrian facilities...or otherwise decrease the performance or safety of such facilities. The more positive question would be : How can the SkyPark project facilities build on and enhance our local transportation options and facilities ? Greater communication with the Mountain Area Regional Transit System could provide benefits for SkyPark visitors and local residents, while potentially lowering vehicle trips and on site parking demand. B3.7

The Save Our Forest Association is enthusiastic about the very positive potential for this project continuing to move forward and supports having the final EIR completed as efficiently and thoroughly as possible.

Thank you for the opportunity to comment on SkyPark at Santa's Village,

Hugh A. Bialecki DMD

Hugh A. Bialecki, DMD
President, SOFA

Response B3
Hugh A. Bialecki, DMD

B3.1: Comment noted regarding support of the proposed amendment to the Lake Arrowhead Community Plan, Policy LA/CI 1.14, and the Circulation Element of the County of Sand Bernardino General Plan.

B3.2: Comment noted. Only minimal extension of trails into habitat for SRB, SBFS and CASO is proposed with the majority of these habitats that occur onsite being avoided and preserved. As proposed these areas will continue to remain undeveloped and the expansion of fire access roads are not proposed within these areas.

B3.3: As outlined in response to comment A2.2 above, for the onsite restoration of Hencks Meadow and Hooks Creek the USDA Natural Resources Conservation Service did prepare Drawings and Specifications for the Lined Waterways or Outlet and Water & Sediment Control Basins which include Detail Plans for the Water & Sediment Control Basins and Lined Waterways. Both of these documents have been added to the EIR Appendices, in Appendix G, in response to comments on the DEIR to allow for public and agency review of these documents. The Drawings and Specifications include Practice Standards, Job Classification, Design Calculations, Environmental Assessment, Utility Check Sheet, Engineer's Cost Estimate, Operation & Maintenance Requirements, Practice Specifications, Practice Requirements, and Construction Drawings. The construction drawings or detail plans include the overall plan view, plan view and profile views of the three sediment basins (south, middle, and north), and section views of the rock lined waterways (south, middle and north).

Also, as outlined in Response to Comment A2.10 above, early consultation regarding the proposed project and meadow restoration was conducted with the appropriate regulatory agencies, including the US Army Corps of Engineers, the Lahontan Regional Water Quality Control Board, and the California Department of Fish and Wildlife.

B3.4: Rules and Regulations that will be implemented at the campground by the operator includes a restriction on generator use – generators may only be operated between the hours of 10 a.m. and 8 p.m. This restriction is consistent with rules and regulations at most California State Parks. Implementation of this campground rule will minimize nighttime noise generation.

B3.5: Only low lighting (shielded downward) will be installed and used at the campground. Low lighting will be used at the bathroom/shower/laundry facilities for camper guidance and safety.

B3.6: The only off-highway access from the site to the community of Skyforest and Kuffel Canyon Road would require access and connection across private, currently undeveloped property directly west of the SkyPark property. In addition, there is a steep grade between the SkyPark site parking lot and the nearest public road in Skyforest to the west, Sycamore Drive. For these reasons it is not feasible or practicable to provide an off-highway bikeway from the project site, west to Skyforest at this time.

B3.7: The project proponent has coordinated with Mountain Area Regional Transit (MART). MART plans to add a new route from the Lake Arrowhead Resort, located northwest of the Project site in Lake Arrowhead, California, to the Project site. A bus stop/shelter is not planned to be provided along SkyPark's frontage on SR-18 because MART buses are planned to enter into the SkyPark property to allow riders to get on and off.

Comment Letter B4 – Sierra Club, San Gorgonio Chapter

SIERRA CLUB
FOUNDED 1892

San Bernardino Mountains Group
San Gorgonio Chapter

P.O. Box 651
Blue Jay, CA 92317

July 22, 2016

Kevin White, Senior Planner
Planning Division County of San Bernardino Land Use Services
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0187
E-Mail: kwhite@lus.sbcounty.gov

Re: **Project No. P201500051/CF; Draft EIR Availability; Skypark at Santa's Village**

Dear Mr. White,

The San Bernardino Mountains Group of the San Gorgonio Chapter of the Sierra Club (Mtns Group) is based in the western region of the San Bernardino National Forest (SBNF). Our local 200 members are proud to identify with Sierra Club, our nation's largest and most effective environmental grassroots organization. We are familiar with the area of the proposed Skypark project and appreciate this opportunity to comment on the released Draft EIR for Skypark at Santa's Village.

As we expressed in our letter responding to the Notice of Preparation, we hereby repeat several of our concerns about the potential impacts of the project to the value and vitality of the immediate and surrounding community and natural ecosystems. The Draft EIR appears to have made several omissions, errors in evaluations, and erroneously assumed that acknowledgement and assurances for future mitigation definitions and their particulars adequately provide the public disclosure requirements mandated by the California Environmental Quality Act (or CEQA). B4.1

Also, there was some confusion in your notice of availability letter (which is notably missing from the County website listing the history of public notices for the Skypark project (see: http://cms.sbcounty.gov/lus/Planning/Environmental/Mountain.aspx screen shot pasted at end of this letter). The letter we received indicated comments were due on Monday, July 22. July 22, 2016 is not a Monday. We also hope that the email provided for Kevin White is accurate, as it appears to have changed since last year. (Kwhite@, from Kevin.white@). Without an online copy of the availability notice, it is not possible for the average citizen to determine a due date for comments, or even the current contact information (new since the Notice of Preparation) for Mr. White. B4.2

In no particular order, we make the following comments:

The project analysis does not appear to accurately mirror the project description. Discrepancies between the purported and intended uses and facilities of the project and the environmental analysis assumptions of various elements are frequently in conflict, or simply missing.

Examples are:

1) The project description includes winter sports such as sledding, an ice rink, etc, yet the DEIR does not evaluate the impacts or describe the location and/or facilities of said recreation.
2) Literature for the project, and the intended uses for the project as described by the CUP applicant include special events for the local community. The capacity and character of those local events are not described or evaluated in the DEIR. In particular, the only possible reference to an analysis of local events found, was in the traffic impact analysis where it was assumed that there would be a single special event per year, that it would only occur at night, and that it would only generate about 50 vehicle trips. This conflicts with one of the intended purposes of the project identified in Section 8 (Alternatives): "provide a venue for local community events" In the past, special events held at the Skypark location (such as concerts in the meadow) have attracted a great deal more attendance than is being analyzed. True traffic impacts as well as other venue considerations need to be disclosed in a revised DEIR
3) Campfire pits are identified in the DEIR text, but are not located on the project description map. The extension of gas lines across State Hwy 18 to the fire pits is referred to in the DEIR, but not located or evaluated for safety. There has been conflicting information regarding the consideration/inclusion of Recreational Vehicles in the southern camping area. Several references to RV's can be found in the document, but the environmental effects and required mitigations for the support of RV's (lights, noise, generators and their potential emissions, etc)
4) Expected attendees, seem to be divided into two or three major groupings: Santa's Village park revelers, outdoorsy folk - mountain bike enthusiasts and the like, and campers. However, estimates about the numbers of those groups were either missing or very hard to find. This is an important element in determining the expected project impacts because the numbers determine the likely amount and characteristics of activity in the separate areas of Skypark. As an example, how consistent during the day, and how frequent bikes will be traversing the majority of the park. If constant or even very frequent, the impacts to habitat is high, especially to nesting activity. The habitat assessment identifies Feb to Aug as a no-activity period for at least the spotted owl, but the mitigation/condition requirements for that are not discernable in the DEIR.
5) A zipline facility is planned to be added to the current set of existing structures according to the DEIR. However, it was not at all clear where that will occur, and how it will be operated during habitat-sensitive seasons.

It is unfortunate for the public that the CUP project application, with its own description, and currently proposed conditions were not available to the public in this review to assist in evaluating the adequacy of the Draft EIR. An accurate understanding of the details of the project is inevitably critical to the full appreciation of the project's potential impacts. B4.3

The EIR should have analyzed a down-sized alternative project. The project goals could easily be satisfied with a smaller footprint/impact project. The CEQA Alternatives section is B4.4

inadequate. Are the bicycle trails needed? Are the impacts of the project without the trails, environmentally superior? B4.4 cont'd

It is unclear in the project description what the policy for animals will be at the park. During winter play, and perhaps with the camping attendees as well as the bicycle enthusiasts, welcoming pets to the park (especially dogs) will be an attractive feature of the park. Yet the presence of pets and animals in habitat areas brings its own set of challenges and impacts. The DEIR appears to be silent with respect to its policies towards animals at Skypark and its various activities. Clarity is needed, before the public or the County can act in an informed way. B4.5

One of the fundamental concerns of the Mountains Group is the viability of the very important north-south wildlife corridor that the proposed project sits squarely within. Although the DEIR acknowledges the impact, it unfairly and without reasonable justification, dismisses the impact as minimal since the identified corridor extends beyond the project location. What is missed in the DEIR analysis, is the critical importance of the actual site. The presence of the current and long-standing watercourse, pond, and wetlands area of the Skypark site, especially when considered with the natural path up the mountain, in the ravine and cover immediately below the proposed camping area, and the corridor destination of proceeding north within the Hook Creek riparian area, the most favored, and historically frequent corridor path is through the proposed park property. Water and green vegetation is key to safe wildlife movement , and yet the meadows, stream and pond of Skypark, leading directly to Hook Creek, Deep Creek and beyond, is the primary, if not the only wet path in the apex of the identified corridor. To dismiss this as insignificant is inappropriate. B4.6

Related to this, and not mentioned in the DEIR, is the upgraded fencing that now lines the Skypark property along Highway 18 on the north side. Fencing this corridor area with this new, imposing, and restricting structure has created another disturbing diminution of the corridor's viability. In evaluating the impacts of the proposed project, the DEIR needs to also consider the impacts of the fencing in of the project parcel, beyond just the impacts of the major activity near the camp, parking lots and watercourse. We ask the County to not only require an analysis of the impacts of the fence, but also ask for a review of the permitting status of the fence. There is a concern that assumptions were made about the legality of its installation. B4.7

We refer the County and project planner to a helpful Caltrans document about understanding and effecting wildlife crossings: It is called Wildlife Crossings Guidance Manual, produced by Caltrans. B4.8

The Draft EIR appears to use Skypark's conservation plans and coordination with NRCS for the creation/restoration of the Meadow, stream and pond areas as the mitigation and management for several environmental factors. For example, the runoff impacts from several hundred cars and the recreating public on the headwaters to Hook Creek specifically and the quality of habitat in the lowland area just north of the parking lot in general. However, there is no specificity to any of it, simply a general statement of intent and of the issues. Statements like the 3 holding ponds of the planned reconstituted stream "will eliminate" any pollution concerns. This is not adequate for CEQA'S .purposes. B4.9

In that same vein of unacceptable "assurances" without adequate supporting detail, we observe that we could not find any hydrological study for the project area and the surrounding watershed that feeds into the project area, stream, pond , Hook Creek and ultimately Deep Creek, a wild B4.10

and scenic watercourse. In order to provide assurances to the public that the runoff, pollution, detritus, and flows can be managed by the proposed project infrastructure, a hydrologic study should be available to establish stormwater flows for the area, for both average, and 10-, 50- and likely 100- year events. What is often clearly articulated in the DEIR is a recitation of the challenges and requirements for environmental mitigations. Bald statements without clear numbers and supporting documentation that proposed solutions will be adequate is not adequate for CEQA requirements. B4.10 *cont'd*

Here is the only Hydrological evaluation we can find in the DEIR:

> There are no known active or inactive stream gages on Hooks Creek (USGS, 2015). Accordingly, the surface flow of the creek is unknown. Area-weighted average annual precipitation in the subunit is 36.5 inches/year, which is equivalent to approximately 3,585 acre-ft/yr of annual precipitation over the entire 1,195-acre subunit (Geoscience, 2005).
> Average annual surface runoff in Hook's Creek Subunit has been estimated by Geoscience (2005) to be approximately 960 acre-ft/yr. It is assumed for this analysis that this is approximately equivalent to the long-term average annual flow in Hooks Creek.

B4.11

This is inadequate information to determine if the planned pond and stream contrivances are adequate to handle a storm event. As is commonly joked about, one can drown in a lake with an average depth of only 1-inch. Similarly, citing only average precipitation in the area is not sufficient to describe possibilities. It is not rare to see 10 or more inches of precipitation fall in a 24-hour period in our mountains. If the pond is typically being maintained close to full, what will happen in such a storm?

We have several concerns about the adequacy and accuracy of the traffic study and its conclusions.

First, although the study identified peak summer and Christmas weekends as the peak trip flows to be analyzed, the traffic counts were taken on a non-holiday weekend in Dec, which is definitely not a peak traffic season currently in the area. Though Skypark may anticipate December and Xmas attendance peaks, impacts on similar summer peak days will occur simultaneous to the area's summer peak traffic. Traffic counts need to reflect realistic peak situations. Compared to previous studies done for the Church of the Woods project, as well as for the 2007 San Bernardino General Plan, recognize higher counts than are being used for Skypark's study. This should be corrected. National Weather Service records show that on Dec 13 (one of the days traffic counts were taken) had a high of 45/low of 32 and mild precipitation. This would not be a good example of a peak traffic situation. As I understand the traffic study scoping, the study was to assume good weather, which this was not. In contrast to that, as most mountain residents know, one of the likeliest negative effects on traffic will be on inclement weather days. Especially if sledding and/or other winter recreational activities are being planned for the park. Snow on the roads in our mountains create very dangerous situations. Traffic snarls due to inexperienced drivers on ice and in fog, is compounded by unsafe recreation along the highway. The Draft EIR should examine the potential impacts of increased traffic during our very consistent, very frequent and very reliable "bad days" on the mountain. If Skypark expects to bring 2500 new people onto Highway 18 during the Christmas and winter holiday weekends, traffic and safety impacts need to be carefully revisited and mitigations considered. This should include possible closure policies for the project during inclement weather. B4.12

For an example of the kind of snarls we endure on our highways during true peak flow periods, see the screen print below from Google satellite maps of Highway 330 trying to access our mountain resorts. As it happens, this particular view isn't even during bad weather, but is instead just a normal busy weekend. The Traffic study for Skypark is inadequately analyzing our circulation characteristics. B4.12 cont'd

Furthermore, the Skypark traffic study did not evaluate the cumulative impacts of another large project in the area that the County has been aware of for many years, is still an active project, and has already acknowledged future significant traffic impacts on the roads and intersections evaluated for the Skypark DEIR. To fully disclose all reasonably foreseeable impacts of the Skypark project, the DEIR should reevaluate the project's impacts in concert with the anticipated and already well-established plans and mitigation requirements of the Church of the Woods project (located at the intersection of Daley Canyon and highway 18 (one of the evaluated locations in the Skypark DEIR).

Peak traffic and peak times for the Church of the Woods project (supporting event attendance projections equivalent and sometimes more than the planned attendance of the Skypark facility) will coincide with the projections for Skypark's vehicle traffic. This needs to be considered as the combination of simultaneous peak trips from both projects will greatly reduce local circulation flow, and may require signalization requirements top support Skypark's trip contributions at several intersections. As background, the Church of the Woods Final EIR traffic mitigation requirements triggered several signalization requirements. By reference here, please include the currently still posted (as of July 21, 2017) environmental documents for the Church of the Woods project located on the San Bernardino County Land Use Services website at http://cms.sbcounty.gov/lus/Planning/Environmental/Mountain.aspx

To make this clear, here is an excerpt describing the projected trip generation of the church's project: B4.13

> The Sunday peak hour trip generation was calculated based on estimated church attendance. The church will have two Sunday services: 8:30 to 10:00 a.m. and 11:00 a.m. to 12:30 p.m. There will be one hour between services, during which time the attendees from the first service will depart and the attendees of the second service will arrive. Based on current attendance and future projections, it is expected that each service will have 500 attendees by 2009 and 1,200 attendees by 2013. Attendees will arrive and depart via automobiles with an average occupancy of three persons per vehicle. Based on these assumptions, the church is projected to generate 334 trips during the Sunday peak hour in 2009 and 800 trips during the Sunday peak hour in 2013 and 2030.

While it is understood that only a portion of those trips will be generate over highway 18 past the proposed Skypark location, there will certainly be enough to trigger the CEQA requirement for further analysis of the cumulative effects, generating possible new mitigations for future traffic controls. It should also be obvious from the two project descriptions that they share peak traffic hours which will certainly exacerbate the situation on Highway 18. More importantly, when local events are taken into consideration, (planned for both projects according to their respective project goals), the assumed distribution of vehicle trips will be markedly different than the apportionment used in the current Skypark analysis. The Skypark study assumes only 15% or less of the average trips to the park will be from the local communities (north of Highway 18). For popular local events, that percentage would change dramatically, and the trip volume effects on secondary intersections at and north of Highway 18 will be significant, indeed.

The traffic impact evaluation for Skypark is surprisingly bad. It needs to be redone and the Draft EIR revised and recirculated. B4.14

Regarding traffic, SANBAG's (San Bernardino Association of Governments), acting as the responsible party for our region's Congestion Management Program, has identified and highlights the intersection at Hwys 173/18 as a problem in their Mountain Area Transportation Study. Note immediately below, from their MATS website tool, MATS clearly identifies this intersection will be problematic with increased traffic flow. With the addition of the majority of Skypark trips relying on this intersection to access the project (all attendees not coming from Running Springs or up from Highway 330 – a longer circuitous route from the Valley - and combined with the significant additions of the pending Church of the Woods project, it is undeniable that Skypark's Draft EIR's conclusion that further analysis on this intersect is unneeded, is simply and egregiously wrong. B4.15

MATS Project Sites:

Description SR-173 at SR-18

Notes Poor traffic control, and confusing intersection. Will become more of an issue with additional development

Type Operational

As layman in the traffic analysis area, we hope that the County will provide its expertise in explaining if a CMP should be required for this project. Unable to find an articulation of the County's policy that expressly defines the requirement for doing a CMP study, it may still be the case that the TIA may not be sufficient based on the number of anticipated trips on highway 18. As the justification for not doing a CMP for Skypark was no CMP monitored intersection was identified, and the justification for the Church of the Woods not doing a CMP was not reaching a trip threshold, we are admittedly confused, and respectfully request clarification of the requirement and its triggering conditions. B4.16

Regarding hazards, we see the following statement in the EIR:

Impact 4.8-8 Implementation of the Project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires with Mitigation Incorporated.

Based off the California Department of Forestry and Fire Protection (Cal Fire), the Project is not located within a Very High Hazard Severity Zone. The list of areas in San Bernardino County with a Very High Hazard Severity Zone does not include Lake Arrowhead or the Skyforest community. B4.17

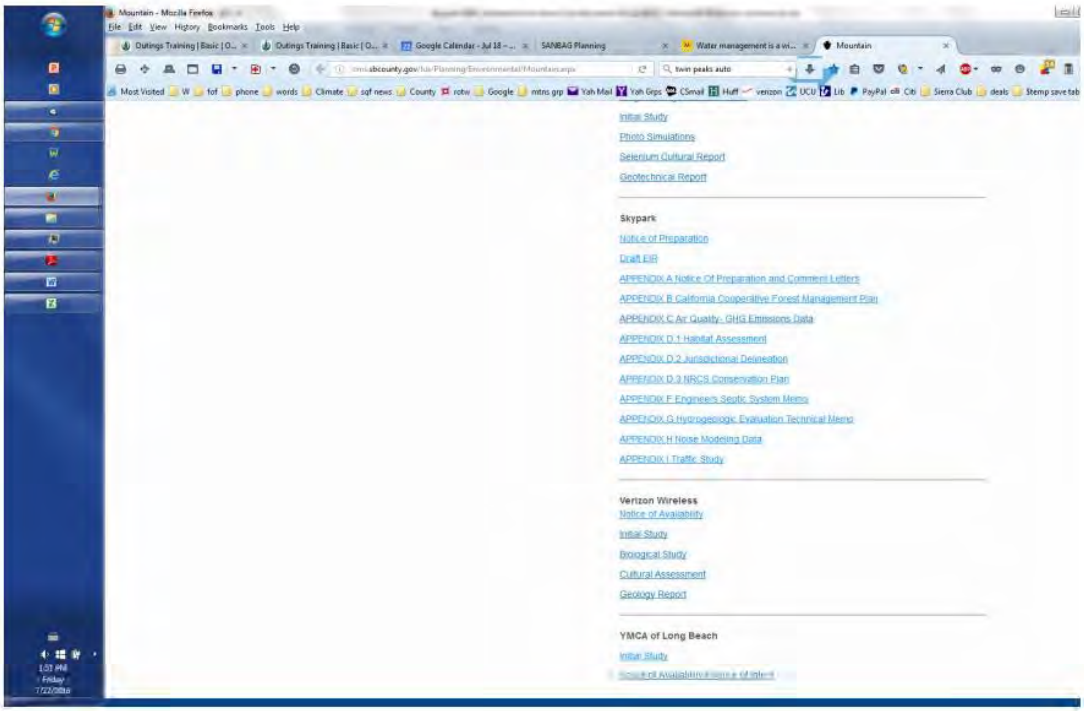
THIS IS NOT TRUE maps of currently defined Very High Hazard Serverity Zones can be found here: http://www.fire.ca.gov/fire_prevention/fhsz_maps_sanbernardinosw

Maps clearly show the project area is fully within a VHFHSZ. Fire Hazard exposure mandates extreme caution with the facilities proposed, and the development of a generic Emergency Evacuation Plan for the purposes of this DEIR is inadequate. Furthermore, once again, the DEIR simply promises the creation of an adequate emergency and evacuation plan, rather than provide it for public review. A full description of the plan should be made available for comments prior to approval. B4.17 *cont'd*

Thank you again for your attention,

Steven Farrell
Conservation Chair
San Bernardino Mountains Group – Sierra Club

No online notice of availability:



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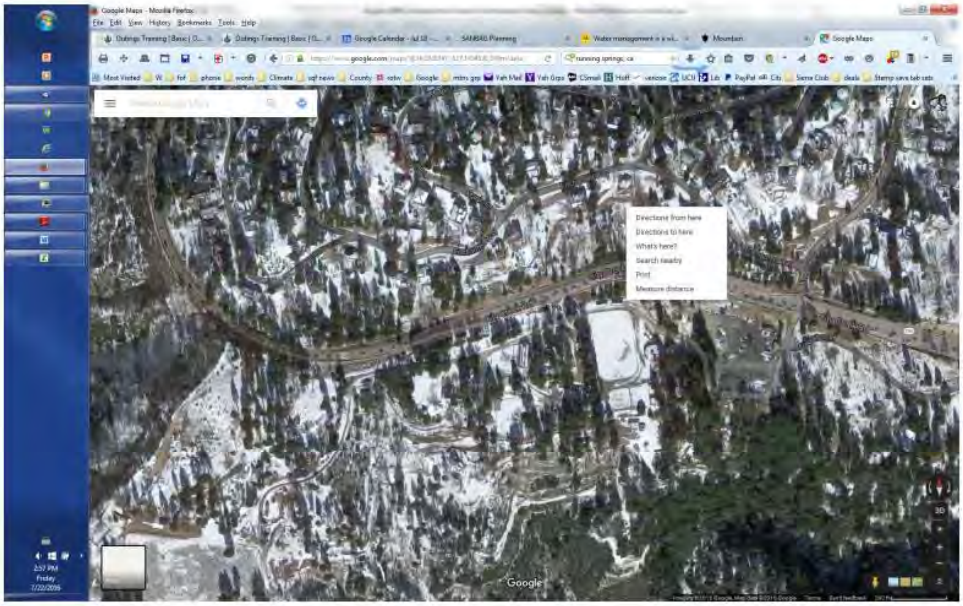
Current (July 22, 2016) Google map view of highway 330 at Live Oak.

