



April 15, 2005

VIA FACSIMILE

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

RE: "Revised Biological Resources Section of the DEIR for the Moon Camp Development Project/RCK Properties Inc.."

The Big Bear Group of the Sierra Club, representing over 200 members in the Big Bear Valley, appreciates the opportunity to comment on the Revised Biological Resources Section of the DEIR for the proposed Moon Camp Development project in Fawnskin, California.

Our position is that this revised evaluation of the impacts to the biological resources still proves to be inadequate due to its underestimation of the impacts and its suggestion of mitigations that in the past have proven to be ineffective. In recent investigations regarding the mitigations required by the EIR's of completed projects around the Big Bear Valley, it has been shown that these mitigations, especially in the cases of those for bald eagles and for pebble plains habitat: 1) have often not been implemented by the developers; 2) have frequently not been enforced by the lead agencies involved; 3) have done little or nothing to stop the decline of these species throughout the Valley and 4) have been forgotten about over the long term. For the most part, all record of similar mitigations have been buried in the file archives of the lead agencies, including the County, with no steps taken to preserve the information and make certain that future generations of employees receive it or track, monitor and enforce the mitigations into perpetuity. These measures have thus proven to be impractical and ineffective in the mitigation of impacts from the projects. None of this has been accounted for in this revised section or anywhere else in this DEIR with regards to the resulting impacts on the biological resources.

6-1

This new biological resources section completely underestimates the impact on bald eagles in Big Bear Valley and throughout Southern California. The bald eagle population has been in steady decline throughout Southern California and in the Big

6-2

Bear Valley over the past two decades. One highly effective way for populations in this whole region to begin to recover would be for the eagles to once again begin nesting in this region as they had done in the past, prior to the human-caused impacts that drove them away. The north shore of Big Bear Lake is one of the last remaining areas where this nesting may be possible and the development of this project would most likely serve to eliminate that possibility. None of these larger range impacts on the bald eagle have been evaluated in this revised section or anywhere in this DEIR.

6-2

The pebble plains habitats and the montane meadow habitats are both declining throughout the valley, primarily due to human pressures. The actual size of both these habitats on the proposed project site have been severely underestimated. In addition, the relative size to the total of these habitats still remaining has been underestimated, resulting in a severe understatement in the impacts of this proposed project on the total range and viability of these habitats into the future.

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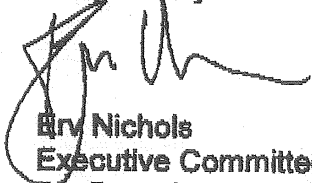
Many sections and statements within the current General Plan for the County of San Bernardino focuses on the goals of maintaining and protecting the existing natural habitats within the County and especially within the Mountain areas. The revised biological resources section of this DEIR fails to evaluate how the adverse impacts that are defined will impact the County's ability to adhere to these goals.

6-4

The Big Bear Group of the Sierra Club finds that this revised Biological Resources section, and therefore the complete DEIR for this proposed Moon Camp project is inadequate and incomplete. In addition, even with the adverse impacts as currently stated in this section, especially regarding the bald eagle, this project should be rejected and the No Project option selected.

6-5

Respectfully submitted,



Bry Nichols
Executive Committee Member
Big Bear Group, Sierra Club

Response to Commentor No. 6

Erv Nichols, Sierra Club

April 15, 2005

- 6-1 The specialists responsible for preparation of the biological resources section of the EIR indicate that the mitigation measures are feasible as written and should be appropriately implemented by the lead agency. The County, as the lead agency, shall assume responsibility for implementation of the mitigation measures.
- 6-2 Direct, indirect, and cumulative impacts to the bald eagle have been identified in the Draft EIR as significant and unavoidable. Impacts to nesting bald eagles were not analyzed because bald eagles are not nesting at Big Bear Lake in the existing condition.
- 6-3 Please refer to Response to Comment No. 5-3.
- 6-4 The Draft EIR section identified plants considered by the County General Plan as Rare, Threatened, or Endangered. Projects potentially impacting County-listed species must prepare an environmental analysis in accordance with CEQA to determine the significance of impacts on these species. Two plant species identified within the General Plan, Parish's checkerbloom and bird's foot checkerbloom, have the potential to occur on the project site. Impacts on these species were assessed in the Draft EIR according to the presence of suitable habitat. Implementation of Mitigation Measure 5.8-1a would determine specific population impacts and reduce impacts to these species to less than significant levels. Other sections of the County General Plan applicable to the proposed project are discussed in the Land Use and Planning Section of the EIR.
- 6-5 Comment is noted. Section 7.0 of the Draft and Final EIR address the "No Project" alternative.

COMMENT NO. 7

FRIENDS OF FAWNSKIN
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RECEIVED
APR 18 2005
LAND USE ADVANCE PLANNING DEPT.
PLANNING DIVISION

April 15, 2005

Sent by FACSIMILE (909-387-3223), hard copy to follow via U.S. Mail

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

Attn: Matthew Slowik, Sr. Assoc. Planner

RE: "REVISED BIOLOGICAL RESOURCES SECTION OF THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE MOON CAMP DEVELOPMENT PROJECT/RCK PROPERTIES INC.: GENERAL PLAN AMENDMENT/OFFICIAL LAND USE DISTRICT CHANGE FROM BV/RL-40 TO BV/RS-7200 AND AMENDMENT TO COUNTY CIRCULATION ELEMENT FOR REALIGNMENT OF NORTH SHORE DRIVE; TENTATIVE TRACT MAP #16136, AND CONDITIONAL USE PERMIT FOR A BOAT DOCK."

I. INTRODUCTION and SUMMARY

On behalf of the membership of Friends of Fawnskin and the Center for Biological Diversity, we would like to thank the San Bernardino County Land Use Services Department Planning Division for the opportunity to comment on this Revised Biological Section of the Draft Environmental Impact Report for the proposed Moon Camp residential development project, General Plan amendment, land use district change, circulation amendment, tentative tract map and conditional use permit for a boat dock (collectively, DEIR).

Friends of Fawnskin (FOF) represents a membership of over 600 local residents of and visitors to Fawnskin, California, all of whom would be directly and adversely affected by the negative impacts to the biological resources of this area that would result from the development of the proposed Moon Camp project. FOF has been working consistently to maintain and protect the historic small-town, nature-oriented atmosphere of Fawnskin on the north shore of Big Bear Lake. Residents and visitors who have chosen to come to Fawnskin have done so primarily because of the nature-surrounded atmosphere and current character of the town. We feel that it is imperative to the rights of these individuals that the basic essence of this character be preserved.

The Center for Biological Diversity (CBD) is a non-profit, public interest corporation with over 13,000 members across the country, including southern California and the Fawnskin area. CBD and its members are dedicated to protecting the diverse native species and habitats through science, policy, education, and environmental law.

