

**Final  
Environmental Impact Report  
Moon Camp 50-lot Residential Subdivision, TT No. 16136  
(Based on the Revised Site Plan)  
Big Bear Lake, San Bernardino County, California  
State Clearinghouse Number 2002021105**

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July 10, 2020

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## SECTION 1: INTRODUCTION

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

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

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

This Final EIR document is organized as follows:

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

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

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

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

## 1.1 - Background and History

### 1.1.1 - Original Project EIR—2005

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

### 1.1.2 - 2010 Revised and Recirculated Project EIR No. 1

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

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

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

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

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

### 1.1.3 - 2011 Revised and Recirculated Project EIR No. 2

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

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

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

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

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

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

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

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

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

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

Project Design	Original Project—2005	2010 Project	2011 Project
Development Scenario	Lots would be sold individually and custom homes would be constructed by the individual property owners	Lots would be sold individually and custom homes would be constructed by the individual property owners	Lots would be sold individually and custom homes would be constructed by the individual property owners
Note: * Current General Plan Designation is BV/RL-40—Bear Valley Community Plan, Rural Living, minimum 40-acre residential lot size.			

#### 1.1.4 - 2020 Final EIR

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

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

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

### 2.1 - List of Authors

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

Author	Author Code
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#### Federal Agencies

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

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

#### Regional Agencies

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

#### Organizations

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

#### Individuals

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



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

## Form Letters

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



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

## 2.2 - Responses to Comments

### 2.2.1 - Introduction

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

### 2.2.2 - Comment Letters and Individual Responses

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

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**Slowik, Matt - LUS - Advance Planning**

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

USFS-1

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

To open this document in the Records database, click on this link ->[Link](#)

To access all documents in the National Records Database, click on this link ->[Link](#)



2c



United States  
Department of  
Agriculture

Forest  
Service

San Bernardino National Forest  
Mountaintop Ranger District

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909-382-2600 #2 (Voice)  
909-866-2867 (FAX)

File Code: 1950-3-1

Date: June 4, 2010

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

Dear Mr. Slowik,

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

1. Hazardous Fuels and Fire Services –The Forest Service appreciates that the project design includes a fuel modification zone on the private land and does not assume that the NFS lands will have fuel modification protection for the private land. According to State and County requirements, the slope of the hillside may require that the fuel modification zone be up to 300 feet, which would need to be entirely within the proposed development. The community of Fawnskin is within our direct protection area for response to fire. The proposed water alternatives are not evaluated with regard to hydraulic effects to the existing Fawnskin water system. We ask that the Supervisors consider the potential effects of this proposal on flow rates for hydrants in the Moon Camp and Fawnskin areas.
2. Rare Plants - The Forest Service remains concerned about impacts to Threatened, Endangered, and Sensitive species/habitats on the adjacent NFS land as the development would potentially increase use and impacts on NFS lands. There is Critical Habitat (as designated under the Endangered Species Act) and known occurrences for plants listed under the federal Endangered Species Act on Forest Service land adjacent to the Moon Camp parcel. Impacts to plants in and adjacent to the Moon Camp area would increase the value and sensitivity of pebble plain habitat on other NFS lands. This can reduce the flexibility and ability of the Forest Service to conduct management actions (such as hazardous fuel reduction) on these other NFS lands. The mitigation measures include a measure that says the NFS/private land boundary will be signed and that the signs and CC&Rs will include guidance about using “designated hiking/biking” trails. The County Supervisors should understand that there are no designated hiking/biking trails in the area (the nearest are Grey’s Peak and Cougar Crest trails, about one mile to the west and east, respectively). We do not believe that signing and CC&Rs alone will be effective in preventing an increase in dispersed recreation and associated impacts on adjacent Forest Service land. Therefore, we ask the Supervisors to consider additional mitigation

USFS-1

USFS-2

USFS-3





measures to reduce these impacts.

3. Spotted Owls - Parts of the proposed project site support suitable foraging and nesting habitat for California spotted owl. Habitat for this rare species has been affected by fire and development throughout the mountains of southern California. The Supervisor's decision should also include consideration of the long-term impacts to this species and its habitat. Please consider adding protection measures to retain as much suitable habitat on site as possible, and off-site habitat acquisition/protection as mitigation for suitable habitat that would be permanently degraded. The Forest Service recently completed an effort to map all known and suitable spotted owl habitat on the SBNF and would be happy to share this mapping with the County to assist with the potential mitigation.
4. Water - The Forest Service is concerned about the impacts of water extractions from the Moon Camp wells on adjacent and on-site riparian and wetland habitats. Some of the swales on the Moon Camp property support rare plants and rely on wet conditions. As water availability for native habitats and fire-fighting is one of the most critical concerns in the mountains, the Forest Service would appreciate the Supervisors considering the long-term impacts of residential growth that will increase demands on the limited water supply. While the Forest Service applauds the mitigation measures that encourage the use of xeric landscaping and other water conservation measures, the Forest Service asks that the Supervisors consider taking additional measures in order to lower the water-related demands on this limited resource.
5. Wildlife - While the Forest Service appreciates the mitigation measures to reduce the effects of night-lighting on wildlife (BF-9 and BR-10), we wonder about the need to have street lamps at all since no neighborhood on the north shore of Big Bear Lake (including the State Highway) has street lamps. We would like to suggest that the Supervisors consider further reducing the potential for night lighting impacts by not allowing street lamps in this project. A number of studies have shown the detrimental effects of night lighting on aquatic, riparian, and nocturnal (including night-time migratory birds) species. The EIR's analysis of impacts to wildlife from night-lighting states that the impacts may be significant when combined with other impacts (noise and habitat loss). For BF-10, the Supervisors could consider adding a requirement that residential outdoor lights to be motion-activated to further reduce the potential effects of night-lighting. Mitigation measure BR-3 states that flying squirrel nest boxes would be located on adjacent FS land. We ask that the County discuss such plans with our staff prior to implementing any measures on NFS lands.
6. Bald Eagles - We concur with the findings of in the DEIR that the project would cause significant unmitigated impacts to Bald Eagles. The Forest Service is concerned about long-term impacts to bald eagle perch/foraging habitat. We are concerned that as large perch trees die, they will be felled because they would pose safety hazards to people and improvements. Without the development, they would not be hazards and would remain standing for some period of time. Initial mitigations for removal of perch trees during construction through installation of artificial perch trees have not been maintained. As the artificial perch trees fall, no replacements occur; thus, mitigations have been temporary and limited. The Forest Service encourages the Supervisors to consider provisions that require long-term commitments to providing perch and foraging sites.

USFS-3

USFS-4

USFS-5

USFS-6

USFS-7



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

USFS-7

7. Encroachment - Where new developments border on National Forest, it is extremely important that the County require surveys and documentation of the land line locations prior to, during, and well after the development construction process to assure that no trespasses occur on National Forest System lands.
8. Erosion/Sediment - New development next to National Forest need to be set back at least 100 feet from National Forest System lands boundaries such that any excavation and or earth work does not cause "back cutting" type erosion; nor should sediment and erosion created as the by-product of constructing the new development impact the National Forest. In the absence of detailed soils erosion and sedimentation plan and geotechnical investigation of slope stability, it is not possible to determine whether significant impacts would occur. This is especially important in light of Big Bear Lake's impaired status regarding TMDL.

USFS-8

USFS-9

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

USFS-10

Sincerely,

/s/ Scott Tangenberg  
SCOTT TANGENBERG  
District Ranger

cc: Jeanne Wade

## 2.2.3 - Federal Agencies

### United States Forest Service (USFS)

#### *Response to USFS-1*

The commenter provides introductory remarks to preface the letter. No response is necessary.

#### *Response to USFS-2*

The commenter expresses concern regarding hazardous fuels and fire service.

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

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

#### *Response to USFS-3 through 4*

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

#### *Response to USFS-5*

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

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

#### *Response to USFS-6 and USFS-7*

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

#### *Response to USFS-8*

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

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<sup>1</sup> An agency of the United States Department of Agriculture.

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

*Response to USFS-9*

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

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





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

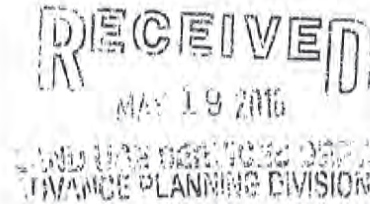
ARNOLD SCHWARZENEGGER, Governor  
JOHN McCAMMAN, Director



CDFG

May 4, 2010

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



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

Dear Mr. Slowik:

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

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

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

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

CDFG-1



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

CDFG-1

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

#### Department Comments

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

CDFG-2

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

CDFG-3

CDFG-4

CDFG-5

CDFG-6

CDFG-7

CDFG-8

CDFG-9



- Native Plant Society 1B plants with a moderate, high or actual potential to occur on the site;
9. An impact analysis showing the estimated number of plants or amount of area that will be lost for the plants listed in #8 above;
  10. Mitigation measures for the plants listed in #8 above;
  11. Specify the amount of impact to the ash grey Indian paintbrush and the correlation to proposed mitigation measures; mitigation should occur on a 3:1 ratio.

↑ CDFG-9

CDFG-10

CDFG-11

CDFG-12

### Impacts and Mitigation

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

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

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

CDFG-13

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

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

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

CDFG-14

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

↑  
CDFG-14

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

CDFG-15

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

CDFG-16

#### Streambed Alteration Agreements and CEQA

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

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

CDFG-17

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

CDFG-18



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

CDFG-19

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

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

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

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

CDFG-20

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

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

CDFG-21

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Brandt', with a stylized flourish at the end.

Jeff Brandt  
Senior Environmental Scientist

## 2.2.4 - State Agencies

### Department of Fish and Game (CDFG)<sup>2</sup>

#### *Response to CDFG-1*

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

#### *Response to CDFG-2 through -4*

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

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

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

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

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

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<sup>2</sup> Note that the California Department of Fish and Game (CDFG) is now known as the California Department of Fish and Wildlife (CDFW).

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

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

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

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

#### *Response to CDFG-5 through -16*

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

#### *Response to CDFG-17 through -19*

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

#### *Response to CDFG-20*

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





Linda S. Adams  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Maziar Movassaghi  
Acting Director  
5796 Corporate Avenue  
Cypress, California 90630



Arnold Schwarzenegger  
Governor

DTSC

May 19, 2010

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

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

Dear Mr. Slowik:

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

DTSC-1

RECEIVED  
MAY 20 2010  
ADVANCE PLANNING DIVISION

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

1. If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA. DTSC-2
2. DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see [www.dtsc.ca.gov/SiteCleanup/Brownfields](http://www.dtsc.ca.gov/SiteCleanup/Brownfields), or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489. DTSC-3
3. For future CEQA documents, please provide the email address of the person to whom comments should be sent. DTSC-4

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

Sincerely,



Al Shami  
Project Manager  
Brownfields and Environmental Restoration Program

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



Mr. Matthew Slowik  
May 19, 2010  
Page 3

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

CEQA#2869

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## California Department of Toxic Substance Control (DTSC)

### *Response to DTSC-1*

The author provided introductory remarks to preface the letter. No response is necessary.

### *Response to DTSC-2*

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

### *Response to DTSC-3*

Comment noted. Comment does not raise an issue regarding the EIR and, therefore, no further response is necessary.

### *Response to DTSC-4*

Comment does not raise an issue regarding the EIR and, therefore, no further response is necessary.

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## DEPARTMENT OF TRANSPORTATION

DISTRICT 8

PLANNING

464 WEST 4<sup>th</sup> STREET, 6<sup>th</sup> Floor MS 725

SAN BERNARDINO, CA 92401-1400

PHONE (909) 383-4557

FAX (909) 383-6890

TTY (909) 383-6300

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MAY 11 2010  
AND ILLINOIS  
ADVANCE PLANNING DIVISION

May 11, 2010

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

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

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

Dear Mr. Slowik:

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

CALTRANS-1

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

CALTRANS-2

CALTRANS-3

CALTRANS-4

CALTRANS-5

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

CALTRANS-6

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

CALTRANS-7



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

CALTRANS-7

Sincerely,



DANIEL KOPULSKY  
Office Chief,  
Community Planning/IGR-CEQA

cc: Haissam, Y, Green, G.



## California Department of Transportation (CALTRANS)

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

### *Response to CALTRANS-1*

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

### *Response to CALTRANS-2*

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

### *Response to CALTRANS-3*

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

### *Response to CALTRANS-4*

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

*Response to CALTRANS-5*

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

*Response to CALTRANS-6*

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

*Response to CALTRANS-7*

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

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 8

PLANNING (MS 725)

464 WEST 4th STREET, 6th FLOOR

SAN BERNARDINO, CA 92401-1400

PHONE (909) 388-7017

FAX (909) 383-5936

TTY 711

www.dot.ca.gov/dist8

*Making Conservation  
a California Way of Life.*

CALTRANS.2

Page 1 of 3

July 9, 2018

File: 08-SBd-38-PM 55.2/R53.8

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

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

Dear Mr. White,

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

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

**TRAFFIC OPERATIONS & FORECASTING**

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



Mr. White  
July 9, 2018  
Page 2

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

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

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

- |  |   |
|--|---|
| 2. Show types of access for each proposed driveway or street access from State Route 38 in Exhibits 6 and 7.   | 3 |
| 3. Page 8 Exhibit 2: Near-Term (2021) without Project Sunday (Mid-Day) Peak Volumes: depicts "Mid-Day" counts. The page 42 Attachment showing 2016 count data from Counts Unlimited show counts on Friday 9/9/2016 from 4:00 p.m. to 6:00 p.m. Please provide justification for Sunday Midday and Friday PM. | 4 |
| 4. There are no exhibits to show the existing (2016) Traffic Volumes in PCE nor any exhibits to show Project Trip Distribution. Please verify.   | 5 |

## COMMUNITY PLANNING

- |   |   |
|---|---|
| 1. Update the Site Plan to show pedestrian access from the residential community to the marina. See the Highway Design Manual 100, Topic 105 'Pedestrian Facilities' for more information.  | 6 |
| 2. Update the Site Plan to show Class II Bicycle Lanes on State Route 38. This is in accordance with the Big Bear Valley Pedestrian, Bicycle, and Equestrian Master Plan.<br><br>See Big Bear Valley Pedestrian, Bicycle, and Equestrian Master Plan, Map 7.1 'Existing and Proposed Bicycle Network' for more information. | 7 |
| 3. Project design that may require vehicles to back out onto the State Highway System is prohibited. Where an entrance gate is used at the marina, update the Site Plan to address non-resident vehicles that accidentally turn in.   | 8 |

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

Mr. White  
July 9, 2018  
Page 3

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

9  
CONT

Sincerely,



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

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## California Department of Transportation (CALTRANS.2)

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

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

### *Response to CALTRANS.2-1*

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

### *Response to CALTRANS.2-2*

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

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

### *Response to CALTRANS.2-3*

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

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

### *Response to CALTRANS.2-4*

The commenter requests justification for Sunday midday and Friday PM peak volume counts.

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

### *Response to CALTRANS.2-5*

The commenter requests the exhibits show the existing (2016) Traffic Volumes in PCE and project trip distribution.

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

*Response to CALTRANS.2-6*

The commenter asserts that the project should include pedestrian access from the residential community to the marina.

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

*Response to CALTRANS.2-7*

The commenter explains that the Project should include Class II Bicycle Lanes on SR-38.

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

*Response to CALTRANS.2-8*

The commenter requests that the Project should include Class II Bicycle Lanes on SR-38.

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

*Response to CALTRANS.2-9*

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

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

*Response to CALTRANS.2-10*

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

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



ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

OPR



CYNTHIA BRYANT  
DIRECTOR

**Memorandum**

**Date:** May 18, 2010  
**To:** All Reviewing Agencies  
**From:** Scott Morgan, Acting Director  
**Re:** SCH # 2002021105  
Moon Camp

RECEIVED  
25 2010  
HOUSE OF REPRESENTATIVES  
ADVANCE PLANNING DIVISION

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

OPR-1

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



# Notice of Completion Supplementary Document M

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

See NOTE below

SCH 2002021105

## Project Title: MOON CAMP

Lead Agency: San Bernardino County Land Use Services Department

Street Address: 385 N. Arrowhead, 1<sup>st</sup> Floor

City: San Bernardino, CA

Zip: 92415-0182

Contact Person: MATTHEW SLOWIK

Phone: (909) 387-4147

County: San Bernardino

## Project Location

County: San Bernardino

Cross Streets: Canyon Road/Polique Canyon Road

City/Nearest Community: Fawnskin

Zip Code: 92333

Total Acres: 62+

Assessor's Parcel No. 0304-082-04, 0304-091-12, 21, 22

Section: 13 Twp. 2N Range: 1W

Latitude: 34 Degrees 15' 46.91139"

Longitude: -116 Degrees 55' 57.0000"

Within 2 Miles: State Hwy #: 38

Waterways: Big Bear Lake

Airports: n.a.

Railways: n.a.

Schools: n.a.

RECEIVED  
APR 25 2010

## Document Type

CEQA: ☐ NOP

☐ Supplement/Subsequent

NEPA: ☐ NOI

Other: ☐ Joint Document

☐ Early Cons

☐ EIR (Prior SCH No.)

☐ EA

☐ Final Document

PROPOSED ☐ Neg. Dec

☒ Other: Recirculated Draft EIR

☐ Draft EIS

☐ Other

☐ Draft EIR

SCH #2002021105

☐ FONSI

STATE CLEARING HOUSE

## Local Action Type

☐ General Plan Update

☐ Specific Plan

☐ Rezone

☐ Annexation

☒ General Plan Amendment

☐ Master Plan

☐ Prezone

☐ Redevelopment

☐ General Plan Element

☐ Planned Unit Development

☒ Use Permit

☐ Coastal Permit

☐ Community Plan

☐ Site Plan

☒ Land Division (Subdivision, Parcel Map, Tract Map, etc.)

☒ Other: Env. Review

## Development Type

☒ Residential: Units 50

Acres 62.43

☒ Water Facilities: Type: \_\_\_\_\_

☐ Office: Sq.ft. \_\_\_\_\_

Acres \_\_\_\_\_ Employees \_\_\_\_\_

☒ Transportation/FC: Type: \_\_\_\_\_

☐ Commercial: Sq.ft. \_\_\_\_\_

Acres \_\_\_\_\_ Employees \_\_\_\_\_

☐ Mining: Mineral \_\_\_\_\_

☐ Industrial: Sq.ft. \_\_\_\_\_

Acres \_\_\_\_\_ Employees \_\_\_\_\_

☐ Power: Type \_\_\_\_\_ Watts \_\_\_\_\_

☐ Educational

☐ Waste Treatment Type \_\_\_\_\_

☒ Recreational: Marina/Boat Dock

☐ Hazardous Waste: Type \_\_\_\_\_

☐ Other: \_\_\_\_\_

## Project Issues Discussed in Document

☒ Aesthetic/Visual

☒ Flood Plain/Flooding

☐ Schools/Universities

☒ Water Quality

☒ Agricultural Land

☒ Forest Land/Fire Hazard

☐ Septic Systems

☒ Water Supply/Groundwater

☒ Air Quality

☒ Geologic/Seismic

☒ Sewer Capacity

☒ Wetland/Riparian

☒ Archeological/Historical

☒ Minerals

☒ Soil Erosion/Compaction/Grading

☒ Wildlife

☒ Coastal Zone

☒ Noise

☒ Solid Waste

☒ Growth Inducing

☒ Drainage/Absorption

☒ Population/Housing Balance

☒ Toxic/Hazardous

☒ Landuse

☒ Economic/Jobs

☒ Public Services/Facilities

☒ Traffic/Circulation

☒ Cumulative Effects

☒ Fiscal

☒ Recreation/Parks

☒ Vegetation

☒ Other: Climate Change/ Green House Gas

## Present Land Use/Zoning/General Plan Use

BV/RL-40 (Rural Living - 40-acre minimum lot size)

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

State Clearinghouse Contact: *SM*  
(916) 445-0613

State Review Began: 04-05-2010

10-3-2010

SCH COMPLIANCE 05-19-2010

*extended review*

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

SCH#: 2002021105

Please forward late comments directly to the Lead Agency

AQMD/APCD 3/20

(Resources: 04/10)

## Project Sent to the following State Agencies

☒ Resources

State/Consumer Svcs

☒ Boating & Waterways

General Services

☒ Coastal Comm

Cal EPA

☐ Colorado Rvr Bd

ARB - Airport Projects

☐ Conservation

ARB - Transportation Projects

☒ Fish & Game # 10

ARB - Major Industrial Projects

☐ Delta Protection Comm

SWRCB: Div. Financial Assist.