Although this is a snapshot of only a small section of the road, traffic has jammed several miles below this site near Running Springs. This is a very common event during holiday peak travel times. This is exactly when Skypark is forecasting its own peak attendance with (from its TIA study), approximately 40% of vehicle trips to Skypark passing this intersection at Live Oak. The traffic analysis inadequately evaluates peak flows, and therefore the County cannot appropriately justify proper mitigations.



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Response B4
Steven Farrell, Conservation Chair

B4.1: The DEIR does not contain omissions or errors or make erroneously assumptions in the impact analysis as outlined in further detail in Responses to Comment B4.2 through B4.17 below.

B4.2: The following is the information that was provided in the Notice of Availability related to the public comment period:

"Public Comment Period: The DEIR and its technical studies are available for the CEQA required 45-day public review and comment period from June 7, 2016 through July 22, 2016. Written comments on the Draft EIR and technical studies must be received no later than 4:30 pm on Monday July 22, 2016."

The comment correctly identifies an error in the Notice of Availability that was sent out to agencies, organizations and the public at the release of the public review Draft EIR on June 7, 2016. The error is that the notice indicated that the comments on the DEIR were due on "Monday" July 22, however, July 22 in the year 2016 falls on a Friday. However, the notice clearly states that the CEQA required 45-day public review and comment period is from June 7, 2016 through July 22, 2016. If anyone was confused about the deadline for comments to be submitted to the County for this project, contact information for Kevin White the project planner, was also provided in the notice including a telephone number. Anyone from the public could have called, written an email or letter, or gone to the County building to get clarification related to the deadline for comments. All contact information for Kevin White, the project planner, was correctly provided in the Notice of Availability. The email that was provided in the notice for the County Planner Kevin White "kwhite@lusd.sbcounty.gov" is correct and was correct at the time the Notice of Availability was issued.

B4.3: The analysis contained in the DEIR in Section 4.0-4.17 Environmental Analysis, Section 5.1-5.5 Other CEQA Required Topics, Section 6.0 Effects Found Not to be Significant, Section 7.0 Growth Inducing Impacts, and Section 8.0 Alternatives were all based on the detailed project description contained in Section 3.0.

Section 3.0 of the Project Description does identify snow play activities under the Amusement Park Zone description on page 3.0-28 and under the Santa's Village/ Winter Attractions description on page 3.0-32. The general location of the Amusement Park Zone is provided here. However, the location of the Amusement Park Zone was added to Exhibit 3.0-3, *SkyPark at Santa's Village Site Plan,* to provide further clarification. The proposed activities in the Amusement Park Zone and this location was analyzed as part of the proposed Project throughout the DEIR. The

project description in the DEIR also included a description of the campground Site (page 3.0-33) and the camp fire rings. The exact location of the camp fire rings is not known at this time and was not included on the site plan. Campfire safety and the potential of wildfires was analyzed in the DEIR in Section 4.8 Hazards and Hazardous Materials (page 4.8-19-4.8-21).

The proposed project in the Conditional Use Permit (CUP) application are superseded by the project description in the DEIR. The project description in the DEIR was refined after the CUP application was submitted to the County. The analysis in the DEIR is based on the project description of the DEIR which is the current proposed project. Although special events, such as concerts in the meadow, were held in the past they are not currently proposed. The DEIR project description describes the current proposed project and activities.

Lighting from the campground where the RV's would be located is analyzed in Section 4.1 Aesthetics, Light and Glare, the vehicle exhaust emissions from RV's is accounted for in the trips to and from SkyPark identified in the Traffic Impact Analysis (Appendix I) and the air quality and greenhouse gas emissions modeling (Appendix C). An evaluation of the noise generated by the project, including the campground, is included in Section 4.12 Noise of the DEIR.

Section 3.0 Project Description of the DEIR described the total number of visitors expected in the winter and summer seasons. Per page 3.0-33,

"Peak season for the proposed project is anticipated to be November and December (approximately 2,000 visitors per day). Low season is anticipated to be during spring and early fall. Summer is anticipated to have an average of 1,000 visitors per day. Operating hours are proposed to be 8AM to 10PM. The project is proposed to be fully operational year round, with no planned closures."

The potential impacts to sensitive wildlife species is analyzed in the DEIR, Section 4.4 Biological Resources. This section also includes 25 mitigation measures to reduce potential impacts to biological resources.

The proposed zipline is described in Section 3.0, Project Description, page 3.0-31. However, the location of the ziplines were added to Exhibit 3.0-3, *SkyPark at Santa's Village Site Plan,* to provide further clarification.

B4.4: Refer to Response to Comment B1.3 above.

B4.5: Dogs may be allowed at SkyPark. However, if allowed, they will be required to be on a leash at all times in accordance with the San Bernardino County leash law.

B4.6: The analysis contained in the DEIR identifies the importance of wildlife corridors and indicates that the project is located entirely within a wildlife corridor designated in the San Bernardino County General Plan Open Space Element. As outlined in the DEIR, Section 4.4 Biological Resources, page 4.4-21,

"Habitat linkages provide links between larger undeveloped habitat areas that are separated by development. Wildlife corridors are similar to linkages, but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species but inadequate for others. Wildlife corridors are significant features for dispersal, seasonal migration, breeding, and foraging. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

The project site is surrounded by natural plant communities and forest and is located entirely within a wildlife movement corridor, as designated by the San Bernardino County General Plan Open Space Element (Exhibit 8, *Wildlife Corridors* in the HA). The site is located within an area designated simply as "Dispersion Corridor," which provides movement opportunities primarily between the Deep Creek and City Creek designated corridors. The dispersion corridor essentially allows wildlife an area to utilize for traversing the San Bernardino Mountains from the north (Deep Creek) end to the south (City Creek), and vice versa."

The conclusion in the DEIR that the project will not interfere substantially with wildlife movement was based on the fact that the proposed improvements will largely be confined to existing developed/disturbed areas and the undeveloped forest surrounding the existing buildings and infrastructure has the potential to support the movement of muledeer, bobcat, coyote, and black bear through and around the site.

The proposed improvements do not include large structures or perimeter fencing that would impede wildlife movement across the site. The proposed location of the campground is open and largely devoid of vegetative cover due to past fires, use as staging area, and existing paved parking lot. As outlined above, adequate cover is essential for a corridor to function as a wildlife movement area. Thus, the existing camping site area does not provide adequate cover for a wildlife cover. Wildlife moving along the corridor are anticipated to move in a north-south direction on either the east or west side of the open campground area. Therefore, construction of the campground and use of the campground is not expected to interfere substantially with wildlife movement.

As outlined the DEIR, Section 4.4 Biological Resources, page 4.4-45,

"The meadow rehabilitation project will realign, expand, and restore the upstream portions of Hooks Creek and will include removal of the wood chips and other debris that were left behind from previous activities. The meadow rehabilitation project will also entail constructing a lined waterway along the length of the meadow, periodically split by new water/sediment control basins, to connect to an onsite pond. Exotic vegetation and large obstructions will be removed throughout the meadow, and new hedgerows will be planted along its perimeter. Wildlife structures including nest boxes, downed wood, and rock piles will be strategically located at different locations along or near to the new waterway."

Restoration of Hencks meadow includes enhancements that will also improve its habitat function and value for wildlife movement. As outlined in Mitigation Measure MM BIO-6, trails signs and physical barriers shall be strategically placed along the trail, under direction of a qualified biologist, to prevent guests from wandering outside of the trail boundaries. The qualified biologist will ensure that use of physical barriers will not prohibit wildlife movement. Hooks Creek north of and downstream of the existing pond, will not be impacted and will be preserved within the site. Therefore, within the Project site the existing wildlife corridor along Hencks Meadow, the pond, and Hooks Creek will be preserved and enhanced and will continue to provide for unobstructed wildlife movement.

B4.7: The Project site in the past has had more fencing. The previous owners had animals on the site and had perimeter fencing on the site to contain the animals. The current owner has removed this fencing, an estimated 3 miles of it. Currently the site contains no more than a total of approximately 500 linear feet of fencing at two different locations. Two segments of approximately 100 feet of fencing occurs at the driveway of Santa's Village on SR-18 and on the west side of the property along SR-18 where there is a dirt road access for CLAWA easement. These segments of fencing are to control unauthorized access to the site by people. Because the existing fencing is only in short discontinuous segments it is not an impediment to wildlife movement.

B4.8: The Caltrans Wildlife Crossings Guidance Manual is available online at https://roadecology.ucdavis.edu/files/content/projects/CA_Wildlife%20Crossings%20Guidance_Manual.pdf

As outlined in the Manual, Section 1.1.2 Who Should Use the Manual, page 2,

"The intended primary audience for this manual is Caltrans biologists and other technical staff at that agency. It may also be useful to other transportation experts involved in planning, program management, or maintenance that need to know

how roads may affect wildlife and ecological systems in California. "… "Transportation planning decisions have both a regulatory and an ecological context, and the manual seeks to integrate both to provide guidance, in the form of a process illustrated schematically in Figure 1, to those with responsibilities for identifying and mitigating wildlife crossing, listed species, habitat connectivity, and public safety conflicts."

The manual is intended to assist Caltrans and any other agencies planning for new or expanded transportation facilities and avoiding, minimizing, and/or mitigating impacts of those facilities on existing wildlife corridors. The project will construct a new signalized intersection along SR-18 at the modified driveways/entrance in order to provide for safe entrance and exit to the park and campground for both visitors and other drivers using SR-18. The project does not include construction of a new roadway or expanded roadway. Although the Manual provides helpful information, guidance and tools related to crossings of wildlife corridors, it is not directly applicable to the proposed Project.

B4.9: As outlined in Response to Comment A2.2 (from the Lahontan Regional Water Control Board), for the onsite restoration of Hencks Meadow and Hooks Creek the USDA Natural Resources Conservation Service did prepare Drawings and Specifications for the Lined Waterways or Outlet and Water & Sediment Control Basins which include Detail Plans for the Water & Sediment Control Basins and Lined Waterways. Both of these documents have been added to the EIR Appendices, in Appendix K, Drawings and Specifications, in response to comments on the DEIR to allow for public and agency review of these documents. The Drawings and Specifications include Practice Standards, Job Classification, Design Calculations, Environmental Assessment, Utility Check Sheet, Engineer's Cost Estimate, Operation & Maintenance Requirements, Practice Specifications, Practice Requirements, and Construction Drawings. The construction drawings or detail plans include the overall plan view, plan view and profile views of the three sediment basins (south, middle, and north), and section views of the rock lined waterways (south, middle and north).

The existing hydrology of the site is outlined in the DEIR, Section 4.9 Hydrology and Water Quality, page 4.9-1 to 4.9-2,

"The entire Santa's Village attraction area between attractions/buildings was paved with asphalt. Stormwater runoff from the developed park area and surrounding forested area to the park area and parking lot are conveyed via sheet flow downslope to the park area and into v-ditches and corrugated pipes to the northern portion of the developed site and end of paved parking lot to the disturbed grassy meadow. Stormwater runoff is conveyed in a northern direction through the disturbed meadow in a small incised channel to a manmade pond."…

"Stormwater runoff originating north of SR-18 sheet flows for approximately 700 feet across the existing paved parking lot of Santa's village before flowing into the grassland meadow. Hooks Creek extends through Hencks Meadow for approximately 530 feet before it continues for approximately 420 feet through the area previously disturbed when it was used as a storage yard and staging area for the bark beetle infested lumber. Hencks Meadow is a natural, narrow meadow located northeast of the existing parking lot north of SR-18, along the property's eastern boundary. Per a 1953 USGS topographic map, Hooks Creek was mapped as intermittent in the Hencks Meadow area and perennial downstream of Hencks Meadow. After the disturbed area, Hooks Creek extends through a southern willow scrub plant community for approximately 1,200 feet before exiting the property."

Currently stormwater runoff from the Santa's Village attraction and the existing parking lot sheet flow to the meadow. In storm events that are large enough to generate flows from the existing developed area of Santa's Village and the parking lot, storm water runoff would be expected to pick up sediment and debris (bark chips) and convey them to the meadow and incised channel of Hook's Creek. Sediment and debris are deposited in the meadow and in the pond.

Per the NRCS Drawings and Specifications for the Lined Waterways or Outlet and Water & Sediment Control Basins a water and sediment control basin will be constructed directly south of the existing parking lot. The outflows from this basin will be conveyed via a rock lined waterway to two additional water and sediment basins, in series, before outletting to the existing pond. All stormwater runoff from the developed areas of SkyPark south of SR-18 will be directed to the series of debris basins. Sediment, trash, and debris that are conveyed in stormwater runoff from the developed areas of SkyPark will settle out in this basin and will be removed from the basin through regular maintenance of the basin.

As outlined in the NRCS' Drawings and Specifications, the purpose of the water and sediment basins is to be applied as part of a resource management system for one or more of the following: to reduce watercourse and gully erosion; to trap sediment; to reduce and manage onsite and downstream runoff. The lined waterway and water and sediment control basins were designed by a qualified NRCS engineer in accordance with NRCS standards and guidelines. The lined waterway and water and sediment control basins will provide stormwater runoff control and water quality treatment for the stormwater runoff from the developed areas of SkyPark (north of SR-18) prior to discharge to the undisturbed portion of Hooks Creek onsite (downstream of the pond) and offsite.

B4.10: Refer to Response to Comment B4.9 above.

B4.11: Refer to Response to Comment B4.9 above.

B4.12: Peak hour trips used in traffic analyses are not intended to represent the greatest number of all vehicles on a roadway at a given time or the greatest traffic congestion. Peak hours, as used in the Traffic Impact Analysis, are the days and times when the greatest number of trips are generated from a project. For the SkyPark project, it was determined with consultation with Caltrans and the County that intersection traffic impacts would be evaluated for Saturday and Sunday during the morning peak hours (9:00 am to 11:00 am) when the highest number of park guests will be arriving and afternoon peak hours (2:30 pm to 4:30 pm) when the highest number of park guests will be departing. Therefore, peak hour trips are specific to the days and times when the Project generates the greatest number of trips.

Traffic counts are taken to determine the existing intersection traffic volumes, or existing conditions. For the purposes of the Traffic Impact Analysis the peak hour trips generated by a given project are added to the existing intersection conditions to determine impacts from that project on the condition of various intersections. The traffic counts were taken on a Saturday and Sunday during the morning and afternoon peak hour timeframes for the SkyPark project.

As outlined in the Traffic Impact Analysis, Appendix I of the DEIR, page 1 "The methodology and assumptions used in this analysis were established in conjunction with the interim *Traffic Impact Study Guidelines* (County of San Bernardino Department of Public Works Traffic Division, April 2014) as well as with the California Department of Transportation (Caltrans). The analysis presented in this traffic study incorporates all previous response to comments from Caltrans and the County of San Bernardino staff on earlier draft reports; specific comments are available in the appendices." The Traffic Impact Analysis, including traffic counts, was prepared in accordance with State and local standards.

It is acknowledged that bad weather, such as snow or ice on the roads, dense fog, and/or heavy rain creates dangerous driving conditions and can adversely affect traffic. It is anticipated that when the weather is bad less visitors would travel to the mountains and to SkyPark. Therefore, bad weather would be anticipated to result in less trips to and from the Project not an increase in trips.

B4.13: The Skypark traffic analysis did include a Year 2035 cumulative analysis that reviewed the SANBAG long-range computer model that projects traffic to represent buildout conditions. To the extent that the Church of the Woods project does proceed, the land use assumptions in the long-range model would include development on that site.

Church of the Woods is a proposed future project however it has not been approved by the County. A Notice of Preparation of Environmental Impact Report for the Church of the Woods Project for a tentative parcel map and conditional use permit was posted on the County's website February 10, 2005. A Notice of Availability of the Draft Environmental Impact report for the Church of the Woods Project was posted on the County's website for a public review comment period from April 19, 2010 until June 3, 2010. The Church of the Woods project proponents have informed the County that the proposed project is being revised. As the Church of the Woods project is not an approved project, the County cannot require it to be analyzed in the SkyPark Traffic Impact Analysis and DEIR. Further, since the proposed Church of the Woods project is being revised it would be speculative to try to identify the actual trips generated from the revised Church project to include in a cumulative analysis for the SkyPark project.

However, it was the applicant's decision to have the traffic consultant conduct a cumulative analysis including the SkyPark and the Church of the Woods project, using the information contained in the Church of the Woods Traffic Study for the 2010 DEIR which is still available on the County's website (http://cms.sbcounty.gov/lus/Planning/Environmental/Mountain.aspx). The following paragraph is an excerpt from the make this clear, here is an excerpt describing the projected trip generation of the Church of the Woods traffic impact analysis:

"The Sunday peak hour trip generation was calculated based on estimated church attendance. The church will have two Sunday services: 8:30 to 10:00 a.m. and 11:00 a.m. to 12:30 p.m. There will be one hour between services, during which time the attendees from the first service will depart and the attendees of the second service will arrive. Based on current attendance and future projections, it is expected that each service will have 500 attendees by 2009 and 1,200 attendees by 2013. Attendees will arrive and depart via automobiles with an average occupancy of three persons per vehicle. Based on these assumptions, the church is projected to generate 334 trips during the Sunday peak hour in 2009 and 800 trips during the Sunday peak hour in 2013 and 2030."

The projected traffic from the previous Church of the Woods traffic analysis has been added to the cumulative analysis conducted for the Skypark project, added to the DEIR as Appendix L, Cumulative Traffic Analysis with Church of the Woods. Full build-out plus project conditions (Year 2035) with Church of the Woods Project was evaluated for Saturday peak hour levels of service as well as Sunday peak hour levels of service. Even with the Church of the Woods added to the Sunday morning long-range cumulative analysis, no intersections are

projected to operate at Level of Service E or F and therefore the conclusions of the Skypark EIR are still valid.

B4.14: No evidence is provided in this comment that relates to the adequacy of the traffic analysis contained in the Traffic Impact Analysis or the DEIR. The traffic analysis contained in the Traffic Impact Analysis and DEIR for the SkyPark project is thorough, adequate pursuant to CEQA, and does not need to be recirculated.

B4.15: According to SANBAG's website on the Mountain Area Transportation Study (http://www.sanbag.ca.gov/planning2/study_mtn-area-transport.html) the study is to identify and analyze the major and secondary arterials and intersections that provide access to, from, and within the San Bernardino Mountain communities. The primary goal of the effort is development of a sub-regional transportation improvement plan that identifies key projects that address both existing and forecast deficiencies during both peak summer and winter seasons. The study recommendations would not include costly new roadway facilities or realignments but would rather include operations-type capacity improvements that could then be prioritized and funded by local agencies and Caltrans. The focus is primarily on the identification of traffic bottlenecks and potential improvement options with recommendations and implementation plans.

While it is true the SR-173 at SR-18 will become more of an issue with additional development, the SkyPark Traffic Impact Study included analysis for this intersection throughout the document as one of six intersections analyzed, including pages 10, 18, 19, 25, 26, 31, 32, 44, 45, 54, and 55 among other areas of the study. The analysis contained in the Draft EIR included the project's impacts on the SR-173 at SR-18 intersection and conveyed the trips generated by the project and the impact of those additional trips on the affected roadway network per the SkyPark Traffic Impact Study results. Thus, the Traffic Impact Analysis and DEIR evaluated the intersection of SR-173 and SR-18 and found no significant project impact under Existing + Project, Opening Year + Project, and Year 2035 Cumulative + Project.

B4.16: According to SANBAG's website on the San Bernardino County CMP, 2016 Update (http://www.sanbag.ca.gov/planning2/cmp/CMP16-Complete-061416.pdf), a Congestion Management Program (CMP), under Proposition 111, is required within each county with an urbanized area having a population of 50,000 or more, to be developed and adopted by a designated Congestion Management Agency (CMA). In 1990 SANBAG was designated the San Bernardino County CMA by the County Board of Supervisors and a majority of the cities representing a majority of the incorporated population. While this interjurisdictional approach provides political and technical consistency for future development within the County, the CMP is only a mechanism to be used to guide efforts in a more efficient

manner. It is not to be considered a replacement to the Regional Transportation Plan (RTP). As such, a CMP would not be a document completed by a project applicant, but rather by a CMA, or SANBAG in this context. Because there are no CMP arterial monitoring intersections in the project vicinity, no CMP analysis for compliance is required for this project. In addition, per the CMP guidelines only projects that generate greater than 250 peak hour trips require this analysis.

B4.17: It is correct that Lake Arrowhead and the Skyforest community is not located within the list of areas with a Very High Fire Hazard Severity Zone as stated in the DEIR, Section 4.8 Hazards and Hazardous Materials, page 4.8-19, as accessed on the Cal Fire website, as identified in the Section 9.0 References of the DEIR. It is also correct that the maps referenced in the comment do show the project is within a Very High Fire Hazard Severity Zone on the maps. So there is a discrepancy between the two different maps referenced. However, the DEIR analysis was based on the recognized increased fire risk of the Project site and the surrounding forested areas.

The property owner partnered with the National Resources Conservation Service (NRCS) to prepare and implement a California Cooperative Forest Management Plan (CCFMP) for the project site. The plan objective is to increase the forest's defense against fire, as well as maintain a healthy forest for recreational purposes by managing areas with overgrown chaparral and shade tolerant trees. The CCFMP also includes creation of sheltered fuel breaks along roads and near structures for future fire prevention or spread. Thus, the CCFMP is a key component in reducing the rate of spread and intensity of potential wildfires by removing, thinning, or pruning flammable vegetation to obtain a vertical and horizontal separation of fuels in the Project site. Although, the commenter identified a discrepancy in identification of the Project site within a "Very High Hazard Severity Zone," this does not change the analysis or findings in the DEIR, as the analysis contained in the DEIR already took into consideration that the Project site is in a high fire hazard area and identified mitigation measures to ensure potential impacts associated with fire risks are reduced to less than significant levels.

Comment Letter B5 – Steve Loe

From: **Steve Loe** steveloe01@gmail.com
Subject: SkyPark DEIR Comments
Date: July 22, 2016 at 3:08 PM
To: kevin.White@lus.sbcounty.gov
Cc: Hugh Bialecki habialeckidmd@gmail.com, Steven Farrell mr_sql@yahoo.com, Bob Sherman silabob@gmail.com

Thank you for the opportunity to comment.

1. There needs to be more recognition of the potential adverse effect on wildlife movement if the project is not carefully controlled. There needs to be specified lighting that will best protect the undeveloped open space from the adverse effects of lighting. B5.1

2. Noise needs to be controlled with no loud music etc., especially at dusk or after dark. B5.2

3. Use needs to be pulled back to the developed core area an hour or so before dark except for excursions specifically designed to watch wildlife and study nature. Use of perimeter trails at this time should be very controlled as to reduce disturbance of the wildlife corridor/linkage. B5.3

4. There needs to be a mechanism to prevent the creep of additional development on site as the years go by to keep the open space and suitable habitat from shrinking. New permissions should be required for any substantial change to the proposed use. B5.4

5. The determination that much of the property is not suitable for southern rubber boa appears to be in error. Habitat toward the ridge seems to have been considered unsuitable. Ridgetops are some of the most consistently occupied areas in the mountains. I would have to see what the authors based their conclusion on. It is not described. B5.5

The project has great potential to be good for the community, but the continued use of this important area for wildlife is also very important to the community. We need to be careful in our use.

Steve Loe
Certified Wildlife Biologist
33832 Nebraska St.
Yucaipa, CA 92399

Response B5
Steve Loe, Certified Wildlife Biologist

B5.1: As outlined in Response to Comment B4.6 above, the analysis contained in the DEIR identifies the importance of wildlife corridors, indicates that the project is located within a wildlife corridor, and includes an analysis of the potential impacts from the Project on the wildlife corridor (DEIR, Section 4.4 Biological Resources, page 4.4-21 to 4.4-50). Also a detailed discussion of potential lighting impacts is included in Section 4.1 Aesthetics, Light and Glare and mitigation measures were incorporated to ensure potential impacts from light are reduced to less than significant levels.