FOF and CBD continue to be strongly opposed to this proposed Moon Camp development project because, even with the mitigations proposed in this revised biological resources section, this project would continue to have extensive adverse effects on surrounding properties, on the entire community of Fawnskin and on the Big Bear Valley environment as a whole. Especially in the area

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of Biological Resources, this project goes against a large number of the goals set for the mountain areas in the County's own General Plan. Though an amendment to the General Plan to change the zoning is proposed, there is no amendment currently proposed to change the general goals in the area of biological and natural resources. In order to maintain those goals and support the existing biological resources at this site and throughout the Big Bear Valley, we support the RL-40 designation of this property as it is currently zoned in the County's General Plan and strongly advocate the maintenance of this designation. From visitor information collected by the Discovery Center, we believe that much of the economic viability of this entire Valley depends on the maintenance of the native habitats and natural surroundings currently in existence. The adverse impacts to those habitats, and especially to the bald eagle, that would result from the development of this proposed project would rapidly trickle down to adversely affect the economic well-being of the entire Big Bear Valley.

7-1

In reviewing this revised Biological Section of the DEIR, FOF and CBD have found it to still be incomplete, inaccurate, and defective. The DEIR fails to adequately evaluate the severe adverse effects of the proposed project and grossly downplays and understates the significant and unavoidable impacts that would be caused should it be approved. FOF and CBD's objections to this proposed project and the inadequacies of this revised Biological Resources section of the DEIR are set forth below. Please include this letter in its entirety as part of our formal CEQA comments to be included in the Environmental Impact Report. In summary, we continue to object to this development project, as proposed, for the following reasons:

II. Biological Resources

The revised Biological Section of the DEIR still has provided an incomplete and inadequate evaluation of the impacts on Biological Resources that grossly underestimates the resulting impacts of this project.

- The Standard Conditions of Approval (SCA-1) does not specify that the replanting of trees must be native trees nor the same type of trees that are being removed. The biological resources section does not evaluate the impact on the wildlife as a whole nor on the individual species of the area for a change in the species of trees that exists on the site.
- Nothing has been mentioned or taken into account in this revised biological resources section that the bark beetle infestation has long passed its peak and that the removal of the dead trees and logs on the site to reduce the bark beetles could have adverse impacts on the other species in this area. The counterbalance of these has not been evaluated to make recommendations for finding a middle-ground for the long-term health of the area in all conditions.
- The percentage used to define the pebble plains habitat of this site as a portion of the total in existence has been grossly underestimated. According to the biological resources section itself, the special-status plants associated with the pebble plains habitat "were found to be widespread throughout an approximately 11.8 acre area of open Jeffrey pine forest with an herbaceous layer of Wright's matting buckwheat in the western half of the Project site." There is no scientific evaluation or justification given for not including at a minimum the 11.8 acres nor more accurately the "western half of the Project site" in the calculations for the size of the actual pebble plains habitat.
- Once again, since the entire "open Jeffrey pine forest" as characterized in the document meets the habitat definition of pebble plains and supports special status species across 17.38 acres, the impact is not just 0.69 acres as considered in the analysis, but the entire 17.38 acres.

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- Many of the pebble plains habitat areas in other parts of the Valley have been very recently and very extensively damaged and thus potentially reduced in size. No evaluation has been done on the actual size of the entire pebble plains habitat, and therefore on the actual percentage represented by this proposed development site, with taking into account the large increase in off-road vehicle usage and resulting destruction of the existing habitat. **7-6**
- No scientific justification is given to define 40% rainfall as being a sufficient basis for obtaining an accurate survey of the extent of the pebble plains habitat nor any justification given for surveys being valid with anything less than full and normal rainfall. **7-7**
- No scientific justification is given to define 40% rainfall as being a sufficient basis for obtaining an accurate survey of the extent of the montane meadow habitat nor any justification given for surveys being valid with anything less than full and normal rainfall. **7-8**
- Since it would be difficult if not impossible to find a willing seller of sufficient acreage of pebble plains and associated rare plant habitat to in any way mitigate the loss of the actual size of these habitats at the proposed project site, this mitigation measure (paragraph 2 of 5.8-1a) is impractical and inadequate. **7-9**
- No mitigation measures have been defined to make up for the loss of montane meadow habitat with the development of this proposed project. **7-10**
- No evaluations have been done to define how much of the total montane meadow habitat in the Valley would be lost with the development of this proposed project. **7-11**
- The special status plant species listed on page 5.8-48 of the revised biological resources section that are likely to exist at the site but that were not detectable during the surveys have not been adequately evaluated nor their potential loss accounted for in this DEIR. Since their numbers have not been determined, no determination as to the full impact to their total populations could have been determined, nor are there any requirements set for making up for their loss once their actual numbers and extent of range have been determined. **7-12**
- Given all of the above points, the mitigation measures defined in 5.8-1a are grossly inadequate and would not serve to reduce impacts to a less than significant level. **7-13**
- Since the extent of the pebble plains habitat has been inadequately evaluated and grossly underestimated, the evaluation of the potential impact to the special-status Andrews' marble butterfly is inadequate and could underestimate the significance of the impacts on this species. **7-14**
- The analysis fails to evaluate the loss of a significant portion of the shoreline habitat for all the species that could be impacted, including not only shore-feeding species, but all species that use this portion of the shoreline for access to the lake. **7-15**
- The mitigations proposed to protect the bald eagle habitat as proposed continue to be impractical and ineffective. Similar mitigations in other parts of the Valley have often not been enforced or regulated so that they, in the end, proved to be neither practical nor effective. **7-16**

- This revised section fails to evaluate the adequacy of the special-status wildlife mitigations on the basis that similar bald eagle mitigations have been done in prior developments in the Big Bear Valley and when the mitigations were implemented, the bald eagle numbers have been significantly reduced over the past two decades, thus rendering the mitigations totally inadequate. 7-17
 - Once again, the potential removal of additional trees to support Section 5.3-1c mitigation for a 100-foot fuel modification is not analyzed anywhere in the Biological Resources section. 7-18
 - The DEIR still fails to include in the biological resources analysis the impact to wildlife based on increases in road-kill from the increased traffic nor from the proposed highway realignment. 7-19
 - The evaluation of impacts to bald eagles fails to take into account that the eagles now can see the shoreline from the trees identified as bald eagle perches. There is no mention nor evaluation of the increased impacts when the views from those perch trees is degraded extensively by the visually obstructive intrusion of homes built between the trees and the shoreline. 7-20
 - No mention nor evaluation has been done on the larger-range impacts to the entire population of Southern California wintering bald eagles. The bald eagle numbers in Southern California have been declining in spite of what's happening in other areas of the country. One of the only potential ways for this population to begin recovering is to increase the chances of these populations actually nesting in Southern California. This habitat on the north shore of Big Bear Lake is some of the last remaining likely areas for this nesting to occur and thus, this proposed project will very likely negatively impact the chances for overall recovery of the bald eagle populations in Southern California. 7-21
 - No evaluation has been done on whether the drought in this area could have affected the existence of the wildlife on this site and whether more wildlife would be likely to be found at the site during years of normal rainfall. Therefore, the evaluation of the impact on all wildlife, including but not limited, to the yellow-blotched salamander, the silvery legless lizard, the southern rubber boa, the San Bernardino Mountain Flying Squirrel, and all species of bats is inadequate and potentially understated. 7-22
 - The adverse impacts on the biological resources that would result from the development of this project would spread out to affect other arenas, such as the economy of the valley and the economic viability of its current dependence on tourism. None of these impacts have been evaluated in this section or throughout the remainder of the DEIR. 7-23
- This revised biological resources section analysis continues to be inaccurate and inadequate and grossly understates the level of significance of the impacts regarding wildlife and plants that would be caused by this proposed project. It especially continues to underestimate the significant impacts on bald eagles and both the pebble plains and the montane meadow habitats. 7-24

III. CONCLUSION

Friends Of Fawnskin and CBD hereby incorporate by reference any and all comments made regarding this project, even if made in the past or future, in order to enforce the non-discretionary requirements of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). FOF and CBD have raised many critical issues in this response, but our concerns are not limited to only these specific items. Further, since a section of this DEIR was revised, the entire document must be circulated once again so that the changes and how they apply

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from one section to another can be properly evaluated and the public and the decision-makers can be properly informed prior to making any decision on this project, as required by law.