☒ Cal Fire

SWRCB: Wtr Quality

☒ Historic Preservation

SWRCB: Wtr Rights

☒ Parks & Rec

☒ Reg. WQCB # 8

☐ Central Valley Flood Prot.

Toxic Sub Ctrl-CTC

☐ Bay Cons & Dev Comm.

Yth/Adlt Corrections

☒ DWR

Corrections

☒ Cal EMA

☐ Resources, Recycling and Recovery

☐ Bus Transp Hour

Independent Comm

☒ Aeronautics

Emergency Commission

☒ CHP

☒ NAHC

☒ Caltrans # 8

☒ Public Utilities Comm

☐ Trans Planning

☒ State Lands Comm

☐ Housing & Com Dev

☐ Tahoe Rgl Plan Agency

☐ Food & Agriculture

☐ Health Services

Conservancy

Other:

OPR-1



## **Governor's Office of Planning and Research (OPR)**

### *Response to OPR-1*

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

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# California Regional Water Quality Control Board

## Santa Ana Region



Linda S. Adams  
Secretary for  
Environmental Protection

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

Arnold Schwarzenegger  
Governor

May 20, 2010

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

RECEIVED  
MAY 25 2010

LAND USE SERVICES DEPT.  
ADVANCE PLANNING DIVISION

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

Dear Mr. Slowik:

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

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

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

### General Notes On Impacts To Beneficial Uses

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



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

RWQCB-3

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

RWQCB-4

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

RWQCB-5

#### 401 Certification

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

RWQCB-6

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

RWQCB-7

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

RWQCB-8

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



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

RWQCB-8

## TMDLs

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

RWQCB-9

## Stormwater Permits

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

RWQCB-10

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

RWQCB-11

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

RWQCB-12

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

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

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



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

RWQCB-12

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

RWQCB-13

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

RWQCB-14

### Dewatering

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

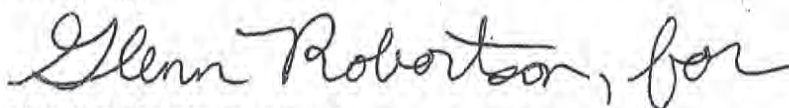
RWQCB-15

[http://www.swrcb.ca.gov/santaana/board\\_decisions/adopted\\_orders/orders/2009/09\\_003\\_deminimus\\_permit\\_wdr.pdf](http://www.swrcb.ca.gov/santaana/board_decisions/adopted_orders/orders/2009/09_003_deminimus_permit_wdr.pdf)

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

Sincerely,

RWQCB-16



Mark G. Adelson, Chief  
Regional Planning Programs Section

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

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

## California Regional Water Quality Control Board (RWQCB)

### *Response to RWQCB-1*

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

### *Response to RWQCB-2*

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

### *Response to RWQCB-3*

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

### *Response to RWQCB-4*

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

### *Response to RWQCB-5*

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

### *Response to RWQCB-6*

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

### *Response to RWQCB-7*

Comment noted. Consultation with the Regional Board Staff concerning any potential Section 401 Certification issues will occur.

*Response to RWQCB-8*

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

*Response to RWQCB-9*

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

*Response to RWQCB-10*

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

*Response to RWQCB-11*

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

*Response to RWQCB-12*

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

*Response to RWQCB-13*

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

*Response to RWQCB-14*

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

*Response to RWQCB-15*

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

*Response to RWQCB-16*

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





# Big Bear Municipal Water District

BBMWD

## Lake Management

May 12, 2010

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



### Board of Directors

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

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

Dear Mr. Slowik,

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

BBMWD-1

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

BBMWD-2

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

BBMWD-3

Respectfully,

Scott Heule  
General Manager

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## 2.2.5 - Regional

### Big Bear Municipal Water District (BBMWD)

*Response to BBMWD-1 through -3*

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

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**BIG BEAR WATERMASTER**

FOR

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

**WATERMASTER MEMBERS:****DONALD E. EVENSON****R. ROBERT NEUFELD****MICHAEL L. HUFFSTUTLER****MAILING ADDRESS****P. O. BOX 1839****REDLANDS, CA 92373-0581****(909) 793-2503**

May 27, 2010

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

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

Dear Mr. Slowik:

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

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

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

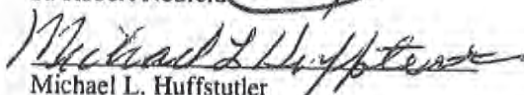
Respectfully,



Donald E. Evenson



R. Robert Neufeld



Michael L. Huffstutler

**RECEIVED**  
 JUN 03 2010  
 LAND USE SERVICES DEPT.  
 ADVANCE PLANNING DIVISION

BBW-1

BBW-2

BBW-3

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## Big Bear Watermaster (BBW)

### *Response to BBW-1*

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

### *Response to BBW-2*

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

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

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

### *Response to BBW-3*

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

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

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



**SPECIAL DISTRICTS DEPARTMENT**

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



COUNTY OF SAN BERNARDINO

JEFFREY O. RIGNEY  
Director

April 9, 2010

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

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

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

Dear Mr. Slowik,

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

#### **Section 4.9: Utilities**

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

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

Sincerely,

James A. Oravets  
Division Manager

GREGORY C. DEVEREAUX  
County Administrative Officer

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

SDD-1

SDD-2

SDD-3

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## County of San Bernardino Special Districts Department (SDD)

### *Response to SDD-1*

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

### *Response to SDD-2*

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

### *Response to SDD-3*

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



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**Slowik, Matt - LUS - Advance Planning**

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

Mr. Slowik,

Please find attached comments regarding the proposed Mooncamp development project.

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

—Adam

---

Adam Keats  
Senior Counsel • Urban Wildlands Program Director  
CENTER for BIOLOGICAL DIVERSITY  
351 California St., Suite 600  
San Francisco, CA 94104  
415-436-9682 x304 • Fax 415-436 9683  
[akeats@biologicaldiversity.org](mailto:akeats@biologicaldiversity.org)

CBD-1





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CENTER for BIOLOGICAL DIVERSITY

---

June 4, 2010

County of San Bernardino  
Land Use Services Department, Planning Division  
385 North Arrowhead Avenue 1<sup>st</sup> Floor  
San Bernardino, California 92415-0182  
[mslowik@lusd.sbcounty.gov](mailto:mslowik@lusd.sbcounty.gov)

Attn: Matthew Slowik

*via electronic mail*

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

Dear Mr. Slowik:

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

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

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

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

Sincerely,

Adam Keats

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

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

CBD-1



## 2.2.6 - Organizations

### Center of Biological Diversity (CBD)

#### *Response to CBD-1*

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

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June 1, 2010

FBBV

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

RECEIVED  
JUN 03 2010  
LAND USE SERVICES DEPT.  
ADVANCE PLANNING DIVISION

Subject: Moon Camp 2010 DEIR

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

The annual averages are as follows:

125 year = 3.25 inches  
60 year = 3.05 inches (93.7% of 125 year total)  
50 year = 3.07 inches (94.4% of 125 year total)  
40 year = 3.14 inches (96.7% of 125 year total)  
30 year = 2.98 inches (91.6% of 125 year total)  
20 year = 2.06 inches (63.2% of 125 year total)  
10 year = 2.66 inches (81.9% of 125 year total)

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

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

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

We urge you to deny this project.

On behalf of the Friends of Big Bear Valley,



Dan Fowlks

Cc: Neil Derry, Supervisor Third District

FBBV-1

FBBV-2

FBBV-3

FBBV-4

FBBV-5

FBBV-6



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## Friends of Big Bear Valley (FBBV)

### Response to FBBV-1 through -3

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

**Table 2-1: Average Annual Precipitation**

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

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

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

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

### Response to FBBV-4 and -5

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

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

*Response to FBBV-6*

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





FOF (a)

**FRIENDS OF FAWNSKIN**

P.O. Box 422, Fawnskin, California 92333

[www.friendsoffawnskin.org](http://www.friendsoffawnskin.org) [friendsoffawnskin@gmail.net](mailto:friendsoffawnskin@gmail.net)

909-878-3091

RECEIVED  
MAY 07 2PM  
LAND USE SERVICES DEPT.  
ADVANCE PLANNING DIVISION

5 May 2010

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

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

Dear Mr. Slowik,

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

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

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

Sincerely,

Sandy Steers, for the Friends of Fawnskin Advisory Committee

cc: Supervisor Neil Derry  
Jamie Garland, Mountain Representative

FOF a-1

FOF a-2

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## **Friends of Fawnskin (FOF (a))**

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

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

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# **FRIENDS OF FAWNSKIN**

**Protecting Big Bear Valley—Environmental Education & Compliance Monitoring**

P.O. Box 422, Fawnskin, California 92333

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Land Use Services Department, Planning Division  
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San Bernardino, California 92415-0182

Attn: Matthew Slowik

Via E-mail to [mslowik@lusc.sbcounty.gov](mailto:mslowik@lusc.sbcounty.gov) and U.S. Mail

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

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

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

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

## **General comments**



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

FOF b-2

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

FOF b-3

FOF b-4

FOF b-5

FOF b-6



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

FOF b-6

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

FOF b-7

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

FOF b-8

- The project description throughout the DEIR states that slopes on the site range from 5 percent to 40 percent. However, no slope analysis is provided as is required by the county development code (both the 1989 and the 2004 code). The 1989 code states:  
85.020215 (a) Fire Safety Review Area 1 (FR1). Fire Safety Review Area 1 includes wildland areas that are marginally developable, areas which are not likely to be developed, and the area of transition between wildlands and areas that are partially developed or are likely to be developed in the future. The area of transition is often characterized by an abrupt slope change. Natural hazards are prevalent throughout Area 1, especially in areas with natural ungraded slopes greater than thirty percent (30%). Area 1 includes areas of very high to extreme fire hazard.  
(b) Fire Safety Review Area 2 (FR2): Land within Area 2 is relatively flat and is either partially or completely developed, or if it is not developed, it is suitable for development.

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

FOF b-9

85.020225 Additional Area 1 (FR1) Requirements

(b) (2) A slope analysis shall be filed with all development project land use applications. The slope analysis shall include the following information:

(A) A topographic map of the proposed project area and all adjoining properties within one hundred fifty (150) feet at a scale of not less than one (1) inch to two hundred (200) feet. The contour interval shall not be more than two (2) feet except that the contour interval may be five (5) feet if the general natural ungraded slope is more than ten percent (10%). Contour lines are to be obtained by aerial or field survey, done under the supervision of a licensed Land Surveyor, or Registered Engineer.

(B) The natural, ungraded, slope categories to be computed are zero percent (0%) to less than fifteen percent «15%, fifteen percent (15%) to less than twenty-five percent «25%, twenty-five percent (25%) to less than forty percent



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

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

- With slopes going up to 40%, there are clearly areas in the proposed project site that have slopes over 30% and County code requires that slopes over 30% must have a minimum of 3 acre lot sizes, yet none of the lots in this proposal show lots sizes of the minimum 3 acres, or even close to that. This proposal is clearly invalid and out of compliance with county code.
- The project description continues to use site descriptions that were created for earlier drafts of the DEIR, including an average density of 44.4 trees per acre, plus the relative sizes of open Jeffrey pine forest and pebble plain. Since many trees on the property have died and been cut since those descriptions were created, they are no longer valid and must be updated.
- The Re-circulated DEIR seems to be purposely misleading in some cases. Examples include:
  - All places where the surrounding property uses are specified fails to mention that project is bounded by housing on less than 39% of it's borders and that the majority (over 60%) of the boundaries of the project are either National Forest or lakefront. That majority increases even more if the undeveloped private lands are not counted as housing. Calling this project infill, along with this omission misleads the public and officials.
  - The original DEIR noted four major jurisdictional drainages (Exhibit 5.8-2), but the re-circulated one has omitted the west-most drainage (Exhibit 2-5), perhaps because that is where the developers are proposing to put the road they want to add. There is no mitigation offered nor acknowledgement of any kind of its existence even though this drainage is still on the property and was designated as such in the original EIR.
- There are areas from the original EIR that were declared to have insignificant impacts and therefore not reanalyzed in this DEIR. For some of these areas, this is an invalid assumption since conditions have changed since the original EIR. For example, in the area of Recreation, there is a launch ramp proposed, but no discussion of inspections for the invasive mussel, nor evaluations of the potential very significant impacts of having a launch ramp without proper inspection. The EIR must analyze the environmental impacts associated with the construction and operation of this launch ramp.
- None of the sections of the DEIR evaluated the air quality degradation, the noise pollution, the severe impacts to aesthetics and the impacts to traffic and parking for the major construction of water pipelines through many of the main roads of residential Fawnskin that would be required to build the infrastructure, especially water, for this proposed project. The EIR identifies these impacts as "temporary" but fails to provide any analysis to support this conclusion. This major omission alone makes the impacts in all of those areas rise above the level of significance.
- The DEIR misquotes the date as 2003 when this project was initially proposed. The first notice went out to the public in July 2001.



## Aesthetics

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

- The statement that the "view envelopes for existing residences ... are kept open to the greatest extent possible by reducing the number of lots..." is untrue. Keeping the zoning as it currently stands keeps the viewsheds much more open than the current proposal. Also, the developer has no control over where the owners would choose to build their home within their lot once the lot is sold. FOF b-17
- The statement on page 4.1-1 that "The overall visual effect is almost park-like rather than wild in nature" shows the gross misunderstanding of this area of the authors of this DEIR. That view is what wild nature looks like here. Across the valley there are many areas that are open as a natural state. This skewed statement of the basis for comparison serves only as setup for understating all impacts on aesthetics. FOF b-18
- On page 4.1-3, the text claims that the eye is drawn to the lake in Exhibit 4.1-2 rather than to the homes, but a quick survey shows that every single person asked notices the homes first rather than the lake. Replacing a wild natural setting with a subdivision would be a significant visual assault. The EIR's evaluation of this visual impact is grossly understated and invalid and must be revised. FOF b-19
- The changes that would be created even by this proposed down-sized project results in the exceedance of at least three of the thresholds of significance, including:
  - 1) substantial damage to scenic resources;
  - 2) substantial degradation of the existing visual character
  - 3) creation of a new source of substantial light or glare which would adversely affect nighttime views,

The EIR does nothing to analyze these impacts compared with what currently exists. It only states that the view would be less degraded than with the previous proposal. Simply being less than the previous proposal does not make it less than significant. This evaluation is faulty and invalid. FOF b-20
- Exhibits 4.1-2 and 4.1-8 show structures with small footprints and low building height and say that the view changes are less than significant. Even with this minimized visual simulation, the view changes are significant, but more so, there is no limitation on size of footprint or height of the homes, so this evaluation grossly understates the potential change and is therefore faulty and invalid. FOF b-21
- The DEIR states that the marina docks would be moved in the winter, but does not disclose where they would be stored. Where would the docks be moved to? What impacts, aesthetic and otherwise, would their storage have on that location? The DEIR states that the marina docks would be moved in the winter, but does not disclose where they would be stored. Where would the docks be moved to? What impacts, aesthetic and otherwise, would their storage have on that location? FOF b-22



- There is no enforcement for the mitigations offered for reducing glare and nighttime lighting beyond what the builder may have approved to install in the original plans. Since CC&R's are not enforced at all in similar nearby development, what enforcement guarantees are being offered to assure that the glare is less than significant for the long term? The County has an ordinance in place now but does not enforce its requirements for existing homes. The EIR provides no assurance that the CC&Rs it will be enforced on future ones sufficiently to declare this impact less than significant. FOF b-23
- Does the project plan call for all utility lines to be buried? If not, why are utility lines not included in the simulation photos of the area after development? FOF b-24
- The simulated view of the marina and docks (Exhibits 4.1-4 and 4.1-6) is completely invalid in giving representation of the significance in the view change since it does not include boats in the docks and cars and boat trailers in the parking lot. In addition, it does not include a view from the shoreline of the National Forest property east of the currently existing homes. This evaluation grossly understates the significance of this change and is therefore faulty and invalid. FOF b-25
- The landscape buffers that are discussed as mitigations to the significance of the changes in viewshed take decades to grow. The EIR completely ignores the view changes in the near future and is therefore faulty and invalid as any reduction in significance. FOF b-26
- The simulated views from the lake showing structures are extremely misleading in that the views shown are those looking at the eastern end of the proposed development where the set asides for pebble plain and for public lake access are proposed. To give a proper evaluation, these photo simulations should be of the middle of the proposed project, with all the homes with cars in the driveways and parked on the roads and with boats and boat trailers in the docks and marina parking. This evaluation grossly understates the potential significance of this change and is therefore faulty and invalid. FOF b-27
- The analysis on page 4.1-5 regarding lighting does not take into consideration the current extreme dark skies and the fact that there are almost no streetlights in the current neighborhoods. In fact, bulbs have been removed from many existing streetlights at the request of the residents. While pointing the lights downward may offer some form of mitigation in an urban setting, it does nothing to mitigate for the proposed project's significant impact on the region's cherished dark skies. This mitigation is insufficient and the impact remains significant. FOF b-28
- Page 4.1-6 states that the existing scenic highway overlay requires that "Placement of buildings and structures shall be compatible with and should not detract from the visual setting or obstruct significant views." How will this be enforced? Who determines whether a particular placement will obstruct a significant view and if so determined what is the remedy? If the buildings are expected to be so compatible with the visual setting as to be unobtrusive, why are landscape buffers needed to hide them? FOF b-29
- Page 4.1-6 states that in the scenic highway overlay, project design should also provide for the maintenance of a natural open space which should be visible from the right-of-way. Natural open space does not refer to the space between houses. How do lots that require homes to be built on the land extending into the curve of the right-of-way as shown in exhibit 4.1-2 meet that criteria in any way? FOF b-30



- When considering potential development in Fawnskin, it is imperative to distinguish between normal city sprawl versus small mountain communities. Typically, when cities expand there seems to be much less overall concern regarding use of land: bigger is better. Cities then become more diverse, more viable. Building is the fabric of the city; not so in the forest. In mountain communities the availability of ample natural resources provides sustenance and sustainability. When the resource diminishes, the population struggles. One of those resources is the aesthetics of the North Shore. The expanded significance of this perspective and the tourism viability of the Valley has not been considered in evaluating the significance of the impacts of this proposed project on the aesthetics of the area. FOF b-31
  
- At some point, community saturation can occur where the area, due to overbuilding or the loss of habitat or resource, can no longer sustain even minimal growth. Logic then dictates to curtail expansion while maintaining and preserving what remains. The analysis of where that saturation point is for Fawnskin and the North Shore, based on natural resources has not been analyzed in the DEIR and must be taken into consideration in determining the significance of the proposed project impacts on the aesthetics. FOF b-32
  
- In a county scenic byway corridor that uses criteria of "maintenance of a natural open space," implying that the "color and interest" added by the marina to the shoreline in any way reduces the significance of the aesthetic impact of this proposed development is simply misleading and untrue. The proposed construction project would be a permanent blight on the natural open space near the lake and beyond the scenic highway in a negative manner. The marina, however colorful or interesting, without doubt increases the significance of the aesthetic (and other) impacts of this proposed development and must be evaluated as such. FOF b-33
  
- Currently there are ample opportunities to park and view the lake before, within, and after passing through the town of Fawnskin. New construction would diminish the existing visual quality and character of the area that is already saturated with buildings and population. A new marina would only irritate and disturb this situation further. The visual impression of the added residential development, in addition to the marina, would create a very significant impact on aesthetics and this impact has been severely downplayed in the EIR. FOF b-34
  
- The additional traffic, congestion, trash, loitering, etc. from the project would directly diminish the existing visual quality and character of the area. None of this has been evaluated in the DEIR. It must be addressed and taken into consideration in determining the significance of the total impacts on aesthetics. FOF b-35
  
- By rezoning to allow this development, the aesthetic resources of the area will not be protected, preserved, nor enhanced, which disregards the intent of the SR Overlay District. Any construction, by definition, is incompatible with open spaces and their visual setting. All structures, roads and curbs, pedestrian walkways, parking and storage areas, along with lighting (low intensity or not), and signs are incompatible with open spaces. The analysis in the DEIR completely overlooks this aspect of the aesthetics. It must be taken into consideration in determining the significance of the proposed project on aesthetics. FOF b-36
  
- The EIR indicates that the proposed project includes streetlights and curbs. There are few streetlights and no curbs in Fawnskin. Such urban type design features would be entirely out of character with the surrounding community. They would significantly impact the existing aesthetics of the area creating an entirely different type of neighborhood than any currently existing in Fawnskin. It would create a new source of substantial light and glare and therefore crosses the threshold of significant impact on aesthetics. FOF b-37