B5.2: As outlined in the DEIR Section 4.12 Noise, the potential noise impacts from the project, including those from construction, traffic generated by the project, operations (including PA system, live music, crowd noise, campground, and parking lot noise) were thoroughly analyzed. Mitigation measures were incorporated to ensure potential impacts from noise are reduced to less than significant levels.

B5.3: All trails are closed down one hour prior to dark for the safety of park visitors. The only exception is the Fantasy Forest Trail which has lighting, all other trails do not have lighting. The trails are closed down one hour prior to dark so that visitors using the trails have ample time to exit the trails and return to the Amusement Park Zone before it gets dark.

B5.4: The DEIR, Section 3.0 Project Description, page 3.0-28 outlines the additional uses and amenities that may be added to the Amusement Park Zone in the future. No other expansion of uses or additional development is allowed outside of this area without a request to the County to amend the Conditional Use Permit and without subsequent CEQA review by the County.

B5.5: A Biological Assessment for Southern Rubber Boa was conducted for the SkyPark at Santa's Village project site and was included in Appendix D of the Draft EIR. As outlined on the 2nd page of this report, "Habitat for rubber boa includes mixed conifer-oak forest and woodland habitats at higher elevations in the San Bernardino and San Jacinto Mountains, at elevations between approximately 5,000 to 8,000 feet (Stewart 1988, 1991). In the San Bernardino Mountains, most of the records occur in roughly 10-mile stretch of habitat between Twin Peaks on the west and Green Valley on the east, including the Running Springs and Lake Arrowhead areas (Stewart 1988, 1991). Populations appear to be isolated, with tracts of apparently suitable habitat unoccupied. Dominant trees in occupied areas include Jeffrey pine (Pinus jeffreyi), ponderosa pine (Pinus ponderosa), sugar pine (Pinus lambertiana), white fir (Abies concolor), incense cedar (Calocedrus decurrents),

and black oak (Quercus kelloggi) (Stewart 1988). In a multi-year study of the southern rubber boa in the San Bernardino Mountains, Hoyer and Stewart (2000a) found southern rubber boas in a variety of vegetation types and slope aspects, but all collection sites were on or around small to large rock outcrops, which are apparently important as hibernacula (Keasler 1982, Stewart 1988). In all habitat types, rock outcrops, rotten logs and a thick litter/duff layer are considered important habitat components because they provide cover and mountain soil moisture (Loe 1985)."

"Stewart (1988) suggests that rock outcrops on southern exposures tend to be favored in the spring and that as the weather becomes warmer and dryer the snakes may move into cooler and moister habitats such as riparian areas and forest, but acknowledges that there is practically no data on their seasonal movements. Later, Hoyer and Stewart's (2000a) 5-year study produced evidence of high site fidelity by boas, with 19 of 21 recaptures being within 26 feet of their original capture location, and the two farthest recaptures being approximately 231-247 feet from their original capture location. One southern rubber boa is reported as moving up to 300 yards in a single season (Loe 1985)."

The description of suitable habitat outlined above, as described in the Biological Assessment for Southern Rubber Boa, was based on the following: publications in the Journal of Herpetology (Hoyer and Stewart 2000a) and Southwestern Herpetologists Society (Stewart 1988), a report prepared for the US Fish and Wildlife Service on the status of the southern rubber boa (Stewart 1991), a southern rubber boa survey report prepared for the US Department of Agriculture, Forest Service, San Bernardino National Forest (Keasler 1982), and a habitat management guide for the southern rubber boa on the San Bernardino National Forest (LOE 1985).

As outlined in the Conclusions section of the Biological Assessment for Southern Rubber Boa, "Suitable habitat occurs for the southern rubber boa in the mixed conifer forest at the north end of the site in association with the rock outcrops, rotten logs, leaf litter, and the mesic habitat along Hooks Creek north of the reservoir. Suitable habitat also occurs on the slopes southeast of the reservoir where numerous fallen trees, and rotten logs, and leaf litter were observed. Based on these conditions, the potential occurrence of the southern rubber boa is high to moderate-high in those areas, respectively. Moderately suitable habitat occurs in the mixed conifer forest north and east of the reservoir where rotten logs, leaf litter, and mesic conditions occur but no rock outcrops were observed. The mixed conifer forest habitat south of the reservoir is essentially devoid of rock outcrops and most of the downed trees and logs have been removed from the site, although mesic conditions exist under the canopy in some areas. The potential occurrence of the

southern rubber boa is low in that area. South of State Route 18, most of the habitat is disturbed or dominated by annual grasslands and montane chaparral where conditions are relatively dry. Southern rubber boas are no expected in this area, or in the open meadows, disturbed habitats, and developed portion of the site north of State Route 18. An estimate of the extent and quality of suitable habitat is provided in Exhibit 4." [Exhibit 4 of the Biological Assessment for Southern Rubber Boa, Appendix D of the DEIR].

Comment Letter B6 – Susan V. Walker

Susan V. Walker

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July 11, 2016

County of San Bernardino
San Bernardino County Land Use and Services Department
Planning Division
385 North Arrowhead Avenue, First Floor,
San Bernardino, California 92415

SKYPARK AT SANTA'S VILLAGE
Draft ENVIRONMENTAL IMPACT REPORT
SCH No. 2015091001

Dear Land Use and Services, Planning Division:

In the SkyPark DEIR Project Description 3.0 on page 24, it is stated that an amendment to the Lake Arrowhead Community Plan Policy LA/CI 1.14 will be sought. The purpose of the amendment according to the applicant is "to provide additional clarification and specificity for implementation while retaining the initial intent of the policy". I disagree with the purpose of their amendment and also disagree that it retains the initial intent of the policy.

The purpose of Lake Arrowhead Community Plan Policy LA/CI 1.14 is to provide a safe evacuation route for hundreds of residents on Cumberland Rd. It is currently a condition if there is development in the adjacent area that Cumberland Rd. be extended. It was this policy that was fundamental to the successful court case against Hawardan's plans for the Blue Ridge area.

The applicant wants to amend the policy, so that the extension would only happen if there is a new residential subdivision. This means SkyPark would be built and would bring up to over 1,000 cars a day to the area. The Cumberland Dr. extension is all the more important for the free flow of traffic and for emergency evacuation, if SkyPark is built. The amendment to the Lake Arrowhead Community Plan should not be allowed.

Currently Cumberland Rd. is a Mountain Secondary road with a 60 ft. right away. This is a suitable designation and width for an important road for traffic flow and emergency evacuations. This is found in the County's General Plan Circulation Element, as shown on Figure CI-2, *Major Roads and Freeways – Mountain Region.* The applicant wants to downgrade the road to 40 ft. width, so that it becomes a Local Road. Local Roads aren't even listed in the County's General Plan Circulation Element, as shown on Figure CI-2, *Major Roads and Freeways – Mountain Region.* The extension would only be built if a new residential subdivision was granted approval. There is an unknown amount of time

B6.1

that there would be no emergency access for Cumberland Rd. residents. Cedar Glen residents would also benefit from the extension.

I have attended both Lake Arrowhead Community Plan 2016 meetings. No one has requested such an amendment for the future community plan. This amendment is for the sole purpose of saving SkyPark money and it is to the detriment of the residents of Cumberland Rd and the Cedar Glen area. Safety has to come before profits. B6.1 cont'd

Later in the DEIR (4.16 – 60) it is stated: "Therefore the proposed Project will not conflict with the potential future implementation of the Lake Arrowhead Community Plan Policy LA/CI 1.14." But that is only if the LA Plan is amended and I am against that amendment. The Cumberland Rd. should be extended for safety. Then the DEIR says that the Local Road will still allow the same access to fire equipment. BUT that is only if it is built. The Applicant wants to change the extension to be dependent on new residential development. It is unknown when or if that will happen. SkyPark should extend Cumberland Rd. as required in the Lake Arrowhead Plan.

The Final EIR should include another alternative: a reduced size project. It may be the Environmentally Superior Alternative. B6.2

The Environmental Impact Summary (4.3 - 2) does not include the exhaust of cars arriving and departing. Cars will idle as families look for parking spaces or are delayed by congestion. This will affect Air Quality and Greenhouse Gas Emissions. Those two sections should be revised to reflect the exhaust from vehicles. Such a revision will undoubtedly change the 2,900.48 MTCO/yr in Table 4.7 -1 "Estimated Greenhouse Gas Emissions" to over the 3,000 MTCO/yr limit. Going over that limit means that the Final EIR will have to deal with mitigation for Greenhouse Gas Emissions. In my remarks for the Scoping session, I mentioned mass transit. I don't see any effort to utilize mass transit to bring people to the park. If a Mountain Transit bus stop is needed then SkyPark should build the stop. B6.3

The Emergency Evacuation Plan 4.8 -7 is incomplete. The extension of Cumberland Rd. will be pivotal in an emergency. The applicant says there is no mitigation necessary for evacuation. SkyPark should have an Emergency Plan for Wildfires and Earthquakes. B6.4

In section 4.16 Transportation & Circulation there is the use of "Lake Forest" twice. It appears to be an error. B6.5

On 4.16 – 14 the Applicant states that Mt. Transit's existing routes are M – F, so no further transit analysis was done. This is incorrect. Please check: http://mountaintransit.org/route/rim-off-the-mountain/#schedules The schedule provides on/off the mountain routes connecting with Big Bear and even Los Angeles via San Bernardino. Mt. Transit should be approached about extending its weekend service to SkyPark. Bill Priest, active with SkyPark, is on the Mt. Transit Board. I'm sure he can be very helpful. The Final EIR needs a more thorough Transit Analysis. This will help Air Quality and Greenhouse Gas Emissions B6.6

San Bernardino County General Plan Transportation Goals (4.16 – 21) aims for shuttle service from residents to recreation areas. (M/CI 1.11) Shuttle service is a great idea for the Final EIR. It also wants new development to be consistent with road capacity. (M/CI 1.16). If SkyPark overwhelms the capacity of the road systems then we will have delays, air quality problems and an increase in Greenhouse Gas Emissions. B6.6 *cont'd*

The Trip Generation Handbook doesn't have a land use category for SkyPark (4.16 – 27/28) This lack of information does call into question the accuracy of trip generation numbers in the DEIR. It also influences the Level of Service designations. B6.7

It is good under Transportation Demand Management (4.7 – 27) that there will be efforts for employee ride sharing. Mountain Transit should be approached to reduce employee cars commuting. B6.8

Thank you for the opportunity to submit my comments.

Sincerely,

Susan V. Walker
Sierra Club Member

Response B6
Susan V. Walker, Sierra Club Member

B6.1: Refer to Response to Comment B1.1 above.

B6.2: Refer to Comment B1.3 above.

B6.3: Refer to Response to Comment B1.2 above related to GHG analysis. Refer to Response to Comment B3.7 regarding Mountain Area Regional Transit and a new stop at SkyPark.

B6.4: Refer to Response to Comment B.1.1 above. An Emergency Evacuation Plan was prepared for the SkyPark project.

B6.5: Comment noted. The use of "Lake Forest" is incorrect and should have been "Skyforest." This is corrected in the Errata to the DEIR.

B6.6: Mountain Transit currently provides a route that operates on Saturday with two stops as part of its Rim Off-the-Mountain route. As outlined above in Response to Comment B3.7 regarding Mountain Area Regional Transit plans to add a new stop at SkyPark. The vehicle emissions from visitor trips to SkyPark assumed no public transportation. When Mountain Area Regional Transit includes a new stop at SkyPark and visitors utilize this public transportation service, the total trips to SkyPark, and associated vehicle emissions would decrease.

B6.7: Attachment A of the SkyPark Traffic Impact Study, states, "The Institute of Transportation Engineers Trip Generation Manual, 9th Edition does not contain a land use category that accurately describes the potential development at Skypark at Santa's Village. Therefore, as described in the ITE Trip Generation Handbook, a trip generation estimate was developed from known data about the land use.

The Project trip generation is based on the Peak, Design, and Average Day visitor attendance levels for the Project as supplied by the Project Applicant. These visitor attendance levels were based on historical activity levels at the Project and represent a conservative estimate of the likely usage patterns for the Project.

Southern California theme park/visitor attraction mode split and vehicular average vehicular ridership (AVR) levels were used to convert the daily attendance levels to vehicle trips. Hourly travel patterns from theme parks and major visitor attractions were used to identify the likely peak hours of operation for vehicular traffic entering and leaving the Project. Weekday vs. weekend activity levels were reviewed with the Project Applicant and compared to theme park/visitor attraction patterns. The trip generation estimates were based on the above assumptions and developed using a trip generation model that was

developed by GTC for use in theme park and visitor attraction land uses. The model has been applied to Disneyland, Universal Studios Hollywood, LEGOland Carlsbad, Arizona Cardinals Football Stadium, Dodger Stadium, Angels Stadium, STAPLES Center, Honda Center Anaheim, and dozens of international theme park projects. Finally, the entire trip generation package was reviewed with San Bernardino County and Caltrans staff to gain their approval prior to commencing with the traffic impact study.

It was determined that the trip generation assumptions and results appeared reasonable and the Design Day estimates were approved for use in the traffic impact study. The Design Day Saturday conditions were selected as the most appropriate time frame for the study as this represent the greatest combination of background and Project traffic levels.

B6.8: Refer to Response to Comment B3.7 above.

Comment Letter B7 – San Bernardino Valley Audubon Society

San Bernardino Valley Audubon Society

P. O. Box 10973, San Bernardino, California 92423-0973

July 22, 2016

Kevin White, Project Planner
Planning Division
County of San Bernardino Land Use Services
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0187

By e-mail to: Kevin.White@lus.sbcounty.gov

SUBJECT: SkyPark Santa's Village LLC, Project No. P201500051/CF; Draft Environmental Impact Report SCH No. 3015091001 for a Conditional Use Permit to re-establish an Outdoor Commercial Entertainment Center which includes an Amusement Park, Campground, Meadow/Wetland Rehabilitation, Restaurants, Bar, Wedding & Reception Facility, Retail, Trails, Recreational Activities and other Accessory Uses on 152.92 Acres.

1) The Project includes a General Plan Amendment to change the official Land Use District from Lake Arrowhead/Special Development-Residential (LA/SD-Res) and Lake Arrowhead/Single Residential-14,000 square foot minimum lot size (LA/RS-14M) to Lake Arrowhead/ Rural Commercial (LA/CR) on 152.92 acres.

2) The Project also includes a 2nd amendment to the Lake Arrowhead Community Plan (Policy LA/CI 1.14) and the Circulation Element of the County of San Bernardino General Plan to alter the text from a reference to land use development in general to a more limited reference solely to "residential subdivision," thereby exempting SkyPark from compliance with the policy.

Dear Mr. White,

The San Bernardino Valley Audubon Society ("Audubon") presents the following comments on the Draft Environmental Impact Report (DEIR) referenced above for the SkyPark development project proposed at the former site of Santa's Village.

B7.1

San Bernardino Valley Audubon Society is the local chapter of the National Audubon Society and represents about 2000 members in the greater Inland Empire area. A key element of our mission is protecting habitat for birds and other wildlife. We regard the San Bernardino National Forest and adjacent mountain areas as one of the region's most outstanding public assets. It is a premier mountain environment that offers excellent habitat for a remarkable range of wildlife as well as a place to enjoy beauty, serenity and recreation in a natural forest setting. Whenever County actions are proposed that have a potential to diminish these unique values, our members count upon Audubon's leadership to speak out on their behalf and in the best interest of the natural environment. The following comments outline our observations and concerns regarding the SkyPark DEIR. The particular topics addressed below focus on:

1. The failure of the DEIR to disclose a tangible and specific reason why the proposed General Plan Amendment to change the project's land use designation is deemed necessary;
2. An assessment of the mistaken basis for proposing a second General Plan Amendment to nullify the existing Lake Arrowhead Community Plan policy to complete a half mile of the Cumberland Drive evacuation route from Cedar Ridge to State Highway 18 at SkyPark;
3. The DEIR's unwarranted disregard of County-designated Wildlife Corridor #22
4. Inadequate measures to protect the threatened southern rubber boa and the California spotted owl
5. Concerns about evacuation routes and extreme fire hazard in the San Bernardino Mountains as related to SkyPark; and
6. The failure to provide an adequate Alternative Projects analysis.

1. No Explanation Provided for a Change in SkyPark's Land Use Zoning

The proposed Zoning Change might quite likely not be in the public interest or compatible with surrounding land use, where over 50 percent of adjacent land use is USFS & Boy Scout large acreage open space. On no side of the SkyPark property is there any commercial zoning designation. However, the proposed zoning change cannot be adequately evaluated because the DEIR fails to state why it is even considered necessary.

On page 4.10-13 (Land Use) the DEIR states: "The LA/SD-RES Land Use District allows for the combination of residential, commercial, and/or manufacturing activities that maximizes the utilization of natural as well as man-made resources." Commercial activity is clearly allowed within the existing zoning designation, which acknowledges the historical use of the site for the Santa's Village commercial activity.

The DEIR's cursory explanation for the zone change (also on page 4.10-13) does not cite any particular reason why the zone change is necessary. The explanation given states:

> The (LA/CR) Land Use District provides sites in rural areas where a range of commercial services intermixed with residential uses can be established which are limited in scope and intensity and meet the need of the remote population and the traveling public. The LA/CR designation more accurately reflects the existing development of the site as well as the proposed amenities and activities for the site. The LA/CR designation is compatible with the surrounding community as the surrounding community is largely rural residential with low intensity commercial along SR-18 in Sky Forest and a mix of residential and commercial in Lake Arrowhead.

The above explanation begs the question of HOW is "a range of commercial services intermixed with residential uses" (i.e. the LA/CR zone) any different from allowing for a combination of residential and commercial activities in the existing LA/SD-RES zone?

B7.2

It appears that some key relevant fact related to the zone change has been left out of the DEIR. What does it mean for the DEIR to say the zone change "more accurately reflects the existing development of the site as well as the proposed amenities and activities"? The statement is vague, obscure, and offers no clarification as to why a zone change has been proposed. If there is some relevant reason why a zone change is needed which has not been revealed in the DEIR, then the DEIR needs to be re-circulated in order to disclose the actual reason for the change so that the public can review and provide input on whatever that particular reason might be.

Below are the criteria for a General Plan Amendment that changes an 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.**
>
> (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;
>
> (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.

B7.2 cont'd

Audubon cannot determine from the inadequate information provided so far whether the proposed General Plan Amendment is appropriate or not. A supplement to the DEIR is needed in order to provide the full disclosure as to why the change is being applied to the site.

2. General Plan Amendment to Exempt Applicant from Cumberland Drive Completion

The proposed SkyPark Project includes a General Plan Amendment to re-write and thus effectively nullify the policy to complete Cumberland Drive. The proposed amendment to the Lake Arrowhead Community Plan Policy LA/CI 1.14 and the Circulation Element of the County of San Bernardino General Plan misleadingly claims to provide additional clarification and specificity for implementation while ostensibly retaining the initial intent of the policy. The text of the existing policy and the proposed change are quoted below:

Policy LA/CI 1.14 is currently in the Lake Arrowhead Community Plan as:

Complete Cumberland Road from Cedar Glen to State Highway 18 near Santa's Village as a condition of development of the adjacent area and ensure protection of the character of the surrounding area by the following:

A. Require that Cumberland Road be designated as a County Scenic Route.

B. Require that Cumberland Road be used primarily for residential and emergency traffic.

C. Prohibit trucks that exceed 5 tons and vehicles pulling large trailers.

The proposed amendment to this policy is identified using underline for new text and strikethrough for removed text as follows:

B7.3

~~Complete Cumberland Road from Cedar Glen to State Highway 18 near Santa's Village as a condition of development of the adjacent area~~ Require the design and construction of the extension of Cumberland Drive from Cedar Glen to State Highway 18 as a condition of development of any new residential subdivision extending from Cumberland Drive, Blue Ridge Drive, or Greenbriar Drive and ensure protection of the character of the surrounding area by the following:

A. Require that Cumberland Road be designated as a County Scenic Route.

B. Require that Cumberland Road be used primarily for residential and emergency traffic.

C. Prohibit trucks that exceed 5 tons and vehicles pulling large trailers.

The proposed amendment to the Circulation Element is to change the designation of Cumberland Drive from Mountain Secondary to Local Road (40-foot right-of-way). Cumberland Drive, as currently identified as a Secondary Street in Figure CI-2, *Major Roads and Freeways – Mountain Region* of the Circulation Element, would be removed from this figure as local streets are not shown on it.

Section 3.4 (Proposed Project) of the DEIR claims on Pg 3.0-24: "An amendment to the Lake Arrowhead Community Plan Policy LA/CI 1.14 is proposed to provide additional clarification and specificity for implementation while retaining the initial intent of the policy." On page 4.10-15 (Land Use) the DEIR further states: "The intent of the existing Lake Arrowhead Community Plan Policy LA/CI 1.14 is to ensure that any new development projects that will increase the number of residents in the Cedar Glen/Sky Forest

area, will have adequate access to evacuation routes, including SR-173 and SR-18, in the event of a fire or other emergency."

Although the authoritative-seeming assertions made above are written to sound legitimate, they completely lack any supportive evidence to back them up. The DEIR has no basis to know the underlying "intent" of the existing Cumberland Drive Policy or to assert that the policy specifically refers to "any new development projects that will increase the number of residents." Instead the claim of knowing the intent of the policy and clarifying its meaning is nothing more than a subjective expression of what clearly is the preferred interpretation by the applicant and the SkyPark Project itself. The DEIR provides nothing substantial to support this claim besides some faintly plausible speculation (masquerading as a statement fact) as to why the policy might potentially pertain to only residential development, but the explanation remains only speculation and definitely is not valid evidence by any measure.

This same tactic of re-interpreting the Cumberland Drive policy in favor of the developer was employed on the adjacent property by the Hawarden Development Company for its proposed housing project in 2005. That tactic was rejected by both San Bernardino County Superior Court and three appellate court judges. There is no evidence that the policy pertains only to residential development. It states unambiguously that any "development" in the area (un-restricted by any particular type of development) must result in the completion of the road. Cumberland Drive is a vital evacuation route for the overdeveloped community of Lake Arrowhead. (Why wait for more residents, when it is obvious that Lake Arrowhead already has a critical need for Cumberland Drive as an evacuation route).

At the Board of Supervisors' Hearing in 2005, when a similar tactic was used to evade the Cumberland Drive Policy, a score of Sky Forest residents loudly objected and cited their own harrowing experience in trying to evacuate on gridlocked Kuffle Canyon Road during the major "Old Fire" of October 2003. These residents were shamefully ignored by chairman Bill Postmus and colleagues Paul Biane and Gary Ovitt, while Dennis Hansberger chided them by saying they should move off the mountain if they're so afraid of fire. To further ignore the inadequacy of mountain-wide evacuation in a potential worst case scenario of wildfire would be utterly irresponsible negligence. This critical evacuation route is only a half mile short of completion. It should be completed per the true intent of the County Plan. B7.3 cont'd

The applicant and the DEIR consultants are being sly and disingenuous in an effort to disguise a deliberate effort to evade their share of the financial responsibility for guaranteeing the future public safety of the area. The county would be jeopardizing an already dangerous situation by adopting an amendment that is clearly not in the public interest, but is expressly designed to provide direct financial relief and a special favor to the commercial interests of the project proponents. To sneak this amendment past the public on false pretenses would be a serious miscarriage of the county's basic common welfare responsibility. As noted above a previous effort to do so was resoundingly rejected at both the County Superior Court level and at appellate court.