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We again formally request timely notification in advance of all meetings, documents, and decisions regarding this proposed project.

7-26

The Revised Biological Resources section of the Draft EIR, and thus the DEIR as a whole, for the proposed Moon Camp Project currently in circulation is incomplete, inaccurate and defective and must be rejected in its present form. It has failed to adequately assess the level of significance of the adverse impact on biological resources. Furthermore, multiple significant impacts continue to understate and sugar coat the project in a thinly-veiled attempt to convince the Board of Supervisors to approve this project with overriding considerations. The project, on the basis of the present proposal, is so entirely contrary to the guidelines of the County's General Plan and the best interest of the tax-paying public that it warrants nothing less than a categorical denial. We urge the Board to carefully evaluate this project and select the No Project Alternative in the interest of the Public Trust.

7-27

Respectfully submitted,



Sandy Steers
for the Friends Of Fawnskin
and Center for Biological Diversity

Response to Commentor No. 7

Sandy Steers, Friends of Fawnskin

April 15, 2005

- 7-1 Comment is noted. Section 7.0, Alternatives to the Proposed Project, includes a "No Project/No Development" alternative (RL-40) and an additional range of alternatives, concluding with the environmentally superior alternative.
- 7-2 Trees will be "replanted" on the site at a 2 to 1 ratio per the San Bernardino County Plant Protection and Management Ordinance requiring planting of trees of the same species removed. Direct and indirect impacts on wildlife are discussed beginning on page 5.8-54 of the Recirculated Biological Resources Section, under the heading "Wildlife Impacts/Indirect Impacts."
- 7-3 The impact analysis considered direct impacts to 61.87 acres of the 62.56 acre project site, which includes all native and non-native vegetation types, including developed areas. These impacts included the removal of all habitat on the project site, including dead trees and logs, and took into consideration impacts on wildlife dependent on the habitat provided by them.
- 7-4 Please refer to Response to Comment No. 5-3.
- 7-5 Please refer to Response to Comment No. 5-3.
- 7-6 Please refer to Response to Comment No. 5-3.
- 7-7 According to the Western Regional Climate Center (WRCC 2005), the Big Bear Lake area receives an average of 21.99 inches of precipitation annually, 13.63 inches or 60 percent of which is received by May when plant surveys would begin on the project site. Forty percent or 8.8 inches was considered a minimum average rainfall threshold at which surveys would be considered within an acceptable range. Mitigation Measure 5.8-1a of the Draft EIR has been updated for the Final EIR as follows:

5.8-1a ~~Prior to vegetation clearing, grading, or other disturbance, the project site shall be surveyed during a year with precipitation at least 40 percent of average for the area to determine presence or absence of special status plant species and vegetation types. Surveys shall focus on listed special status vegetation types, and Threatened or Endangered, and CNPS List 1B and 2 species whose presence could not be determined during surveys due to lack of rainfall. The location and extent of special status species populations shall be mapped and the size of the populations accurately documented.~~

~~The project applicant shall pay compensation for the loss of special status botanical resources identified on the project site by the survey by funding the purchase and management of off-site habitat through contributions to a fund established by the California Wildlife Foundation~~

on behalf of the CDFG. The California Wildlife Foundation is an independent 501(c)3 nonprofit corporation founded to assist the CDFG and other governmental agencies in the management of funds and mitigation banks designed to offset the impact of development on California's native flora and fauna. Off-site habitat containing the same species as those identified within resources impacted by the proposed project shall be purchased at a ratio agreed upon by the County of San Bernardino, San Bernardino National Forest, USFWS, and CDFG. The typical mitigation ratio is 3:1 (i.e., three acres of habitat purchased for preservation for each acre impacted by development).

If additional surveys during a year with precipitation at least 40 percent of average do not encounter additional special status plant resources, the project applicant is responsible for the mitigation of a minimum of 11.8 acres of pebble plain and open Jeffrey pine forest in the western half of the project site that is known to be occupied by the federally-listed Threatened ash-gray Indian paintbrush (i.e., would be required to fund the purchase of 35.4 acres of offsite habitat from the California Wildlife Foundation if the agreed mitigation ratio is 3:1).

Prior to vegetation clearing, grading, or other disturbance, the project site shall be surveyed during a year with precipitation at least 40 percent of average for the area to determine presence or absence of special status plant species and vegetation types. Surveys shall focus on special status vegetation types, and Threatened or Endangered, and CNPS List 1B and 2 species whose presence could not be determined during surveys due to lack of rainfall. The location and extent of special status species populations shall be mapped and the size of the populations accurately documented. Pebble plain habitat acreages will be recalculated following the survey using criteria established by the Habitat Management Guide for Pebble Plain Habitat on the National Forest System (2002).

Should avoidance/retention on-site of the 4.91 acres of Pebble Plain habitat in permanent open space under a Conservation Easement Agreement not occur, the Project Applicant shall pay compensation for the loss of special status botanical resources identified on the project site during the survey by funding the purchase, establishment of a conservation easement, and management of off-site habitat within the conservation easement by an entity approved by the CDFG. Off-site habitat containing the same species as those identified within resources impacted by the proposed project shall be purchased at a ratio of 3:1 (i.e., three acres of habitat purchased for preservation for each acre impacted by development). Prior to the initiation of clearing or grading activities on the project site, the conservation easement will be established, the management entity will be approved by the CDFG, and a non-wasting endowment will be established for the monitoring and management of the preservation site by the management entity in perpetuity.

If additional surveys during a year with precipitation at least 40 percent of average do not encounter additional special status plant resources, the Project Applicant is responsible for mitigating impacts to a minimum of 11.8-acres of pebble plain and open Jeffrey pine forest in the western half of the project site that is known to be occupied by the Federally-listed Threatened ash-gray Indian paintbrush. As such, the applicant would be required to fund the purchase and maintenance of 35.4-acres of offsite pebble plain and open Jeffrey pine forest habitat that contains special status plant species, including Ash-gray Indian paintbrush and others known to occur on the site.