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| <ul style="list-style-type: none"> <li>Each proposed house is to have a two-car garage and two visitor-parking places. Where would a boat trailer and/or an RV be parked? There is not ample parking in the marina parking and increasing the size of that would increase already significant impacts to bald eagles, to the shoreline habitats of southwestern willow flycatchers and to the overall aesthetics. Many of these trailers would most likely be parked along the streets of the development or on the highway, again intensifying significance of the impacts. None of this has been considered in the DEIR evaluations on significance of the impacts to aesthetics.</li> </ul> | <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">FOF b-38</div> |
| <ul style="list-style-type: none"> <li>The EIR states that short term rentals--less than 30 days--of the homes would not be allowed. Who will enforce this? Unless this is proven that it can and will be fully enforced, this is not an effective mitigation.</li> </ul>  | <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">FOF b-39</div> |
| <ul style="list-style-type: none"> <li>The DEIR suggests that all trees are to be saved that are 20 inches in diameter measured four feet above the ground. Why don't they mark all the trees that are to be removed? Who will stop a purchaser of one of the lots from cutting down trees that are to be preserved?</li> </ul>  | <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">FOF b-40</div> |
| <ul style="list-style-type: none"> <li>The developer plans to install a launch ramp. The parking lot does not provide parking places for a vehicle with a boat trailer. A marina with a launch ramp must provide parking places for vehicles with trailers. People will just take two or more spaces rather than go to their homes, unhitch and drive back to the marina and do the reverse when they are done. None of this has been considered, discussed or accounted for in determining the impact on aesthetics and must be added into the significance determination.</li> </ul>   | <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">FOF b-41</div> |
| <ul style="list-style-type: none"> <li>This proposed development is completely contrary to the General Plan controls for a Scenic Highway Overlay which include "expanding the established right-of-way to extend 200 feet to either side, measured from the outside edge of the right-of-way."</li> </ul>   | <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">FOF b-42</div> |
| <ul style="list-style-type: none"> <li>Even though mitigation A-2a notes that all homes shall provide a two-car garage, there is no mitigation, nor way of enforcing that residents put their vehicles in the garage. This mitigation is irrelevant in reducing the significance of the impacts.</li> </ul>  | <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">FOF b-43</div> |
| <ul style="list-style-type: none"> <li>Mitigations A-2b, A-2c and A-2d have no practical way of being enforced and would there be ineffective in reducing the significance of the impacts.</li> </ul>  | <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">FOF b-44</div> |
| <ul style="list-style-type: none"> <li>For Mitigation A-2e, how will it be assured that all future building inspectors have this information?</li> </ul>   | <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">FOF b-45</div> |
| <ul style="list-style-type: none"> <li>Lots A through D are supposed to be set aside for natural habitat and open space, yet mitigation A-3b talks about getting landscape and revegetation plans for them approved. If they are natural open space, what landscaping and revegetation is being proposed for these lots and why? If they are disturbed in any manner, these lots certainly would not be considered effective mitigation sites.</li> </ul>  | <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">FOF b-46</div> |
| <ul style="list-style-type: none"> <li>The County ordinance for dark skies has not been included anywhere in the DEIR evaluation. Do the added lights and glare from this proposed project comply with this ordinance? The EIR must provide this analysis.</li> </ul>  | <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">FOF b-47</div> |
| <ul style="list-style-type: none"> <li>How will mitigation A-4r (and the previous mitigations it addresses) be enforced when the CC&amp;R's expire? What guarantees are there that the CC&amp;R's will not be changed over time by the homeowners' association?</li> </ul>   | <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">FOF b-48</div> |



In summary, proper evaluation of aesthetic impacts would show a finding of significance.

FOF b-49

## Air Quality

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

- Page 4.2-6 points out the County General Plan policies to protect air quality includes LU 9.2 which discourages leap-frog development by restricting the extension or creation of new urban services or special districts to areas that cannot be sustained in a fiscally responsible manner. Bringing a currently dormant CSA district online to provide water service for this proposed development when it would be only 50 homes (or less in the initial stages) to completely fiscally support and entire CSA district is in direct opposition to this policy. What grounds justify ignoring this policy? What growth-inducement impacts would the need to support this CSA district create? Please include all potential future impacts on air quality that this growth may create.
- What studies or surveys were used to determine that only 5 of the homes would have fireplaces? The worst case scenario of all 50 homes having fireplaces must be used in all calculations.
- How will mitigation AQ-3 be enforced? If the enforcement cannot be guaranteed on a long-term basis, all measurements of significance must be done without including any reduction results from this mitigation.
- As discussed in the general comments above, all mitigations that specify flyers being given to homeowners, such as mitigation AQ-4, have no value in reducing the significance of the impacts. How would the information on this suggested flyer be passed to new homeowners in the resale of the homes. What enforcement measures would assure that any of these suggestions would be followed? All measurements of significance must be done without including any reduction results from this mitigation.
- The choice of the basis for comparison is invalid. The property is currently zoned BV/RL-40, allowing one home in 40 acres, equivalent to approximately 1.5 homes on the 64 acres. This should be the basis for comparison of the proposed development, not an unapproved plan of larger magnitude consisting of 92 homes and a 103 boat slip marina. More importantly, the air quality analysis should be based on existing conditions.
- On page 4.2-32 of the DEIR, the construction mitigations are essentially toothless as they rely on the contractors' judgment. For example, statements such as "*To the extent that equipment is available and cost effective,*", "construction diesel engines... shall meet the Tier II California Emission Standards... *unless certified by the*

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

FOF b-55

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

FOF b-56

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

- On pages ES-8 and ES-11, the EIR acknowledges that the proposed Project may require the use of generators in connection with the Project's on-site water system and/or to supply electricity for the Project if there are insufficient supplies from Bear Valley Electric. Have the air pollutant emissions from this been taken into account?
- The current draft EIR makes the unsupportable and unrealistic assumption that only 10% of the homes (i.e., 5 of the 50 homes) will have wood-burning fireplaces. While this may be the default in the version of URBEMIS they used, it is not "conservative" as stated on page 4.2-33, and certainly not close to the "worst case" assumption that the calculations should be based on.

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FOF b-58

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

FOF b-59

## Biological Resources

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

FOF b-60



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

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

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

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

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

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

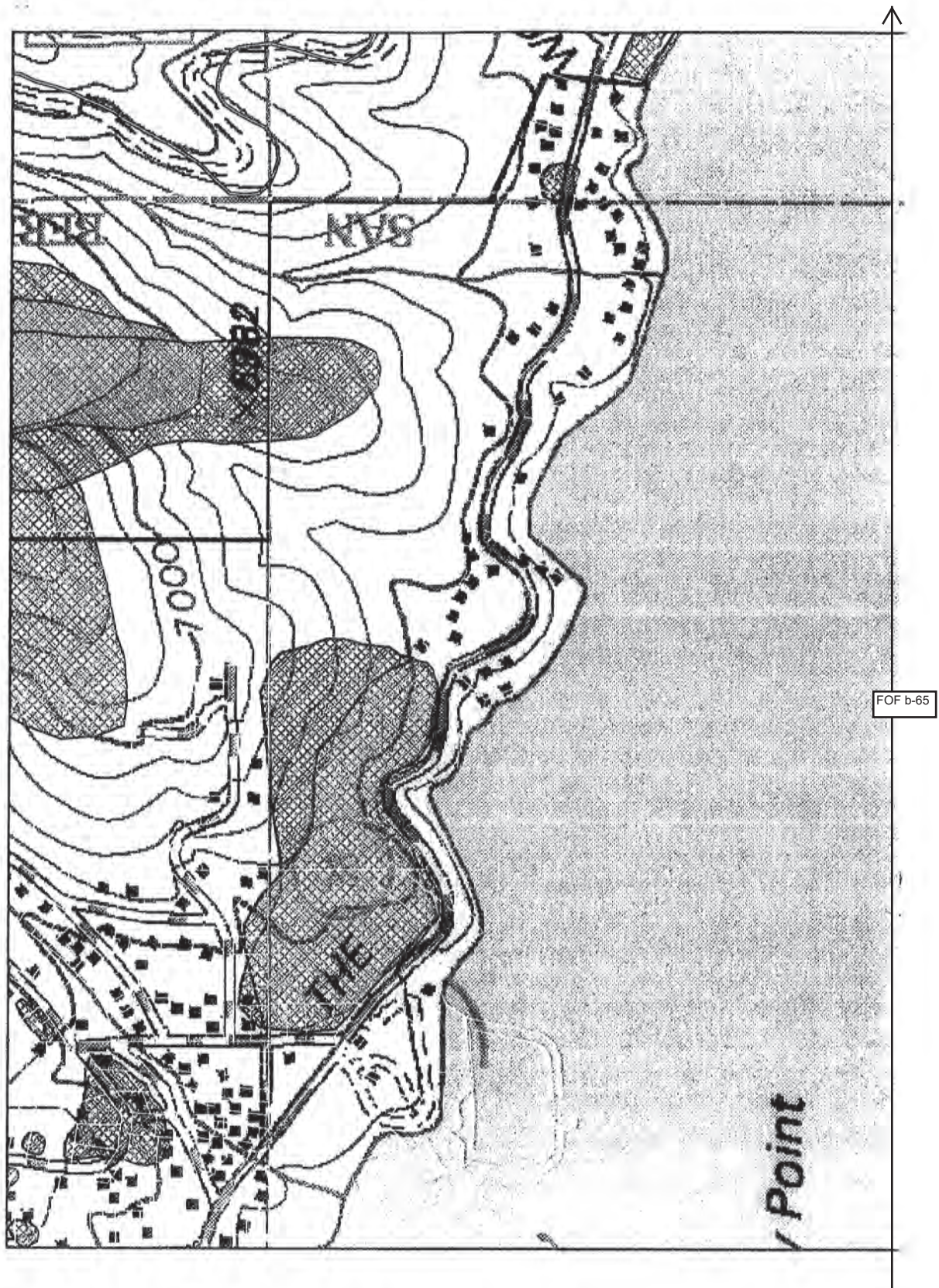
- **Pebble Plain Habitat and Associated Plant Species**

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



- The accepted protection mechanism for ashy-gray paintbrush includes mapping and protecting the entire host plant habitat rather than just where the actual paintbrush plants are located during any given survey. This technique is documented in the U.S. Forest Service Land Management Plan as stated:  
    **"SBNF S1 - Avoid or minimize any activity that causes long-term damage to ashy-gray paintbrush host plants or host plant habitat in occupied paintbrush habitats (Arrowhead, Big Bear, Big Bear Back Country, Desert Rim, and San Gorgonio Places)."**  
    This same level of protection should be used in mapping and calculating the ashy-gray paintbrush habitat size rather than minimizing the size as has been done in the DEIR. FOF b-62
- The mitigation of restricting construction to the rear of Lots 47, 48, 49 and 50 to prevent construction on the pebble plain habitat on those sites, is ineffective (as can be shown by similar circumstances at Eagle Point Estates and other developments in the valley), as well as completely unenforceable. The pebble plain in those lots must be set aside as common area or mitigated with an off-site parcel in a 3-to-1 ratio. FOF b-63
- The management of the Moon Camp pebble plain set-aside parcel plus the management of any proposed off-site mitigation sites has not been clearly defined and therefore offers no assurance of its effectiveness. There is no agreement with a conservation group in the EIR demonstrating their willingness to take on the effective management of these parcels. There is no further discussion anywhere of the habitat management endowment (mentioned in BR-1d) or calculations about what amount would be required to effectively manage the parcels from "the interest" of said endowment. Ineffective mitigations do not lower the potential impacts below the level of significance. This basically amounts to no mitigation at all. FOF b-64
- The extent of the pebble plain plant distribution has been greatly underestimated in the DEIR mapping. The Forest Service mapping of that area, shown in the map below (pebble plain marked in red cross-hatch), shows over 17 acres. It is highly probable that the recent decrease in mapping size is due to the combination of disturbed habitat from years of off-road vehicles crossing it and from the extended drought in recent years. However, according to Dr. Timothy Krantz, in statements made to the author regarding other pebble plain habitats in the Big Bear Valley, if a pebble plain habitat once existed it will return if left undisturbed. Therefore the largest historical extent of the pebble plain plant habitat should be the one that is used for conservation purposes and for calculations of mitigation. FOF b-65







- The Dixie Lee parcel is not available to be used for mitigation since it has already been set aside as mitigation for previous development. This parcel has been set aside, fenced off and signed as a conservation parcel for over 20 years and it has been widely accepted as a pebble plain habitat already being protected and conserved. Independent conservation groups have repaired the fences and improved the signage on the basis that this was a protected and conserved pebble plain habitat.

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

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

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

- The size of the pebble plain on Dixie Lee is only about 5 acres, so even if it could be used for mitigation, it could not count as 10 acres of pebble plain simply because that is the size of the parcel that is fenced.
- The primary mitigation on Moon Camp needs to be for ashy-grey paintbrush. Since there is very little of that species on the Dixie Lee pebble plain (a walk of the property in late May 2010 found only one plant) that parcel cannot be counted as mitigation for this species.
- The potential edge effects, though discussed in the appendices reports, have not been accounted for in determining the appropriate size of parcels meant to mitigate for impacts to ashy-gray paintbrush or for impacts to the other pebble plains plants and habitat. This makes the proposed mitigations insufficient.
- The standard formula for off-site mitigation is a three-to-one ratio of mitigation property size to the size of the habitat being destroyed. The DEIR has not identified nor specified mitigations for pebble plain or for the ashy-gray paintbrush to match this ratio.
- For all of the above reasons, the mitigation for pebble plain habitat plants is severely insufficient. Even using the DEIR number of 7.71 acres for ashy-gray

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

FOF b-71

- After many years of drought, plants do not necessarily come back to cover the full extent of their habitat with only one season of normal precipitation. The assumption that plants left during drought and all suddenly reappeared to their full capacity is invalid and cannot be used to determine the true mapping of the full pebble plain plant species habitat. Further surveys are required in future years, or the largest potential habitat that has been mapped should be used in determining the extent of the habitat and the requirements for mitigation.
- Many trees have died on Moon Camp in past few years, creating much more open Jeffrey pine area, so it is actually likely that the pebble plain plant habitat is spreading.
- The impacts on the pebble plain habitat on nearby National Forest just north of the proposed project site (also shown on the above map) have not been even mentioned in the EIR analysis. Due to impacts from foot traffic and other intrusions into the nearby forest that would result from the increased proximity of homes, based on examples throughout the valley, these impacts have the potential to be extreme. These impacts must be evaluated and the potential impacts to these nearby habitats must be mitigated.

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

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#### • Bald Eagle

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

FOF b-76



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

FOF b-76

- The DEIR states that perch trees are to be saved, however it does not assure that all of them will be preserved, nor offer effective mitigations for guaranteeing that preservation long term. Why are the perch trees not designated and marked? What measures are being offered to assure that homeowners do not cut the trees? Most favored eagle perch trees are snags, i.e., dead at the top. When insurance companies and/or the County fire agency review homes for protection, they would most likely require that top or that tree to be removed, thus rendering it useless as a perch tree. What measures would create effective mitigation for that highly likely situation?
- Requiring artificial perch trees (BR-4) is wholly invalid as an effective mitigation. That mitigation has been used in other developments in the valley, specifically Eagle Point Estates and Castle Glen (both by the same developers as Moon Camp), and when the artificial perch trees fell down after a few years, they were not replaced and the original significant impacts were left unmitigated. What agency will be responsible in perpetuity to assure that artificial perches are maintained and replaced?
- Recently a pair of bald eagles has been staying in the area year round, with the Moon Camp site as their primary foraging habitat. The development of this proposed project would most likely prevent them from nesting in the area. This information has not been disclosed in the EIR nor any mitigations offered to reduce its significance.
- The Marina Point development, on a site known locally as "Cluster Pines," immediately adjacent to the proposed project has not been considered in the EIR with regard to the severe cumulative impacts to the bald eagle. The following statement from a 2002 Forest Service BAER (Burn Area Emergency Response) document shows the significance of the cumulative impacts:  
"Two parcels on the north shore of Big Bear Lake (Cluster Pines and Moon Camp) are the last large area of undeveloped private land along the lake...Both sites are part of the "Fawnskin pair's" territory that is centered at Grout Bay. Development of the two parcels would substantially reduce the suitable foraging/perch habitat available for eagles. On any given day during the fall and winter, the greatest concentration of waterfowl on Big Bear Lake is usually found along the shoreline of Moon Camp and Cluster Pines in and around the Cluster Pines jetties and in the bays to the east of the jetties. These shoreline areas provide shelter and foraging sites relatively free of disturbance and sheltered from wind and waves. If the two areas are

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

These cumulative impacts must be analyzed in the EIR.

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

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

#### ▪ Other Habitats and Species of Importance

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



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

FOF b-90

- Mitigation BR-11 has already been proven to not be effective in other areas of the forest. There are no reasons given why this measure would be expected to be effective at this site.
- Mitigation BR-12 has no enforceability and therefore would not reduce potential impacts. There is no agency that checks to be certain that homeowners are not planting invasive or non-native species. Unless the developer plans to have a round-the-clock staff-member permanently assigned to the site in perpetuity to approve all homeowner plant purchases and plantings, this mitigation is ineffective.
- There are no mitigations offered for the impact of the 100-foot fuel modification set back that would be required along the boundary of the National Forest.