It is clear from the guidelines cited below that a General Plan Amendment must "not be detrimental to the public interest" as often happens when it is prompted by the private interests of a particular developer.

Criteria for a General Plan Amendment

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.

B7.3 cont'd

Unfairly shifting the burden of completing the evacuation route onto the two remaining neighbor parcels (also affected by the Cumberland Drive policy) simply delays and diminishes the likelihood of the road ever being completed.

3. Lack of Regard for a Major Wildlife Corridor

Santa's Village is no longer a small part of a much larger forest as it was in the days of its establishment. Instead it is now one of the *only* remaining significant natural forest habitats left in the greater Lake Arrowhead area. It features one of the most viable landscape linkages in a highly critical and major wildlife dispersal corridor. However, the DEIR appears to be generally dismissive of wildlife corridor and dispersal issues by concluding that wildlife can simply go around project. It further fails to address the potential impediments of perimeter fencing

The addition of left turn lanes on Highway 18 will substantially widen part of the roadway along SkyPark making it more difficult for wildlife to cross. This is a significant factor that has not been addressed in any meaningful way. For nearly twenty years deer and bear have used Santa's Village frontage on Highway 18 as a favored crossing area. This fact is attested by the many sightings along this route and also unfortunately by the numerous casualties, when the animals are struck by vehicles.

The two most frequented crossings appear to be at the hairpin curve on Highway 18 at the east end of Santa's Village, where CalTrans has already posted Deer Crossing signs, and at the west end of the park, where the original entrance is located. The diagonally trending west boundary of Santa's Village intersects the highway at this point. This west boundary along Hooks Creek is a prime corridor for bear and deer and smaller animals. The speed limit along the highway at this juncture should be reduced to 35 mph to conform to the recent reduction directly to the west of Santa's Village in Sky Forest. It would also be beneficial to have Wildlife Crossing signs at this spot on the highway similar to the ones at the hairpin curve. Basic measures such as these, acknowledging these points, can be beneficial in a meaningful way.

B7.4

The conservation measure below from the General Plan indicates that the accommodation and protection of wildlife is a definite objective and concern in the county's overall policies.

CO 2.4. All discretionary approvals requiring mitigation measures for impacts to biological resources will include the condition that the mitigation measures be monitored and modified, if necessary, unless a finding is made that such monitoring is not feasible.

Programs

4. The County shall require all new roadways, roadway expansion, and utility

installation within the wildlife corridors identified in the Open Space and Biological Resource Overlays to provide suitable wildlife crossings for affected wildlife. Design will include measures to reduce or prevent habitat fragmentation and provide wildlife a means of safe egress through respective foraging and breeding habitats. A qualified biologist will assist with the design and implementation of wildlife crossing including culverts, overcrossings, undercrossings, and fencing.

Hooks Creek is a wildlife magnet. With the intended restoration and stream bank protection outlined in the Meadow Conservation Plan and the stream's source at the parking lot, there should be provision

for wildlife to readily proceed southward across the highway to access the front country of the National Forest. Also ponds (both the existing one and the three newly-planned ponds) will draw wildlife.

The DEIR acknowledges only the fact that the project site "is located within an area designated simply as 'Dispersion Corridor'" in the Lake Arrowhead Community Plan. No reference is made to it being one of the Major Wildlife Corridors identified in the San Bernardino County General Plan Overlay Maps, specifically Wildlife Corridor 22. Thus the DEIR tends to undervalue the significance of the Santa's Village site in facilitating wildlife movement and dispersal through this corridor.

To better emphasize the value the county has placed on the ability of wildlife to disperse freely across its range, it is helpful to look back at the 1989 County General Plan, which provides more detail on the origin of the county's policies. The concept of the numbered zones, which originated with the 1989 plan, is quoted below from that document.

> **Wildlife Corridor Zones:** These indicate the general locations of areas within which major wildlife corridors should be provided. The actual size and location of these corridors will need to be determined based on future detailed study. The Resources Overlay identifies only MAJOR wildlife corridors. It is expected that application of policies in this Open Space Element will result in the establishment of major and minor wildlife corridors throughout the County.

The county clearly intended that additional wildlife corridors be identified and added to the Resources Overlay, refining and enhancing what is meant to be a starting point. Insofar as only "major" corridors have thus far been designated, these certainly should not be impaired or characterized as "less than significant," as has been the tendency of most environmental impact reports for the mountain area in the past 20 years, including the SkyPark DEIR. B7.4 cont'd

As far back as 1989 the General Plan notes that "wildlife has been placed in increasing conflict" with urban encroachment in the mountain region. The fact that the Wildhaven Center for rescue of injured wildlife needed to be established in the Lake Arrowhead area and continually treats large numbers of animals attests to the adverse impact that local development inflict on a wide range of forest species. The SkyPark project should not be downplaying an existing major wildlife corridor without any mitigation and thus further limiting wildlife movement in an area long deemed as significant by the county. It should not be dismissed as "less than significant."

The 1989 County General Plan in its Policies and Actions for Biological Resources clearly addressed common species as well as rare and listed species, stating in Policy/Action B-4:

> Because the quality of life is related to the variety and abundance of all species, commonly occurring species shall be conserved. The following policies shall be incorporated into the conditions of approval for all proposed discretionary land use proposals….

The current 2007 General Plan carried over these basic policies in various ongoing objectives quoted below:

> **CO-2** The county will maintain and enhance biological diversity and healthy ecosystems throughout the county.
>
> **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.

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.

M/OS-2 Improve and preserve open space corridors throughout the Mountain Region.

M/OS-2.2 Use open space corridors to link natural areas.

Major Wildlife Corridors, such as Wildlife Corridor 22, which links the City Creek watershed in the south front country with the Deep Creek watershed in the north, are critical to "maintain and enhance biological diversity and healthy ecosystems." They are essential for the proper management of National Forest lands within the mountain region. In order to follow the General Plan and "improve and preserve" Wildlife Corridor 22, the dismissive analysis in the DEIR that undervalues the true significance should be reassessed.

In view of the emphasis given to wildlife values in county policies, Audubon believes it is inappropriate for the DEIR to unduly downplay the importance of a major Wildlife Corridor.

On page 4.4-25 the DEIR cites certain goals and policies from the Lake Arrowhead Community Plan, of which the following relate to wildlife protection:

Goal LA/CO 1 Preserve the unique environmental features of Lake Arrowhead including native wildlife, vegetation, and scenic vistas.

Policies:

LA/CO 1.1 The following areas are recognized as important open space areas that provide for wildlife movement and other important linkage values. Projects shall be designed to minimize impacts to these corridors.

a. Grass Valley Creek Wildlife Corridor

b. Strawberry Creek Wildlife Corridor

c. Dispersion Corridor- between Lake Arrowhead and Running Springs and south of Highway 18.

LA/CO 1.4 Work with Federal, State and local agencies to protect significant wildlife corridors.

We note that the Lake Arrowhead Community Plan specifies "minimizing impacts," while the broader General Plan guidelines prescribe "enhancing biological diversity" and "improving" open space corridors, which we assert should be prevailing approach inside a National Forest.

The Lake Arrowhead Community policies are somehow translated into "Thresholds of Significance" by the DEIR, which are then analyzed on page 4.4-49 as to whether they would have a significant adverse impact on biological resources. The assessment below concludes that no significant impact results:

Threshold: Would the Project interfere substantially with the movement of any native

resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Impact 4.4-4 Implementation of the Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. There would be less than significant impacts.

The proposed improvements will largely be confined to existing developed/disturbed areas. The undeveloped forest surrounding the existing buildings and infrastructure has the potential to support

B7.4 cont'd

> the movement of mule deer, bobcat, coyote, and black bear through and around the site. Wildlife movement through these areas will be impeded by project-related disturbance, particularly use of hiking and riding trails. However, the northern half of the project site will remain generally undisturbed and should continue to provide relatively unimpeded movement opportunities for wildlife. As a result, the project site and the surrounding open space will continue to provide opportunities for local wildlife movement, and has the potential to function as a corridor for highly mobile wildlife species.

This conclusion notably does not address how wildlife gets across the highway or offer any actions that might "improve" the wildlife corridor. Neither does it address the Lake Arrowhead Community Plan Police CO 1.4: "Work with Federal, State and local agencies to protect significant wildlife corridors."

This DEIR's *less than significant* conclusion is based on narrowing the definition of a wildlife corridor, ignoring key policies in the General Plan for both enhancing biological diversity and improving wildlife movement, while neglecting to conduct any actual studies of wildlife movement. B7.4 cont'd

A viewing of aerial photographs and topographic maps plus a familiarity of the project site and its immediate surroundings indicate that Santa's Village is the most natural and assessable route in the westerly portion of Wildlife Corridor 22 for wildlife to travel from the Deep Creek watershed to the front country, which includes crossing Highway 18. Directly east of the site are various obstacles like steep drop-offs south of Highway 18 and the Robinson cement plant and the Heaps Peak Transfer Station on the north side of the highway. Additionally, the single safest path for animals crossing Highway 18 is directly in line with the SkyPark project site.

Audubon would like to see SkyPark put more focus on improving the ability of wildlife to move through the site, to avoid fencing that would obstruct such movement and to look for ways that would make the crossing of Highway 18 more accessible and safer. The casual downplaying of the value of a major wildlife corridor is disappointing when so much of the rest of Lake Arrowhead has already incorporated so many impediments to wildlife movement that their lives are continually in jeopardy.

4. Inadequate Protections for Southern Rubber Boa and California Spotted Owl

Audubon biologist David Goodward has reviewed the SkyPark project's Habitat Assessment and has prepared more extensive comments on the biological aspects of the project in a separate letter that is attached as an addendum at the end of this set of comments.

His conclusions indicate that the delineation of suitable habitat for SRB (shown in Exhibit 9), for San Bernardino flying squirrel (shown in Exhibit 10) and California spotted owl (shown in Exhibit 11) have each underestimated the scope of suitable habitat. There also appears to be a conflict between Mitigation Measure–Bio 18, which places a 400-meter protective zone around the spotted owl nest adjacent to the project and the siting of several trails within that range. 400 meters is roughly equivalent to a quarter of a mile. It appears that an existing access road, a proposed trail and two existing tracks (a single and double) encroach within that range, which the mitigation measure places off-limits for all activity. However, Audubon wishes to underscore the fact that the full range of suitable habitat appears to have been underestimated. B7.5

The DEIR identifies the following threshold of project impact on critical species on page 4.4-28 of the Biological Resources section followed by the conclusion that all impacts are relieved by mitigation:

> *Threshold: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local*

or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Impact 4.4-1 Implementation of the Project may have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. This impact would be potentially significant impact without mitigation incorporated.

Audubon believe that it is premature to make the conclusion that impacts are resolved by the current mitigation. In David Goodward's comments it is pointed that there are various gaps and flaws in the analysis. He is recommending that key adjustments to habitat assessments be made, that further data is necessary to substantiate certain conclusions and that this section of the DEIR be re-circulated for final public input. B7.5 cont'd

There is also a question as to whether the impacts of so-called "existing" roads, tracks and trails were included in the overall analysis. If not, they should be, insofar as the new uses proposed will greatly increase the level of activity. When an Audubon member walked the Santa's Village site prior to its purchase by the current owner, there was no evidence of such extensive trail routes as are indicated as already existing on Exhibit 5. Were these possibly improved and upgraded prior to the biological studies and Habitat Assessment?

5. Extreme Fire Danger and Inadequate Evacuation Routes

The DEIR accurately characterizes the extreme wildfire hazard of the San Bernardino Mountains, an environment designed by nature to burn on an annually basis. The prospect of forceful Santa Ana winds occurring in the driest time of year in conjunction with fire greatly increases the overall danger. The steep and rugged terrain make fire fighting difficult, and the wildland-urban mix of lots of residences and businesses inside the forest further compounds the challenge. In the last 20 years there have been several large destructive fires that destroyed hundreds of structures. The overdevelopment of the mountain environment makes it virtually impossible to avoid loss of structures and sometimes lives in the worst case incidents of wind and wildfire, a fact acknowledged in the Programmatic Environmental Impact Report for the County's 2007 General Plan.

The Programmatic EIR for the county's 2007 General Plan states 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." B7.6

In regard to these facts, the county's Programmatic 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." In other words the county itself has previously concluded that wildland fire hazard in the mountain area is an unavoidable significant impact.

However, what is not quite so readily admitted is that the evacuation routes off the mountain are quite likely to be severely inadequate in a worst case scenario. The Board of Supervisors commissioned a study in 2012, but the results appear to have been suppressed. The assumption is that there was fear that the findings might fall into the hands vandals, saboteurs or terrorists, who could then affect great mischief. Anyone who had to evacuation in the extreme conditions of 2003 vividly know the potential for a critical breakdown of the system.

The DEIR cites the following policies of the County General Plan:

Goals:

M/S 1 The County's emergency evacuation routes will quickly and efficiently evacuate all residents in the event of wildland fires and other natural disasters, and will ensure adequate access of emergency vehicles to all communities.

Policies:

M/S 1.1 Designate the following roads and highways as evacuation routes in the in the Mountain Region: State Highways 2, 18, 38, 138, 189 and 330, and Mount Baldy Road.

Goals:

LA/S 2 Ensure that emergency evacuation routes will adequately evacuate all residents and visitors in the event of a natural disaster.

Policies:

LA/S 2.1 Work with the Public Works Department and Caltrans to ensure that an adequate road system and proper access are provided to ensure safe and efficient evacuation for residents and visitors of the mountain communities.

LA/S 2.3 Work with the U.S. Forest Service to explore opportunities to develop access routes for evacuation purposes only through the National Forest. Evacuation routes through the National Forest would only be used in the event that primary evacuation routes are found to be inadequate.

The DEIR's "Threshold of Significance" on page 4.8-19:

Threshold: Would the Project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas and where residences are intermixed with wildlands.

B7.6 cont'd

The following conclusion is belied by the fact that the Programmatic EIR for the General Plan has already acknowledged that loss, injury or death cannot be avoided.

Impact 4.8-8 Implementation of the Project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires with Mitigation Incorporated.

Based off the California Department of Forestry and Fire Protection (Cal Fire), the Project is not located within a Very High Hazard Severity Zone. The list of areas in San Bernardino County with a Very High Hazard Severity Zone does not include Lake Arrowhead or the SkyForest community. The California Cooperative Forest Management Plan (CCFMP) includes fire protection objectives to increase the property's defense against fire, as well as maintain a healthy forest for recreational purposes. Some of the objectives include managing areas overgrown with chaparral and shade tolerant trees by clearing and trimming. Doing so creates horizontal and vertical defense space between the ground and the lower branches of larger trees during a fire. In addition, sheltered fuel breaks would be implemented along roads and near structures for future fire prevention or spread. The CCFMP also includes forest health objectives in order to return the forest to a more fire resilient state and to potentially reduce the threat of insect and disease introduced by stress caused from droughts and fire events. Removing chaparral and diseased tree species will accomplish the desired objectives. A routine schedule for maintenance would be important to sustain the changes of the property. Thus, yearly assessments to determine the timing to reduce competition of weeds and brush by mechanical or chemical treatment and an entry to thin trees would be necessary steps in restoration efforts. Several community camp fire rings are proposed at the campground. These camp fire rings would be supplied by natural gas and burning of wood or other materials at the campground would not be allowed. In addition to management plan objectives, mitigation measures below would further reduce the potential of exposing people or structures to a significant risk of loss, injury or death involving wildland fires.

MM HAZ-1: No smoking will be strictly enforced on the property, including but not limited to the campground site and Santa's Village.

MM HAZ-2: There will be no wood burning fires that create windblown embers. The campground site will include a few community fire rings that are supplied by natural gas lines extended from Santa's Village to the campground. The fire rings will be monitored during use. Use of camp fire rings at the campground must be operated in accordance with the San Bernardino County Fire Protection District Fire Code. A permit must be obtained by the fire code official prior to use of the camp fire rings at the campground. In case of a wildfire, the proposed Project would have adequate readily available water and pressure to meet fire flow standards. The existing 20,000-gallon water tank on the campground site will supply campground users/restrooms/showers but can also be used for fighting wildfires if needed. Additionally, the SkyForest Mutual Water Company (SFMWC) has adequate ground water sources, storage, and distribution line capacities to provide water to the Project in sufficient quantities to satisfy domestic water services and fire flow protection requirements for the proposed land use. Furthermore, the Crestline-Lake Arrowhead Water Agency (CLAWA), a water wholesaler delivering imported California State Water Project water to Crestline/Lake Arrowhead area has a waterline within an easement across the site, and there are multiple fire hydrants along this pipeline that could be accessed and used during emergencies. A less than Significant impact would occur with implementation of mitigation measures.

B7.6 cont'd

The SkyPark DEIR does not adequately realize 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 (CAL FIRE) and the federal Forest Service, are not given 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.

The county fire agency is one small component in the overall defense against wildfire in the mountain region.

Traffic Circulation and Evacuation:

The most important component of traffic circulation in the mountain region is the highly limited capacity for emergency evacuation in the event of a major earthquake or the recurring incidents of severe wildfire. The analysis of this contingency is inadequate, primarily because the critical overall inadequacy of mountain evacuation routes is nowhere directly acknowledged in any county planning documents. As a result the potential breakdown of an evacuation effort is not given the significance it warrants.

B7.7

In the first place, no comprehensive assessment exists by the county that evaluates or sets criteria for the vehicle capacity of specific routes and intersections in the case of a large scale evacuation emergency. There are scores of substandard and circuitous roads throughout the mountain communities where various alternative scenarios must be considered in case there are blockages at one or more key intersections or primary escape routes. This is critical, given that there are only three highways providing minimal evacuation opportunity off the mountain.

For this reason the existing transportation infrastructure is not adequate to accommodate the proposed project or any equivalent project. Emergency impacts on the local road infrastructure are already overextended. For example during the 2007 Grass Valley Fire, State Highway 189 was gridlocked and bottlenecked for over two hours. It is a small substandard two-lane road with steep grades and blind sharp curves. It is apparent from the 2007 experience that the highway cannot handle present emergency evacuations. Already rated at Level of Service "D," it is unrealistic to expect costly improvements in the foreseeable future, especially with current long-term financial crisis facing the California state government. The same scenario applies to most other mountain routes.

There are only three main routes off the mountain for Sky Forest residents. Two were blocked in 2003, when 80,000 residents had to be evacuated. In a worst case scenario, there is uncertainty whether existing numbers of people can safely evacuate. This should have been pointed out in the DEIR. Adding more people without adequate analysis does not support a conclusion of less than significant.

Although the project has an individual evacuation plan, the problem lies not so much with any given site as rather a chronic problem mountain-wide.

B7.7 cont'd

6. Inadequate Alternatives Analysis

On page 8.0-1 the DEIR states: "Section 15126.6(a) of the CEQA Guidelines requires that an EIR describe a range of reasonable alternatives to the Project, or a range of reasonable alternatives to the location of the Project, that could feasibly attain the basic objectives of the Project. An EIR does not need to consider every conceivable alternative project, but it does have to consider **a range of potentially feasible alternatives** that will facilitate informed decision making and public participation" [emphasis added]. Thus "a range of potentially feasible alternatives" is a legal requirement for the DEIR. CEQA further states that: "The range of alternatives required is governed by a 'rule of reason.' Therefore, the EIR must only evaluate those alternatives necessary to permit a reasoned choice. The alternatives must be limited to only ones that would avoid or substantially lessen any of the significant effects of the Project."

Despite these guidelines only one alternative other than the no project alternative is considered. In the discussion of the Environmentally Superior Alternative on page 8.0-18, it is noted that "If the 'No Project' Alternative is the environmentally superior alternative, State *CEQA Guidelines* Section 15126.6 (e)(2) require that another alternative that could feasibly attain most of the basic Project's basic objectives be chosen as the environmentally superior alternative." But no other alternative is evaluated in the DEIR that "could feasibly attain most of the basic Project's basic objectives." It is difficult to understand in this case why a reduced project alternative was not evaluated as a viable option.

Alternative #2 is not a proper or realistic alternative. The DEIR notes that the existing zoning of the Santa's Village parcels allows for residential land use, and then states on page 8.0-12 that if the project itself is not developed, then "it is anticipated that the site may be developed as residential…" However, the abstract possibility that another developer might propose residential development on the property is not an appropriate alternative, since the concept of a residential development does not match any of the project objectives. As the CEQA Guidelines section quoted above points out, the purpose of the alternatives analysis is to consider viable alternative versions of the project that meet most of the applicant's objectives, but that potentially would be less harmful to the environment. Instead of properly addressing the purpose of the CEQA Guidelines, the DEIR offers up an artificial "straw man" that is easily kicked over, i.e. a scenario chosen solely to produce a readymade conclusion, which the applicant uses to avoid analyzing any other more realistic or potentially feasible alternatives.

The Project Objective, as stated on pg 3.0-34, is: "The goal for the SkyPark at Santa's Village Project is to enhance the community through revitalization of the existing facilities and implementation of new active

B7.8

recreational amenities, wildlife and habitat education, community gathering areas, and a safe environment." On pages 3.0-34 and 8.0-2 a detailed enumeration of 15 idealistic objectives offers a series of noble-sounding community benefits, as if the applicant were a nonprofit public recreational service rather than a business venture. No mention is made of actually running a business or whether there are any limits to the cost of the project. The possibility that the business model might not make a profit does not seem to be a consideration.

However, apart from the failure to analyze the alternative correctly, there remains the question, Why did the EIR include an alternative that did not contain any of the basic project objectives for SkyPark? It's as if the DEIR chose a random alternate that it believed could quickly be dismissed simply to give the appearance of fulfilling the CEQA requirement. Instead there should be included a reduced project alternative that could feasibly meet the basic project objectives but would avoid more of the adverse impacts, one that would not require a zoning change but could still incorporate the Santa's Village commercial sector into the project –one that would eliminate some of the excessive trails in sensitive wildlife habitat and perhaps not require a crosswalk by potentially forgoing the RV park, the dual left turn lanes and traffic signal. B7.8 cont'd

It is apparent that the Alternatives Analysis provides no useful information and fails to meet the CEQA requirement. The cursory and inaccurate analysis of Alternative #2 raises concerns that other parts of the DEIR might also be subject to similar deficiency of detail and proper scrutiny.

Thank you for your consideration of these comments.

Sincerely,

Drew Feldmann

Drew Feldmann
Conservation Chair

Cc: Jeff Brandt, CA Dept of Fish & Wildlife
Steve Farrell, Sierra Club
Hugh Bialecki, Save Our Forest Association
Steve Loe, USFS Wildlife Biologist (ret.)
Ileene Anderson, Center for Biological Diversity
Lewis Murray, Field Representative 2nd District Supervisor, Janice Rutherford

ADDENDUM

Additional Comments by David Goodward, Biologist for San Bernardino Valley Audubon Society

San Bernardino Valley Audubon Society
P. O. Box 10973, San Bernardino, California 92423-0973

July 21, 2016

Kevin White, Senior Planner
County of San Bernardino
Land Use Services Dept -Planning Division
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0187

Subject: SkyPark at Santa's Village; Project No. P201500051; APNs 0332-211-02,-04 & 0332-212-02;
Draft Environmental Impact Report, State Clearinghouse Number: 3015091001

Dear Mr. White,

The San Bernardino Valley Audubon Society (SBVAS) is the local chapter of the National Audubon Society for almost all of Riverside and San Bernardino Counties. SBVAS has about two thousand members in that area, including many in the San Bernardino Mountain communities. Its missions are the protection of natural habitat for birds and other wildlife, and public education about the environment. It is a 501(c)(3) organization.