- 7-8 Please refer to Response to Comment No. 7-7.
- 7-9 Implementation of Mitigation Measure 5.8-1a requires identification of a mitigation site identified prior to any vegetation clearing, grading, or other site disturbance on the project site. Therefore, the project would not be allowed to proceed until a mitigation site is retained.
- 7-10 Vegetation type acreages would be recalculated following focused plant surveys in accordance with Mitigation Measure 5.8-1a. Therefore, Mitigation Measure 5.8-1a would mitigate for the loss of Montane Meadow habitat on the project site.
- 7-11 According to the Southern California Mountains and Foothills Assessment by the Forest Service (U.S. Department of Agriculture 1999), there are approximately 55,446 acres of montane meadow habitat in Southern California, 38 percent (21,070 acres) of which occurs on public lands. Approximately 4.4 acres of lake shoreline on the project site has the potential to support montane meadow habitat. The loss of 4.4 acres on the project site or approximately 0.00008% of the total acreage known to exist in its range would not likely be considered significant. However, because montane meadow is considered a special status vegetation type, it would be mitigated at a 3 to 1 ratio in accordance with Mitigation Measure 5.8-1a.
- 7-12 Impacts to special status plants were considered by assuming their presence on the project site and evaluating impacts to the total acreage of suitable habitat for these species on the project site. Mitigation Measure 5.8-1a would reduce impacts to these species to a less than significant level.
- 7-13 The lead agency will make a determination as to the adequacy of Mitigation Measure 5.8-1a after consideration of the Draft EIR section and Responses to Comments.
- 7-14 The Andrews' marble butterfly is not currently listed or proposed for listing as a Threatened or Endangered species or CDFG Species of Special Concern. This species is known to occur in pine and mixed conifer forests, particularly open forest areas, above 5,000 feet elevation. As discussed in the draft EIR section, there are approximately 58,526 acres of Jeffrey pine forest in the San Bernardino Mountains. Furthermore, there are approximately 124,652 acres of mixed conifer forest in the San Bernardino Mountains. Therefore, within the San Bernardino Mountains there are approximately 183,178 acres of montane conifer forest containing potential habitat for the Andrew's marble butterfly and its host plants. It is not anticipated that

impacts to approximately 54.91 acres of Jeffrey pine forest and 0.69 acre of pebble plain would result in a significant impact to this species. Furthermore, implementation of Mitigation Measure 5.8-1a would ensure that impacts to pebble plain habitat are mitigated to a level considered less than significant.

- 7-15 General wildlife impacts, including loss of foraging habitat, are discussed in the Recirculated Biological Resources Section, under wildlife impacts on page 5.8-52 and impacts to lake access are discussed under wildlife movement impact 5.8-4 on page 5.8-59 and 5.8-60.
- 7-16 Please refer to Response to Comment No. 6-2.
- 7-17 Please refer to Response to Comment No. 6-2.
- 7-18 Please refer to Response to Comment No. 7-3.
- 7-19 In the existing condition, State Route 38 represents a hazard to wildlife crossing to access the Big Bear Lake as a water source. There are several blind curves that represent a greater hazard than the proposed project improvements to State Route 38. The proposed project would result in an increase in traffic on State Route 38 from vehicle trips to and from the proposed development. However, the proposed project would reduce the amount of wildlife and available habitat on the project site, thereby resulting in a reduced likelihood for vehicle strikes on State Route 38 and on streets interior to the project. Additionally, the speed limit on State Route 38 would not be changed with project implementation.
- 7-20 It is not anticipated that construction of homes near the shoreline would affect bald eagle views of Big Bear Lake from perch sites. Nonetheless, direct, indirect, and cumulative impacts to the bald eagle are considered significant and unavoidable by the Draft EIR analysis.
- 7-21 Please refer to Response to Comment No. 6-2.
- 7-22 The project site is located adjacent to the Big Bear Lake. It is unlikely that the species mentioned, or their prey or food items would move away from such a large water source during drought conditions.
- 7-23 As stated in Section 15131(a) of the CEQA guidelines, economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.
- 7-24 The Draft EIR identifies impacts to bald eagle as significant and unavoidable. Impacts to pebble plains are considered significant; however, implementation of Mitigation Measure 5.8-1a would reduce impacts to a level considered less than significant. Impacts to montane meadow habitat, if determined to be on the project

site would also be mitigated by implementation of Mitigation Measure 5.8-1a. Please refer to Response to Comment No. 7-10.

- 7-25 In accordance with Section 15088.5(c), which pertains to recirculation requirements, if the revision is limited to a portion of the EIR, the lead agency need only recirculate the chapters or portions that have been modified. In the case of this EIR review for the proposed Moon Camp Project, the revisions to the Draft EIR involved exclusively the Biological Resources Section.
- 7-26 Comment is noted.
- 7-27 Comment is noted. Section 5.1, *Land Use and Relevant Planning*, of the Draft and Final EIR includes a comprehensive review of land use and policy affects associated with the County General Plan.

SAN BERNARDINO VALLEY AUDUBON SOCIETY

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April 15, 2005

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By FAX and U.S. Mail

RE: REVISED BIOLOGICAL RESOURCES SECTION
Draft Environmental Impact Report for the MOON CAMP Development Project / RCK
Properties Inc.; General Plan Amendment -Official Land Use District Change from
BV/RL-40 to BV/RS-7200 and Amendment to County Circulation Element for Realignment of
North Shore Drive; Tentative Tract Map #16136; and Conditional Use Permit for a Boat Dock.

Dear Mr. Slowik,

The *San Bernardino Valley Audubon Society* appreciates the opportunity to comment on the Revised Biological Resources Section of the Draft Environmental Impact Report referenced above for the Moon Camp Development Project and Boat Dock in Fawnskin, which are dependent upon a special General Plan Amendment for increased density in land use designation and an amendment to the County Circulation Element for realignment of the scenic highway.

The San Bernardino Valley Audubon Society represents approximately 2000 citizens living in the Inland Empire. In addition to our members who actually reside in the mountain region, all of us look to the San Bernardino National Forest as a monumental public asset, a one-of-a-kind forest sanctuary that offers refuge, recreation and spiritual renewal to everyone who wishes to enjoy its rare and valuable alpine qualities. When actions are proposed that threaten to sacrifice these advantages unwisely or unjustifiably, we feel a strong obligation to speak out on behalf of the general populace, especially when any proposal --such as the present case-- contains disproportionate County giveaways that unduly favor private gain at public expense.

The analysis provided in the Revised Biological Resources Section of the Draft Environmental Report reveals a prime example of the kind of development proposal where the County is being asked to sacrifice major public values in order to elevate private interests and private gain over and above reasonable County guidelines, which were established essentially to

8-1

avoid such actions. The purpose stated in the Introduction of the Revised Biological Resources Section for the inclusion of additional biological information is that the "revisions are intended to clarify cumulative impacts to the bald eagle species and present modifications to mitigation measures." In clarifying the overall effect of the proposed project on the bald eagle species in the Big Bear Valley, the conclusion of the report is that the project would result in "significant and unavoidable impacts" to bald eagle populations, for which no offsetting mitigation can be provided. Given the importance of the Bald Eagle in the Big Bear Valley both biologically and economically, this is tantamount to saying that the project would be an extremely bad idea.