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

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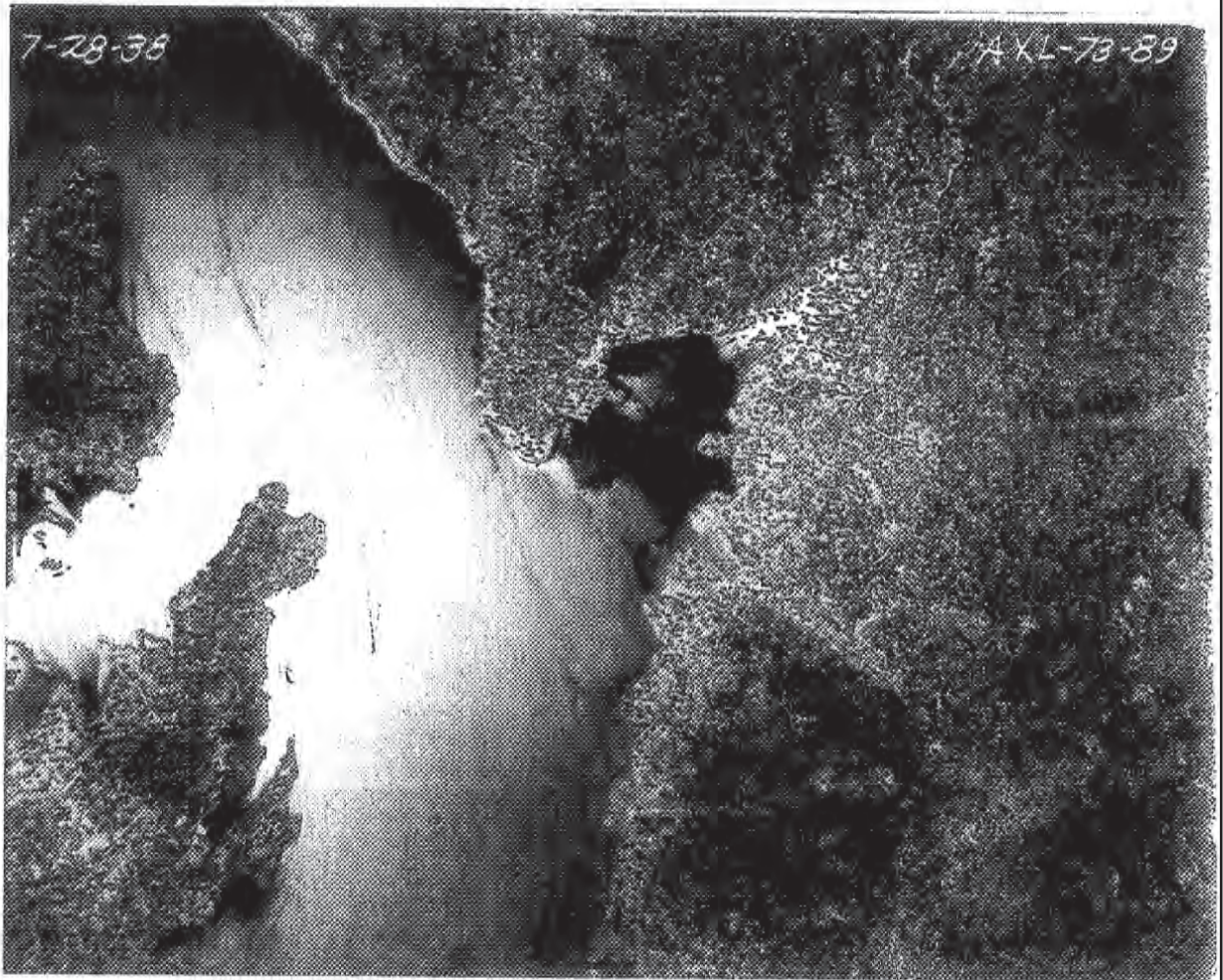
### Hydrology and Water Quality

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

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

FOF b-95





- Page 4.4-2 states that during the period 1996 to 2003, the groundwater level dropped approximately 20 feet in the North Shore subunit. What evidence is there that shows this drop is not due to the aquifer already being drawn down from the existing private wells in that subunit?
- The EIR does not describe the provisions for maintenance of the outlet structures and storm drains that are being proposed on page 4.4-2.
- The original DEIR noted four major jurisdictional drainages (Exhibit 5.8-2), but the re-circulated EIR has omitted the west-most drainage (Exhibit 2-5). Since this drainage is still on the property and now would be altered, this would "substantially alter the existing drainage pattern, including through the alteration of the course of a stream. Consequently, this must be considered a significant impact.
- The statement on page 4.4-12 that "activity restrictions and property owners' education are crucial to the proposed alternative project's success at preserving water quality," is basically stating that the water quality will not be preserved. Since there is no guarantee that either of these conditions can be enforced or even implemented, there is simply no basis to conclude that water quality impacts would be less than significant. This conclusion is again confirmed on page 4.4-13 where the EIR states "the individual lot owners will each treat their water



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

- The redirection of hydrologic flows from their natural direction and elimination of surface flow across the highway (stated on page 4.4-13) will directly impact the hydration of the vegetation on the other side of the highway. This impact has not been evaluated in the biological resources section of the EIR.
- Mitigation HYD-6 recommends seeding and planting to provide soil stability during construction activities. This activity would directly and severely impact the pebble plain habitat plants, as well as other native plants in the set aside parcel below the highway. What impacts would this mitigation for other impacts cause to the plant habitats? These impacts must be analyzed.
- HYD-7 recommends an educational program for property owners to be done by the property owners association, as well as several other items for which the property owners association would be responsible. How would this mitigation be enforced? What measures would be put in place to ensure that this process continue over the long term with changes in ownership of the homes and membership of the property owners association? Without guarantees for the long term maintenance, which has not happened in other Big Bear Valley developments, the EIR provides no evidence to conclude that hydrological impacts would be less than significant.
- Page 5.11-9 to 5.11-10 discussed groundwater recharge and discharge in North Shore Hydrologic Subunit. Average GW recharge from watershed modeling was ~290 acre-ft/yr, estimated GW discharge was 286.5 acre-ft/yr; therefore, the aquifer in the North Shore Hydrologic Subunit is not losing water. In addition, this area is close to the lake, water communication between lake and underlain aquifer is believed to be strong, in other words, aquifer is supposed to be replenished from the lake. By taking these two factors into account, the statement in the bottom second paragraph that "Recent groundwater level declines in the eastern portion of the Subunit can also be correlated with dry climatic conditions" is not convincing. Actually, groundwater declines may be largely caused by local pumping activities.
- The same reasons as the note above also apply to the Grout Creek Hydrologic Subunit. If there are declines in groundwater, local pumping activities are likely the cause.
- Page 5.11-12 second paragraph stated "For the watershed model, 18 of the 20 required input parameters are estimated from the EPA's database, which is not specific to the mountains of Southern California". Running a numerical hydrological analysis without using area specific parameters only generates questionable model results. In addition, the model was performed without the processes of model calibration and verification.
- Both surface and ground water quality would rely on continuous monitoring, especially, during and after the development of Moon Camp along the northwest shore of Big Bear Lake. This monitoring over the long term must be included as a mitigation and must be at the expense of the developer.

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

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

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### Land Use and Zoning Change

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

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

FOF b-108

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

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

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

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

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

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

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

FOF b-110



- (a) The proposed land use district change is in the public interest, there will be a community benefit and other existing and permitted uses will not be compromised.
- (b) The proposed land use district change is consistent with the goals and policies of the General Plan, and will provide a reasonable and logical extension of the existing land use pattern in the surrounding area.
- (c) The proposed land use district change does not conflict with provisions of this Code, or any applicable specific plan.
- (d) The proposed land use district change will not have a substantial adverse effect on surrounding property

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

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

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

o Scenic North Shore Area

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

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

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

o Potential National Forest Addition

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

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

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FOF b-112



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

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

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o More Housing is Not a Benefit

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

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

FOF b-113

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

o The Landowners' Viewpoint

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

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



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

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

FOF b-114

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

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

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

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

- b. Develop and apply development policies/standards to support retention of open space lands by: requiring large lot sizes, high percentage of open space or agricultural uses, and clustering.
- c. Utilize the Hazard and Resources Overlay Maps to identify areas suitable or required for retention as open space. Resources and issues identified on the Overlays which indicate open space as an appropriate use may include: flood, fire, geologic, aviation, noise, cultural, prime soils, biological, scenic resources, minerals, agricultural preserves, utility corridors, water supply and water recharge. (Italics added).

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

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

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

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

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

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

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

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

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

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

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

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

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

**C-56** Restrict development along scenic corridors.

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

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

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

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

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- b. Features meeting the following criteria shall be specifically defined as scenic, unless a clear finding can be made that no scenic values are present:
- ii) All areas containing significant biological resources, as identified on the Biotic Overlay map.
  - vii) Stands of timber consisting primarily of old-growth timber, or timber which has not been harvested within the past 50 years.
  - viii) Any natural blue-line stream, except those which have been channelized or lined with concrete.
  - x) Any lake or reservoir (uncovered) with a surface area of at least one acre.
  - xiv) All areas of critical environmental concern or special value identified by the County of San Bernardino, the Bureau of Land Management, the U.S. Forest Service and the Southern California Association of Governments.

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

- a. Review of proposed development along scenic highways and trails shown on the Resource Overlay Maps to ensure preservation of scenic values for the traveling public and those seeking a recreational driving experience.
- b. Define the Scenic Corridor to extend 200 feet on either side of the designated route, measured from the outside edge of the right-of-way, trail or path. Development along scenic corridors shall be required to demonstrate through visual analysis that proposed improvements are compatible with the scenic qualities present.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

i) General Plan Land Use District locational criteria.

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

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

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

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

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

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

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

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

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

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

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

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

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

"Rural Areas" by contrast are defined on page 11-D6-46 of the General Plan as follows:

Rural areas are comprised of agricultural [or, similarly, National Forest] and unimproved lands and low-intensity residential development. These areas are not required for urban development at the present time and, according to current population projections, will not be required (for urban development) in the next twenty years. *There is generally a long-term commitment to maintain a rural lifestyle in these areas. Although certain basic public services and facilities are available to these areas, few, if any, urban services are either available, planned or encouraged.* (Italics added).

Rural areas are defined as lands which are generally suitable for lower-density/ intensity land uses because they meet *one or more* of the following criteria:

1. Used for agriculture, general open space or as a watershed for a public water supply.
2. Isolated subdivided areas and commercial centers which are not adjacent to incorporated cities.
3. Divided into parcels of 5 acres or larger, next to an urban incorporated area.

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

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

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

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

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

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

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

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

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

- o Other Mountain Policies provide added emphasis on Open Space/ Recreation/ Scenic values (page 111-C-17) of the General Plan as follows:
  - Because the Mountain region contains special issues and opportunities, as well as significant open space resources, the following directed policies shall apply:
  - In the Mountain region, the County shall utilize setbacks, building coverage, the Planned Development concepts and other measures to protect the forest environment.
  - The County shall encourage the use of the Planned Development concept in environmentally sensitive areas that have been assigned residential land use category.
  - The County shall encourage conservation and sound management of the mountain forest character and natural resources, including water, streams, vegetation soils, and wildlife

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

### **(c) Must Not Conflict with Development Code**

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

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



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

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

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

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

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

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

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

**Programs**

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

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

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

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

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



percent. Contour lines shall be obtained by aerial or field survey, done under the supervision of a licensed Land Surveyor or Registered Engineer.

(B) The natural, ungraded, slope categories to be computed are zero percent to less than 15 percent, 15 percent to less than 30 percent, and 30 percent or greater. The minimum area (polygon) used for slope calculation shall be 5,000 square feet.

(C) The area, in acres, shall be tabulated for each category.

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

**(d) Must Not Adversely Affect Surrounding Property**

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

o The National Forest is a Significant Factor

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

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

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

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



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

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

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

- Page 4.5-12 states that Exhibit 2-4 shows the required 100-foot fuel modification zone, but it does not.
- The statement on page 4.5-12 discusses the Fire flow storage capacity, but nowhere does it discuss the danger of storing this amount of water for long periods of time due to potential bacteria contamination. The Big Bear City CSD discusses concerns about this even for water storage of only a few days. How will this water be recycled and maintained free of harmful material?
- The second paragraph on page 4.5-13 is very misleading in its omissions and therefore arrives at an erroneous conclusion. The proposed project site does have steep topography, up to 40% slopes as defined by the DEIR itself, and it does have many other environmental constraints, including habitat of the bald eagle, endangered pebble plain habitat and habitat of the federally listed species, ashy grey paintbrush, as well as several other sensitive species. In addition, it has the environmental constraints of four major drainages, of being on a 50-year flood plain and of bordering the national forest and requiring 100-foot fire modification zone. The majority (over 60%) of the proposed project actually borders national forest and shoreline rather than homes. The claim that the proposed project has infrastructure adjacent to support it is also erroneous in that there is not water service available and very special situations and circumstances would have to be created to provide water service to the majority of this parcel. All of this fits the RL-40 designation perfectly.
- The much less density described in the third paragraph of page 4.5-13 does not meet the criteria of County standards which says that for slopes over 30%, a minimum lot must be 3 acres, not ½ acre. What justifications are there for ignoring this key fire hazard related requirement?
- On page 4.2-4, the DEIR states that the designation of RL-40 indicates that future development proposals will be considered based upon a demonstrated ability to provide adequate infrastructure and maintain consistency with the goals and policies of the Community Plan. The above discussion on zone change criteria shows that it would not be consistent with the General Plan goals and policies. Discussion points below under the sections Public Services and Utilities shows that there is not a demonstrated ability to provide adequate infrastructure. Therefore, this development proposal does not qualify for consideration.
- As discussed above, it has been shown that this proposed project conflicts with the County General Plan and the Development Code. Since this is one of the thresholds of significance, defined on page 4.5-6, the project's inconsistency with the General Plan and zoning

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

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- Given the list on page 4.5-6 for the Bear Valley Community Plan, this project would be inconsistent with all three of the listed provisions. Consequently, this inconsistency with the Bear Valley Community Plan constitutes a significant impact. The predetermined General Plan land use policy has zoned it RL-40 and as discussed above, the proposal does not meet any of the four conditions required for a change in zoning. Since over 60% of the boundaries are either National Forest or shoreline, it is incompatible with the surrounding areas. Also, many of the proposed project's features, including the private marina, are inconsistent with the community character.
- The statement on page 4.5-11 that reducing the size of the project and the mitigation measures in Aesthetics and Biological Resources would adequately address the potentially significant impacts to land uses that rely on scenic resources is invalid since many of the mitigations listed, such as putting out flyers, have little to no value in reducing the potential impacts. Unless these mitigations can be demonstrated to actually reduce impacts (and so far the experiences in Big Bear Valley demonstrate that they do not), the potential impacts remain significant.
- Several of the lots would actually be undersized for the requested zoning if set asides were done in a way that actually created proper mitigation. The 100-foot fuel modification area, per County Development Code regulations (see Public Services section) should be designated as common open space rather than being counted as part of the lots. Also, the jurisdictional drainages (including the one that has been omitted in the new DEIR even though it was marked in the original one) should be designated as conservation areas rather than being considered part of someone's yard (see comments in Biological Resources.) This makes lots 23-26 undersized, as well as lots 41 (because it is split across the drainage), 42 and possibly 43.

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The potential impacts to Land Use from this proposed project clearly remain significant.

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## Noise

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

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- **Location of Project**

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

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

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

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- **Impact of Marina**

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

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

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

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

FOF b-142

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

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

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- **General Plan Requirements**

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

FOF b-144

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

FOF b-145

- **Construction Noise**

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

FOF b-146

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

FOF b-147

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

FOF b-148



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

FOF b-148

- **Noise from Rentals**

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

FOF b-149

- **Potential Noise from the Marina**

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

FOF b-150

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

FOF b-151

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

FOF b-152



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

FOF b-152

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

FOF b-153

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

FOF b-154

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

FOF b-155

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

FOF b-156

## Conclusions



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

FOF b-157

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

FOF b-158

- **Requested Additional Mitigation Measures.**

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

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

FOF b-159

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



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

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

FOF b-159

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

FOF b-160

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

FOF b-161

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

FOF b-162

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

FOF b-163

• **Additional Questions and Comments Concerning the Report**

- o Why does the draft report not focus to a greater extent on noise impact on residential activities and campgrounds close to the project?
- o Why does the report consider noise levels at Stanfield Cutoff or on Big Bear Boulevard relevant to analyzing the proposed project?

FOF b-164

FOF b-165



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



- yard work during this trying period in order to reduce the significance of the impacts of noise? ↑  
FOF b-175
- The basis for measuring existing traffic noise is erroneous in that it measures the traffic at three very busy intersections a few miles from the actual site. The noise levels at those sites (see Table 4.6-3) have no relevance to the existing noise levels in Fawnskin and at or near the proposed project site. This basis creates a falsely elevated level for existing noise and artificially reduces the measurements of the actual increases in noise level. These calculations must be redone with a more accurate basis level. FOF b-176
  - The DEIR does not discuss that the threshold for excessive noise in the Fawnskin area is much lower than most other places being measured to the County standards. Fawnskin noise levels are just above those for forest land, not for other residential areas in the county. Using county standards of residential noise levels (table 4.6-4) is insufficient and leads to artificially reduced measurements of the severity of the impacts. The noise calculations must be based on existing noise levels in this area, not on County standards which serve for urban areas. FOF b-177
  - The CC&R restriction prohibited house rentals of less than 30 days is irrelevant and unenforceable. The Flicker Rd. CC&R's also have such a restriction and yet there are homes on that street that do weekend rentals and attempts to stop them have been unsuccessful. This cannot be counted as a reduction in the noise levels. FOF b-178
  - The location for the dock is not relatively isolated, as the DEIR states on page 4.6-13, from the homes that currently exist along North Shore Drive, nor from the national forest just beyond that. FOF b-179
  - The measurements of noise for the marina are based on boat noise on the lake, but the basis for the noise level increase would be the proximity of boats to the east Fawnskin area where very few now come. No calculations were done in the DEIR to measure the difference in noise from this perspective and the measurements of increase and impact are therefore artificially low. FOF b-180
  - Noise from a marina on the east end of Fawnskin is not something that exists at present so this would be a whole new type of noise added to the ambient level. That, along with another layer of noise from people and cars in the marina parking lot when added to the new traffic and residential noise would be a substantial increase in ambient noise and even if this only existed on weekends, according to the threshold criteria would merit a finding of significance. FOF b-181
  - Noise level of dBA 60 or more is INTRUSIVE, see Table 4.6.1. The large trucks and excavations of construction would be much noisier than that level and could go on for years. This is definitely a substantial temporary increase in ambient noise levels of the area and therefore merits a finding of significance. FOF b-182
  - Vibration is a very technical measurement that may affect the adjacent properties. If damage does occur AND can be proven, the owner has ten years to file a claim. What measures would be taken to protect adjacent properties from this potential damage? FOF b-183



- The EIR responses to comments received from the public on the prior EIR refers to how much less noise will be generated because the project is now proposed to be 50 building lots instead of 90. Given the topography of the site, 50 are still too many to reduce the noise significantly, especially with the addition of a marina. The EIR states that only 50 lots would have a negligible impact on the ambient noise due to its low-density nature. Most of the lots adjacent to the "Existing sensitive receptors" did not reduce in size enough to have a negligible impact from the previous 90-lot proposal, so this conclusion is erroneous. FOF b-184
- Regarding the 55 capacity marina, on the significant weekends mentioned above, the noise would NOT be at acceptable levels. The EIR states that the proposed dock is relatively isolated. Noise travels across water as loudly as it is generated and does not reduce significantly over land when it is unobstructed as it is in the canyons running up Fawnskin. FOF b-185
- Mitigation Measures NOI-1,2,3,4 assumes that all contractors would maintain their equipment at the highest levels to live up to these measures. What is the inspection process that would be put in place to assure these measures are adhered to? What remedies would residents have if they were not? What agency would be enforcing these measure? FOF b-186
- The potential impacts of offsite construction noise for such things as the extensive water pipelines that could possibly be installed all through the east side of Fawnskin have not been even discussed let alone included in the measurements of noise level differences. This impact would pass the threshold of significance according to the criteria listed in the DEIR. FOF b-187
- All mitigation measures cover installation of the infrastructure. There is no mention of the noise generated from home construction, which would probably last for years. This possibility must be included in the calculations for raising the ambient noise level. FOF b-188
- The traffic mitigation is only considering daily average. This is not valid. The weekends represent the worst-case scenarios and must be used separately from weekdays to provide accurate information. The daily average on the EIR chart from the 2006 information shows 57.92 dBAs. That tells me that weekends will be well over the 60 dBA level that is considered intrusive and it is the worst case scenarios that must be used for calculated the potential increases. FOF b-189

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

## Public Services

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



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

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

FOF b-191

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

- **Wildfire protection**

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

FOF b-192

- The Scope of Mountain Wildfire

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

FOF b-193

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

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

FOF b-194

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



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

FOF b-194

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

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

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

FOF b-195

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

FOF b-196

o Difficult Fire Conditions to Combat

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

FOF b-197

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



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

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

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

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

o Perspective of Retired Forest Supervisor

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

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

FOF b-197

FOF b-198



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

## COMMENTARY

Sunday, February 10, 2008 • The Sacramento Bee

# Fire risk needs to be factored into zoning

By Gene Zimmerman  
Special to The Bee

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

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

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

Now the governor is asking all property owners to pay a little more to support the state's fire department. That's

reasonable, but only if those folks who choose to live in high-risk areas pay the real costs of the fire protection they receive. As new development pushes deeper into wildlands, we must take into consideration planning and zoning decisions made by local governments and make sure those governments shoulder their fair share of responsibility for keeping their citizens safe.

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

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

While some jurisdictions have aggressive

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

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

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

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

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

Fire is a natural occurrence on our arid landscape and has been for thousands of

years. The dilemma is how we plan - or fail to plan - to mitigate risks to people and property.