The San Bernardino Valley Audubon Society is pleased to take the opportunity to comment on the Habitat Assessment for the proposed SkyPark at Santa's Village. Many of our members recall visiting Santa's Village in the past and are hopeful that its revival will be a positive development for the mountains. We are pleased that SkyPark is planning a strong nature appreciation component to their project. It is very important to foster a deep appreciation of the forest and its wild inhabitants, and we encourage the venture, if it is approved, to incorporate as much environmental awareness into the planned amenities and activities as possible.

Even a forest-friendly establishment will have impacts to the very plants and animals they want to showcase. The San Bernardino National Forest (SBNF) is particularly sensitive to environmental impacts, given the extremely high visitation rates, the ecological effects of drought and climate change, and the presence of so many rare and declining species. SkyPark at Santa's Village has at least three of these rare and declining species, namely the San Bernardino Flying Squirrel (SBFS), the California Spotted Owl (CASO) and the Southern Rubber Boa (SRB). Other sensitive species may occur on site, but for the purposes of this letter, I will focus on these three species. A fourth, the Mountain Yellow-legged Frog, was analyzed in the Habitat Assessment. We agree with the assessment that this species is very unlikely to occur on site because Hooks Creek does not have the flows or deep pool characteristics required by this species.

For the remaining three species, maps of habitat suitability were produced. These maps will be used to help determine habitat impacts and the level of mitigation that is appropriate for those impacts. For two species, the California Spotted Owl and the San Bernardino Flying Squirrel, those maps are not valid and need to be reworked. Incorrect or inconsistent assumptions are made, and justifications are lacking. Underestimating project impacts can lead to marginal and insufficient mitigation measures, something that the San Bernardino National Forest cannot afford and does not deserve.

B7.9

San Bernardino Flying Squirrel (SBFS)

For this species, only 14.4 acres are deemed highly suitable. The reasons for the lower suitability of approximately 66 additional forested acres are as follows:

1) The canopy is too open (trees too widely spaced).
2) Lack of woody debris, which fosters truffle growth, which are purported to be an essential food item for SBFS.
3) SBFS remains found in owl pellets only in the northeast corner, the area of high suitability.
4) 4) An abundance of very young trees covering the forest floor, precluding access by SBFS.

We believe there is some validity to some of these postulates, but support is generally lacking. For the open canopy, numbers are listed for the type of spacing that allows SBFS to fly between trees, but it is not clear from the amp of the text which areas are too open. The area south of the pond (about 40 acres) is mapped as low suitability despite large areas of relatively large trees and closed canopy.

The close dependence on truffles was first proposed for the Pacific Northwest, a much wetter area than the San Bernardino National Forest. I am not aware of data that confirms dependence on or preference for truffles for this forest. Even the dependence on truffles in the Northwest has been challenged, with data suggesting other food sources are more nutritious and essential than the relatively indigestible truffles (Duncan, Sally. 2004. Science Findings, Pacific Northwest Research Station 60:p.3. Online at http//www.fs.us/pnw/science/scifi60.pdf.) Nonetheless, truffles are indeed sought out by flying squirrels in the Pacific Northwest and the Sierra Nevada when available (Meyer, M. D., M. P. North, and D. A. Kelt. 2005b. Fungi in the diets of northern flying squirrels and lodgepole chipmunks in the Sierra Nevada. Canadian Journal Of Zoology 83:1581- 1589. 2005; Carey, A. B. 2000. Effects of new forest management strategies on squirrel populations. Ecological Applications 10:248-257.). Downed logs and debris that can foster truffle growth were deliberately cleared out from these 40+ acres. "For recreational and management purposes it has been almost denuded of woody debris" (caption, photo 6). The forest will eventually generate new fallen logs and branches. To speed up this process, we recommend that logs and woody debris be deliberately replaced to enhance the forest floor, in keeping with the goal of SkyPark at Santa's Village to foster an appreciation of forest ecology. It is disingenuous to clear the forest floor and then claim it has low habitat suitability because it has been cleared, just in time for a proposed development.

B7.10 cont'd

As for factor 3) the presence of flying squirrel remains found in California Spotted Owl pellets in the northeast section, I would point out that this is in the vicinity of the CASO nest. Owl pellets elsewhere on the Project site would be hard to find, as most pellets are regurgitated in the close vicinity of the nests, often accumulating under the nest tree itself. This evidence cannot be used to suggest the remaining acreage away from the owl nest sites are NOT frequented by flying squirrels.

The argument that an abundance of young trees obscures the forest floor and makes it hard for the SBFS to forage is not supported. Indeed there is evidence to the contrary. Understory cover can provide protective cover for flying squirrels when they are foraging on the ground (Pyare, S., and W. S. Longland. 2002. Interrelationships among northern flying squirrels, truffles, and microhabitat structure in Sierra Nevada old-growth habitat. Canadian Journal of Forest Research 32:1016-1024). Given the agility and ingenuity of squirrels in general, I doubt if small trees or shrubs would deter them from finding food on the forest floor.

For the reasons stated above, it is biologically sound to assume SBFS has moderately to highly suitable habitat throughout the forested portions of the project site except in areas where the trees are too widely spaced.

California Spotted Owl (CASO)

A known CASO nest and adult were found at the northeast edge of the Project site and a habitat suitability map was generated with very similar areas of high, moderate and low suitability as that for SBFS. The highly suitable 14.4 acres includes the nest and consists of large trees towering over a forest floor with abundant downed logs and other woody debris. 56.4 acres of moderately suitable habitat consists of the southern section and lands west of the best habitat. The northern 11.3 acres are listed as low suitability.

The major mistake made in this Habitat Assessment is that it bases suitability on nesting habitat only, not on home range habitat, which includes foraging areas. On page 37, the Habitat Assessment points out that foraging habitat is often much more open than nesting habitat, with canopy cover as low as 40%.

A little basic math confirms that all of the forested portions of the Project site should be considered essential, with nesting in the NE section and foraging throughout. The Habitat Assessment lists the home range of CASO in the San Bernardino National Forest as 800-2,200 acres. Using the average of 1,500 acres, this converts to 2.34 square miles. If depicted as a circle, it would have a diameter of 1.73 miles. If this circle were overlain on the Project nest site depicted on Exhibit 5, the theoretical home range of that pair of owls would encompass the entire project site and more. So, while the northeast 14.4 acres has the nest, these birds would starve if they were confined to this fraction of their home range. B7.11

This is consistent with the Protected Activity Center (PAC) areas of Exhibit 5, which is based on direct habitat observation rather than theoretical circles. PACs provide the needs of a pair of owls to nest, forage and roost. The nest sites on Exhibit 5 are marked with ¼ mile radius circles, but the significance of these circles is not explained, and they are clearly not home range estimates due to their small size.

The Habitat Assessment uses dubious logic to downplay the importance of the land labeled as moderate or low suitability for CASO. The reasoning is based on those lands supposed dearth of flying squirrels for prey, even though evidence for poor flying squirrel habitat is lacking, as described above. In addition, CASO depends much less on flying squirrels for prey than wood rats (page 152), and there was no attempt to document the numbers of wood rats on the different portions of the Project site.

To conclude, we firmly disagree with the statement on p. 156 of the Habitat Assessment that habitat designations for CASO are "generally consistent with the mapping of habitat use by NRCS" (i.e. Exhibit 5). To the contrary, the NRCS data clearly shows the importance of the entire site to CASO. All forest acres on the project site are essential and therefore highly suitable for Spotted Owls.

Southern Rubber Boa (SRB)

The assessment for this secretive species follows to a degree the same pattern as the two preceding species. Its range is known to encompass the Project site and is expected to occur in suitable habitat. The north end is singled out as particularly suitable due to the presence of rock outcrops used as refugia by SRB. Part of the northeastern section, however, is scored as moderate potential for SRB, rather than the high potential for CASO and SBFS. This is based on the lack of rock outcrops, though the other forest characteristics are similar. As with the other species in question, forest in the southern half of the Project site is deemed low suitability due to the lack of downed logs and woody debris resulting from the recent forest clearing operations, and a lack of rock outcrops. The second to the last photo in the Biological Assessment for Southern Rubber Boa at the SkyPark at Santa's Village Project Site in the San Bernardino Mountains the Habitat Assessment illustrates this section of the project site. The report acknowledges the forest structure and composition are similar to that of the northern half. It is highly possible that SRB is found in this area, but without appropriately timed surveys in optimal weather, it remains a matter of probabilities. B7.12

It is frustrating to deal with a short term assessment of the forest when we know that in time, the duff and woody debris that was cleared by forestry crews will once again build up, rendering the habitat fully suitable for SRB. Rotten logs could be replaced to the site without increasing the fire danger, and would provide biological and educational benefits to the site. B7.12 cont'd

Mountain Yellow-legged Frog (MYLF)

This species is to date known only from the East Fork of City Creek, following its precipitous decline in the San Bernardino Mountains. We agree with the Habitat Assessment that Hooks Creek does not provide suitable habitat for this species, and that the onsite reservoir with its introduced predatory fish would also not be suitable. B7.13

Meadow Restoration

We have some concerns over the plans for meadow restoration. It is not explained why the reconfigured creek bottom is to be lined. This will cut off water from the creek edges and will not allow natural revegetation or watering of the meadow. The Habitat Assessment states that the upper end of the meadow is fed by sheet flows off the paved areas adjacent to the highway. We wonder if this condition will be allowed to persist if the Project proceeds, or if it will be channelized to prevent erosion and inconvenience to visitors. We urge that the meadow restoration be undertaken by professionals who are familiar with this uncommon habitat in the San Bernardino Mountains. This will ensure that the meadow can be restored to full biological function. To that end, we request that biologists from the San Bernardino National Forest be consulted over the meadow design, and be charged with granting approval to the choice for the restoration firm charged with restoring the meadow.

Lastly, we reluctantly point out that the Habitat Assessment illustrates a general lack of understanding of local reptile and amphibian species. While we are not referring to listed species, it is important for any document to be free from factual errors. It should not have to be the role of a nonprofit organization such as SBVAS to point out these factual errors. B7.14

Specifically, the Garden Slender Salamander does not occur anywhere near this elevation in the San Bernardino Mountains. The Monterey Ensatina is the common high elevation salamander, and I personally have found it on site at Santa's Village. The California King snake is not expected on site except perhaps in the chaparral south of the freeway, along with a few other low elevation snakes that could reach this high in open habitats. Rather, the California Mountain King snake (potentially threatened, State of California) would be expected. The San Bernardino Ring-necked Snake (Forest Service Sensitive) has a high probability of occurrence on site. The Two-striped Garter snake is found in some of the drainages on both sides of the San Bernardino Mountains. A database search for this California Species of Special Concern (and Forest Service Sensitive Species) might turn up records in the vicinity of the Project site. If in the area, it would be expected along Hook's Creek and the reservoir.

Comments on Mitigation Measures

MM BIO-7:

A preconstruction survey for SRB is not feasible. The chance of encountering a boa on the surface is miniscule, particularly when the timing of the survey will be determined by the construction schedule, not the exacting weather and season conditions that *might* bring SRBs to the surface. Relocation of listed species is a last resort form of mitigation. Avoidance or onsite protection and habitat enhancement is much preferred by the wildlife agencies. It those are not feasible, off-site acquisition of occupied habitat is the next option.

Likewise, a preconstruction survey for SBFS is not feasible. They are nocturnal and well hidden during the day. Avoidance by waiting for them to leave is not feasible, as nobody will know if they have left. As with SRB, there is no protocol in place for capture and relocation for SBFS.

As pointed out earlier, the entire project site is foraging territory for California Spotted Owl. As with the SBFS, the owls could be anywhere on the property during the night. During the day, they would likely be in the roosting/nest groves. There is no mitigation offered for the disturbance caused by trail building and most importantly the vastly increased presence of people on and off trail once SkyPark has been constructed. There is no analysis in the HA of how Spotted Owls respond to high levels of human activity near their nest area or in their foraging areas. This includes lighting and noise from SkyPark at Santa's Village. B7.15 cont'd

MM BIO-8:

Having a biologist closely attend to the trail work should be useful to rescue any SRB exposed/disturbed during trail building. However, paying a biologist to rake all duff and examine all fallen wood prior to construction does not sound realistic, especially when SRB could move into the previously examined areas after the search. There is a possibility that SRB will be injured or killed in the trail building activities, even if hand tools are used. A take permit from CDFW should be in place prior to construction, even with the mitigation measures proposed in the HA. B7.16

MM BIO-9:

The key word here is "retain". If the size and number of logs are not available, as they won't be in much of the southern portion of the project, then this mitigation measure is futile. If it is changed to "place" or "import" said logs, then it becomes meaningful for areas that were recently denuded by forestry crews. This needs to be spelled out clearly. The fuel break areas referred to in MM BIO-9 need to be delineated to CDFW to ensure effective mitigation will not be circumvented. B7.17

MM BIO-10:

This is very important, and will help the survival of SRB on site. B7.18

MMBIO-11:

We agree that this is sensible.

The measures to be taken to avoid disturbance to the other 5 species are not mitigation. Everything described is simply what must be done to construct a trail. Of course trails will be left in a rough state, with brush cleared and overhanging vegetation trimmed back. We agree that direct construction-related impacts will be minor. MM BIO-8 should help reduce the chance that SRB are injured or disturbed, but we still think a take permit should be in place prior to trail construction.

Daytime construction should not disturb or dislodge SBFS unless a roosting tree is cut down. We do not think preconstruction surveys would help with this, as locating a roost cavity would be very difficult. An effective mitigation measure could be the avoidance of all snags during trail construction. B7.19

Potential destruction of Andrew's Marble host plants could be mitigated by planting the host plants on the Project site. This would be in keeping with the stated goal of fostering an appreciation of local wildlife.

CASO mitigation measures:

MM BIO-17: This is redundant with MM BIO-16, but also potentially problematic. If owl surveys are conducted, and foraging areas are deemed owl-free, then does this mean construction could take place during the LOP? As pointed out earlier, all forested areas of the Project site should be considered occupied and essential. There needs to be an analysis of whether the trail construction would constitute a disturbance to CASO. The literature and experts might well say that if trail construction is a particular distance from roosting and nesting sites, that it would not constitute disturbance. These data however are lacking. B7.20

MM BIO-18:

It is not clear whether the 400-meter buffer from the nest site is sufficient. It might be, but no data is presented on the effects of trail construction and usage on nesting Spotted Owls. We therefore cannot judge whether this is an effective mitigation measure. However, it should be noted that the 400-meter buffer will preclude both existing road, tracks and proposed trail that are designed for the northern portion of the site. B7.21

MM BIO-19:

Given that the entire site is foraging territory for CASO, this means all snags in all forested portions of the site will be left intact. Does this also apply to trees that die in the future? While this sounds very environmentally friendly, we wonder if this is actually the intent of MM BIO-19. B7.22

MM BIO-20-24:

These both sound like measures for ongoing forestry operations, not simply trail construction. While they sound good for wildlife, the full intent of the measures should be made clear.

The mitigation measures for CASO clearly show intent to avoid driving away the owls that nest and forage on and near the Project site. We commend the Project for this wildlife friendly approach. We want to restate the importance of gathering information on whether this is indeed feasible. Given the amount of research that has been devoted to Spotted Owls, both Northern and California, there should be information out there on whether an operation like SkyPark at Santa's Village with large numbers of visitors can actually coexist with the owls. This information is lacking in the Habitat Assessment. If it turns out the projected level of activity and the forestry practices and mitigation measures proposed are not sufficient to avoid driving away or otherwise impacting the local owls, then the feasibility of offsite mitigation needs to be analyzed as well. The habitat suitability map for CASO needs to be changed to recognize the importance (high suitability) of all the forested areas on site. B7.23

In anecdotal experience, we suspect SBFS will be able to coexist with SkyPark. This impression is based on observations of SBFS visiting bird feeders and nesting in abandoned buildings. The Habitat Assessment map needs to be changed to recognize the suitability of much of the forested habitat on site.

We have concerns that there may be some take of SRB during trail construction. We also are concerned that visitors who chance upon SRB may take them as pets. On-site mitigation for impacts to SRB might be feasible at SkyPark at Santa's Village because the opportunity exists for habitat enhancement of the southern forest, i.e. replacement of downed logs and woody debris that was removed during the last bark beetle outbreak. This would have to be shown to be compatible with any required forestry practices for fire prevention.

To summarize, this Habitat Assessment is heading in the right direction for protecting wildlife, but it needs work. Recirculation of the DEIR with additional information about wildlife impacts would be the appropriate course of action. B7.24

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Response B7
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B7.1: Responses to topics #1-6 are outlined below in B7.2-B7.8.

B7.2: The EIR is not required to justify the reason for the General Plan Amendment/Zone Change or to discuss the project findings for approval of the project. The Land Use Section of the DEIR does evaluate potential land use impacts of the project including the General Plan Amendment/Zone Change.

To clarify, the proposed development does need a General Plan Amendment/Zone Change in order for the proposed use to be consistent with existing land use designations in the General Plan. All of the proposed project uses are not allowed in the currently designated land use districts for the site, which includes Special Development – Residential (LA/SD-RES) and the Single Residential District (LA/RS-14M). The appropriate San Bernardino County land use designation for the proposed project uses is the Outdoor Commercial Entertainment facility. Development of an Outdoor Commercial Entertainment facility is not allowed under the current designations per table 82-17 of the County Development Code.

The project site was previously used as an amusement park and one of the primary uses of the current proposal is to re-establish the Santa's Village amusement park use. At the time of the parks closure in 1998 the property was designated both Lake Arrowhead/Planned Development - 1 unit per 14,000 square feet (LA/PD-1/14m) and Lake Arrowhead/Single Residential – 14,000 square feet minimum lot size (LA/RS-14m) with the majority of the property and all of existing Santa's Village structures occurring in the portion designated LA/PD-1/14m. The Santa's Village amusement park was consistent at that time with the LA/PD 1/14 designation as the Planned Development District which allowed all commercial uses subject to a Use Permit. In 2007 when the County's General Plan was updated the property was designated LA/SD-RES. Once this amendment was adopted and Santa's Village remained inactive for more than 180 days under the LA/SD-RES designation, the amusement park use, was considered void. The commenter is correct, the current zoning does allow some residential and commercial uses, however the proposed land use is not one of the commercial uses allowed. Therefore, the proposed General Plan Amendment to change the Official Land Use District of the project site to Lake Arrowhead/Rural Commercial would allow the type of commercial uses proposed.

The Findings required for a General Plan Amendment were prepared by the County's Land Use Services Department and included in the Planning

Commission Staff Report (page 24-27) for this project, Hearing Date May 18, 2017, Agenda Item #3.

B7.3: The proposed amendment to the Lake Arrowhead Community Plan Policy LA.CI 1.14 was evaluated by County Staff from Land Use Services, County Fire, and Public Works departments as well as County Counsel. The County determined that development of the project site as proposed would not require construction of an extension of Cumberland Road to connect to SR-18. The project site already has legal and physical access to SR-18 that is adequate for access to the site and safe evacuation in the case of an emergency. The extension of Cumberland Road was incorporated in the General Plan to serve potential future residential developments that would be anticipated under the current General Plan land use designations. The distinction between the proposed project and a residential development is that all vehicular access to the project site will be limited to the existing parking lots adjacent to SR-18. No additional internal circulation is required, so construction of an extension of Cumberland Road is not necessary. A residential development such as the previously proposed Hawarden Project would cause additional impacts to the local circulation system, which would require extension of Cumberland Road for local access and as an evacuation route.

When the current General Plan was adopted in 2007, residential or mixed use development including residential was expected to occur on the project site. It was not foreseen that the previous amusement park use would be re-established. That is why the LA/SD-RES designation was placed on the majority of the property in the 2007 General Plan update. The intent of the circulation policy as stated in the DEIR, was to require construction of the Cumberland Road extension as a condition of a future residential development.

The Findings required for a General Plan Amendment were prepared by the County's Land Use Services Department and included in the Planning Commission Staff Report (page 24-27) for this project, Hearing Date May 18, 2017, Agenda Item #3.

B7.4: As outlined in the Habitat Assessment for the project site (Appendix D of the DEIR), habitat linkages provide links between larger habitat areas that are separated by development. Wildlife corridors are similar to linkages, but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species, yet inadequate for

others. Wildlife corridors are significant features for dispersal, seasonal migration, breeding, and foraging. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

The 152.92-acre project site consist of 132.5 acres of relatively undisturbed natural habitats and is surrounded on all four sides by large areas of open space that still support natural plant communities and forest. The project site is located along the western boundary of a wildlife movement corridor, as designated by the San Bernardino County General Plan Open Space Element (Habitat Assessment Exhibit 8, *Wildlife Corridors* and new EIR Exhibit 4.4-6, *Wildlife Corridors*). However, the designated corridor is not a narrowly defined wildlife movement corridor but, instead, is designated as a "Dispersion Corridor," which provides a broad area, a little over 5,000 acres in size that is approximately 3 miles wide (east to west) and 4 miles long (north to south), for wildlife to move through in transitioning between two narrowly confined wildlife corridors, the Deep Creek and City Creek wildlife movement corridors. The proposed project is the "re-development/reuse" of 4.8 acres of land in at the southern end of the project site that was developed in 1955 as Santa's Village, and retains all the original buildings, to Sky Park at Santa's Village. Wildlife will continue to be able to use the remaining 148.12 acres of undeveloped property for traversing the San Bernardino Mountains as they move between Deep Creek to the north of the project site to City Creek, south of the project site.

The proposed improvements will be confined to existing developed/disturbed areas, primarily the original Santa's Village. The undeveloped forest surrounding the existing buildings and infrastructure will continue to support the movement of muledeer, bobcat, coyote, and black bear through and around the site. Wildlife movement through undeveloped areas could be constrained during the day time by project-related disturbance, particularly use of hiking and riding trails. However, most migrating wildlife move at night and would not be effected. And, as noted above, most of the project site will remain undisturbed and should continue to provide relatively unimpeded movement opportunities for wildlife. As a result, the project site and the surrounding open space will continue to provide opportunities for local wildlife dispersion and localized movement, and will continue function as a corridor for highly mobile wildlife species.

Refer to responses B4.6 and B4.7 above which indicate the analysis contained in the DEIR identifies the importance of wildlife corridors and indicate that the project is located entirely within Dispersion Corridor 22 designated in the San Bernardino County General Plan Open Space Element. The analysis contained in the EIR acknowledges that the site is located within an important wildlife corridor and evaluates if the proposed project incorporates anything that would adversely

affect the function and value of this corridor or ability to continue to be used by wildlife in the region.

As stated in this comment (Audubon B7.4), "The two most frequented crossings appear to be at the hairpin curve on Highway 18 at the east end of Santa's Village, where CalTrans has already posted Deer Crossing signs, and at the west end of the park, where the original entrance is located. The diagonally trending west boundary of Santa's Village intersects the highway at this point. The west boundary along Hooks Creek is prime corridor for bear and deer and smaller animals."

As seen in exhibits with an aerial photograph of the site and the site boundary (Exhibit 3.0-3, *SkyPark at Santa's Village Site Plan*), the east end of the site near the hairpin turn on SR-18 contains most trees and forest cover on both sides of the highway for animals moving in a north south-direction in the area. The property directly east of the site is undeveloped US Forest Service land. The developed portion of the site that contains the existing Santa's Village and parking lots (north and south of SR-18) and the proposed campground site have limited to no natural vegetation and forest cover. There is some natural vegetation and trees along the western side of the property. The west side of the property contains an existing dirt road which is an access road for underling utilities which runs west of and parallel to Hencks Meadow and leads to the pond. Extending northeast of the pond is Hooks Creek which continues in a northwest direction off the property. These existing site features support the two most frequented crossings of SR-18 on the west side and east site of the property. Wildlife is less likely to cross near the center of the site where the campground site lacks cover and the developed Santa's Village.