It is further stated that, "If the County of San Bernardino approves the project, the County shall be required to cite their findings in accordance with Section 15091 of CEQA and prepare a Statement of Overriding Considerations in accordance with section 15093 of CEQA." In past instances of biologically detrimental development proposals in the mountain area, where significant unmitigable impacts were present, the County has employed the Statement of Overriding Consideration to substitute housing needs and economic benefits as tenuous justifications to override the particular significant biological impacts.

However, recent fires, floods and other hazards have shown that excessive housing in the mountains does not equate to the same social benefits that ordinary urban planning or an urban-oriented mindset might generally assume in the instance of similar growth inducing situations in the flatlands. On the contrary, more housing is counter-productive to public safety. No longer can it be considered justifiable to sidestep critical biological resources on the claim that social, housing or economic benefits override the public value, the resources value or the economic value of the bald eagle habitat in the Big Bear Valley. The protection of natural resources on this site is clearly more in keeping with the highest public interest. This is especially true in the present case where a General Plan Amendment aimed specifically at increasing allotted densities would be necessary in order to implement the proposed project, even though the majority of the adjacent land is National Forest and lake frontage, fully within the viewshed of a scenic highway.

The Bald Eagle has become a major attraction and a prominent symbol for the Big Bear area as well as a critical indicator species of the overall biological health and integrity of the forest and alpine lake environment. Unwarranted commercial ventures that actively confer special advantages to the applicant at public expense ought not to be allowed in cases like this where they clearly jeopardize prominent resources.

As was pointed out in our prior comments of May 17, 2004, increased development in the Big Bear Valley has corresponded with a simultaneous decline in the population of wintering Bald Eagles that inhabit the area. In addition to being the national bird, the bald eagle has also come to symbolize the unique wildlife values of the Big Bear Lake area in the San Bernardino National Forest. Beyond its importance as a threatened species, the presence of the Bald Eagle in Big Bear has become a famous attraction for the visiting public, widely featured in a variety of publications and media exposure that confer a tremendous level of preciously high-profile advertising of this popular tourist destination. Such attention is of considerable benefit to the local economy that prospers from the prominence of the surrounding National Forest and the integrity of its wildlife. The Forest Service Discovery Center on the north shore is the main

8-1

visitor center for the local mountains. Eagle tours are the primary attraction in winter. The health and sustainability of the Bald Eagle is a critical factor for the overall natural resource values of the National Forest in the Big Bear Lake area.

The Revised Biological Resources Section strongly confirms that the Moon Camp site is a highly significant roosting and perching habitat for the remaining bald eagle population in the area. In fact the report stresses that the "proposed project contains some of the most utilized bald eagle roosting and perching habitat in the Big Bear Valley." But the revised assessment also points out that the proposed project, which is entirely dependent upon a discretionary approval by the County of a preferential zoning change, would have an extremely adverse effect on the Bald Eagle, which could not be mitigated. The quantity of trees that would need to be removed for the extensive building and road construction proposals would severely compromise the viability of the existing habitat and further compound the factors contributing to the significant population decline of the Bald Eagle in Big Bear Valley.

Therefore we continue to strongly encourage that the County Planning Department recommend that the project be denied as not conforming to the unique values of the site, particularly the extraordinary presence of the magnificent Bald Eagle as one of the most exceptional and irreplaceable natural resources of the region. It would be a tragic loss if the largest population of wintering bald eagles in Southern California were allowed to dissipate due to unwarranted projects like this.

The Bald Eagle is certainly a prime example of the kind of natural resource that the County General Plan fully intended to protect. Over 15 years ago the General Plan recognized on Page 11-C1-2 that, "In the Mountain region, many plant and animal species, including Bald and Golden Eagles, are losing habitat to residential land use along lake shores." Wildlife values are specifically highlighted in the General Plan on page 11-C5-57 under the Preservation of Natural Resources Section of the Open Space Element as having a collection of positive factors such as aesthetic, recreational, ecological, educational and scientific values as well as economic benefits, insofar as the wintering population of the Bald Eagle in particular is a popular tourist event in the Big Bear Valley. Also the San Bernardino Mountains as a whole are considered an "Area of Biotic Significance" (page 11-C5-66) and in particular all perennial and intermittent ("Blue-line") streams, lakes and reservoirs, conifer forests and large mammals and raptors are specifically identified as being key natural resources (pgs. 11-C5-70, 73). It is clear that the overall context of the mountain environment requires special attention to sustain a whole system of natural resources.

The supplemental Biological Resources Section of the DEIR has been helpful in its expanded assessment of these unique qualities and considerations as they relate to the proposed Moon Camp development project. But it is increasingly apparent to the San Bernardino Valley Audubon Society from monitoring development trends in the San Bernardino Mountains over the past decade that the full protection of the County General Plan pertaining to natural resources needs to be more strongly invoked and more strategically reinforced, if the highest and best attributes of the local National Forest and its exceptional biological resources are to be adequately sustained as a regional treasure into the rapidly urbanizing future. It is also important

8-1

3

that applicants such as the Moon Camp proponents realize at the earliest possible stage that inappropriate projects ought not to be proposed in the first place.

The County General Plan fully recognizes many of the critical challenges inherent in protecting natural resources:

These resources generally are not hardy nor capable of withstanding the adverse effects of increasing urbanization. Understanding these resources requires an understanding of certain principles. These include the concepts of: carrying capacity, threshold levels of impact, renewable versus nonrenewable kinds of resources, ecological viability, and long-term versus short-term deleterious effects.

Natural resources are distinctly different from other concerns normally dealt with in the planning process because these resources are exhaustible and can be permanently damaged. In order to ensure the continued ability of these natural resources to function in their supportive roles in maintaining the quality of life for the urbanized portions of the County, it is crucial to identify and implement strong definitive actions to assure their long term survivability. Without strong direction and controls placed upon certain lands within the County, undesirable effects will result in:

- Extinction of species
- Depletion of groundwater aquifers
- Consumption of nonrenewable resources
- Loss of interpretive data
- Conversions of natural open space

There are numerous goals and policies of the General Plan that fully emphasize these biological and natural resource priorities. A survey of several of these policies strongly illustrates the special value and protections outlined in the General Plan:

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

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

8-1

8-2

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

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

Location, Distribution and Intensity of Land Uses Goals (pg. 11-D6-4)

- D-47 Provide a compatible and harmonious arrangement of land uses in the rural area and encourage the conservation of natural and cultural resources for the benefit of residents and visitors.
- D-49 Determine what the land is best suited for, match man's activities to the lands' natural suitability, and minimize conflict with the natural environment.

Natural Resources --Biological Policies/Actions (pg. 11-C1-4)

- BI-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:
 - d. Restrict encroachment of incompatible land uses on natural areas, including drainage courses and open space areas shown on the Resources Overlay.

General Open Space Policies/Actions (pg. 11-C5-7)

- OR-1 Because preservation of open space lands will be facilitated through the application of land use standards, the County shall implement the following actions:
 - a. Utilize appropriate land use categories on the Land Use maps to provide for uses which respect open space values. Land Use districts appropriate for various types of open space preservation include: Agriculture (AG), Floodway (FW), Resource Conservation (RC), Institutional (IN).
 - b. Develop and apply development policies/standards to support retention of open space lands by: requiring large lot sizes, high percentage of open space or agricultural uses, and clustering.