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

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

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

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

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

FOF b-198



- In the proposal, there are two exits for the 50 lots. In an emergency, there are about 18 homes on the east end of the development that would need to use the emergency entrance/exit. What if the Fire Dept. is tied up with a general emergency (very likely in wildfire conditions) and is not available to open the emergency, east end gate? What happens if the emergency blocks one or the other two roads that exit to North Shore Road? None of this has been taken into consideration in the DEIR in evaluating the level of significance. FOF b-199
- The project does not properly set aside the 100-foot fuel modification area. County fire overlay development code states, "Where feasible, the area shall be designated as common open space rather than private open space." Since this proposed project has sufficient space to do this, there is no justifiable reason that it is not feasible to designate the fuel modification area as common open space. FOF b-200
- As discussed on page 3 of this comment letter, as well as confirmed in the County Development code Applicable Fire Code Requirements included in Appendix F, only 1 dwelling unit per 3 acres is allowed on slopes of 30% or greater. The DEIR acknowledges that slopes go up to 40%, but does not include the required slope analysis and has not designated any lots as 3 acres. The proposed project is clearly out of compliance with County Fire code requirements. With the recent fire experiences, proposing or approving a project that does not even comply with current fire codes is irresponsible. FOF b-201
- An evacuation analysis has not been included in the DEIR to evaluate the impact on the evacuation of the area of Fawnskin. The analysis must, as a minimum, include analysis of the impacts of four additional entrances to the highway and the additional population relative to the current population of Fawnskin since there are limited exit strategies from the entire town. FOF b-202
- Page 4.7-5 discusses fire evacuation but does not mention or evaluate that in the last evacuation there was over a three hour period when no progress was made heading east due to a fire west of Fawnskin. This issue must be evaluated more thoroughly. FOF b-203
- No analysis has been provided on the potential increase in forest wildfire danger due to the addition of more house along the National Forest border. The increase in housing within the forest and especially along the boundary of the forest increases risk of wildfire. This impact on Fire danger needs to be analyzed. FOF b-204
- The EIR discusses (PS-3) that fuel modification may be greater than 100 feet in steeper areas, even up to 300 feet. There is no analysis showing that the fuel modification zone designated in the proposed project design is sufficient. Without details on this how would this mitigation be properly carried out? FOF b-205
- The mitigation (PS-4) assigning the fuel modification responsibility to the Homeowners Association has no enforceability. Without strict measures of enforcement, this mitigation does not reduce the impact. FOF b-206

• **Police services**

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



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

FOF b-207

- **General County Services**

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

FOF b-208

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

### **Transportation, Circulation, and Parking**

- The DEIR fails to analyze the fact that there is not adequate parking for the marina since there is insufficient parking for boat trailers. In addition, there is not sufficient parking for boat trailers specified within the complex on each individual lot. The DEIR's statement on page ES-9 that there is adequate parking completely ignores these facts and is therefore invalid.
- The additional roads and parking entrances, especially in the proposed marina area, would create congestion and safety issues that have not been addressed sufficiently by the DEIR. These entrances are in the midst of very winding roads and create hazards that even adding turn lanes cannot remedy. From the provided map, the entrance to the parking lot for the marina is just west of a sharp curve. The EIR fails entirely to analyze the increased risk of accidents along the roadway at this location. The revised EIR must provide this analysis.
- The DEIR uses traffic measurements for the entire valley as the existing condition from which to calculate increases due to this proposed project. Since Fawnskin traffic is much less than other areas in the valley, this is an invalid starting point that artificially lowers the increase. The significance of the impact due to an increase in traffic would therefore be much greater than has been determined by the EIR and must be reanalyzed.
- The Marina Point project has been completely omitted from this DEIR so no cumulative impacts of the two adjacent projects have been included in the traffic analysis. The cumulative effect of traffic from the Marina Point project together with the Moon Camp project would be significant, based on the threshold of significance criteria on page 4.8-10.
- The proposed County recycling center/transfer station planned for North Shore Drive just east of Division has been omitted from this DEIR and the cumulative traffic impacts of that project have not been included in the traffic analysis. The revised EIR must identify the increase in daily truck traffic from the recycling center and evaluate the cumulative effects of this project.

FOF b-209

FOF b-210

FOF b-211

FOF b-212

FOF b-213



- The DEIR fails to take into account the increase in traffic and impact on parking supply that would result from the development of over 1000 (according to the County assessor's office) already approved vacant lots. FOF b-214
- The DEIR does not address the impact on parking at the Fawnskin post office. Currently all residents use this post office for mail services and parking is already constrained. The revised EIR must evaluate how the increase in patrons will affect this already deficient condition. FOF b-215
- All increases in population create an increase in the amount of supplies that local stores, gas stations and vendors require to supply needs and thus an accommodating increase in the truck traffic to bring those supplies to the community. What percentage of these increases could be attributed to this proposed development? And how much would that increase contribute to the significance level? FOF b-216
- The DEIR's traffic analysis fails to take into account the substandard roadway conditions in the project vicinity. State code requires that lanes be a minimum of 12 feet wide, and that anywhere that curves are sharp must be calculated to be wider with the width based on the radius of the curves. North Shore Drive lanes, in the middle of most of the curves are only 12 feet wide. At the same time, the County should not widen these lanes because doing so would impact aesthetic and biological resources and would result in construction-related impacts on air quality and noise. At a minimum, the analysis of the project's traffic impacts must take these substandard highway widths into account. FOF b-217
- The criteria for establishing significance on page 4.8-20 lists two criteria for significance that would make the transportation impacts significant for this project: Item c) – the four new entrances to the development and to the marina parking that would be located in the midst of or immediately after sharp curves in the highway would result in an intense change in the traffic patterns, especially on busy weekends. This impact has been downplayed or underestimated. Item f) – since no boat trailer parking is provided and since with a private launch ramp it must be assumed that many of the owners would have visitors with boat trailers, this would result in inadequate parking and thus a finding of significance. On busy weekends there are major parking problems around all of the marinas around the lake. Since the DEIR is supposed to analyze the worst-case scenarios, assume the parking lot would be over capacity. Without sufficient parking for the marina (and more parking would worsen impacts to biological resources and would increase air and noise pollution), it would be reasonable to expect cars pulling trailers to be shuttling back and forth between the homes and the marina, creating dangerous highway cross traffic. The DEIR must analyze these impacts. FOF b-218
- The DEIR must analyze the increased impacts that would accompany certain of the mitigation measures. For example, the installation of a traffic signal anywhere on the North Shore would adversely affect the character of this rural community. The fact that the traffic already cannot be improved without a signal, along with the fact that a signal would completely change the rural nature of the area says that the area infrastructure is already overloaded and demands a finding of significance for any increase in traffic. FOF b-219



- Regarding page 4.8-7 of the DEIR, how is it possible, with 50 units considered, to come to the conclusion that there might be 51 in/out trips on a weekday, with the same number of trips quoted on a Sunday? The large lot sizes and potential price of the subject parcels indicate there could easily be a larger density. Based on observations of current traffic in adjacent neighborhoods, this weekday estimate is unrealistically low. In addition, the study adds a "16% variance for summer traffic conditions", which again is greatly underestimated. Traffic patterns can change significantly (easily 100% or more) during summer weekends. The impact from that increase and the effect of the proposed project must be considered. FOF b-220
- It seems the traffic count done in 2007 was a 2 hour "peak" window as well as a 2 hour "Sun off/peak" count. At the least, a proper count should be done, specifically looking at volumes in early morning hours. No consideration has been made for traffic and noise from 3-6AM when our actual "morning commute" happens. The notion that traffic follows "city patterns" with morning and evening peak periods is inaccurate for a proper study of local conditions. FOF b-221
- The traffic conditions in the mountain area has changed dramatically in the past few years since data from a 2007 study was gathered, including a sharp increase in truck traffic. This data is insufficient to address today's conditions and impacts. The increase in traffic in general and the impact this proposed project would bring cannot be accurately measured from a count that is almost 4 years old. FOF b-222
- Sufficient analysis has not been provided by the EIR regarding the potential impacts to the aesthetics, to biological resources and to land use (in terms of changes to the character of the area and degrading of public interests) on the addition of turn lanes and major changes to North Shore drive that have been defined as mitigations for the traffic impacts. FOF b-223
- How can the proposed project have an insignificant impact, while at the same time, a pro-rated cost be established for the improvements the county deems necessary, including traffic signals at the dam and at Stanfield cutoff, as well as left turn lanes at various intersections? If this project is contributing sufficiently to traffic impacts to warrant paying for part of those very changes which would result in very significant additional impacts, then the traffic impacts from this project are significant. FOF b-224

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

## Utilities

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



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

FOF b-226

- **Electrical Service**

- The electrical service defined for the proposed project is very nebulous. It may be from Bear Valley Electric, but there is no assurance that they have sufficient electricity to supply this project. A generator may be placed on site to supply service. To be approved with a zoning change, the EIR must demonstrate that infrastructure services are available and that has not been done.
- The option of placing a generator on the property to supply electrical service to the development has not been analyzed at all in the DEIR as to where it would be placed and what the impacts from that would be to noise, to biological resources, to air quality and to water quality.

FOF b-227

FOF b-228

- **Sewer service**

- The study done to determine equivalent dwelling unit assignment, costs/fees and evaluate sewer service alternatives was valid for a period of one year (as per the letter in Appendix G-1) and that study was done in early 2007. It is now long out of date and invalid.
- The sewer impact report states there is insignificant impact on the sewer system caused by the proposed development. However, the sewer system between Fawnskin and Stanfield Cutoff is near capacity. This area is very flat and requires pumping. In the past, there has been a problem with strong odors due to sewage backing up in the manholes. None of this has been discussed in the DEIR or taken into consideration in evaluating the significance of the impact on the sewer system.

FOF b-229

FOF b-230

- **Water**

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

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

FOF b-231



- *"Water is release from (or added to) internal aquifer storage instantaneously upon change in water level."* The material throughout the valley moves the water slowly, nothing is instantaneous.
  - *"No storage occurs in the semi-confining layers of leaky aquifers."* There are agency wells in the valley which depend on this being false (in VanDusen Canyon and probably other places)
  - *"The pumping well penetrates the entire aquifer and receives water from the entire thickness by horizontal flow."* This is very unlikely since most wells here do not and the adjacent wells certainly do not penetrate the entire aquifer and probably are only deep enough to get water, so any drawdown could impact them significantly.
- 
- The report does not disclose where they pumped the water to. This is important because there were no large tanks on site during the test sufficient to contain the amount of water pumped out over 3 days. Where was this water pumped to? Was the water pumped only a short distance away? If so, with the high water table during the test so close to the surface, it is highly likely that the pumped water was simply recharging the well. If the water was not stored or pumped completely off-site, what guarantees are there that no recharge was occurring? What tests were done to assure that no recharge was coming from the lake?
  - The statement in the 2<sup>nd</sup> paragraph of page 12 and the Figure 5 confirm that recharge was most likely occurring during the test. The paragraph essentially states that the test was not run for a sufficient amount of time to fully discern the effect. The limited number of data points on the graph in the figure imply that the faster the water is pumped out of the aquifer, the more water is available in the aquifer. The only way that is possible is for the well to be receiving recharge. This would also negate another assumption, "...with no natural (or other) recharge occurring."
  - If the aquifer was being recharged, this test is completely invalid. If the aquifer was not being recharged, the data points on the graph in Figure 5 are insufficient to draw any valid conclusions.
  - Page 10 paragraph 2 describes the method of testing, but that method is clearly insufficient to prove that there would not be significant draw down over a longer period of time. The well drew down the monitoring well (900 feet away) nearly a foot in only 3 days and since the water moves slowly through the substrate, it is very likely that in only 3 days it had not fully affected the monitoring well yet. Therefore this test is insufficient and inconclusive and there is no proven water availability without potentially significant impacts.
  - Steve Foulkes, the President of the Board for the DWP has stated on multiple occasions during board meetings that it takes over a year and most likely longer before one can determine the effect that pumping rate has on well draw down in the aquifer. How can that be true for other wells around the valley, but not for this one? What unique characteristics of this well justify the DEIR pronouncement that this well test proves there would be insignificant draw down on nearby private wells?

FOF b-231

FOF b-232

FOF b-233

FOF b-234

FOF b-235

FOF b-236



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

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

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

FOF b-237

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

FOF b-238

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

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

Alternative 1:

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

FOF b-239

Alternative 2:

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



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

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

#### Alternative 3:

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

- o There must be some potential impact from pumping water from well FP-2 as the County asked the developer to limit the pumping to 9 gallons a minute. The report indicates that well FP-4 only pumps 3.5 gallons a minute. If well FP-2 breaks down would the development have enough water? Would water be drawn from the Fawnskin system under any circumstances? What impact would all of these situations have on the residents of the development and on the residents of Fawnskin?
- o There are questions about storage capacity for water in alternatives 1 and 2 of the water service report. Storage capacity for the development is added but no consideration is taken of the unimproved lots between the storage facilities and the proposed subdivision.
- o FP-2 is very near the lake and with continuous pumping could draw into lake water. In the Geoscience report dated August 7, 2008, there is mention of pine pollen in the test results. It is possible the pollen entered from the lake water. In Geoscience's conclusions in the same report they mention there should be testing to verify their conclusion that the pine pollen did not enter from the lake water. There is nothing in the DEIR to show that this test was ever conducted. DWP Board President, Steve Foulkes, has stated at several public meetings that it is likely that the low wells near the lake in the Valley do draw water from the lake. Tests need to be conducted to show whether water is being drawn from the lake and if it is mitigation measures must be presented.

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FOF b-240

FOF b-241

FOF b-242



- The DEIR states there was insignificant draw down from the neighboring well during the FP-2 test, but the test was run for a very short time. What impact would pumping this well steadily for a long period, such as several weeks, have on the neighboring wells? FOF b-243
- The maps showing where the water lines would run if either of the first two water service Alternatives were to be implemented. These lines seem to run through private property on the east side of Fawnskin. What easement rights have been granted to allow for this to happen? FOF b-244

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

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

### Cumulative Impacts

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

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

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



- The cumulative impacts chart of projects does not define the projects in a way the public can possibly know what projects are being referred to. With numerous phone calls to the County, the County surveyors' office was finally able to find definitions for some of the county projects listed, but even that office could not define 3 of them. When attempts were made to get definitions from the planning department of the City of Big Bear Lake, they had no idea which projects the list in this document was referring to. This feels like purposefully obscuring the information.
- Two major projects have been left out of the DEIR analysis. Such an omission is extraordinarily egregious since both projects are immediately adjacent to the Moon Camp project site. The projects they included, while adding to the significance of the impacts, are all on the other side of the Valley. The two omitted projects are:
  - Marina Point – 133 condos and a 175 boat slip public marina on 12.5 acres – this project was approved in the 1980's. When they started to build it, Friends of Fawnskin sued them on violations of CWA and ESA and won both, but eagle was de-listed and appellate court overturned CWA, so not the project can move forward if they choose. It is immediately adjacent to proposed Moon Camp on the west. (It is labeled "Marina Point" on the attached map)
  - Deer Trail – proposal for 27 homes on 30 acres has been turned in to the county (though I do not think it has been accepted yet, but it is common knowledge around the area, so I'm sure the Moon Camp owners are aware of it). It is one parcel north of Moon Camp (on the attached map, it is 30 of the 38 acres marked "Klein Prop"—8 acres were sold off separately and still remain open at the moment)

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

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

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

## Alternatives

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

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FOF b-249

FOF b-250



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

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FOF b-250

## Summary and Conclusions

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

FOF b-251

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

FOF b-252

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

FOF b-253

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

FOF b-254

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

FOF b-255

Sincerely,



Sandy Steers  
Executive Director, Friends of Fawnskin



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## **Friends of Fawnskin (FOF (b))**

### *Response to FOF (b)-1*

The commenter provides introductory remarks to preface the comment letter and does not raise any issue with the EIR. No substantive response is necessary.

### *Response to FOF (b)-2*

The RRDEIR No. 1 analyzes the Proposed Alternative Project's environmental impacts against the environmental baseline, not the impacts of the Original Proposed Project.

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

### *Response to FOF (b)-3*

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



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

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

#### *Response to FOF (b)-4*

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

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

*Response to FOF (b)-5*

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

*Response to FOF (b)-6*

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

*Response to FOF (b)-7*

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



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





*Response to FOF (b)-8*

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

*Response to FOF (b)-9 and -10*

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

**SLOPE DENSITY LEGEND**

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

*Response to FOF (b)-11*

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

*Response to FOF (b)-12*

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

*Response to FOF (b)-13*

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

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

*Response to FOF (b)-14*

The proposed launch ramp has been removed from the Project by the developer. No additional response is necessary.

*Response to FOF (b)-15*

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

*Response to FOF (b)-16*

The commenter notes a typographical error in RRDEIR No. 1 regarding project commencement date. This comment does not raise an issue regarding the adequacy of the EIR and, therefore, no substantive response is necessary.

*Response to FOF (b)-17 and -18*

As outlined within Section 2, Project Description, of the RRDEIR No. 1, the Project will have a minimum lot size of 0.5 acre and an average lot size is 0.9 acre. Ultimately, as previously stated, the Tentative Tract Map has been designed as an extension of the existing land use pattern (i.e., neighboring single-family residential uses), but with much less density (minimum 7,200 square feet for neighboring lots and minimum 20,000 square feet for the Project). The Project offers a cohesively planned development, which would be subject to compliance with the County of San Bernardino's administrative design guidelines and development standards specific to the BV/RS-20M District. The minimum lot size in the Project is 20,000 square feet; however, all of the proposed residential lots are at least 0.5 acre in size, with the average lot size of 0.90 acre, and 12 lots are over 1 acre in size.

In addition, the views in the Original Proposed Project (2005 EIR) were significantly disrupted by the introduction of 31 residences to the lakefront and along the highway. These residences were highly visible from the lake, from the road, and in the viewshed of existing residences situated above. In contrast, the revised Project has eliminated the lakeshore residences and a number of lots on the north side of the highway by the introduction of 6.2 acres of open space conservation easements and a minimum lot size of 0.5 acre. Another major difference between the Original Proposed Project and the revised Project is the removal of the highway realignment segment of the Original Proposed Project. The realignment would have dramatically affected the aesthetics, both by destroying the rural, undulating character of the scenic highway and by removal of significantly more trees to achieve the objective. Over 600 trees were spared with the elimination of the realignment feature.

Further, Section 4.1, Aesthetics, of the RRDEIR No. 1, provides mitigation measures for short-term and long-term impacts upon development of the Project (i.e., A-1a, A-1b, A2a through A-2e, A-3a, A-3b and A-4a through A-4f [page 4.1-8 through 4.1-10]). Although the Project will permanently alter the aesthetics of the area near the Lake and the scenic highway from natural open space to low-density residential use. While some impact is unavoidable, implementation of mitigation measures along with



standard conditions and CC&Rs will assist in blending this new neighborhood into the overall general character of the Fawnskin Community and reduce overall impacts to less than significant.

*Response to FOF (b)-19*

The commenter states a quick survey was conducted regarding proposed homes disturbing the lake view; however, no such survey was provided as part of the comment letter. Without reviewing the referenced survey, it is not possible to provide a constructive response to the comment provided. However, as outlined within Section 4.1, Aesthetics, of the RRDEIR No. 1, the revised Project differs substantially from the Original Proposed Project (2005 EIR) in the way it affects both the short range views and the long range views. The views in the Original Proposed Project were significantly disrupted by the introduction of 31 residences to the lakefront and along the highway. These residences were highly visible from the Lake, from the road, and in the viewshed of existing residences situated above. In contrast, the 2010-revised Project has eliminated the lakeshore residences and a number of lots on the north side of the highway by the introduction of almost 6 acres of open space conservation easements and a minimum lot size of 0.5 acre. Another major difference between the Original Proposed Project and the Proposed Alternative Project is the removal of the highway realignment segment of the Original Proposed Project. The realignment would have dramatically affected the aesthetics, both by destroying the rural, undulating character of the scenic highway and by removal of significantly more trees to achieve the objective. Over 600 trees were spared with the elimination of the realignment feature.

Further, Section 4.1, Aesthetics, of the RRDEIR No. 1, provides mitigation measures for short-term and long-term impacts upon development of the Project (Mitigation Measures A-1a, A-1b, A2a through A-2e, A-3a, A-3b, and A-4a through A-4f [page 4.1-8 through 4.1-10]). The Project will alter the views of the Project site from the Lake and Highway. While some impact is unavoidable, implementation of mitigation measures along with standard conditions and CC&Rs will assist in blending this new neighborhood into the overall general character of the Fawnskin Community and reduce overall impacts to less than significant.

*Response to FOF (b)-20*

The commenter re-emphasizes the revised Project's potential impacts on scenic views.

Please see Response to FOF (b) 17 and 18.

*Response to FOF (b)-21*

The commenter re-emphasizes the revised Project's potential impacts on scenic views and absence of building size and height regulation.

Please see Response to FOF (b)-17 and -18. In addition, the County of San Bernardino Municipal Code provides maximum height and floor area ratio for buildings located within the BV/RS-20M District. The Proposed Alternative Project offers a cohesively planned development, which would be subject to compliance with the County's administrative design guidelines and development standards specific to the BV/RS-20M District.

*Response to FOF (b)-22*

The Big Bear Municipal Water District regulates Big Bear Lake and its docks. The District allows docks to be “wintered” in sheltered coves pursuant to existing regulations.