The project is required to construct a traffic signal at the intersection of SR-18 and the proposed main access (as shown in DEIR Exhibit 4.16-14, *Proposed Intersection Configuration*). The required improvements include widening the highway and restriping to provide a left turn lane for traffic in each direction. However, the intersection, and additional turn lanes, are located near the center of the site where wildlife is less likely to cross the highway. The two most frequented crossings of SR-18 identified in the comment are along the east and west sides of the property and will not be widened or otherwise modified by the project. The signal and turn lane improvements are required to control traffic to allow for safe ingress, egress, and pedestrian crossing. These improvements provide traffic calming on an existing facility and do not constitute a new roadway, roadway expansion or utility with the potential to warrant a wildlife crossing pursuant to the County's standards.

As outlined in response B4.7 the project site does not have perimeter fencing. The previous owners had animals on the site and had perimeter fencing on the site to contain animals. The current owner has removed this fencing, an estimated 3 miles of it, thereby improving the site's ability to function as a wildlife corridor. Currently the site contains no more than a total of approximately 500 linear feet of fencing at two locations, strategically placed to control unauthorized access to the site by people. This fencing is only in short discontinuous segments and is not an impediment to wildlife movement through the site.

As identified in this comment (Audubon B7.4), the west boundary along Hooks Creek is prime corridor for bear and deer and smaller animals. Hencks Meadow is located between the western boundary of the site along SR-18 and Hooks Creek and functions as connection between them, and part of this diagonally trending linkage across the site from SR-18 to the northwest corner. The restoration of Hencks Meadow in accordance with the NRCS Conservation Plan will improve the value and function of this area of the site as a wildlife corridor. Prior to the restoration the meadow was covered with wood chips, open, and with little natural and vegetative cover. With the restoration of the meadow includes basins and stream channels connections to the pond and headwaters of Hooks Creek on the northwest side of the pond. The restoration includes placement of habitat and cover including rock and downed log piles as well as native grass and shrub plantings. The restoration of the meadow will result in an improved wildlife corridor across the site. The proposed project does not include any modifications or re-alignments of Hooks Creek; it will remain in its current state, preserved and unaffected by the proposed project.

The EIR includes thirty (30) mitigation measures to reduce potential impacts to biological resources. A Mitigation Monitoring and Reporting Program has been prepared and includes all of the mitigation measures identified in the EIR and who the responsible implementation party is, the monitoring period, and the monitoring agency. Therefore, the proposed project will be conditioned to implement the mitigation measures outlined in the EIR, which were deemed feasible, consistent with the County conservation measure CO 2.4.

A reference is made in this comment (Audubon B7.4) to a County program that shall require all new roadways, roadway expansion, and utility installation within the wildlife corridor identified in the Open Space and Biological Resource Overlays to provide suitable wildlife crossings for affected wildlife. Refer to discussion above on page 108 related to the improvements on SR-18 that are required.

Although there are also goals and policies outlined in previous versions of the General Plan for the conservation of natural resources, the current version (2007, as amended) supersedes prior versions of the General Plan (1989). An evaluation of superseded General Plan policies is not required.

This comment (Audubon B7.4) indicates:

> "The current 2007 General Plan carried over these basic policies in various ongoing objectives quoted below:
>
> **CO-2** The county will maintain and enhance biological diversity and healthy ecosystems throughout the county.
>
> **CO-2.1** The county will coordinate with state and federal agencies and department 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 review and approvals of development programs.
>
> **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.
>
> **M/OS-2** Improve and preserve open space corridors throughout the Mountain Region.
>
> **M/OS-2.2** Use open space corridors to link natural areas."

The proposed project has a very small development footprint and preserves a large amount of natural forest habitat. The County coordinated extensively with the California Department of Fish and Wildlife and the Lahontan Regional Water Quality Control Board through the EIR process to ensure the proposed project is avoiding or minimizing impacts to biological resources on the site and in the region, including rare and endangered species, and where all impacts cannot be avoided they are fully mitigated. The property directly east of the project site is US National Forest. The proposed project will preserve natural high-quality forest habitat directly adjacent to US National Forest land which will serve as a buffer between developed areas to the west of the project site. As outlined above in this response and in response B4.6, the proposed project will not only preserve but will enhance the existing wildlife corridor that exists across the site.

This comment (Audubon B7.4) indicates:

"On page 4.4-25 the DEIR cites certain goals and policies from the Lake Arrowhead Community Plan, of which the following relate to wildlife protection:

Goal LA/CO 1 Preserve the unique environmental features of Lake Arrowhead including native wildlife, vegetation, and scenic vistas.

Policies:

LA/CO 1.1 The following areas are recognized as important open space areas that provide for wildlife movement and other important linkage values. Projects shall be designed to minimize impacts to these corridors.

a. Grass Valley Creek Wildlife Corridor
b. Strawberry Creek Wildlife Corridor
c. Dispersion Corridor – between Lake Arrowhead and Running Springs and south of Highway 18.

LA/CO 1.4 Work with Federal, State, and local agencies to protect significant wildlife corridors.…

The Lake Arrowhead Community policies are somehow translated into "Thresholds of Significance" by the DEIR, which are then analyzed on page 4.4-49 as to whether they would have a significant adverse impact on biological resources."

As outlined above, the proposed project has a very small development footprint and preserves a large amount of natural forest habitat which supports native wildlife species. As outlined in Section 4.1, *Aesthetics, Light and Glare* of the DEIR (page 4.1-8), the proposed project will not adversely affect a scenic vista. As outlined above and in response B4.6 the analysis contained in the DEIR identifies the importance of wildlife corridors and indicates that the project is located entirely within a wildlife corridor designated within Dispersion Corridor 22 in the San Bernardino County General Plan Open Space Element, between Lake Arrowhead and Running Springs.

The Lake Arrowhead Community policies were not translated into "Thresholds of Significant" in the DEIR as asserted in this comment. As clearly stated on page 4.4-27 and 4.4-28 of the DEIR,

"Thresholds of Significance

The following thresholds of significance are based on CEQA Guidelines Appendix G. For purposes of this EIR, implementation of the proposed plan may have a significant adverse impact on biological resources if it would do any of the following:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on federally protected wetlands as defined by Clean Water Act Section 404 (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan."

The thresholds of significance utilized in the DEIR for analysis and findings of significance were based on the CEQA Guidelines. One of these thresholds indicates that if there is a conflict with local policies or ordinance protecting biological resources the project may have an adverse significant effect. The assessment in the DEIR includes identification of what the applicable policies or ordinances are and if the project will conflict with them in order to determine the significance of potential impacts from the project of that threshold question as well as the other threshold questions outlined in the CEQA Guidelines.

B7.5 Refer to responses B7.11 (related to California spotted owl), B7.12 (related to southern rubber boa), and B7.21 (Mitigation Measure MM BIO-18) below.

B7.6 The County's Programmatic EIR for the General Plan did conclude that the potential impacts from wildland fires cannot be mitigated to a level below significance. As outlined in Chapter II, *Introduction, A. Purpose of the Final*

Environmental Impact Report (page II-1) of the County's Final Program Environmental Impact Report, "The Final Environmental Impact Report (FEIR) provides an analysis of the potential environmental effects associated with a comprehensive update to the County's General Plan, the 13 areas within the County where Community Plans have been prepared, and the new County of San Bernardino Development Code (Title 8 of the County Code) that replaced the existing Development Code in its entirety." The County's Program FEIR includes an impact analysis of development throughout the entire County.

The SkyPark at Santa's Village Project DEIR (Section 4.8, *Hazards and Hazardous Materials*, page 4.8-1 through 4.8-21) included a project specific analysis of the project's potential to expose people or structure to significant risk of loss, injury or death involving fires and concluded that the project's potential impacts, both project specific and cumulatively, would not be significant with implementation of mitigation measures. The conclusions in the SkyPark at Santa's Village Project DEIR are not contradicted or disproven based on the fact that the County's Program EIR concluded significant impacts. They are separate standalone analyses, one on the potential of one specific project (SkyPark at Santa's Village) to have an impact and one on the potential of implementation of the entire County General Plan to have an impact.

This comment (Audubon B7.6) asserts "The County has disproportionate project approval authority without comparable accountability or responsibility for adverse consequences." The proposed project requires General Plan Amendments and a Conditional Use Permit from the County; which are entirely at the discretion of the County and no other local, state or federal agency. The EIR includes an analysis of the potential environmental impacts that would result if the County approves these discretionary actions. The EIR process includes the ability of other local, state and federal agencies to provide input to the lead agency on the environmental impact analysis. CAL Fire and the US Forest Service provide comment letters to the County on the Initial Study/ Notice of Preparation which included input on what the EIR analysis should include. The County made sure that all the topics, including fire hazard, were addressed in the DEIR analysis. The DEIR was provided to these agencies for review and additional comment. CAL Fire and US Forest Service did not submit additional comments on the DEIR.

B7.7 This comment (Audubon B7.7) indicates the existing transportation infrastructure (highway and roadway network) in the mountains is inadequate to provide emergency evacuation and that this is not addressed in the EIR. This is not a CEQA

threshold, outlined in the CEQA Guidelines, to be included in an EIR. Rather, the project's impact on an adopted emergency response plan or emergency evacuation plan is a threshold outlined in the CEQA Guidelines Appendix G and included in the DEIR, Section 4.8 *Hazards and Hazardous Materials*, page 4.8-13,

> "*Threshold: Would the Project impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?*
>
> **Impact 4.8-7 Implementation of the Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. This impact would be *less than significant*."**

The DEIR included an analysis of the project's potential to adversely affect an emergency response or evacuation plan and the following conclusion was made:

> "Implementation of the proposed Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan and therefore, potential impacts would be less than significant."

B7.8 Refer to response B1.3 above.

B7.9 The County appreciates the San Bernardino Valley Audubon Society (SBVAS) review of and input on the SkyPark DEIR, specifically the detailed comments related to sensitive biological resources.

Refer to response B7.11 below related to California spotted owl habitat map.

Refer to response B7.10 below related to San Bernardino flying squirrel habitat map.

B7.10 As outlined in the San Bernardino Flying Squirrel Habitat Suitability Assessment report for the project (provided in Appendix D of the DEIR) the assessment was conducted collectively by three biologists that regularly conduct habitat suitability assessments for a number of small mammal species such as the (San Bernardino Flying Squirrel (SBFS). The site was walked along Hooks Creek to the meandering trails throughout the north portion of the project site. While walking through the site, the surroundings were evaluated for presence of the species through direct observations, aural detection, and signs of presence including scat. Other site

characteristics such as soil condition, topography, hydrology, anthropogenic disturbances, indicator species, and condition of on-site plant communities were also considered to determine the suitability of habitat for the species.

The habitat suitability assessment for SBFS identified approximately 82 acres of suitable habitat are present within the project site for the species foraging, nesting/denning, and gliding needs, as shown in DEIR Exhibit 4.4-2. Although all 82 acres of suitable habitat were determined to provide sufficient habitat to support SBFS, the quality of habitat varied across the site, general from low but habitable quality at the southern portions of the property to high quality in the northeastern portion of the project site where there have been siting's of SBFS and the habitat consists of the preferred mature old growth with a high canopy cover. These factors collectively determined this area to be of high suitability for SBFS to occupy. The other areas were described as lower suitability because of the canopy structure for foraging and canopy for the moderate areas did not consists of as much of the mature old growth the species prefers, rather it contained a mixture of young and old trees with a varying canopy from open to closed with a reasonably open understory. These areas were deemed as moderate suitability and with the potential for SBFS to occupy, however, not as likely to occur as compared to the high suitability areas.

The areas within the project site boundaries that were deemed to lack suitable habitat for the SBFS were those that are open with few or no trees, an area of approximately 66.3 acres as shown in DEIR Exhibit 4.4-2. The low suitability areas were deemed to have a lower potential for this species to occur due to open canopy cover where trees are too widely spaced, the lack of downed woody debris on the forest floor, habitat fragmentation through existing development, and/or an abundance of newer tree growth.

Subsequent to preparation of the San Bernardino Flying Squirrel Habitat Suitability Assessment report and the DEIR a meeting was held on site (May 31, 2017) with several individuals that are versed in biological resources of the San Bernardino Mountains, including David Goodward, San Bernardino Valley Audubon Society, Dr. Timothy Krantz, University of Redlands, Steve Loe, Certified Wildlife Biologist, Robert Sherman, former Conservation Agent, and Gina Richmond, Botanist to further discuss onsite habitat for sensitive species, potential impacts from the proposed project, and mitigation measures. Additional information was provided at this meeting related to the specific habitat requirements of the SBFS and it was determined that suitable habitat for SBFS. Those in attendance agreed that some of the areas previously mapped in the San Bernardino Flying Squirrel Habitat Suitability Assessment and in Exhibit 4.4-2,

SBFS Habitat Suitability Map of the DEIR as marginal or unsuitable habitat for SBFS do exhibit some habitat potential for the species foraging.

The DEIR included an analysis of potential impacts to SBFS from construction, maintenance and use of trails throughout the project site, and more specifically in the northeastern portion of the site with the high-quality habitat for this species. The DEIR included mitigation measures to reduce potential impacts to sensitive species and their habitat on site. As outlined in response A1.2 and A1.3 above, Mitigation Measures MM BIO-6, MM BIO-7 were revised with input from CDFW to be more detailed and specific. In response to CDFW comments and input at the onsite May 31, 2017 meeting Mitigation Measure BIO-27 was added to conserve 30.5 acres of highest quality habitat for SBFS in the northwestern portion of the site in perpetuity. Mitigation Measures MM BIO-28 and MM BIO-29 were added to further reduce and minimize potential impacts from use of the trails. The experts agree that the highest quality habitat for SBFS is in the northeastern portion of the site. Although the experts do not agree on the same delineation of unsuitable and low quality and habitat on the site for SBSF, the applicant agreed to recognize the more comprehensive and conservative amount of the property that could provide some level of habitat to support SBSF. This acknowledgement does not change the impact analysis in the DEIR and the analysis and findings remain valid. With implementation of Mitigation Measures MM BIO-6, MM BIO-7, and MM BIO-27 potential impacts to SBFS are reduced to less than significant levels.

B7.11 As outlined in the California Spotted Owl Habitat Suitability Assessment report for the project (provided in Appendix D of the DEIR), it was determined approximately 82.1 acres of suitable habitat is present within the project site for this species. The suitability assessment did include and consider the areas for this species' foraging, nesting, and roosting needs. Nesting habitat was included as part of the highest habitat suitability while foraging areas were broken down into a moderate and low habitat suitability designation. All areas with suitable habitat onsite have been considered in the proposed mitigation measures to reduce the projects impacts on CASO. Approximately 66.2 acres of unsuitable habitat was designated in the southeastern portion of the site north and south of SR 18 and the area along the western border of the project site from the parking lot to the pond. Canopy cover in these areas are too low, the area is developed, or it is disturbed by constant human interference.

Although all 82.1 acres of suitable habitat were determined to provide sufficient habitat to support CASO, the quality of habitat varied across the site, general from low but habitable quality at the southern portions of the property to high quality

in the northeastern portion of the project site where there have been siting's of CASO. The habitat in this area generally consist of larger, older trees with reasonably high canopy closure, a heavier but generally open duff layer, and abundant downed woody debris. It also includes riparian habitat in Hooks Creek. Moderate quality habitat suitability was then determined by including areas that are already in use through an established trail system and have a mixture of young and old trees where the canopy varies from closed to open. Areas with the low quality but inhabitable habitat in the northwestern portion of the site, with woody debris is almost absent and numerous existing trails has left small patches of relatively undisturbed forest floor, reducing the potential for substantial prey base to develop on the ground.

Exhibit 5 of the California Spotted Owl Habitat Suitability Assessment report includes data from NRCS. The Protected Activity Center (PAC) is a term from NRCS that is defined as a single area in which an individual or pair of resident spotted owl can nest, forage, and roost. The NRCS data on locations of CASO Nest Tree 2014 and PAC can be found on page 163 of the Skypark at Santa's Village Habitat Assessment in Appendix D of the DEIR. The NRCS data shown on Exhibit 5 shows the PAC to be very similar to the boundaries shown in Exhibit 6, Habitat Suitability Map with the highest quality habitat for this species.

Subsequent to preparation of the California Spotted Owl Habitat Suitability Assessment report and the DEIR a meeting was held on site (May 31, 2017) with several individuals that are versed in biological resources of the San Bernardino Mountains, including David Goodward, San Bernardino Valley Audubon Society, Dr. Timothy Krantz, University of Redlands, Steve Loe, Certified Wildlife Biologist, Robert Sherman, former Conservation Agent, and Gina Richmond, Botanist to further discuss onsite habitat for sensitive species, potential impacts from the proposed project, and mitigation measures. Additional information was provided at this meeting related to the specific habitat requirements of the CASO. Those in attendance agreed that some of the areas previously mapped in the Habitat Suitability Assessment report and reflected in Exhibit 4.4-3, *CASO Habitat Suitability Map* of the DEIR as marginal or unsuitable habitat for CASO do exhibit some habitat potential for the species for foraging.

The DEIR included an analysis of potential impacts to CASO from construction, maintenance and use of trails throughout the project site, and more specifically in the northeastern portion of the site with the high-quality habitat for this species. The DEIR included mitigation measures to reduce potential impacts to sensitive species and their habitat on site. As outlined in response A1.2 and A1.3 above, Mitigation Measures MM BIO-6, MM BIO-7 were revised with input from CDFW

to be more detailed and specific. In response to CDFW comments and input at the onsite May 31, 2017 meeting Mitigation Measure BIO-27 was added to conserve 30.5 acres of highest quality habitat for CASO in the northwestern portion of the site in perpetuity. Mitigation Measures MM BIO-28 and MM BIO-29 were added to further reduce and minimize potential impacts from use of the trails. The experts agree that the highest quality habitat for CASO is in the northeastern portion of the site. Although the experts do not agree on the same delineation of unsuitable and low quality and habitat on the site for CASO, the applicant agreed to recognize the more comprehensive and conservative amount of the property that could provide some level of habitat to support CASO. This acknowledgement does not change the impact analysis in the DEIR and the analysis and findings remain valid. With implementation of Mitigation Measures MM BIO-6, MM BIO-7, and MM BIO-27 potential impacts to CASO are reduced to less than significant levels.

B7.12 As outlined in response B5.5 above and in the Biological Assessment for Southern Rubber Boa report for the project (provided in Appendix D of the DEIR), it was determined approximately 77.9 acres of suitable habitat is present within the project site for this species. As outlined in the Conclusions section of the Biological Assessment for Southern Rubber Boa report, "Suitable habitat occurs for the southern rubber boa in the mixed conifer forest at the north end of the site in association with the rock outcrops, rotten logs, leaf litter, and the mesic habitat along Hooks Creek north of the reservoir. Suitable habitat also occurs on the slopes southeast of the reservoir where numerous fallen trees, and rotten logs, and leaf litter were observed. Based on these conditions, the potential occurrence of the southern rubber boa is high to moderate-high in those areas, respectively. Moderately suitable habitat occurs in the mixed conifer forest north and east of the reservoir where rotten logs, leaf litter, and mesic conditions occur but no rock outcrops were observed. The mixed conifer forest habitat south of the reservoir is essentially devoid of rock outcrops and most of the downed trees and logs have been removed from the site, although mesic conditions exist under the canopy in some areas. The potential occurrence of the southern rubber boa is low in that area. South of State Route 18, most of the habitat is disturbed or dominated by annual grasslands and montane chaparral where conditions are relatively dry. Southern rubber boas are not expected in this area, or in the open meadows, disturbed habitats, and developed portion of the site north of State Route 18. An estimate of the extent and quality of suitable habitat is provided in Exhibit 4."

Although most of the undisturbed forested habitat throughout the project site is considered suitable and habitable for SRB, the habitat in the northern-most portion

of the project site provides highest quality habitat for SRB. Although SRB has not been documented onsite, for the analysis in the EIR, it is assumed that SRB occurs within the project site with the highest potential of occurrence in the highest quality habitat in the northern and western portion of the project site.

Subsequent to preparation of the Biological Assessment for Southern Rubber Boa report and the DEIR a meeting was held on site (May 31, 2017) with several individuals that are versed in biological resources of the San Bernardino Mountains, including David Goodward, San Bernardino Valley Audubon Society, Dr. Timothy Krantz, University of Redlands, Steve Loe, Certified Wildlife Biologist, Robert Sherman, former Conservation Agent, and Gina Richmond, Botanist to further discuss onsite habitat for sensitive species, potential impacts from the proposed project, and mitigation measures. Additional information was provided at this meeting related to the specific habitat requirements of the SRB. Those in attendance agreed that some of the areas previously mapped in the Biological Assessment for Southern Rubber Boa report and reflected in Exhibit 4.4-1, *SRB Habitat Suitability Map* of the DEIR as marginal or unsuitable habitat for SRB do exhibit some habitat potential for the species for foraging. SRB have also been found in recent years outside of their historically documented range. It was also identified that the meadow, once restored, would likely provide additional onsite habitat for SRB at the forested areas south of SR-18 within the project area may also provide habitat for SRB.

The DEIR included an analysis of potential impacts to SRB from construction, maintenance and use of trails throughout the project site, and more specifically in the northeastern portion of the site with the high-quality habitat for this species. The DEIR included mitigation measures to reduce potential impacts to sensitive species and their habitat on site. As outlined in response A1.2 and A1.3 above, Mitigation Measures MM BIO-6, MM BIO-7 were revised with input from CDFW to be more detailed and specific. In response to CDFW comments and input at the onsite May 31, 2017 meeting Mitigation Measures MM BIO-25 and MM BIO-26 were added to outline in much greater detail the avoidance and minimization measures to be used during on site construction, maintenance, and use of trails and Mitigation Measure MM BIO-27 was added to conserve 30.5 acres of highest quality habitat for SRB in the northwestern portion of the site in perpetuity. Mitigation Measures MM BIO-28 and MM BIO-29 were added to further reduce and minimize potential impacts from use of the trails.

The experts agree that the highest quality habitat for SRB is in the northern portion of the site. Although the experts do not agree on the same delineation of unsuitable and low quality and habitat on the site for SRB, the applicant agreed to recognize the more comprehensive and conservative amount of the property that could

provide some level of habitat to support SRB. This acknowledgement does not change the impact analysis in the DEIR and the analysis and findings remain valid. With implementation of Mitigation Measures MM BIO-6 through MM BIO-11 and MM BIO-25 through MM BIO-29, potential impacts to SRB are reduced to less than significant levels.

B7.13 Comment noted. The County appreciates your input on the Habitat Assessment for the Mountain Yellow-legged Frog (MYLF).

B7.14 For the onsite restoration of Hencks Meadow and Hooks Creek the USDA Natural Resources Conservation Service did prepare Drawings and Specifications for the Lined Waterways or Outlet and Water & Sediment Control Basins which include Detail Plans for the Water & Sediment Control Basins and Lined Waterways. Both of these documents have been added to the EIR Appendices, in Appendix K, Drawings and Specifications, in response to comments on the DEIR to allow for public and agency review of these documents. The Drawings and Specifications include Practice Standards, Job Classification, Design Calculations, Utility Check Sheet, Engineer's Cost Estimate, Operation & Maintenance Requirements, Practice Specifications, Practice Requirements, and Construction Drawings. The construction drawings or detail plans include the overall plan view, plan view and profile views of the three sediment basins (south, middle, and north), and section views of the rock lined waterways (south, middle and north). The waterways are not concrete lined they are rock lined which will help protect against erosion but will still allow for water flow and infiltration and vegetation growth between the rocks. The NRCS plan was developed by NRCS Forester, Wildlife Biologist, and Engineer.