8-2

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

OR-2 Because the County desires to protect open space lands, and since the County has a unique ability to implement open space programs countywide, the County shall acquire and develop public open space through the establishment of a long-term funding source for land purchase/lease and open space operations.

Open Space Action Programs: Implementation and Funding (pg. 11-C5-8)

OR-3 Because implementation of the open space policies and programs in this Element will require the application of specific policies and action programs and the availability of funding and other implementation mechanisms, the County shall:

d. Prepare a report outlining the economic effects of open space, focusing on potential tourism revenues, the effect of open space on adjacent property values, and the relative costs of providing open space management or urban services for a site.

Natural Resource Preservation Policies/Actions (pg. 11-C5-79)

OR-15 Because the County desires to protect and preserve natural habitat, areas shown on the Resources Overlay as "Policy Zone" and "Wildlife Corridors" shall be targeted for ministerial and discretionary actions, including purchase of some lands, in support of preserving the natural features and habitat present.

OR-17 Because preservation of natural systems requires the establishment of habitat areas larger than can be provided within individual developments, and since many habitat areas are at risk of being lost to urban encroachment, the County shall seek to establish a publicly owned open space system, purchasing land or development rights or transferring development rights or density, where necessary, to prevent development of important open space areas.

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

a. Require that private lands which exhibit unique features, as identified on the Resource Overlay Map or discussed in this Open Space Element, shall maintain those features. Compensation by allowing the transfer of development rights will be the preferred mechanism for accomplishing this goal. "Unique features" may include significant topographic features, ridgelines, habitats for threatened and endangered species, and habitats of limited dispersion in the County.

8-2

6

b. Encourage donation or exchange of lands with sensitive biota resources (including, but not limited to, areas shown on the Resources Overlay) to non-profit environmental organizations or responsible agencies (USFS, County, the Nature Conservancy, etc.).

c. Promote common-interest Planned Developments requiring open space and allowing transfer of development rights.

d. Apply the Resource Conservation Land Use District in areas of public and private open space which by its location, access limitations, natural resources, terrain or scenic qualities is suited for low intensity use.

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

OR-20 Because preservation of threatened and endangered species requires the preservation of naturally occurring ecological systems containing plants and animals not considered threatened or endangered, the County shall include in its review of all development projects the total habitat value of a site, rather than simply the presence or absence of these species.

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

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

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

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

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

a. Support the transfer of private inholdings into public ownership through appropriate mechanisms to reduce "checkerboard" ownership.

8-2

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

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

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

Land Use Policies/Actions (pg. 11-D6-5)

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

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

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

LU-10 Because the County wants to minimize land use conflicts between the County and other agencies that have jurisdictional control over lands located within the County, and because the County wants to cooperate and coordinate with adjacent municipalities and other regional agencies to address regional problems such as traffic congestion, air pollution, water quality, waste management and job/ housing imbalance, the following policies/ actions shall be implemented:

- b. Solicit comments from the military and other Federal and State agencies that control land in the County on projects which are proposed near their facilities, as described in sub-policy (d) below.

Mountain Policies/ Actions

LAND USE/ GROWTH MANAGEMENT (pg. 111-C-6)

8-2

- The county shall regulate the density and configuration of residential development along the shore of all mountain lakes in order to protect their scenic qualities.

Bear Valley Policies/ Actions

Natural Resources BIOLOGICAL (pg. 111-C-14)

- Designate and protect unique habitats supporting rare and endangered species.
- Adopt a Biotic Resources overlay, and utilize the "Sensitive Biota Resources Management Plan" and related "target areas" as community (conservation) standards.
- Utilize the Forest Conservation Community Standards to distinguish between eagle perch trees and hazard trees relative to permitted removal.

8-2

OPEN SPACE/ RECREATION/ SCENIC (pg. 111-C-17)

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

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

All of the citations above illustrate how inconsistent the proposed project is with the biological guidelines of the County General Plan. On the other hand the currently designated zoning of one unit per 40 acres for the site is far more consistent with the intent of the General Plan as well as the best interest of the general public and the proper stewardship of the unique and valuable biological resources. The existing land use designation is decidedly more appropriate and ought not to be changed. The additional fact that the supplemental Biological Resources Section of the DEIR does not propose any off-site mitigation such as a conservation easement or offsetting purchase of alternative bald eagle habitat sadly indicates that no other bald eagle habitat on private land remains in the Big Bear Valley. This is a particularly disturbing fact, because it suggests that existing bald eagle habitat on private land in the mountains has been all but diminished to an absolute minimum. The further fact that the species population is declining in the Big Bear Valley indicates that prior mitigations have been insufficient and ineffective. If the guidelines of the General Plan are to be taken seriously and viable protection is to be afforded to the Bald Eagle in the San Bernardino Mountains, then the proposed Moon Camp project must be resolutely rejected. Such a conclusion is made even more emphatic by the fact that the bald eagle habitat on the Moon Camp site is judged by the biological assessment to be of distinctively superior and irreplaceable quality.

8-3

The often dismissive conclusions of the Revised Biological Resources Section of the DEIR regarding the extent of significant adverse impacts on various species and habitats also must be counterbalanced against the extremely narrow context of the rather hair-splitting legal definition of "significance criteria," which was used in determining what would be considered "significant". The statement on page 5.8-45 is an example:

8-4

"Impacts are sometimes locally adverse but not significant because, although they would result in an adverse alteration of existing conditions, they would not substantially diminish or result in the permanent loss of an important resource on a population- or region-wide basis."

We interpret this to mean that only the most extreme criteria were used as a basis to determine whether an impact was "significant" or not, i.e. whether the impact represents "the permanent loss of an important resource." Using only "permanent loss" or "substantially diminish" (presumably to the point of non-sustainability) as the criteria of "significance" seems to be highly unreasonable. This leads to several conclusions that we would dispute, because higher standards of local criteria ought to have been applied. On page 5.8-14 the study states that, "As defined above, the Project site does not contain wildlife crossings or corridors." Under the section on Wildlife Movement, the report concludes that the project "would result in reduced connectivity between Big Bear Lake as a water source to the contiguous open spaces on and to the north..." and "would result in increased traffic on the project site by residents that would further impede movement of terrestrial wildlife currently crossing the site and Highway 38." Yet the final judgment is: "Although this impact is considered locally adverse, it is not considered significant because the impact does not substantially affect a regionally important wildlife movement corridor." Such dismissals of local impacts contradict admonitions in the County General Plan to better protect common wildlife and encourage restoration of corridors (see C-7 and OR-20 cited above). It is also the case that such casual dismissals of locally adverse impacts can lead later on to serious repercussions in adverse cumulative effects, which all too often have gone overlooked by equivalent short-sightedness in other projects. The total loss of deer fawning habitat in Running Springs is one example. Another is the prior underestimation of overall fire danger in the mountain area, which has resulted in a costly and worsened public safety hazard from the excessive urban-wildland intermix.