*Response to FOF (b)-23*

The commenter states that there is no enforcement procedures regarding long-term light and glare. Long-term light and glare enforcement procedures are included within the below mitigation measures, located within Section 4.1, Aesthetics, Light and Glare of the RRDEIR No. 1, which include stricter control of light sources than provided by County of San Bernardino ordinances. To minimize light pollution, lighting in the project area will be directed downward, be fully shielded and will be the minimum amount necessary for safe operations. The following mitigation measures were developed in the December 2005 Final EIR and are included and modified as a result of the reduced density and redesign of the Proposed Alternative Project:

**Long-Term Aesthetic Impact Mitigation**

- **A-2a:** All homes shall provide a two-car garage with automatic garage doors.
- **A-2b:** New development shall be subordinate to the natural setting and minimize reflective surfaces. Building materials including siding and roof materials shall be selected to blend in hue and brightness with the surroundings. Colors shall be earth tones: shades of grays, tans, browns, greens, and pale yellows; and shall be consistent with the mountain character of the area.
- **A-2c:** Outside parking/storage areas associated with the boat dock activities shall be screened from view by the placement of landscaping and plantings which are compatible with the local environment and, where practicable, are capable of surviving with a minimum of maintenance and supplemental water.
- **A-2d:** Construction plans for each individual lot shall include the identification and placement of vegetation with the mature height of trees listed. Landscaping and plantings should not obstruct significant views, within or outside of the project, either when installed or when they reach maturity. The removal of existing vegetation shall not be required to create views.
- **A-2e:** A Note shall be placed on the Composite Development Plan stating that during construction plans review and prior to issuance of building permits for each lot, the building inspector shall refer to the Mitigation Monitoring and Compliance Program regarding these aesthetic impact mitigation measures. The building inspector shall coordinate with the Advance Planning Division the review and approval of building plans in relation to these aesthetic impact mitigation measures, prior to approval and issuance of building permits.

**Long-Term Scenic Highway Impact Mitigation**

- **A-3a:** Any entry sign for the development shall be a monument style sign compatible with the mountain character, preferably, rock or rock appearance.
- **A-3b:** Prior to recordation of the tract map (and/or any ground disturbance, whichever occurs first), landscaping or revegetation plans for lettered lots shall be submitted to and approved by the San Bernardino County Planning Department.



**Long-Term Light and Glare Impacts**

- **A-4a:** All exterior lighting shall be designed and located as to avoid intrusive effects on adjacent residential properties and undeveloped areas adjacent to the Project site. Low-intensity street lighting and low-intensity exterior lighting shall be used throughout the development to the extent feasible. Lighting fixtures shall use shielding, if necessary to prevent spill lighting on adjacent off-site uses.
- **A-4b:** Lighting used for various components of the development plan shall be reviewed for light intensity levels, fixture height, fixture location and design by an independent engineer, and reviewed and approved by the County Building and Safety Division to ensure that light emitted from the Project does not intrude onto adjacent residential properties.
- **A-4c:** The Project shall use minimally reflective glass. All other materials used on exterior buildings and structures shall be selected with attention to minimizing reflective glare.
- **A-4d:** Vegetated buffers shall be used along SR-38 to reduce light intrusion on residential development and on forested areas located adjacent to the Project site. The vegetation buffers shall be reflected on the master landscape plan submitted to and approved by the County Land Use Services Department prior to the issuance of the first grading permit.
- **A-4e:** All outdoor light fixtures shall be cutoff luminaries and only high- or low-pressure sodium lamps shall be used.
- **A-4f:** Mitigation Measures A-4a thru 4e shall be included within the Conditions, Covenants, and Restrictions (CC&Rs) of the Home Owner's Association (HOA).

The County will adopt a Mitigation Monitoring and Reporting Program that will provide enforcement mechanisms to ensure all applicable mitigation measures are implemented and monitored as part of Project development. Therefore, implementation of the above mitigation measures, along with standard conditions and CC&Rs, will assist in blending the Project into the overall general character of the Fawnskin Community and reduce overall impacts to less than significant.

*Response to FOF (b)-24*

All utility lines developed and installed to serve the Project will be placed underground.

*Response to FOF (b)-25*

The commenter states Exhibit 4.1-4 and 4.1-6 underestimate the obstructed marina's views due to non-inclusion of boats, boat trailers, and cars. No launch ramp or boat trailer parking will occur at the marina. In addition, the marina parking is for day use only and not for trailers. Further, Exhibits 4.1-4 and 4.1-6 are provided as visual resources for the natural and cultural features of the environment that can be seen by the public, and influence the aesthetic appeal an area may have for viewers. The overall objective of Section 4.1, Aesthetics, Light and Glare, is to describe existing landscape and visual resource conditions at the affected portions of the Project site and surrounding vicinity and to identify the impacts that could result from the implementation of the Proposed Alternative Project. Section 4.1 takes into consideration all potentially affected areas (including views from the shoreline to the National Forest) and mitigates those potential impacts to a level of less than significant.

*Response to FOF (b)-26*

The commenter opines that the landscape buffer will take decades to grow and that the EIR does not consider this impact. Implementation of the landscaping within the Project site will not take decades to grow. As outlined within Section 4.1 of the RRDEIR No. 1, the intention of the landscape buffer is to be minimally obtrusive even in the closer views. Landscaping and plantings will not obstruct significant views, either when installed or when they reach maturity. The landscape buffer, coupled with the reduction of the overall density of the lots, helps blend the sparse development into the trees and natural landscape. In addition, the vegetation buffers shall be reflected on the master landscape plan submitted to and approved by the County of San Bernardino Land Use Services Department prior to the issuance of the first grading permit.

*Response to FOF (b)-27*

Please see Response to FOF (b)-25.

*Response to FOF (b)-28*

No streetlights are proposed or required. The only outdoor lighting is within the 50 lots, which are spread out over 62 acres, 1.25 acres per lot. Significantly, these would be less dense than the surrounding residential areas. Moreover, project development and design will have to comply with County lighting requirements to minimize impacts to night skies and surrounding residential uses. The Project will also be required to implement Mitigation Measures A-4a through A-4f (RRDEIR No. 1, page 4.1-9, and 4.1-10) to reduce light and glare impacts to less than significant levels.

*Response to FOF (b)-29*

No lakefront lots are included in the Project. This completely maintains the entire lake view and views of the southerly ridgeline. The lake views are the most scenic views within the entire Project area.

*Response to FOF (b)-30*

Approximately 10.0 percent (6.4 acres) of the entire Project (62.43 acres) is natural open space that is visible from the scenic highway.

*Response to FOF (b)-31 and -32*

The overall density of the Project is one lot per 1.25 acres. No lakefront homes are to be built. This is much less dense than the entire Fawnskin area it adjoins and this low-density provides a natural, open aesthetic for this area of the North Shore.

*Response to FOF (b)-33 and -34*

The commenter states implementation of the Project (new construction) will be a blight to the marina and the scenic byway corridor. Please see Response to FOF (b)-15.

*Response to FOF (b)-35*

As part of the Standard Conditions and Uniform Code, as outlined within Section 4.1 of the RRDEIR No. 1, the Project shall be designed to blend into the natural landscape and maximize visual attributes of the natural vegetation and terrain. Project design should also provide for the maintenance of a natural open space, which should be visible from the right-of-way. No additional response is necessary.



*Response to FOF (b)-36*

The commenter states the current zoning of the site is intended to preserve the aesthetic resources of the area. Please see Response to SM&W-1.

*Response to FOF (b)-37*

No streetlights are proposed or required in connection with project development. No additional response is necessary.

*Response to FOF (b)-38*

The marina parking is for day use only and the launch ramp has been eliminated as a project component. Therefore, it is highly unlikely that there would be any trailer parking in the marina parking lot. Determining where and how many boat trailers will park in and near the Project site is speculative at this point.

*Response to FOF (b)-39*

There will be CC&Rs and deed restrictions prohibiting short term rentals. These provisions will be enforced by the HOA.

*Response to FOF (b)-40*

There will be CC&Rs and deed restrictions prohibiting owners from cutting trees down that are marked and designated as a preserved resource. These provisions will be enforced by the HOA.

*Response to FOF (b)-41*

The developer has withdrawn his proposal to construct a launch ramp. The Project will not include any launch ramps.

*Response to FOF (b)-42*

The commenter states the Project is contrary to the General Plan's Scenic Highway Overlay. As outlined within Section 4.1 of the RRDEIR No. 1, the San Bernardino County General Plan lists several Goals, Policies, and Actions related to the Aesthetics for this Project and they will be incorporated into the development plan for this Project. The February 2007 Final Program EIR states that:

Many of the vistas that have been deemed as 'scenic' are located along roadways, especially throughout the Mountain and Desert regions. To ensure the quality and character of these locations are not compromised through obtrusive development, improvements of any kind are subject to additional land use and aesthetic controls outlined under the County's Scenic Highway Overlay.

These controls include, but are not limited to, the following:

- Review of proposed development along scenic highways to ensure preservation of scenic values for the traveling public and those seeking a recreational driving experience.
- Expanding the established right-of-way of a designated Scenic Corridor to extend 200 feet to either side, measured from the outside edge of the right-of-way.
- Development along these corridors will be required to demonstrate through visual analysis that proposed improvements are compatible with the scenic qualities present.

- More restrictive sign ordinance standards regarding visual quality and size will be imposed.
- New development will be required to provide ample recreation and scenic opportunities along Scenic Corridors.
- Development will be restricted along prominent ridgelines and hilltops.
- Site plans will be reviewed to determine that specific architectural design, landscaping and grading are done to prevent obstruction of scenic views and to blend with surrounding landscape.
- Off-site advertising signs (i.e., billboards) will be prohibited within and adjacent to all scenic corridors.

Implementation of all recommended mitigation measures (A-1a, A-1b, A2a through A-2e, A-3a, A-3b, and A-4a through A-4f [page 4.1-8 through 4.1-10]) will provide consistency with the County of San Bernardino's Scenic Highway Overlay.

*Response to FOF (b)-43*

The commenter states that there is no mitigation measure to enforce cars to park within the two-car garage. The CC&Rs will include the requirement that cars park within the two-garage.

*Response to FOF (b)-44 and b-45*

The commenter states that Mitigation Measures A-2a, A-2c, A-2d, and A-2e have no practical way of being enforceable. County of San Bernardino acknowledges its obligation under CEQA. County will adopt a Mitigation Monitoring and Reporting Program, which will provide enforcement mechanisms to ensure all applicable mitigation measures are implemented and monitored as part of Project development.

*Response to FOF (b)-46*

The commenter states that open space/preserved lots A through D will be impacted from implementation of landscape. The FOF comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within the 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Notwithstanding, as indicated within the RRDEIR No. 2, the Mitigation Measures BR-1a through BR-1d (page 2-57) are proposed to reduce impacts to open space/preserved lots A through H to a level of less than significant. No addition response is necessary.

Please note, Mitigation Measures BR-1a through BR-1c will be modified to the following to further clarify its intent using a strike-out/underline revision format. Please refer to the Errata section of this FEIR document for more information:

**MM BR-1a** Prior to the initiation of clearing or grading activities on the Project site, a conservation easement shall be placed upon the 10-acre Dixie Lee Lane property. The conservation easement shall be in favor of a ~~qualified~~ California Department of



Fish and Wildlife approved conservation entity and shall be recorded in the San Bernardino County Recorder's Office. The easement shall provide for the continued protection and preservation of the property through development of a Long-Term Management Plan (LTMP). The LTMP shall provide for the preservation, restoration, and enforcement of the Conservation Areas so that each area is maintained, and restored where needed, to its natural condition. The LTMP will also include documentation of baseline conditions, any needed site preparation, anticipated restoration/enhancement activities, a biological monitoring program, the creation of a set of success criteria for managing the site, anticipated maintenance activities, an annual reporting process, and a set of contingency or adaptive management measures to be implemented in case success criteria are not being met; to ensure that the implementation of the LTMP is fully funded, a Property Action Report (PAR) will be prepared that will document costs for site security, maintenance activities, site preparation, restoration/enhancements activities, biological monitoring, contingency measure and annual reporting. The costs identified in the PAR will be used to develop a non-wasting endowment that will ensure all costs will be available to establish the site, conduct any needed restoration and enhancements, and to fund reoccurring annual cost needed to manage the site in perpetuity. The easement shall, at a minimum, restrict all use of the property that has the potential to impact the quality of pebble plain soils and other valuable biological habitat, including the occurrences of the Federally Threatened ashy-grey Indian paintbrush. The property shall be fenced and signs shall be placed on the fencing indicating the sensitive nature of the property habitat and warning that any entry would be prosecuted as a trespass. Project proponent shall also create a perpetual, non-wasting endowment for the management and preservation of the mitigation property. The management entity will be approved by the CDFG.

**MM BR-1b**

Prior to the initiation of clearing or grading activities on the Project site, the ~~5-389.1-~~ 5-acre on-site conservation easements ~~(including Lot A and Lot H)~~ covering Lots A, B, C, D, and H shall be established. The conservation easement shall be in favor of a California Department of Fish and Wildlife approved qualified conservation entity and shall be recorded in the San Bernardino County Recorder's Office. The easement shall provide for the continued protection and preservation of the American Bald Eagle and Rare Plant habitat through development of a Long-Term Management Plan (LTMP). The LTMP shall provide for the preservation, restoration, and enforcement of the Conservation Areas so that each area is maintained, and restored where needed, to its natural condition. The LTMP will also include documentation of baseline conditions, any needed site preparation, anticipated restoration/enhancement activities, a biological monitoring program, the creation of a set of success criteria for managing the site, anticipated maintenance activities, an annual reporting process, and a set of contingency or adaptive management measures to be implemented in case success criteria are not being met; to ensure that the implementation of the LTMP is fully funded, a PAR will be prepared that will document costs for site security, maintenance activities, site preparation,

restoration/enhancements activities, biological monitoring, contingency measure and annual reporting. The costs identified in the PAR will be used to develop a non-wasting endowment that will ensure all costs will be available to establish the site, conduct any needed restoration and enhancements, and to fund reoccurring annual cost needed to manage the site in perpetuity. The easement shall, at a minimum, restrict all use of the property that has the potential to impact Bald Eagle perch trees, the quality of pebble plain soils and other valuable biological habitat, including the occurrences of the Federally Threatened ashy-grey Indian paintbrush. The property shall be fenced and signs shall be placed on the fencing indicating the sensitive nature of the property habitat and warning that any entry would be prosecuted as a trespass. The easement shall provide for the continued protection and preservation of the property. The easement shall, at a minimum, restrict all use of the property that has the potential to impact the occurrences of the Federally Threatened ashy-grey Indian paintbrush. Project proponent shall also create a perpetual, non-wasting endowment for the management and preservation of the mitigation property. The management entity will be approved by the CDFG.

**MM BR-1c**

The Project Applicant shall take the following actions to further ensure the permanent preservation of the Conservation Areas (Lot A and Lot H):

- Except for access by residents to Lot B & C between April 1 and December 1, ~~Restrict~~ access by pedestrians and motor vehicles to the Conservation Areas. The Conservation Areas shall be secured through installation of fencing or other barriers to prevent access to Conservation Areas. Barriers shall be installed prior to commencement of any construction activities on-site. The Project Applicant shall also include provisions in the CC&Rs for the Project instituting penalties to residents who violate the restrictions and cause any damage to the protected plant habitat and Bald Eagle perch trees.
- Include enforcement provisions in the CCR's ~~allowing~~ requiring the Homeowner's Association, individual resident within the Project, the Conservation Entity, and/or County of San Bernardino to enforce any violation of the provisions intended for the protection of sensitive plant species located within Lot A and Lot H.
- Install appropriate signage identifying Conservation Areas and the sensitive nature of such areas on the Project site and that access is prohibited. The Conservation Areas shall be monitored on a regular basis by the Conservation Entity.
- Prohibit use of invasive plant species in landscaping. Each lot owner shall be given a list of prohibited invasive plant species upon purchase of lot with the parcel. Landscape plans for individual parcels shall be approved by the County prior to development to ensure no inappropriate plant material is incorporated into the design of any individual lot or common area which may compromise the quality of the Conservation Areas.
- Development may not change the natural hydrologic conditions of the Conservation Areas. All grading plans shall be reviewed by the County to ensure hydrologic conditions of the conservation lands are not adversely changed by development.



- The Project Applicant or aAppointed eConservation eEntity shall monitor Conservation Areas on a periodic basis to ensure invasive, non-native species are not present. All non-nature invasive plant species shall be removed from Conservation Areas.
- Fuel modification zones and programs shall not be implemented in Lots A and H.
- The Conservation Entity shall prepare an annual biological monitoring report identifying the current status of the rare plant species and any necessary actions to further enhance and protect the habitat.
- The Conservation Entity shall conduct routine monitoring of rare plant resources on Lot A and H. The occurrence of non-native species outbreaks, or other examples of ecological disturbance as a result of indirect impacts of development in and around Lots A and H shall be reported in the annual biological monitoring reports and remedial action shall be recommended and implemented by the Conservation Entity.

**MM BR-1d** Construction to the rear portions of Lots 47, 48, 49, and 50 shall be restricted by means of building envelopes or building setback lines to prevent construction in the occupied ashy-grey Indian paintbrush habitat, wherever feasible.

*Response to FOF (b)-47*

The commenter states an analysis should be required for consistency with County of San Bernardino dark sky ordinance. Please see Response to FOF (b)-23. In addition, the Project is conditioned to comply with County Code Section 83.07.040, Glare and Outdoor Lighting—Mountain and Desert Regions.

*Response to FOF (b)-48*

The commenter identifies a typo: this is intended to be “A 4f “ not “A 4r.” Please see Response to FOF (b)-4.

*Response to FOF (b)-49*

The commenter provides a general statement that does not raise an issue regarding the adequacy of the EIR.

*Response to FOF (b)-50*

CSA 53C will not be the water supplier for the Project. As the commenter notes, CSA 53C does not currently maintain and operate potable water facilities in the Fawnskin area. Because of the impracticability of having CSA 53C provide water to the Project, CSA 53C and Big Bear Department of Water and Power entered into an Outside Service Agreement for Potable Water Service dated November 17, 2015, whereby the Department of Water and Power has agreed to provide water service to the Project site.

*Response to FOF (b)-51*

The commenter questions the use of fireplaces within the Project. Mitigation Measure AQ-3 (RRDEIR No.1, page 4.2-38), in particular, prohibits open-hearth fireplaces and permits only EPA Phase II certified fireplaces and wood stoves, pellet stoves, and natural gas fireplaces. The use of certified fireplaces and stoves will significantly increase the heating efficiency of fireplaces and reduce the

amount of smoke particles and toxics emitted into the air compare to an ordinary open-hearth fireplace present in many homes in the neighboring area. See Response to Pitts 12 for additional related information.

*Response to FOF (b)-52*

The commenter questions enforcement measures on Mitigation Measure AQ-3 (RRDEIR No.1, page 4.2-38). Please see Response to Pitts 2.

*Response to FOF (b)-53*

The commenters question the use of flyers and enforcement. Please see Response to Pitts 14.

*Response to FOF (b)-54*

The commenter questions the baseline used within the air quality and related EIR analysis. Please see Response to FOF (b)-2

*Response to FOF (b)-55*

The commenter states that mitigation measures within the Air Quality Section are essentially toothless. Please see Response to Pitts 10.

*Response to FOF (b)-56*

The commenter questions the use of fireplaces within the Project. Please see Response to FOF (b)-51.

*Response to FOF (b)-57*

The generator mentioned on page ES 11 is not needed due to the construction of a natural gas generating plant at Bear Valley Electric's (BVE's) Garstin Yard location. The generator mentioned on page E 8 is not constructed as a part of the preferred Water Service Alternative #2. This generator is only constructed if Water Service Alternative #3 is constructed. As a part of that Alternative, the generator is only used when BVE's power to the Project area is temporarily disrupted. Under those conditions, impacts to Air Quality are not significant.

*Response to FOF (b)-58 through -95*

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

*Response to FOF (b)-96*

Groundwater level declines referenced on Pg. 4.4-2 were measured in the City of Big Bear Lake Department of Water and Power's Division Well No. 6. The groundwater level decline observed in these wells is a result of pumping the wells and may also reflect hydrologic (i.e., precipitation) conditions, depending on the period of observation. These wells are on the eastern end of the North Shore Hydrologic Subunit and are not in direct hydraulic connection with the aquifers beneath North Shore Subarea A and Grout Creek Subarea D. Historical groundwater levels observed in Well FP-2 and other wells in the Grout Creek Subunit are stable and have not varied significantly from historical high levels.



*Response to FOF (b)-97*

The drainage outlet structures would be monitored and maintained by the homeowners association as part of its maintenance obligations under the CC&Rs.

*Response to FOF (b)-98*

The small, westernmost drainage is an on-site drainage area and was determined not to meet jurisdictional requirements.

*Response to FOF (b)-99*

Bioretention basins will be constructed by the developer at each lot. Homeowners will be responsible for the minimal maintenance that the basins require. These are design requirements that will be enforced by the County of San Bernardino during the construction plan review process.