The County and the Applicant have conducted additional consultation with the Lahontan Regional Water Quality Control Board on the meadow restoration and the 401 Water Quality Certification since circulation of the Draft EIR in June 2016 (including a site visit, conference calls, and meetings). The Lahontan Regional Board has provided input on design features they recommend be incorporated into the meadow restoration. One design feature includes the addition of earthen berms or water bars throughout the meadow to increase the retention and infiltration of stormwater and snowmelt runoff in the meadow. An Earthen Berm Detail plan sheet has been added to Appendix K.

As the plan to restore Hencks Meadow was developed by the NRCS under one of their grant programs, plan implementation is conducted under NRCS purview.

Under this program SkyPark is reimbursed for construction costs once the improvements are completed and as long as completed in accordance with the plans and specs. The objective of the plan is to restore and enhance the meadow within forestland. The conservation practices in the plan will promote wildlife by providing cover, food and water. SkyPark management plans to complete the restoration of Hencks meadow regardless of whether or not the proposed Conditional Use Permit or general plan amendments are approved by the County.

As outlined in the DEIR Project Description (Section 3.0) the meadow was previously used as a storage for lumber following the western pine bark beetle epidemics that affected the San Bernardino National Forest in multiple droughts over the past several decades. The initial cleanup was substantial and included multiple truck loads to remove the thick layer of wood debris to get to the underlying native soils. Over the past 2 years, SkyPark management has been collecting native seeds for use in the replanting of the meadow. The seed collection and storage has been under the direction of Gina Richmond, a botanist and mountain region expert and former US Forest Service botanist.

The County respectively disagrees that the biologists that prepared the habitat assessment lack an understanding of the local reptile and amphibian species. Michael Baker International biologists include several local biologists that collectively have several decades of experience working in the San Bernardino Mountains. Further, their training as herpetologists included several years working directly with USGS biologists conducting surveys for local reptile and amphibian species throughout San Bernardino County including the San Bernardino Mountains. The Habitat Assessment used to support the findings in the DEIR (DEIR Appendix D) includes a section on methodology which outlines how the assessment was prepared. As outlined in Section 2, Methodology of the report, "Michael Baker conducted a thorough literature review and records search to determine which sensitive biological resources have the potential to occur on or within the general vicinity of the project site. In addition, a general habitat assessment and field investigation of the project site was conducted and provided information about the existing conditions on the project site and the potential for sensitive species to occur."

As outlined in Section 4.7 Sensitive Biological Resources, page 30 of the Habitat Assessment report,

"The CNDDB was queried for reported locations of listed and sensitive plant and wildlife species as well as sensitive natural plant communities in the Harrison Mountain, Lake Arrowhead, Butler Peak, and Keller Peak USGS 7.5-minute quadrangles. A search of published records of these species was conducted within

these quadrangles using the CNDDB Rarefind 5 online software and CNDDB Quickview Tool. The NCPS Inventory of Rare and Endangered Vascular Plants of California supplied information regarding the distribution and habitats of vascular plants in the vicinity of the project site. The habitat assessment was used to assess the ability of the plant communities found on-site to provide suitable habitat for relevant sensitive plant and wildlife species.

The literature search identified forty-four (44) sensitive plant species, twenty-four (24) sensitive wildlife species, and three (3) sensitive habitat as having the potential to occur within the Harrison Mountain quadrangle. Sensitive plant and wildlife species were evaluated for their potential to occur within the project boundaries based on habitat requirements, availability and quality of suitable habitat, and known distributions. Species determined to have the potential to occur within the general vicinity are presented in Appendix B, *Potentially Occurring Sensitive Biological Resources*, and discussed below."

Two-striped garter snake was identified in Appendix B of the Habitat Assessment report as a state species of special concern, that its habitat occurs in or near permanent fresh water, often along streams with rocky beds and riparian growth up to 7,000 feet in elevation. There is a low potential this snake would be found in the disturbed/developed portions of the project site. There is a potential this snake would be found and use the habitat in and around Hooks Creek. Hooks Creek will not be impacted by the proposed project and therefore the snake would not be significantly adversely affected by the project.

The California mountain kingsnake was not identified in the literature search that was conducted for the Habitat Assessment and thus it was not included in Appendix B, *Potentially Occurring Sensitive Biological Resources*, of that report. The State of California considers the San Bernardino population and the San Diego population to be potentially threatened.[1] However, that does not mean that there is no potential for it to occur on site. The California mountain kingsnake is an uncommon resident occurring throughout the length of the Sierra and Cascades and local in the Coast Range the entire length of the state. Also found in the San Bernardino, San Gabriel, and San Jacinto Mountains. It occurs in a variety of habitats including valley-foothill hardwood, and hardwood-conifer, mixed and montane chaparral, valley-foothill riparian, coniferous forests, and wet meadows.[2] The California mountain kingsnake has the highest potential to occur in the undeveloped forested portions of the site. These areas are largely being avoided

[1] http://www.californiaherps.com/snakes/pages/l.zonata.html

[2] California Wildlife Habitat Relationships System, California Department of Fish and Wildlife, California Interagency Wildlife Task Group, https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=2769

with minor impacts from trail construction, maintenance, and use. Mitigation measures included in the EIR for other sensitive species will also ensure that potential impacts to this species are less than significant.

As outlined in the CEQA Guidelines and in the DEIR page 4.4-27, "For the purposes of this EIR, implementation of the proposed plan may have a significant adverse impact on biological resource if it would do any of the following:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; …"

Therefore, only the sensitive species that do or may occur in the project site and could be adversely affected by the project is included in the impact analysis. The project's potential to adversely impact common species is not required pursuant to CEQA. The Garden slender salamander, Monterey ensatina salamander, and California kingsnake are not sensitive wildlife species that must be evaluated pursuant to CEQA.

B7.15 It is understood that SRB, SBFS and CASO are all nocturnal and would not be active in the project area during the day and therefore difficult to detect. Therefore, because construction and maintenance of trails and trail use is in the daytime and not allowed at night potential impacts of trail use disturbing these sensitive species is largely avoided. The mitigation measures that were included in the DEIR, including the pre-construction surveys, to further reduce any potential of impacts to these species to the greatest extent feasible.

Subsequent to preparation of the DEIR a meeting was held on site (May 31, 2017) with several individuals that are versed in biological resources of the San Bernardino Mountains, including David Goodward, San Bernardino Valley Audubon Society, Dr. Timothy Krantz, University of Redlands, Steve Loe, Certified Wildlife Biologist, Robert Sherman, former Conservation Agent, and Gina Richmond, Botanist to further discuss onsite habitat for sensitive species, potential impacts from the proposed project, and mitigation measures. Additional information was provided at this meeting related to the potential impacts to SRB, SBFS, and CASO and the best ways to avoid these animals and their habitat, minimize potential impacts, and mitigate any residual impacts that cannot be avoided.

As outlined in response A1.2 and A1.3 above, Mitigation Measures MM BIO-6, MM BIO-7 were revised with input from CDFW to be more detailed and specific. In response to CDFW comments and input at the onsite May 31, 2017 meeting Mitigation Measure BIO-27 was added to conserve 30.5 acres of highest quality habitat for SRB, SBFS, and CASO in the northwestern portion of the site in perpetuity. Mitigation Measures MM BIO-25, MM BIO-26, MM BIO-28 and MM BIO-29 were added to further reduce and minimize potential impacts from use of the trails on these sensitive species.

B7.16 The intent of the mitigation measures included in the DEIR was for a biologist to assess all the areas that contain duff, debris, and downed logs within the trail to determine if SRB is present onsite prior to construction activities. The intent was for a biologist to be on-site when all work is being conducted in suitable habitat to minimize the potential of take of SRB.

In response to CDFW comments and input at the onsite May 31, 2017 meeting Mitigation Measures MM BIO-25, MM BIO-26, MM BIO-28 and MM BIO-29 were added to further reduce and minimize potential impacts from construction, maintenance, or use of the trails on SRB, SBFS, and CASO.

B7.17 The intention of MM BIO-9 is to retain at least 9 logs per acre and any additional logs that have accumulated will be placed in other areas of the site to create additional usability by wildlife. The proposed project does not intend on clearing any logs from the site but rather to reuse them or place them in areas where there is an opportunity for wildlife to use them throughout the site. These determinations will be made by a biologist.

B7.18 Comment noted. The County appreciates your input.

B7.19 The project applicant has applied for the Section 2081 Incidental Take Permit for potential impacts to SRB from CDFW.

The proposed project does not include cutting down of trees that would disturb or dislodge SBFS roosting habitat. The project also proposes to avoid all snags during the trail construction.

The Conservation Plan with NRCS on the meadow restoration includes many species of native flora that will attract native pollinating insects and may include host plants for the Andrew's Marble Butterfly.

B7.20 The DEIR included mitigation measures to reduce potential impacts to CASO to the greatest extent feasible. Mitigation Measures MM BIO-15-24 on pages 4.4-43 - 4.4-44 of the DEIR include avoidance and preservation of CASO habitat. These mitigation measures were copied from a NRCS document, *Fuel Modification Projects, Avoidance, Minimization, and Mitigation of Impacts to California Spotted Owl (Strix occidentalis), Shea O'Keefe – NRCS Area 4 Biologist, November 2014*, which are intended to be used for fuel modification projects. The intent for implementing these mitigation measures for fuel modification projects was confirmed with NRCS. Therefore, in order to clarify the intended application of Mitigation Measures MM BIO-15-24 for fuel modification projects, if conducted at the project site, the DEIR was revised as follows (new text is underlined and deleted text has ~~strikethrough~~):

In addition to MM BIO-2, -3, -5, -6, -7, -9, and -14, the following mitigation measures (MM BIO-15 – MM BIO-24) are proposed to reduce project impacts to CASO for any fuel modification projects that are conducted onsite to less than significant with mitigation incorporated:

MM BIO-15: For any fuel modification projects conducted at the project site, no work will be allowed within 400 meters of known CASO activity areas during the Limited Operating Period (LOP)2 between February 1 and August 15.

MM BIO-16: For any fuel modification projects conducted at the project site, no work will be allowed during the CASO LOP in the entire project area.

MM BIO-17: If owl surveys have not been conducted, all suitable habitat shall be avoided during the CASO LOP for any fuel modification projects conducted at the project site.

MM BIO-18: Known CASO nest sites will be buffered by 400 meters and avoided in perpetuity for any fuel modification projects conducted at the project site.

MM BIO-19: For any fuel modification projects conducted at the project site, wildlife trees will be marked and avoided and all snags in CASO nesting or foraging areas shall be left intact.

MM BIO-20: In known or suitable CASO nesting areas, percent canopy cover shall not be reduced below 70% for any fuel modification projects

conducted at the site. In areas of known or suitable CASO foraging, percent canopy cover shall not be reduced below 50%.

MM BIO-21: For any fuel modification conducted at the site downed woody debris shall be left at 10-15 tons per acre in nesting and foraging CASO habitat.

MM BIO-22: For any fuel modification conducted at the site all woodrat nests shall be avoided and buffered by 10 feet.

MM BIO-23: For any fuel modification conducted at the site approximately 10 percent or more of stumps, targeting those showing some level of decomposition, should be left at two to three feet.

MM BIO-24: For any fuel modification projects conducted at the site slash piles should be left in approved areas. Slash piles should be three to four feet high and four to six feet in diameter. There should be two to three slash piles per acre. They should not be burned. Slash piles should be placed approximately 50 feet from roads and houses.

The DEIR included an analysis of potential impacts to CASO from construction, maintenance and use of trails throughout the project site, and more specifically in the northeastern portion of the site with the high-quality habitat for this species. The DEIR (pages 4.4-42 – 4.4-43) did include a discussion of potential impacts to CASO from the proposed project as outlined below:

"Direct construction-related impacts to special-status wildlife species are expected to be minor during construction and trail creation and would primarily be related to disturbance from human presence and noise. There may be small amounts of small mammal habitat loss or degradation related to the loss of surface litter/refugia or to soil compaction in areas subject to heavy foot traffic. In extreme situations, excessive disturbance may cause individual animals to leave the area, temporarily or permanently… Guest presence on the trails, particularly in the northeastern portion of the site where CASO was documented by Michael Baker or where SBFS is assumed present, may result in disturbance to these or other species. Any long-term loss of rodents as a result of guest disturbance will reduce the amount of on-site prey for CASO."

As outlined in response B7.11 above, in response to CDFW comments and input at the onsite May 31, 2017 meeting Mitigation Measure BIO-27 was added to conserve 30.5 acres of highest quality habitat for CASO in the northwestern

portion of the site in perpetuity. Mitigation Measures MM BIO-28 and MM BIO-29 were added to further reduce and minimize potential impacts from use of the trails.

B7.21 Refer to response B7.20 above.

B7.22 Refer to response B7.20 above.

B7.23 Regarding CASO refer to response B7.20 above. Regarding SBFS refer to response B7.10 above. Regarding SRB refer to response B7.12 above.

B7.24 As outlined above in responses B7.10, B7.11, and B7.12, subsequent to preparation of the Biological Assessment reports for SBFS, SRB, and CASO and preparation of the DEIR a meeting was held on site (May 31, 2017) with several individuals that are versed in biological resources of the San Bernardino Mountains, including David Goodward, San Bernardino Valley Audubon Society, Dr. Timothy Krantz, University of Redlands, Steve Loe, Certified Wildlife Biologist, Robert Sherman, former Conservation Agent, and Gina Richmond, Botanist to further discuss onsite habitat for sensitive species, potential impacts from the proposed project, and mitigation measures. Additional information was provided at this meeting related to these three species.

The experts agree that the highest quality habitat for SRB is in the northern portion of the site. Although the experts do not agree on the same delineation of unsuitable and low quality and habitat on the site for SRB, the applicant agreed to recognize the more comprehensive and conservative amount of the property that could provide some level of habitat to support SRB. This acknowledgement does not change the impact analysis in the DEIR and the analysis and findings remain valid and a recirculation of the DEIR is not required.

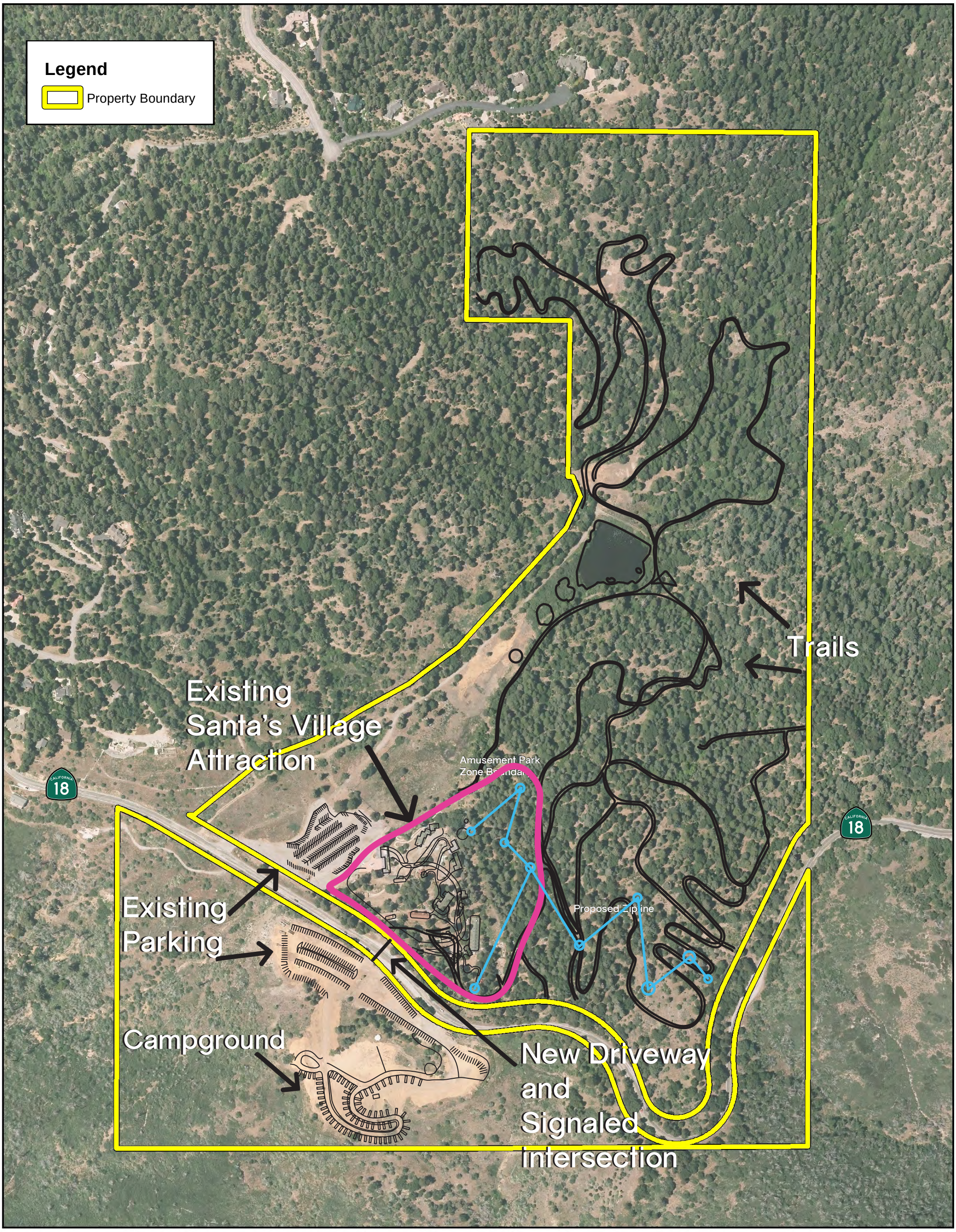
ERRATA

DRAFT PROJECT EIR TEXT

Changes to the Draft EIR are noted below. Underlining indicates additions to the text; striking indicates deletions to the text. The changes to the Draft EIR do not affect the overall conclusions of the environmental document. These errata reflect minor County staff and agency initiated technical questions to the Draft EIR. These clarifications and modifications are not considered to result in any new or more severe impacts than identified in the Draft EIR, and are not otherwise deemed to warrant Draft EIR recirculation pursuant to *CEQA Guidelines* §15088.5. Changes are listed by page and where appropriate by paragraph. Added or modified text is shown by underlining (<u>example)</u> while deleted text is shown by striking (~~example~~).

Chapter 3.0 Project Description, page 3.0-7

Revised Exhibit 3.0-3, SkyPark at Santa's Village Site Plan



SKYPARK AT SANTA'S VILLAGE PROJECT
DRAFT ENVIRONMENTAL IMPACT REPORT

RVA

Michael Baker INTERNATIONAL

0 250 500 Feet

Source: San Bernardino County, Eagle Aerial 2013

SkyPark at Santa's Village Site Plan

Exhibit 3.0-3

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Chapter 4.4 Biological Resources, page 4.4-1

EXISTING CONDITIONS

Resources reviewed during the literature search included Calflora Database, California Department of Fish and Wildlife (CDFW) compendia of special-status species, and United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), ~~Solid~~ Soils Survey, and USFWS Critical Habitat designations for Threatened and Endangered Species.

Chapter 4.4 Biological Resources, page 4.4-7

Laguna Mountains Jewelflower

Laguna Mountains jewelflower ~~Parish's yampah~~ is a perennial herb that flowers between May and August.

Chapter 4.4 Biological Resources, page 4.4-10

The source of the NRCS sightings is unknown, but it is assumed that it is CNDDB data that has otherwise been suppressed. Based on the habitat suitability assessment conducted, approximately 74.5 acres of suitable habitat are present within the project site, with high quality habitat located in the northern portion of the project site (20.2 acres) (Exhibit 4.4-1 ~~9~~, *SRB Habitat Suitability Map*).

Chapter 4.4 Biological Resources, page 4.4-29

MM BIO-1: A qualified biologist or botanist shall conduct a pre-construction clearance survey for special-status plant species on the project site during the appropriate blooming period prior to trail creation or construction in new areas. If present, any special-status plants shall be clearly flagged for avoidance with a suitable buffer zone of a minimum of 50 feet, during construction by the qualified biologist/botanist. Physical barriers (e.g., logs, boulders, segments of split rail fence) shall be strategically placed along one side or both sides of the trail as directed by the biologist/botanist where the trail occurs within 500 feet of any identified special-status plant species, to control hiking and mountain biking trail users from leaving the trail. A letter report summarizing the results of the pre-construction plant survey and any placement of physical barriers to protect special-status plants shall be prepared by the biologist/botanist and be submitted to the San Bernardino County Land Use Services Department. ~~If in the unlikely~~

~~event that avoidance is not feasible, the project applicant shall discuss potential relocation strategies with applicable regulatory agencies and obtain approval prior to activities that result in impacts.~~

If all impacts to special-status plant species cannot be avoided, then prior to issuance of a grading permit, or any other permit by the County, impacts to special-status plant species shall be mitigated through translocation and seed collection with propagation to an on-site or off-site preserved property acceptable to the CDFW. The property shall be composed of habitat characteristics suitable to support the special-status plant species, including but not limited to: appropriate soils, elevation, hydrology, and habitat. The suitability of the proposed preservation site shall be verified by a CDFW-approved special-status plant species expert. The property shall be conserved via recordation of a deed restriction or a conservation easement in favor of a California Department of Fish and Wildlife (CDFW)-due diligence approved local conservation entity to protect the special-status plant species on the property in perpetuity. Alternatively, the land may be transferred in fee title to a CDFW-approved local conservation entity. Except for uses appropriate to habitat conservation, the public shall not have access to the mitigation area(s), and no activities shall be permitted within the site, except maintenance of habitat, including the removal of nonnative plant species, trash, and debris, and the installation of native plant materials.

Prior to any ground disturbance that would impact sensitive plant species, the Applicant shall prepare a special-status plant species planting plan (Plan). The Plan shall require a replacement ratio of no less than 1:1 by area, and ensure a minimum 90 percent survivorship at the end of a five-year monitoring period, which shall be verified by the monitoring biologist (minimum qualifications of the monitoring biologist are specified below). At a minimum, the five-year plan shall include the following information:

1. A description of the existing conditions of the receiver site(s), characterizing the suitability of the site(s) for the special-status plant species, and documenting the acreage of the site.

2. A description of how the site will be preserved in perpetuity, i.e., conservation easement, and the name of the CDFW-approved due diligence entity that will hold the easement.

3. Qualifications of the monitoring biologist. At a minimum, the monitoring biologist will possess a minimum of five-year's

experience conducting habitat restoration projects in mountain meadow communities in San Bernardino County, California.

4. Receiver site preparation for transplanting.
5. Goals for success.
6. Schedule.
7. Propagation techniques.
8. Transplant and seedling installation methods.
9. Plant spacing.
10. Performance criteria for success, including provision for control of non-native and invasive species.
11. Monitoring and reporting procedures for each of the five years of the monitoring period.
12. Adaptive management strategies, including a contingency plan should the site fail to meet the specified success criteria.
13. Maintenance requirements that will be reviewed and approved by the CDFW.

Chapter 4.4 Biological Resources, page 4.4-31

MM BIO-6: All trails shall be kept in a maintained state sufficient to clearly determine where the trail lies. Where trails are located within and adjacent to sensitive habitat areas, signs and physical barriers shall be strategically placed along one side or both sides of the trail, under direction of a qualified biologist, ~~discouraging~~ to prevent guests from wandering outside of the trail boundaries and to inform them off-trail use of the park is strictly prohibited and enforced and will result in ejection from the park without a refund of any entry fees.