8-4

It is clear from the biological report that there really are many additional significant adverse impacts from the proposed project that simply were not considered "significant" by virtue of the minimalist definition used in this assessment. As stated on page 5.8-55: "The loss of habitat, loss of wildlife, wildlife displacement, and habitat fragmentation that would result from construction of the proposed Project would not be considered significant because these impacts would not substantially diminish habitat for wildlife in the region nor reduce any specific wildlife populations in the region to below self-sustaining numbers." Similar kinds of conclusions must have been used on previous projects that have now led to the present critical decline in the bald eagle population. We consider this to be a serious flaw in the report in erring unduly on the side of devaluing biological resources and underestimating cumulative impacts to the point where unsustainable numbers seem to be encouraged rather than strategically avoided.

8-5

It is apparent from the guidelines of the County General Plan that the County and the local general public recognize substantially higher standards of significance than were used in the biological assessment. Given this rather stilted bias in the report, it is even more compelling to realize that the conclusions of the study still firmly establish that there would be extensive and major adverse impacts resulting from the approval of the proposed project.

8-6

In regard to various mitigations proposed for impacts to special status plants and vegetation types as well as nesting raptors and jurisdictional waters, we find that most of the proposals are conscientious and sound with the exception of basing future plant studies on minimal criteria of 40% annual rainfall. This figure appears to be arbitrarily and inappropriately low. However, the overall dependence of this project upon extensive mitigations serves to further underscore the inescapable fact that the project itself is heavily burdened with excessive adverse impacts. The preponderance of adverse impacts once more argues forcefully for denying any change to the County General Plan that would unwisely condone increased densities on this site.

8-7

The extraordinary amount of volunteer time, effort, dedication, research and consultation with experts on the part of local citizens that has been marshaled to confront the inappropriate proposals of the Moon Camp Project is indicative of the unacceptable level of adverse impacts that the project threatens to force upon the community and the public. The County needs to recognize the tremendous amount of time, expertise and expense that has been invested by the public in defending itself against the Moon Camp proposal. Certainly the sum is at least equivalent to any investment made so far by the applicant of the project. We hope that such a prodigious effort and demonstration of citizen concern will make it sufficiently apparent to the County Planning Department that the most appropriate decision must be an explicit denial of the proposal. In respect to the biological resources, maintaining the status quo in the current land use designation is clearly in the best interest of the public as well as for the Bald Eagle, the entire range of wildlife habitat, the overall forest, the rare plants and for the important economic benefits that derive from each of these valuable natural resources.

8-8

For all of the above reasons, the San Bernardino Valley Audubon Society strongly encourages the County Planning Department to recommend denial of the proposed Moon Camp Project. We thank you for your consideration of these comments.

8-9

Sincerely



David Woodward
Conservation Chair

Response to Commentor No. 8

David Woodward, San Bernardino Audubon Society

April 15, 2005

8-1 Comment is noted and refers to the San Bernardino County Policy provisions which have been addressed in Section 5.1, *Land Use and Relevant Planning*, of the Draft and Final EIR.

8-2 Please refer to Response to Comment No. 8-1.

8-3 Please refer to Response to Comment Nos. 5-3 and 7-1. For the bald eagle, avoidance through retention of eagle perch trees is likely to be more successful than any attempt to recreate/replace some form of eagle habitat elsewhere. Due to unknowns as to how successful the avoidance approach would be, the conclusion of significance for impacts is accurate as presented in the EIR.

8-4 The full text of the paragraph on page 5.8-46 is provided as follows:

"An evaluation of whether an impact on biological resources would be substantial must consider both the resource itself and how that resource fits into a regional or local context. Substantial impacts would be those that would substantially diminish, or result in the loss of, an important biological resource or those that would obviously conflict with local, State or Federal resource conservation plans, goals, or regulations. Impacts are sometimes locally adverse but not significant because, although they would result in an adverse alteration of existing conditions, they would not substantially diminish or result in the permanent loss of an important resource on a population- or region-wide basis."

This discussion describes the application of the Section 15065(a), *Mandatory Findings of Significance*, of the CEQA Guidelines. According to this threshold, although a project may result in direct impacts to a population of a particular species, the significance of the impact depends on the extent to which the project reduces the numbers or range of a local population or the reduction of numbers or range of the resource on a region-wide basis. This threshold applies on a resource by resource basis and does not apply to state- or federally-listed Threatened or Endangered wildlife species, impacts to which are considered significant regardless of number of individuals impacted.

The CEQA threshold of significance for wildlife movement is whether or not the Project "interferes substantially with the movement of any native or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impedes the use of native wildlife nursery sites." The project site provides a travel route to the shoreline of Big Bear Lake and does not qualify as a native resident or migratory wildlife corridor.

8-5 The conclusion cited from page 5.8-55 of the recirculated Biological Resources Section, applies to the loss of wildlife habitat available to common native wildlife

- species on the project site. Project-related impacts to bald eagle are considered significant and unavoidable.
- 8-6 The thresholds of significance used in the impact analysis are taken directly from the Appendix G, Section 15065(a), and Section 15380 of CEQA.
- 8-7 Comment is noted. Please refer to Response to Comment No. 7-7.
- 8-8 Comment is noted.
- 8-9 Comment is noted.

- to whom this should go to;

3/16/05

North Shore Drive is also Hwy 38

It is a beautiful drive along the Lake &
this should not be changed for someone's
private use to build homes & a not
needed boat dock - Right next door to this
proposed property change is already a
Boat Marina & boat dock with 175
proposed slips - Marina Cove development.
The houses they want to build is OK if
they have the "water, sewer" problems solved,
this property being a lot of hillside so water
table should be considered look what is happening
in all the areas in L.A. - Orange Cty - Pasadena -

9-1

Pomona etc -

But most important the North Shore Drive
Hwy 38 - should not be changed for
private enterprise. I have lived in
Fawnskin on + now just off North Shore Drive
+ Canyon for 33 years. My opinion should
be considered I love this valley and

" Fawnskin -

"Thank you,

tel 909-866-3645

Mooncamp Development
Project TCK properties

Betty Conroy
P.O. 165

Fawnskin Ca 92333

this letter was from
RBF - Planning - Design - Construction
consulting

Private - ???
enterprise - - -

Response to Commentor No. 9

Betty Conroy

March 2, 2005

- 9-1 Comment is noted. Environmental considerations noted by the Commentor have been addressed in the Draft and Final EIR.

RECEIVED
MAR 24 2005

LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

March 16, 2005

Dear Mr. Slowick,

I am responding to the Review Draft EIR for the Mooncamp Development Project. As a 30 year owner of nearby property on Canyon Rd, I have many objections to the project but I will limit my concerns to the Biological Resources section.

Specifically, even after implementation of proposed mitigation measures, the project will seriously impact the wintering bald eagle population. This is an important site for these endangered birds, and should be protected by all levels of government.

Sincerely,



Carol Enos
2615 Chestnut
Orange, Ca 92867

10-1

Response to Commentor No. 10

Carol Enos

March 16, 2005

- 10-1 Comment is noted. Environmental considerations noted by the Commentor have been addressed in the Draft and Final EIR.

COMMENT NO. 11

39567 Oak Glen Road
Fawnskin, CA
March 15, 2005

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

RECEIVED
MAR 17 2005
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Attn: Matthew W. Slowik

Re: Mooncamp Development Project/RCK Properties, Inc.