*Response to FOF (b)-100*

Contrary to commenter's assertions, the Project is designed to preserve existing site drainage to the extent possible. As discussed on page 4.4-7 of the RRDEIR No. 1, "Post-project runoff flows are proposed to generally remain in the existing drainage pattern, with culverts crossings occurring at low points along the highway...." The post-development drainage pattern will remain largely unchanged in both location and quantity.

*Response to FOF (b)-101*

Seeding and planting for erosion control will not occur within sensitive plant areas. There are no sensitive plants in the open space parcel below the highway.

*Response to FOF (b)-102*

The details of HYD-7 will be included in the Project CC&Rs and enforceable by the County.

*Response to FOF (b)-103 through -105*

This comment appears to address two separate issues: 1) comparison of the long-term average annual recharge of the North Shore Subunit with annual groundwater discharge (i.e., pumping) from the subunit and 2) short-term groundwater level trends in one portion of the North Shore Subunit. Groundwater level trends are a function of both groundwater pumping and available recharge from precipitation. The groundwater level trends described for the eastern portion of the subunit are likely associated with pumping near the perennial yield for that area during a period of below normal precipitation. In either case, the referenced area is not in direct hydraulic communication with the aquifers associated with the Project. In addition, no significant groundwater level declines have been observed in wells in the Grout Creek Hydrologic Subunit. Please see Thomas Harder Groundwater Consulting response, pages 20 and 21, appended to Response to Comment SM&W 72 for additional related information.

*Response to FOF (b)-106*

The developer is subject to regulatory and statutory performance standards that protect water quality during construction activities. The developer will be required to obtain coverage under the Construction General NPDES permit, which requires implementation of a number of BMPs to protect water quality.

*Response to FOF (b)-107 through FOF (b)-110*

The commenter provides conclusive statement that does not raise an issue regarding the adequacy of the EIR.

*Response to FOF (b)-111 through -122*

The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre. The commenter requests a valid reason for changing the zoning, when there is sufficient infrastructure and if the change is in the best interest of the public. No lakefront lots are included in the Project. This completely maintains the entire lake view and views of the southerly ridgeline. The views from the lake are the most scenic views within the entire Project area. The minimum lot size is 0.5 acre. The average lot size is 0.9 acre. Fifty lots on 62 acres equates to 1.25 acres per lot. A total of 9.8 percent (6.12 acres) of the entire Project (62.43 acres), is natural open space that is visible from the scenic highway. In addition, see Response to SM&W-1 and SM&W-4 for a response regarding zoning consistency for the Project site.

*Response to FOF (b)-123*

The Geoscience report “Focused Geohydrologic Evaluation of the Maximum Perennial Yield of the North Shore and Grout Creek Hydrologic Subunit Tributary Subareas” (Geoscience 2003a) was prepared because previous estimates of the perennial yield of the North Shore Hydrologic Subunit addressed the subunit in whole and did not account for the fact that the east side of this relatively long subunit is hydrologically separated from the west side. This was significant because pumping on the east side accounted for most of the perennial yield. Geoscience 2003a divided the North Shore Hydrologic Subunit into six individual tributary subareas (A through F) and provided a basis for evaluating groundwater pumping and recharge for smaller portions of the North Shore Subunit that were not in direct hydraulic connection with the eastern portion (Subarea F) where most of the pumping has historically occurred. The perennial yield of Tributary Subarea A has not been fully utilized and the shallow groundwater levels in this portion of the North Shore Subunit indicate that this area is not in overdraft. In addition to Geoscience 2003a, pumping tests have been conducted since 2004 on Well FP-2 and FP-4 to provide an analysis of the hydrogeologic conditions in the area and the potential impacts from pumping on existing wells and groundwater resources. These analyses, based on available data, are sufficient to conclude that there are adequate groundwater resources to support the Project.

In November 2015, the Local Agency Formation Commission Board (LAFCB) and the Board of Supervisors approved domestic water service be provided to the Moon Camp Tract by the City of Big Bear Lake, Department of Water and Power. On March 23, 2018, the Bear Lake Department of Water sent a letter to the County of San Bernardino (Appendix G of this 2020 Final EIR) stating that: “Bear Lake Department of Water has sufficient capacity within its existing Fawnskin Water System to provide potable water service to the proposed Moon Camp Development.” As a result of the DWP serving water to the Moon Camp Tract, Wells FP-2 and FP-4 will not be solely relied upon to provide a water source to the Tract.”

*Response to FOF (b)-124*

See Response to FOF (b)-123.



*Response to FOF (b)-125*

The commenter states the EIR does not provide a slope analysis in comparison to the Project's proposed uses. Please see Response to FOF (b)-9 and 10.

*Response to FOF (b)-126*

The adjoining lakeshore includes a Project provided 0.82-acre public access area with 891 lineal feet of public lake access. The adjoining USFS land abuts 16 Moon Camp low-density parcels that are 0.6 acre up to 2.7 acres in size.

*Response to FOF (b)-127*

The commenter states Exhibit 2-4 incorrectly portrays the Project's 100-foot fuel modification zone. Descriptions within Section 4.5, Land Use, contains a typographical error stating Exhibit 2-4 incorrectly portrays the Project's 100-foot fuel modification zone. Section 4, Errata of this response to comment corrects the typographical error. The revision and minor modification to the document do not result in any new significant environmental impacts of the Project or substantial increases in the severity of any environmental impact identified in the Draft EIR. Further, the current version of the revised Tract Map accurately designates the Fuel Modification Zone.

*Response to FOF (b)-128*

The fire flow storage is within the domestic reservoir(s). Such water is tested for bacteria and required to meet all state water quality standards.

*Response to FOF (b)-129*

The FOF comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within the 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document. In addition, see Response to WINCH (b)-5 for wildfire hazards and setbacks. Further, see Response to SM&W-1 for information on water supply and infrastructure.

*Response to FOF (b)-130*

See Response to FOF (b)-9 and -10.

*Response to FOF (b)-131*

See Response to SM&W-1 and SM&W-4 for a response regarding zoning consistency for the Project site.

*Response to FOF (b)-132*

See Response to FOF (b)-111 through 122.

*Response to FOF (b)-133*

See Response to SM&W-1 and SM&W-4 for a response regarding zoning consistency for the Project site.

*Response to FOF (b)-134*

The commenter questions the use of flyers and enforcement. Please see Response to Pitts 14.

*Response to FOF (b)-135*

See Response to WINCH (b)-5 for discussion of wildfire hazards and setbacks.

*Response to FOF (b)-136*

The commenter provides a conclusive statement that does not raise any issue concerning the EIR's adequacy. No further response is necessary.

*Response to FOF (b)-137*

The comment states that the Section 4.6 of RRDEIR No. 1 focuses on changes from a previously project to the revised project. No comment is necessary as the RRDEIR No. 1, in evaluating the environmental impacts, addresses the existing conditions, not a previously project. The noise section evaluates the "existing noise levels" against the project. Please refer to Appendix D of the RRDEIR No. 1.

*Response to FOF (b)-138*

Section 4.6 of the RRDEIR No. 1 contains a comprehensive analysis of noise impacts resulting from the Project. The commenter correctly notes that part of the analysis includes a determination of impacts from additions of project traffic along area roadways. The analysis concludes that impacts related to traffic-related noise generated by the Project would be less than significant. The commenter asserts that analysis of traffic-related noise impacts on roadways located farther from the Project site and the community of Fawnskin are of little value. Comment noted. Roadways located farther from the Project site, such as North Shore Drive at Stanfield Cutoff and Big Bear Boulevard at Stanfield Cutoff, were analyzed because these roadways currently have higher existing traffic trips.

*Response to FOF (b)-139*

The commenter asserts that the noise analysis conducted for the Project fails to analyze noise impacts on the Forest Service campgrounds. As noted by the commenter, the Forest Service campgrounds are a significant distance from the Project site. Based on attenuation of sound when receiver is farther away from the source of the noise, construction and operational impacts on the Forest Service campgrounds will be negligible. As concluded in the RRDEIR No. 1, construction and operational noise impacts of the Project will be less than significant.

*Response to FOF (b)-140*

The commenter asserts that the noise analysis was deficient because it fails to take into account noise generated by boats using the marina. Section 4.6 of the RRDEIR No. 1 analyzes potential noise impacts from watercraft use, including boats and jet skis, that may be using the Project's marina. The analysis concluded that existing watercraft noise levels for a ski-boat were 46 to 59 A-weighted decibel (dBA) at 100 feet and a jet-ski was 103 dBA at 80 feet with an outboard motor on a fishing boat reaching noise levels of approximately 100 dBA. Big Bear Municipal Water District estimates that daily use of boats on the lake is approximately 106 with peak day average use being 207 on the weekends. The Project will result in the development of a 55-slip marina that could potentially add additional watercraft in proximities to the existing Fawnskin community. Where the proposed marina is located, there are no residential sensitive receptors within 300 feet of the marina. Therefore, even assuming the sound levels of watercraft as stated above, the noise attenuation resulting from the distance between the marina and residential uses would result in impacts being less than significant.

*Response to FOF (b)-141*

The commenter asserts the construction noise analysis is defective because the analysis only focuses on roadway construction activities and not the construction of individual residential units. The



RRDEIR No. 1 and associated Noise Impact analysis included in Appendix D, focus on maximum potential impacts to the Project in determining whether there is a potentially significant impact under CEQA. Contrary to the commenter's assertions, the analysis looks at noise impacts from each phase of the development, including the development of the individual residential units and acknowledges that there would be short-term impacts to residential uses along Canyon Road and southeast of the Project site across SR-38. However, the analysis concludes the impacts will be temporary in nature and, with compliance with County of San Bernardino Codes regarding construction activities and Mitigation Measures NOI-1 through NOI-4 (RRDEIR No. 1, page 4.6-16), impacts can be reduced to less than significant levels.

*Response to FOF (b)-142*

At this time, ultimate buildout of the Project and exact construction schedule will be based on market-driven factors unknown at this time. However, the noise analysis does analyze hypothetical developments of the Project and reaches conclusions regarding potential impacts of developing individual uses within the Project site.

*Response to FOF (b)-143*

The noise analysis does identify the location of sensitive receptors such as residential uses in the Fawnskin community, residential uses southeast of the Project site across SR-38, as well as other sensitive uses in the general project vicinity, as identified in Table 4.6-2 of the RRDEIR No. 1. The Biological Resources Section of the RRDEIR No. 1 was recirculated in 2011 and, therefore, any comments regarding impacts to Biological Resources will not be responded to here.

*Response to FOF (b)-144*

The commenter recites and interprets the County of San Bernardino Code regarding noise impacts this general statement does not raise any issue regarding the EIR's adequacy and, therefore, no further response is necessary.

*Response to FOF (b)-145*

Contrary to the commenter's assertion, the analysis included in the RRDEIR No. 1 compares the project and analyzes its impact with regard to the existing environmental baseline. The analysis does not compare the proposed project with the Project as analyzed in the original EIR. Any discussion and comparison between the two iterations of the Project are for informational purposes only and are not the basis of any significance determinations.

*Response to FOF (b)-146*

The construction impact analysis included in the RRDEIR No. 1 analyzes potential impacts on adjacent sensitive receptors, such as residents in the adjacent community of Fawnskin along Canyon Drive and residential uses southeast of the Project site across SR-38. The analysis specifically focuses on construction impacts at the sensitive receptors in determining the significance of the impact. The season or time of year during which construction activity takes place is immaterial in that the identified closest sensitive receptors to the Project site remain year-round and form the basis of the analysis. The exact schedule of construction is speculative at this point and therefore has not been specifically determined. The noise analysis analyzes the worst-case construction scenario, which includes construction of those portions of the Project that are the closest to existing sensitive

receptors. Any construction activity that is further away from the sensitive receptors, due to noise attenuation, would be less intense than the impacts analyzed in the RRDEIR No. 1.

*Response to FOF (b)-147*

The commenter suggests analyzing additional equipment to be used in construction activity, including saws and drills. Table 4.6-6 includes a list of typical construction equipment utilized in this type of development and, the County of San Bernardino believes forms a reasonable basis for the assumptions used in the construction portion of the noise analysis.

*Response FOF (b)-148*

The commenter asserts that the construction noise analysis should analyze potential impacts on the recreational areas adjacent to the Lake, in addition to the residential sensitive receptors. The analysis does indicate noise levels for various distances from the Project site. However, when, where, and how many visitors are going to visit to use recreational areas adjacent to the Project site is speculative. The analysis included in the EIR contains sufficient information regarding construction noise impacts to the important decision-maker of the impacts to the Project pursuant to the mandates of CEQA.

*Response to FOF (b)-149*

The CC&Rs for the Project will include a prohibition on rentals for less than 30 days.

*Response FOF (b)-150*

Please see Response to FOF (b)-140.

*Response FOF (b)-151*

Please see Response to FOF (b)-140.

*Response FOF (b)-152*

Please see Response to FOF (b)-140.

*Response to FOF (b)-153*

Please see Response to FOF (b)-140.

*Response to FOF (b)-154*

Please see Response to FOF (b)-140.

*Response to FOF (b)-155*

Please see Response to FOF (b)-140.

*Response to FOF (b)-156*

Please see Response to FOF (b)-140.

*Response to FOF (b)-157*

Please see Response to FOF (b)-141 through FOF (b)-148.

*Response to FOF (b)-158*

Please see Response to FOF (b)-140 through FOF (b)-148.



*Response to FOF (b)-159*

Consistent with the commenter's comment, the Project will be subject to a recorded set of CC&Rs that will be enforceable by the Project's HOA, the County of San Bernardino, and in some instances, the Conservation Entity that holds the conservation easement for the conservation areas of the Project.

*Response to FOF (b)-160*

As indicated in Section 4.6 of the RRDEIR No. 1, the Project will not result in a significant noise impact due to construction activities. Therefore, a restriction on periods of construction activity is not required to reduce impacts to less than significant levels. Compliance with existing County regulations governing liable construction periods are adequate.

*Response to FOF (b)-161*

Please see Response to FOF (b)-149. The Project CC&Rs will include a provision prohibiting short-term rental of residential units.

*Response to FOF (b)-162*

As indicated in Section 4.6 of the RRDEIR No. 1, the inclusion of the proposed marina and parking lot will not result in noise impacts to sensitive receptors that exceed applicable thresholds of significance and, therefore, no significant impact will result. Accordingly, removal of the parking lot and marina are not warranted in this instance.

*Response to FOF (b)-163*

The commenter requests limiting the marina/parking lot hours of operation to 9 a.m. to 6 p.m. in order to minimize impacts on neighboring properties. The nearest neighboring property is Lot 39 within the subdivision, which is over 100 feet from the parking lot and over 200 feet from the marina. The nearest existing improved neighboring lot is over 200 feet from the marina and over 400 feet from the parking lot. Marinas on Big Bear Lake traditionally have two main types of users: (1) fishermen who may use the parking lot and marina in the early morning and evening hours, and (2) recreational boaters who mainly use the parking lot and marina during the daytime hours. There are no hourly restrictions on any of the existing Big Bear Lake marinas. The CC&Rs will include a section that discusses how the subdivision's property owners can minimize the noise they create as they leave and return to the marina.

*Response to FOF (b)-164*

The commenter questions why the noise analysis does not analyze impacts on residential uses and recreational campground uses. Section 4.6 of the RRDEIR No. 1 does analyze potential impacts on sensitive residential receptors, as well as recreational uses, such as the campgrounds.

*Response to FOF (b)-165*

The noise analysis included in the RRDEIR No. 1 analyzes potential noise impacts from additional traffic generated by the project. The analysis analyzes additional traffic noise levels at Stanfield Cutoff and along Big Bear Boulevard, primarily because these roadways currently exhibit the highest number of daily trips and, therefore, the highest traffic noise levels in the Project area. Additional traffic on these roadways is most likely to result in potentially significant increases in ambient noise

level due to the relatively high ambient noise level in the area when compared with the roadways in the vicinity of the Project site where ambient noise levels are relatively low.

*Response to FOF (b)-166*

Contrary to commenter's assertions, the noise analysis included in the RRDEIR No. 1 analyzes potential noise impacts on the closest sensitive receptors to the Project site, which include single-family residential uses adjacent to the northwest boundary of the Project site, along Canyon Drive and Flicker Drive.

*Response to FOF (b)-167*

Please see Response to FOF (b)-140 through FOF (b)-166.

*Response to FOF (b)-168*

The commenter questions the justification of including the marina as a project component. This comment does not raise an issue regarding the adequacy of the EIR and, therefore, no further response is required.

*Response to FOF (b)-169*

The Project will be governed by CC&Rs that prohibit short-term rental of residential units.

*Response to FOF (b)-170*

The Biological Resource Section of the RRDEIR No. 1 was recirculated in 2011, and, therefore, comments regarding the adequacy of the Biological Resource section of the RRDEIR No. 1 will not be responded to here.

*Response to FOF (b)-171*

Please see Response to FOF (b)-140 through FOF (b)-166.

*Response to FOF (b)-172*

Please see Response to FOF (b)-146.

*Response to FOF (b)-173*

With regard to construction noise levels, the analysis focuses on whether the Project would result in an exceedance of an applicable threshold of significance; in this instance, the County of San Bernardino standard for noise impacts at sensitive land uses, such as the adjacent residential uses. This analysis does not focus on the existing ambient environment but merely whether the sound introduced by the construction activities would reach levels that exceed applicable standards. With regard to traffic noise generated by the project, the analysis does consider the ambient noise environment in determining whether the addition of traffic would result in a temporary or permanent increase in the ambient noise environment. The analysis included in Section 4.6 of the RRDEIR No. 1 concluded that additional traffic noise impacts would be less than significant.

*Response to FOF (b)-174*

The Biological Resource Section of the RRDEIR No. 1 was recirculated in 2011. Any comments regarding the adequacy of the analysis included in the Biological Resource section will not be responded to here.



*Response to FOF (b)-175*

Please see Response to FOF (b)-160.

*Response to FOF (b)-176*

The commenter is incorrect in her interpretation of Table 4.6-3. Table 4.6-3 in the RRDEIR No. 1 looks at traffic noise emanating from project-related traffic along Northshore Drive, west of Stanfield Cutoff, which is where the Project site is located.

*Response to FOF (b)-177*

In comparing the noise analysis for this Project, the County of San Bernardino felt it was appropriate to apply the general County noise standards as applicable to residential land uses anywhere in the County. The County believes it is not appropriate to differentiate between types of residential uses, thereby providing greater protection for some over others.

*Response to FOF (b)-178*

Please see Response to FOF (b)-178. Moreover, this requirement will be included in the Mitigation Monitoring and Reporting Program adopted by the County of San Bernardino should the Project be approved. Examples of ineffective enforcement of similar restrictions in CC&Rs for other projects is not substantial evidence that such restriction cannot be validly and adequately enforced for this Project.

*Response to FOF (b)-179*

The commenter disagrees with the characterization of the marina as included in the RRDEIR No. 1. Comment noted. This comment does not raise any issue with the adequacy of the EIR and, therefore, no further response is required.

*Response to FOF (b)-180*

The commenter asserts that the cumulative noise impacts of the proposed marina was not adequately addressed. No launch ramp or boat trailer parking will occur at the marina. In addition, the marina parking is for day use only and not for trailers. Therefore, the only cumulative impact of the Project with other proposed projects in the area would be related to vehicular traffic on local roadways and operation of watercraft on the lake. Cumulative traffic noise impacts were analyzed in the RRDEIR No.1 and were shown to result in a less than significant increase on local roadways under cumulative year 2025 conditions. Noise impacts from project-related watercraft operations are regulated by the Water District's rules and regulations, and the Harbor and Navigational Code 654. The analysis shows that even with the conservative analysis of assuming the weekend usage factor of 9 percent, the Project would not result in a significant increase in the number of boats operating at any time on the lake. Therefore, implementation of the Project would not result in the exceedance of applicable standards, nor result in a significant permanent increase in ambient noise levels and project-related cumulative impacts would be less than significant.

Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

*Response to FOF (b)-181*

Please see Response to FOF (b)-140. Moreover, Captain John's Marina already exists to the west of the Project site, with its associated auto traffic parking and boat noise.

*Response to FOF (b)-182*

Please see Response to FOF (b)-140 through FOF (b)-166.

*Response to FOF (b)-183*

The analysis in the RRDEIR No. 1 concluded that construction activities on-site would not result in a significant impact to adjacent residential uses due to vibration. Because of the low likelihood of any potential impacts from vibration emanating from project constructions activities, no mitigation measures for vibration impacts are included or recommended to be included as part of the Project.