Chapter 4.4 Biological Resources, page 4.4-32

MM BIO-7: A qualified biologist shall conduct a pre-construction clearance survey for special-status wildlife species (including California spotted owl and San Bernardino flying squirrel~~, and southern rubber boa~~) on the project site immediately prior to trail creation or construction in new areas. Special-status wildlife if found foraging in an area shall be avoided by waiting for them to leave an area

before working in it. If suitable nesting habitat for either species is found in an area it shall be avoided with a suitable buffer zone of a minimum of 200 feet, as identified by the qualified biologist. A letter report summarizing the results of the pre-construction clearance survey for special-status wildlife species shall be prepared by the biologist and be submitted to the San Bernardino County Land Use Services Department. ~~If avoidance is not feasible, the project applicant shall consult with CDFW on potential relocation strategies that shall be approved by CDFW prior to initiation of the construction activities that result in impacts. Relocation or any other disturbance to southern rubber boa shall require obtaining a CESA Section 2081 Incidental Take Permit from CDFW which will outline conditions to ensure impacts are minimized and fully mitigated.~~

Chapter 4.4 Biological Resources, page 4.4-43

In addition to MM BIO-2, -3, -5, -6, -7, -9, and -14, the following mitigation measures (MM BIO-15 – MM BIO-24) are proposed to reduce project impacts to CASO for any fuel modification projects that are conducted onsite to less than significant with mitigation incorporated:

MM BIO-15: For any fuel modification projects conducted at the project site, no work will be allowed within 400 meters of known CASO activity areas during the Limited Operating Period (LOP) between February 1 and August 15.

MM BIO-16: For any fuel modification projects conducted at the project site, no work will be allowed during the CASO LOP in the entire project area.

MM BIO-17: If owl surveys have not been conducted, all suitable habitat shall be avoided during the CASO LOP for any fuel modification projects conducted at the project site.

MM BIO-18: Known CASO nest sites will be buffered by 400 meters and avoided in perpetuity for any fuel modification projects conducted at the project site.

MM BIO-19: For any fuel modification projects conducted at the project site wildlife trees will be marked and avoided and all snags in CASO nesting or foraging areas shall be left intact.

MM BIO-20: In known or suitable CASO nesting areas, percent canopy cover shall not be reduced below 70% for any fuel modification projects conducted at the site. In areas of known or suitable CASO foraging, percent canopy cover shall not be reduced below 50%.

MM BIO-21: For any fuel modification projects conducted at the site downed woody debris shall be left at 10-15 tons per acre in CASO nesting and foraging habitat.

MM BIO-22: For any fuel modification projects conducted at the site all woodrat nests shall be avoided and buffered by 10 feet.

MM BIO-23: For any fuel modification projects conducted at the site approximately 10 percent or more of stumps, targeting those showing some level of decomposition, should be left at two to three feet.

MM BIO-24: For any fuel modification projects conducted at the site slash piles should be left in approved areas. Slash piles should be three to four feet high and four to six feet in diameter. There should be two to three slash piles per acre. They should not be burned. Slash piles should be placed approximately 50 feet from roads and houses.

Chapter 4.4 Biological Resources, page 4.4-44

MM BIO-25: Prior to any new work (e.g. clearing for trail construction or maintenance) that is conducted outside of the already developed areas of the site (Santa's Village and parking lots) outside of the winter hibernation months (November to March) of southern rubber boa shall be examined for southern rubber boa by a biologist no more than 5 days prior to disturbance; the biologist conducting this survey must hold a Memorandum of Understanding from the CDFW allowing take of southern rubber boa. During construction or maintenance, a qualified biologist familiar with southern rubber boa ecology and identification shall be on-site at all times to

monitor for southern rubber boa in the work area(s). Any incidences of injuring or killing an individual southern rubber boa shall be reported immediately to SkyPark Management who shall notify CDFW within 24 hours.

The qualified biologist shall be responsible for submitting daily construction or maintenance monitoring reports, noting specifically if any southern rubber boa refugia (e.g., downed logs, boulders) were disturbed during construction or maintenance and/or if any southern rubber boa were found, and if so, the quantity of each and its condition at the time that the construction or maintenance site was left for the day. In addition, a final monitoring summary will be written upon completion of the monitored work and submitted to CDFW within 30 calendar days of construction or maintenance completion. The report shall include start and end dates of the monitored work, known project effects on southern rubber boa, occurrences of incidental take of southern rubber boa, and other pertinent information regarding the success or failure of the monitoring in protecting southern rubber boa.

Trail construction and maintenance activities conducted during the winter hibernation months of the southern rubber boa (November to March) do not require a biological monitor or reporting to CDFW.

MM BIO-26: In order to minimize the potential impacts from hiking and mountain biking on southern rubber boa to the greatest extent feasible the trails shall be inspected prior to use during periods when the boa is most likely to emerge onto the trails or into the obstacles on the trails. Inspections shall be conducted by SkyPark personnel that is trained on southern rubber boa. Inspections shall be conducted prior to trail use from April to October following heavy rain events and dense fog periods. If any southern rubber boa are observed on or adjacent to the trails the trail or segment of the trail shall be closed until the individual has moved out of the area.

MM BIO-27: Approximately thirty and a half acres (30.5 acres) of high quality southern rubber boa, San Bernardino flying squirrel, and California spotted owl habitat in the northern western portion of the project site will be set aside and preserved as mitigation lands for the project. A restrictive covenant will be placed over these 30.5 acres and will provide for conservation of that portion of the property in perpetuity (refer to Exhibit 4.4-5, *Conservation Area*).

The conservation area shall not undergo any new development of any kind (with the exception of the single new proposed hiking trail identified in the project description). Some maintenance of the existing road and biking trail segments located in the conservation area may be necessary after severe weather events. Any new, illegal trails into this area shall be immediately closed off with a berm, rocks, or a similar method to discourage guests from using them and shall be restored to original conditions.

To protect the mitigation area, SkyPark Management shall place appropriate fencing and/or natural barriers and signage around the perimeter of conservation area. Except for existing trails in the conservation area (portions of existing single track bike trail and existing access road), the public shall not have access to the mitigation area, and no activities shall be permitted within the site, except maintenance of habitat, including the removal of nonnative plant species, trash, and debris, and the installation of native plant materials.

MM BIO-28: In order to ensure habitat for the southern rubber boa, San Bernardino flying squirrel, and the California spotted owl located in the 30.5 conservation area is being preserved and not degraded from SkyPark operations a baseline of existing habitat and annual monitoring shall be conducted. Baseline data on existing habitat located adjacent to trails shall be documented prior to commercial trail use. A minimum of 25 data point locations shall be identified using GPS/GIS mapping. The photo point locations will be focused on areas where due to topography, lack of barriers, etc. trail users have the highest potential to accidentally or purposefully leave the trail. Annual inspection points and monitoring shall be completed, including photos and description of the trails and adjacent habitat conditions. Annual reports shall be submitted to CDFW.

MM BIO-29: A Sensitive Species Training Handbook shall be developed and reviewed and approved by a qualified biologist prior to commercial trail use. The handbook shall include pictures of the southern rubber boa, San Bernardino flying squirrel and California spotted owl, pictures of the habitats they are found in, and protocol for what to do if one is encountered. All SkyPark employees, within one month of their hiring date, shall complete the training.

Chapter 4.4 Biological Resources, pages 4.4-45 and 4.4-46

Impact 4.4-2 Implementation of the Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. This impact would be *less than significant*.

As per the Jurisdictional Delineation Report (JD), approximately 1.49 acres of USACE jurisdiction (non-wetland waters) is located within the boundaries of the Project site. Approximately ~~2.8~~ 5.7 acres of Regional Board jurisdiction and California Department of Fish and Wildlife streambed is located within the boundaries of the Project site. There is a total of four drainage features present on the project site; Hooks Creek and three unnamed ephemeral drainage features (Drainages 1-3). Due to historic on-site land uses (timber farm), the upstream portions of Hooks Creek are heavily disturbed and covered with remnant debris from the processing and staging of timber.

In agreement between SkyPark and the NRCS, the proposed project includes the rehabilitation of Hencks Meadow (restoration and improvement of the upstream portions of Hook Creek). Since there is an established agreement between SkyPark and the NRCS, and the meadow rehabilitation is a planned NRCS activity, a Clean Water Act Section 404 permit is not required from USACE.

~~Based on the preliminary design plans, the proposed Project improvements and meadow restoration will result in 0.18 acre of temporary impacts to waters of the US under the jurisdiction authority of USACE and the Regional Board.~~

The proposed Project improvements will result in ~~0.05~~ 0.29 acre of permanent and ~~0.35~~ 0.53 acre of temporary impacts to Regional Board and CDFW jurisdiction. The meadow rehabilitation project will realign, expand, and restore the upstream portions of Hooks Creek and will include removal of the wood chips and other debris that were left behind from previous activities. The meadow rehabilitation project will also entail constructing a lined waterway along the length of the meadow, periodically split by new water/sediment control basins, to connect to an onsite pond. Exotic vegetation and large obstructions will be removed throughout the meadow, and new hedgerows will be planted along its perimeter. Wildlife structures including nest boxes,

downed wood, and rock piles will be strategically located at different locations along or near to the new waterway.

Although the proposed Project will result in ~~0.18 acre of temporary impacts to waters of the US and 0.05~~ 0.29 acre of permanent and ~~0.35~~ 0.53 acre of temporary impacts to Regional Board and CDFW jurisdiction, the restoration of Hooks Creek and Hencks Meadow in accordance with the NRCS Conservation Plan, impacts are reduced to less than significant levels. In addition, a CDFW Section 1602 SAA permit for impacts to Hooks Creek will be required. CDFW will include in the SAA permit any conditions to be followed during construction, operation and maintenance of the restored Hooks Creek and meadow, to ensure potential impacts remain less than significant.

Drainage features D-1 and D-3 will not be impacted by the proposed Project. Drainage feature D-3 occurs on the south side of SR-18 and west of the existing southern parking lot. The project is required to widen SR-18 with additional lanes and install a signalized intersection located at the project driveways on SR-18. The widening and associated fill will impact drainage feature D-2 up to approximately 50 feet in length, directly adjacent to SR-18. These impacts will require a CWA Section 404 permit from USACE and a CWA Section 401 Water Quality Certification from the Santa Ana Regional Water Quality Control Board. These impacts will also require a SAA from CDFW. Implementation of mitigation measure MM BIO-~~25~~30 will reduce project impacts to drainage feature D-2 to less than significant levels.

Chapter 4.4 Biological Resources, pages 4.4-47

MM BIO-~~25~~30: Permanent and temporary impacts to drainage feature D-2 from the widening of SR-18 shall be mitigated to less than significant levels through off-site compensatory mitigation at a minimum of 1:1 ratio for impacts, as deemed appropriate by USACE, RWQCB, and CDFW through the permitting process, which may include enhancement and restoration of Hooks Creek and Hencks Meadow.

Chapter 4.4 Biological Resources, pages 4.4-47 and 4.4-48

Hooks Creek and Drainages features D-1, D-2, and D-3 all qualify as waters of the United States, and fall under the regulatory authority of the USACE and Regional Board. There is approximately 1.49 acres (5,270 linear feet) of USACE~~/RWQCB~~ jurisdiction (non-wetland waters) within the boundaries of the Project site. ~~Based on preliminary design plans 0.18 acre of t~~ Temporary impacts to Hooks Creek, a waters of the U.S., is expected to occur from rehabilitation of Hencks Meadow. However, since the NCRS is taking the federal lead in the meadow rehabilitation project they are the federal lead agency

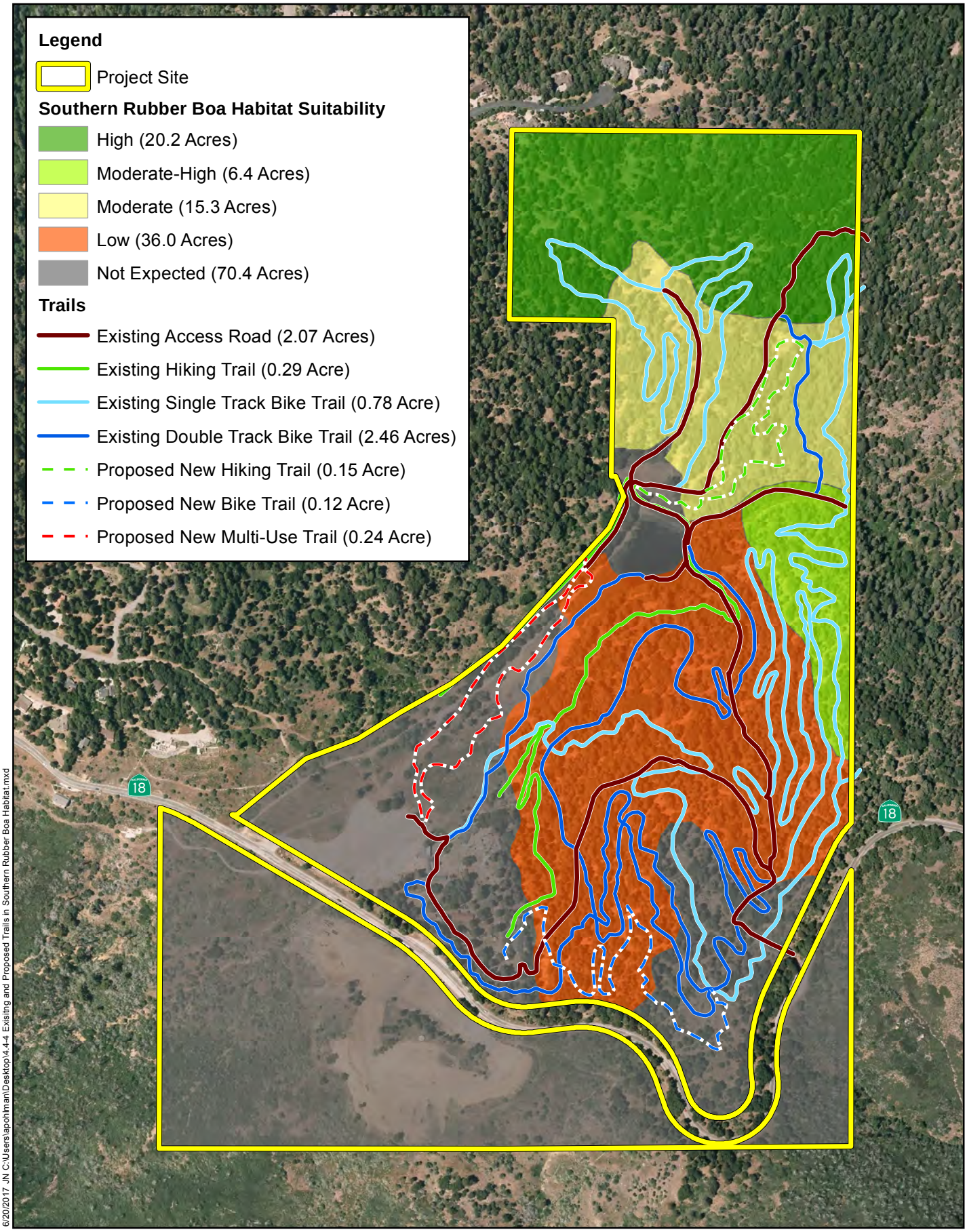
implementing Section 404 of the CWA. As a result, per consultation with USACE a CWA Section 404 permit from the USACE will not be required for this project. It is anticipated these impacts to Hooks Creek would be authorized by Regional Board through Waste Discharge Requirements or CWA Section 401 Water Quality Certification. With the proposed project improvements and permits, impacts are expected to be less than significant.

Drainage features D-1 and D-3 will not be impacted by the proposed Project. Drainage feature D-3, a non-wetland waters of the U.S., occurs on the south side of SR-18 and west of the existing southern parking lot. The project is required to widen SR-18 with additional lanes and install a signalized intersection located at the project driveways on SR-18. The widening and associated fill will impact drainage feature D-2 up to approximately 50 feet in length, directly adjacent to SR-18. These impacts will require a CWA Section 404 permit from USACE and a CWA Section 401 Water Quality Certification from the Santa Ana Regional Water Quality Control Board. Implementation of mitigation measure MM BIO-~~25~~30 will reduce project impacts to drainage feature D-2 to less than significant levels.

Per the updated Jurisdictional Delineation, based on the results of the field investigation and soil pit data the only area that met all three wetland parameters is a small fringe wetland on the southern border of the existing on-site pond. When water levels are low in the pond, hydrophytic vegetation is able to establish on the banks of the on-site pond, and anaerobic soil conditions form resulting in a wetland on the boundary of the on-site pond. No impacts to this area will occur from project implementation. (Appendix D.2, Updated Jurisdictional Delineation, page 25)

New Exhibit 4.4-4, Existing and Proposed Trails in SRB Habitat

New Exhibit 4.4-5, Conservation Area



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Michael Baker INTERNATIONAL

0 250 500 1,000 Feet

Source: San Bernardino County, Trail Map, ESRI World Imagery Basemap

SKYPARK AT SANTA'S VILLAGE PROJECT
DRAFT ENVIRONMENTAL IMPACT REPORT

Existing and Proposed Trails in Southern Rubber Boa Habitat

Exhibit 4.4-4

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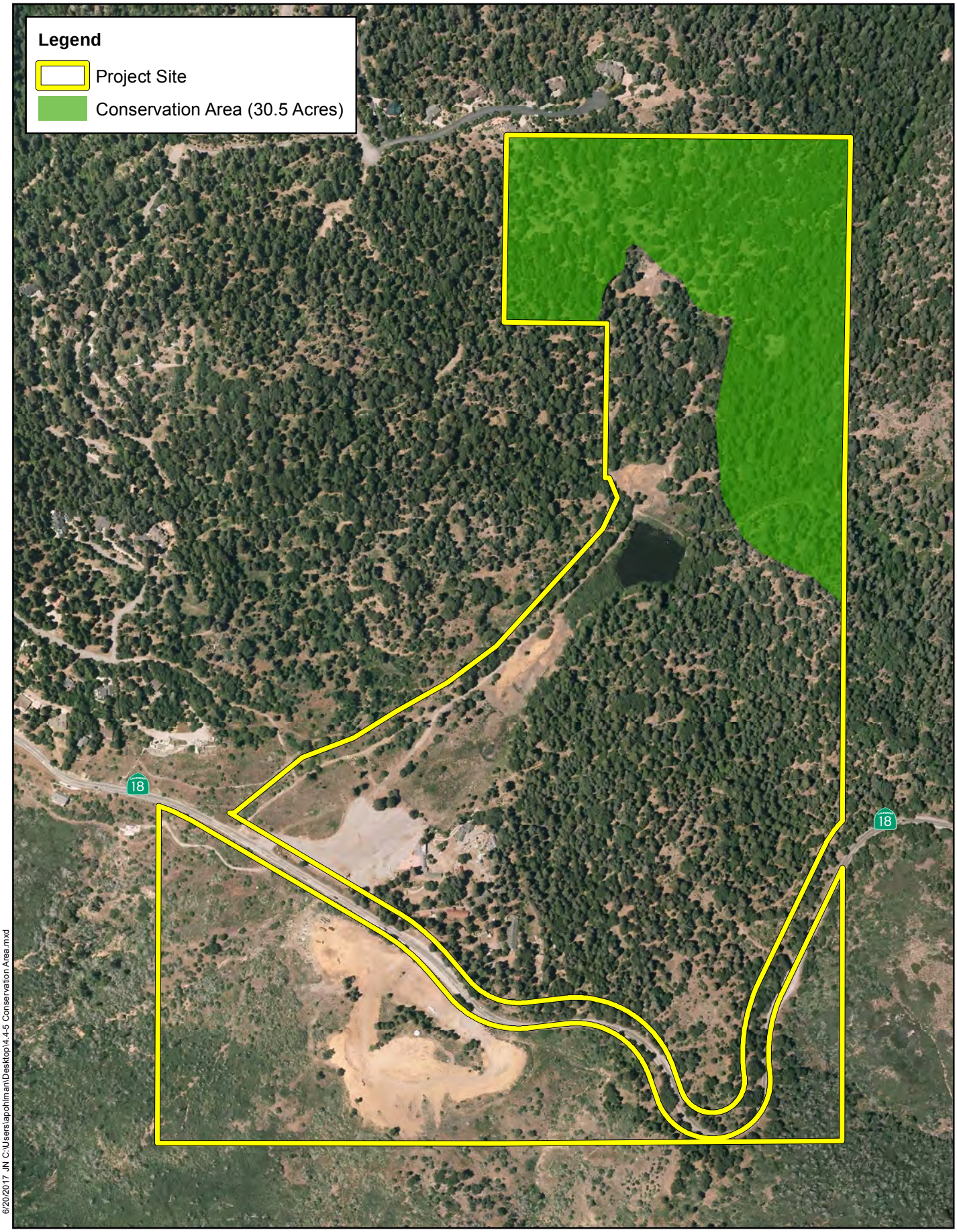

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Michael Baker INTERNATIONAL

0 250 500 1,000 Feet

Source: San Bernardino County, Eagle Aerial 2013

SKYPARK AT SANTA'S VILLAGE PROJECT
DRAFT ENVIRONMENTAL IMPACT REPORT

Conservation Area

Exhibit 4.4-5

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Chapter 4.8 Hazards and Hazardous Materials, page 4.8-20

MM HAZ–3: A comprehensive Spill Prevention and Response Plan shall be prepared that outlines the site-specific monitoring requirements and lists the BMPs necessary to prevent hazardous material spill and to contain and clean up a hazardous material spill, should one occur.

Chapter 4.9 Hydrology and Water Quality, page 4.9-23

MM HYDRO–1: Hydrogeological testing shall be conducted by a qualified hydrogeologist to confirm the assumption used in this EIR analysis that the groundwater at SkyPark is directly connected to the surface water of Hooks Creek. The results of this testing shall be submitted to the San Bernardino County Land Use Services Department and the Lahontan Regional Water Quality Control Board.

If the results of the hydrogeological testing confirms the assumption used in this EIR analysis, that there is connectivity between the groundwater source for SkyPark's wells and the surface water flow in Hooks Creek, a groundwater and surface water monitoring plan shall be developed and implemented and shall include:

- Installation of a stream gage on Hooks Creek, or other monitoring mechanism if Hooks Creek is ephemeral and only flows during storm events, at a location downstream of the Project boundary.
- Installation of an inline flowmeter on all Project pumping wells in order to record instantaneous and cumulative groundwater production.
- Baseline monitoring of groundwater levels ~~and Hooks Creek streamflow rates~~ at a minimum of three months prior to opening day ~~before the Project improvements are constructed~~. Groundwater monitoring shall be conducted on a monthly basis. ~~Stream gage measurements shall be collected continuously using recording equipment that is downloaded quarterly.~~
- On-going monitoring of groundwater levels and Hooks Creek streamflow rates to provide the data necessary to assess the role of Project pumping on changes in stream flow rates (if any).
- Baseline and on-going monitoring of groundwater levels and Hooks Creek streamflow rates will be submitted to the Lahontan Regional Water Quality Control Board on an annual basis.

- Within one year of opening day the threshold for change (reduction) in the streamflow rate that warrants implementation of adaptive management steps shall be established by a qualified hydrogeologist in coordination with Lahontan Regional Water Quality Control Board.
- The adaptive management steps that shall be implemented if the threshold for change in Hooks Creek is exceeded include one or more of the following until such time that monitoring data shows the threshold is no longer exceeded for two consecutive months:
    - Reduce or eliminate use of on-site groundwater for irrigation;
    - Reduce or eliminate use of on-site groundwater for potable/operational uses;
    - Increase delivery and use of water from Skyforest Mutual Water Company for potable/operational uses.

Appendix D.2: Jurisdictional Delineation

Appendix J: Existing Septic System Details

Appendix K: Drawings and Specifications

Appendix L: Cumulative Traffic Analysis with Church of the Woods