Dear Mr. Slowik,

I'm the lady that called to tell you that I couldn't read the Biological Resources section of the EIR on your website. Thank you for helping me.

Having read Section 5.8, it seems apparent to me that allowing the Mooncamp project to be built would be a serious assault on the biological resources. Not only are there a very high number of special status plants and wildlife that would be affected to varying degree but Section 5.8-6 -- Cumulative Impacts, clearly states that the bald eagle would be affected not only by loss of habitat and food source but also by the presence of man. The effect of night lighting alone would "significantly affect" the eagles. This area is one of the most important habitats in the state of California.

11-1

Obviously, the bald eagle issue is the most significant impact mentioned in the report but as I read the entire report, I found that there are so many other forms of plantlife and wildlife that would be significantly affected -- the Big Bear Valley Sandwort, the Ash-gray Indian Paintbrush, bird and bat foraging to name a few.

I am aware that you asked for comment only on the Biological Resources section but I would just like to say that as a homeowner in Fawnskin, I believe that this development would irrevocably change the entire area. I am concerned about the infrastructure supporting a huge, ungainly development of this sort. I am concerned about the water usage by this large number of units. I am concerned about property values plummeting. And I am truly alarmed that the County of San Bernardino might possibly decide that this development is in character with the surrounding area. You only need to stand on the land that will be covered by this development and look around at the surrounding area to see that this would be an insult to the land, its wildlife and plantlife and it's present inhabitants.

11-2

I most strongly urge you, as an Associate Planner for the County, as well as other members of the Planning Division and ultimately the Board of Supervisors, to decide against this extremely intrusive and damaging development.

Sincerely,


Diane Shattuck

Response to Commentor No. 11

Diane Shattuck

March 17, 2005

- 11-1 Comment is noted. Impacts to the bald eagle were determined to be significant and unavoidable by the Draft EIR analysis.
- 11-2 Comment is noted.

COMMENT NO. 12

April 14, 2005
County of San Bernardino
Land Use Services Department, Planning Division
385 N. Arrowhead Ave, First Floor
San Bernardino, CA 92415-0182
Attention: Matthew W. Slowik

RECEIVED
APR 18 2005
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Regarding: Mooncamp Development Project/Rck Properties, Inc.
Draft EIR Biological Section Recirculation

This letter addresses the Moon Camp newly recirculated biological section of the DEIR.

The impact on the bald eagle population which visits Big Bear every winter would be significant. The mitigation measures recommended would not reduce direct or cumulative impacts to bald eagle habitat to a level considered less than significant. The DEIR states: "The proposed project contains some of the most utilized bald eagle roosting and perching habitat in the Big Bear Valley. Construction of the proposed project would diminish the habitat value of the project site for the Bear Valley." The cumulative effect of the loss of bald eagle perch and roosting trees if this project is to go forward, along with other past, present, and possible future developments planned for the Fawnskin / Big Bear area would significantly impact bald eagle habitat on the north shore of Big Bear Lake. The bald eagles are a big tourist attraction as well.

12-1

This project would take a general plan amendment for a change in the existing zoning. There can be no overriding considerations that justify this negative impact on the wintering bald eagle population in Big Bear.

Most sincerely,



Sandra Ellis
PO Box 8542
Green Valley Lake, CA 92341

Response to Commentor No. 12

Sandra Ellis

April 14, 2005

- 12-1 Comment is noted. Environmental considerations noted by the Commentor have been addressed in the Draft and Final EIR.

COMMENT NO. 13

Rush E Wallace
PO Box 3064 Big Bear Lake, Ca
92315

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

Subject MOONCAMP DEVELOPMENT PROJECT/RCK PROPERTIES, INC. DRAFT EIR BIOLOGICAL SECTION RECIRCULATION.

As Chairman of the Executive Committee of the Big Bear Group of the Sierra Club I have grave concerns regarding the draft EIR for the above mentioned project. Specifically my concerns and comments are as follows:

— What scientific basis is there for using 40% of normal rainfall as the time when they do another plant survey? Why shouldn't it be done with normal rainfall? | 13-1

— It is very unlikely that there is a place available that they can purchase for offsite mitigation for pebble plains habitat, so this is not a satisfactory mitigation. | 13-2

— The impact on bald eagles has been determined to be significant and the DEIR states that

"The proposed project contains some of the most utilized bald eagle roosting and perching habitat in the Big Bear Valley. Construction of the proposed project would diminish the habitat value of the project site for the species. When viewed in conjunction with other past, present, and reasonably foreseeable developments planned for the Fawnskin/Big Bear Lake area, the loss of bald eagle perch and roosting trees on the project site would significantly impact bald eagle habitat on the north shore of Big Bear Lake. Thus, cumulative impacts to the bald eagle are considered significant. Mitigation measures reflective of recommendations developed by scientific studies in the the Big Bear Valley, including Kimball Garrett's study on the effects of human activity on wintering bald eagles (1981), are provided as part of the proposed project. However, implementation of these mitigation measures would not reduce direct or cumulative impacts to bald eagle habitat to a level considered less than significant."

13-3

To approve this project the Supervisors would have to cite overriding considerations.

-Since this project would take a general plan amendment for a change in the existing zoning, there can be no overriding considerations that justify this negative impact on the wintering bald eagle population in Big Bear.

-In fact, since the economy of the valley very much thrives on nature, recreation and the existence of the bald eagle here, there would most likely be economic harm to the entire valley if this project is approved.

The County must start taking the protection of these valuable resources seriously. They can not be replaced by mitigation!


Rush E Wallace

Response to Commentor No. 13

Rush Wallace

April 14, 2005

- 13-1 Please refer to Response to Comment No. 7-7.
- 13-2 Please refer to Response to Comment No. 7-9.
- 13-3 Comment is noted. Environmental considerations noted by the Commentor have been addressed in the Draft and Final EIR.

COMMENT NO. 14

To: County of San Bernardino
Land Use Services Dept., Planning Division
385 N. Arrowhead Ave. First Floor
San Bernardino, Ca.92415-0182
Attn: Matthew W. Slowik

Refer to: Mooncamp Development/RCK Properties, Inc. Draft EIR
Biological Section recirculation.

Sirs,

The people of Big Bear Valley have made it clear that an amendment to the General Plan for the Proposed MoonCamp Development would not be in the best interests of the future of this area.

We would lose valuable Eagle habitat, recreation and nature sites and the very reason this valley is unique.

There is no plus side to the overdevelopment of this unique Valley for the people who live here or the people who visit here to see exactly what you could help destroy if this proposal is approved.

I oppose this project and having taken part in the survey of Fawnskin regarding changes to the General Plan I can assure you that there is overwhelming opposition to these changes....

Don't kill our Valley.

Loretta L. Gardiner

P O Box 258

Fawnskin , Ca 92333

14-1

Response to Commentor No. 14

Loretta Gardiner

April 14, 2005

14-1 Comment is noted.

Apr 14 05 10:50a

COMMENT NO. 15

To: Matthew W. Slowik
Rea: Mooncamp development

For your consideration.