*Response to FOF (b)-184*

The commenter merely disagrees with the RRDEIR No. 1 conclusion regarding the significance of potential noise impacts on adjacent sensitive receptors. Comment noted.

*Response to FOF (b)-185*

Please see Response to FOF (b)-150 through FOF (b)-158.

*Response to FOF (b)-186*

Mitigation measures will be included in a Mitigation Monitoring and Reporting Program adopted by the County of San Bernardino if the Project is approved. The County will ensure that there are mechanisms in place for enforcement and would be the enforcing agency should there be a breach for failure to comply with any of the mitigation measures.

*Response to FOF (b)-187*

Construction of the off-site infrastructure necessary to support the Project was concluded in the analysis of potential noise impacts in Section 4.6 of the RRDEIR No. 1. Please also see Response to FOF (b)-173.

*Response to FOF (b)-188*

As indicated in page 4.6-12 of the RRDEIR No. 1, "As discussed in Section 4.6-1 above, even though Proposed Alternative project grading activity would be limited to the construction of the interior streets and infrastructure and no grading of individual lots is proposed, for the purposes of determining the reasonably foreseeable impacts associated with full construction, this analysis assumes the construction of the future homes." Accordingly, construction of the homes was included in the analysis.

*Response to FOF (b)-189*

The analysis included in Section 4.6 of the RRDEIR No. 1 related to project-related traffic noise focuses on the increase in the ambient noise level as a result of the addition of project-related traffic trips. The analysis shows that in the area of the Project site, the additional project-related traffic trips would increase by 0.42 dBA, which is below the threshold of significance for project-related noise impacts. Therefore, whether the average daily trips or weekend peak hour trips are utilized in the analysis, the impact is less than significant.



*Response to FOF (b)-190*

The commenter makes a summary comment questioning the noise analysis included in the EIR. Comment is noted.

*Response to FOF (b)-191 through FOF (b)-206*

See Response to SM&W-1 and SM&W-4 for a response regarding zoning consistency for the Project site. In addition, see Response to WINCH (b)-5 for wildfire hazards and setbacks. Further, see Response to SM&W-1 for information on water supply and infrastructure.

*Response to FOF (b)-207*

As indicated within Section 4.7, Public Services, of the RRDEIR No. 1, anticipated police calls that may occur include increased burglar alarm calls, general criminal investigations, missing or lost persons, emergency medical calls, thefts of boats, and vandalism. Although there would be an incremental need for increased police service, it is not anticipated that Proposed Alternative Project implementation would require any new police facilities. Each homeowner will be required to pay property taxes and development impact fees based on then-current rates. The Proposed Alternative Project's increase in demand for police services would be offset through project related fees and taxes. The additional service calls required by the Project will not be substantial enough to require the construction of new facilities that could cause a significant environmental impact. Therefore, impacts to law enforcement services are expected to be less than significant, and no mitigation measures are proposed.

*Response to FOF (b)-208*

As indicated within Section 4.9, Utilities, of the RRDEIR No. 1, the Project would result in an increased demand for infrastructure service. However, the Project Applicant will construct and fund all infrastructure related to the Proposed Alternative Project. In addition, the future residents of the site will pay monthly user fees that offset the cost of service and maintenance. Therefore, the impacts are considered less than significant and no mitigation is required.

*Response to FOF (b)-209*

No launch ramp is included in the Project; therefore, no boat trailer parking will exist at the marina.

*Response to FOF (b)-210*

Based upon the Traffic Impact Analysis conducted for the Project, the existing curve radius of the State Highway (which is required to remain as a part of the Project) design provides proper sight distance for the Project. In addition, Caltrans will issue a permit to construct the proposed road improvements, which will include the design of the two intersections, turning movements, signage and striping.

*Response to FOF (b)-211*

This comment states that the RRDEIR No. 1 uses traffic measurements for the entire valley as the existing condition from which to calculate increases due to this project. This comment is not sufficiently specific so that the agency has the opportunity to evaluate and adequately respond. The traffic study properly uses the existing conditions in the localized study area to assess impacts. This includes utilization of existing traffic along area roadways and the impact of the addition of projected project related traffic trips.

*Response to FOF (b)-212*

The commenter states that Marina Point was omitted from the Cumulative Projects list and, therefore, the Cumulative Impacts Analysis. Marina Point has been added to the updated Cumulative Projects List as shown in the Errata.

*Response to FOF (b)-213*

The commenter states that the Big Bear Disposal Transfer Facility was not included in the Cumulative Projects listing. The Transfer Facility is east of Division Drive, over 5 miles to the east of the Project site and does not increase traffic in the vicinity of the Project. As shown in the Errata, the updated Cumulative Projects List shows a 66 percent reduction in the amount of Cumulative Projects due to the downturn in the economy since the original Cumulative Projects Analysis was performed. As a result of the above facts, the Transfer Station will not increase the Cumulative Impacts.

*Response to FOF (b)-214*

CEQA requires consideration of all past, present, and reasonably foreseeable future projects in the cumulative impacts analysis. There are a number of existing undeveloped subdivided lots in the Big Bear Valley area. However, the majority of these lots were created long ago and have yet to be developed. Under the circumstances, it is not reasonable to assume these lots will all be developed within the foreseeable future. Otherwise, the EIR would present an unreasonable view of the projects cumulative impact.

*Response to FOF (b)-215*

Big Bear Valley's occupancy rate is 33 percent permanent residents and 67 percent part-time residents. Occupancy of the similar Eagle Point Estates Tract is 17 percent permanent occupancy and 83 percent part-time occupancy. Therefore, the total patrons to park within the local post office will be minimal and impacts will remain less than significant.

*Response to FOF (b)-216*

The comment appears to suggest that the addition of 50 residences in Big Bear Valley will increase the amount of supplies that retail establishments must obtain as inventory and, therefore, an increase of truck traffic will result. The Project's cumulative impact on traffic and circulation is less than significant and will not result in a significant cumulative impact. There is no evidence to suggest that any increase of truck trips will increase as the result of the proposed development.

*Response to FOF (b)-217*

Based upon the Traffic Impact Analysis conducted for the Project, the existing curve radius of the State Highway (which is required to remain as a part of the Project) design provides proper sight distance for the Project. In addition, Caltrans will issue a permit to construct the proposed road improvements, which will include the design of the two intersections, turning movements, signage, and striping.

*Response to FOF (b)-218*

The launch ramp has been eliminated from the project design and, therefore, no boat trailer parking will occur at the marina.



*Response to FOF (b)-219*

Signalized intersections currently exist within the Project area analyzed within the TIA. Implementation of the proposed Traffic Signal would be consistent with Project area traffic signals and would be constructed in accordance with County of San Bernardino Code. Therefore, aesthetic impacts would remain less than significant.

*Response to FOF (b)-220 and FOF (b)-221*

The Project's traffic volumes for all future conditions were estimated using the manual approach. The trip generation calculation is based on the "Institute of Transportation Engineers Trip Generation Rates." The project trip distribution was developed from a select zone run of the "San Bernardino Mountain Model" and was reviewed by the County of San Bernardino staff. The project only traffic forecasts have been generated by applying the trip generation, distribution and traffic assignment calculations, consistent with County Congestion Management Plan guidelines.

In addition, the commenter does not provide evidence as to how the additional 16 percent trips during summer traffic conditions is grossly underestimated. The TIA used the most conservative summer traffic increase estimates, consistent with County Staff recommendations.

*Response to FOF (b)-222*

Section 15125 of the CEQA Guidelines requires EIRs to include a description of the physical environmental conditions in the area of a project that exist at the time that the Notice of Preparation (NOP) is circulated. These environmental conditions normally constitute the baseline physical conditions relative to which the CEQA lead agency evaluates the change in conditions that would result from project implementation. The NOP for this Draft EIR was issued on February 27, 2002. Therefore, environmental conditions analyzed within the 2007 TIA represent a more current baseline than required by Section 15125 of the CEQA Guidelines.

*Response to FOF (b)-223*

Turning lanes currently exist within the Project area analyzed within the TIA. Implementation of the proposed turning lanes would be consistent with Project area turning lanes and would be constructed in accordance with County Code. Therefore, aesthetic or biological impacts would remain less than significant.

*Response to FOF (b)-224*

The project is anticipated to address direct impacts through the construction of off-site improvements as conditioned by the County of San Bernardino Impact Fee Program, and contribute toward the funding and construction of transportation improvements necessary to address cumulative traffic impacts through either the construction of off-site improvements, payment of fees, or on a fair share basis as directed by the County of San Bernardino Impact Fee Program. As such, payment of both direct or cumulative traffic impacts and associated mitigation measures are consistent with the County of San Bernardino Impact Fee Program. Comment noted. The comment does not refer to a topic that would affect the TIA analysis or results.

*Response to FOF (b)-225*

The author provides a conclusive statement that does not raise any issue regarding the EIR. No further response is necessary.

*Response to FOF (b)-226*

The author provides an introductory statement regarding utility services. No further response is necessary.

*Response to FOF (b)-227 and -228*

BVE has constructed an 8-megawatt natural gas generating facility that eliminates any need for any distributed (remote) generators.

*Response to FOF (b)-229*

The County of San Bernardino Special Districts Department has verified that their Sewer Will Serve Letter is still valid and that CSA 53C has the capacity to serve and will provide sewer service to the Moon Camp Tract.

*Response to FOF (b)-230*

The Big Bear Area Regional Wastewater Agency has adequate pipeline/pumping capacity in this area and has installed odor control stations along their sewer interceptor line.

*Response to FOF (b)-231*

The commenter questions the assumptions used in the well pump and aquifer test included as Appendix G3 to the RRDEIR No. 1. The referenced report was prepared by Geoscience Support Services, Inc., and stamped and signed by registered Certified Hydrogeologists. The commenter's assertions appear to be her own personal opinion and not based on specific information tending to call the report's methodology into questions. Hydrogeological conditions, including estimates of the perennial basin yield for Grout Creek Subarea D and North Shore Subarea A, are described in detail in Geoscience 2003a (see attached). These subareas encompass the proposed Mooncamp Development. Further information on the hydrogeologic conditions of the Mooncamp development, based on pumping tests and monitoring of the wells on and in the immediate vicinity of the Mooncamp Development, are provided in Appendix G.3 of the RRDEIR No. 1. These studies show that the Project's total anticipated water demand is within the Perennial Yield of the hydrologic subareas that encompass the wells that will provide water supply to the Project.

The Geoscience report "Focused Geohydrologic Evaluation of the Maximum Perennial Yield of the North Shore and Grout Creek Hydrologic Subunit Tributary Subareas" (Geoscience 2003a) was prepared because previous estimates of the perennial yield of the North Shore Hydrologic Subunit addressed the subunit in whole and did not account for the fact that the east side of this relatively long subunit is hydrologically separated from the west side. This was significant because pumping on the east side accounted for most of the perennial yield. Geoscience 2003a divided the North Shore Hydrologic Subunit into six individual tributary subareas (A through F) and provided a basis for evaluating groundwater pumping and recharge for smaller portions of the North Shore Subunit that were not in direct hydraulic connection with the eastern portion (Subarea F) where most of the pumping has historically occurred. The perennial yield of Tributary Subarea A has not been fully utilized and the shallow groundwater levels in this portion of the North Shore Subunit indicate that this area is not in overdraft. In addition to Geoscience 2003a, pumping tests have been conducted since 2004 on Well FP-2 and FP-4 to provide an analysis of the hydrogeologic conditions in the area and the potential impacts from pumping on existing wells and groundwater resources. These



analyses, based on available data, are sufficient to conclude that there are adequate groundwater resources to support the Project.

Additionally, in November of 2015, the LAFCO Board and the Board of Supervisors approved domestic water service be provided to the Moon Camp Tract by the City of Big Bear Lake, Department of Water and Power. On March 23, 2018, the Bear Lake Department of Water sent a letter to the County of San Bernardino (Appendix G of this 2020 Final EIR) stating that: “Bear Lake Department of Water has sufficient capacity within its existing Fawnskin Water System to provide potable water service to the proposed Moon Camp Development.” As a result of the Bear Lake Department of Water serving water to the Moon Camp Tract, Wells FP-2 and FP-4 will not be solely relied upon to provide a water source to the Tract.”

*Response to FOF (b)-232*

The referenced assumption is one of several (others referenced below) that are necessary in order to apply the standard equations for interpreting pumping test data. Although the assumptions do not strictly apply to field conditions, they have been proven to be sufficiently representative to yield results that are useful for groundwater planning (Roscoe Moss 1990; Maasland and Bittinger 1963). Groundwater levels were monitored in the nearest private well during the 72-hour pumping test for Well FP-2. Analysis of the data showed that less than 0.3 foot of drawdown is expected in the nearest private well when Well FP-2 is continuously pumped at a rate of 35 gpm. In reality, Well FP-2 will be pumped at a lower pumping rate for shorter periods of time to meet the 9 acre-feet/year demand for the development. At a pumping rate of 8 gpm, the well can be operated 70 percent of the time to meet the 9 acre-feet/year water demand. Given the pumping test results at much higher discharge rates, the long-term drawdown interference in existing private wells due to pumping to meet water demand for the development is expected to be negligible. Groundwater generated during the pumping test was discharged to the sanitary sewer system. No tests were conducted to prevent recharge from the lake during the test.

*Response to FOF (b)-233*

While it is possible that some recharge from the lake occurred during the pumping test, the 2<sup>nd</sup> paragraph on page 12 does not imply that the test duration was insufficient. The data points on Figure 5 represent selected data points from Figure 3 (one for each step) and are not indicative of the entire dataset. The potential for recharge during the test does not invalidate the test results, as discussed in Response to Comment FOF (b)-232.

*Response to FOF (b)-234*

Please see Response to Comments FOF (b)-233.

*Response to FOF (b)-235*

Groundwater levels were monitored in a nearby private well during the 72-hour pumping test for Well FP-2. Analysis of the data showed that less than 0.3 foot of drawdown is expected in the nearest private well when Well FP-2 is continuously pumped at a rate of 35 gpm. In reality, Well FP-2 will be pumped at a lower pumping rate for shorter periods of time to meet the 9 acre-feet/year demand for the development. At a pumping rate of 8 gpm, the well can be operated 70 percent of the time to meet the 9 acre-feet/year water demand. Given the pumping test results at much higher discharge rates, the long-term drawdown interference in existing private wells is expected to be

negligible. While the molecules of groundwater do flow slowly through the aquifer materials, the release of pressure associated with pumping results in a cone of depression that develops much faster. A better evaluation of the equilibrium of the aquifer system during a pumping test is the relative change in groundwater level towards the end of the test. Observation of groundwater levels at the end of each step during the 72-hour test shows that groundwater levels in the observation well stabilized, indicating equilibrium conditions. These data show that recharge had balanced discharge and further drawdown would not be expected at that pumping rate.

*Response to FOF (b)-236*

Please see Response to Comments FOF (b)-235. On a regional scale, long-term groundwater level declines occur when groundwater pumping exceeds the perennial basin yield of the area. Since proposed groundwater pumping for the development is within the estimated perennial yield of the area, groundwater level declines are not anticipated.

*Response to FOF (b)-237*

In responding to this comment, it is assumed that the writer intended to report annual average precipitation in feet and not inches. It is further assumed that the precipitation record is from the Big Bear Dam precipitation station. The average annual precipitation for the same periods were independently confirmed using data from this precipitation station, compiled as calendar years. The results of this compilation are available in Response to Comment FBBV 1-3, Table 2-1 of this document.

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

*Response to FOF (b)-238*

The analysis is based on historical groundwater levels and average recharge.

*Response to FOF (b)-239*

Well FP 4 draws from Grout Creek Subarea D which has an annual Perennial Yield of 66 acre-feet per year (Geoscience 2003). The only other groundwater production in this subarea is from 11 private wells and is calculated to be 3 acre-feet per year (no Department of Water and Power wells in Fawnskin are within this subarea). Combined with FP 4's 5 acre-feet per year, this results in 8 acre-feet per year of groundwater withdrawal which is well below the Perennial Yield of 66 acre-feet per year.

Since circulation of the RRDEIR No. 1, the Project Applicant has finalized the source of potable water for the Project. Because of the lack of potable water facilities owned and operated by CSA 53C, by way of an Outside Service Agreement for Potable Water Service dated November 17, 2015, the Department of Water and Power has agreed to provide potable water service to the Project site. The Project will construct all necessary transmission facilities that will be transferred by deed along with the production wells on-site to the Department of Water and Power subsequent to project approval.



In calculating the amount FP 2 and FP 4 can provide to the Tract, the most conservative annual groundwater yields have been used. In addition, the demand calculation is based upon 100 percent occupancy of all 50 lots for 365 days per year. Big Bear Valley's occupancy rate is 33 percent permanent residents and 67 percent part-time residents. Occupancy of the similar Eagle Point Estates Tract is 17 percent permanent occupancy and 83 percent part-time occupancy.

*Response to FOF (b)-240*

Well FP 2 is limited to 5.6 gpm, which equates to 9 acre-feet per year. Well FP 4 is limited to 3 gpm which equates to 5 acre-feet per year. Together the two wells produce the maximum expected demand of 14 acre-feet (50 lots occupied 100 percent, 365 days per year). The Department of Water and Power will provide emergency backup water in case either of the wells needs to be taken out of service for repairs.

*Response to FOF (b)-241*

The existing Department of Water and Power Fawnskin Water System reservoir storage is adequate for all the lots within the Fawnskin service area as well as the 50 Moon Camp lots.

*Response to FOF (b)-242 and -243*

Testing to verify the presence of pine pollen in the discharge for Well FP-2 will be conducted prior to putting the well into service. Groundwater levels were monitored in a nearby private well during the 72-hour pumping test for Well FP-2. Analysis of the data showed that less than 0.3 foot of drawdown is expected in the nearest private well when Well FP-2 is continuously pumped at a rate of 35 gpm. In reality, Well FP-2 will be pumped at a lower pumping rate for shorter periods of time to meet the 9 acre-feet/year demand for the development. At a pumping rate of 8 gpm, the well can be operated 70 percent of the time to meet the 9 acre-feet/year water demand. Given the pumping test results at much higher discharge rates, the long-term drawdown interference in existing private wells is expected to be negligible. While the molecules of groundwater do flow slowly through the aquifer materials, the release of pressure associated with pumping results in a cone of depression that develops much faster. A better evaluation of the equilibrium of the aquifer system during a pumping test is the relative change in groundwater level towards the end of the test. Observation of groundwater levels at the end of each step during the 72-hour test shows that groundwater levels in the observation well stabilized, indicating equilibrium conditions. These data show that recharge had balanced discharge and further drawdown would not be expected at that pumping rate.

*Response to FOF (b)-244*

The water lines will be constructed within the Fawnskin road rights of way.

*Response to FOF (b)-245*

The commenter makes a general statement that impacts to all utilities from project development remain significant. This is a general statement without specific references to parts of the EIR. No further response is necessary.

*Response to FOF (b)-246*

The commenter makes a general statement that impacts to all utilities from project development remain significant. This is a general statement without specific references to parts of the EIR. No further response is necessary.

*Response to FOF (b)-247*

The Moon Camp Tract provides its own water supply from on-site wells in groundwater subareas that have adequate unused capacity to serve the 50 lots at 100 percent occupancy, 365 days per year. Wastewater facilities in Big Bear Valley are on private land, not National Forest land. Adequate infrastructure exists to serve the 50 lots without affecting existing residents. The Moon Camp Tract will not accelerate the conversion to a primary resident population. Just the opposite: the most similar tract—Eagle Point Estates—has a 17 percent permanent resident population, compared with the average in Big Bear Valley of 33 percent.

*Response to FOF (b)-248*

Each project listed is detailed by its legal number and name and its common, local designation, as well as a location. This is adequate for information purposes and complies with the requirements of CEQA.

*Response to FOF (b)-249*

The Marina Point Project has been added to the updated Cumulative Projects list and Deer Trail Project is not shown on the current County of San Bernardino Projects list.

*Response to FOF (b)-250*

See Response to FOF (b)-3. The purpose of several comparisons is to better inform the public and reader of the changes in the Project and resulting change in the significance of a number of impacts previously determined to be significant and unavoidable. However, these comparisons were not used as the basis of the significance determinations. The RRDEIR No. 1 analyzes the impacts of the Project against the environmental baseline which is vacant property.

*Response to FOF (b)-251*

The commenter provides a conclusory summary statement. No response is necessary.

*Response to FOF (b)-252*

The commenter provides a conclusory summary statement. No response is necessary.

*Response to FOF (b)-253*

The commenter provides a conclusory summary statement. No response is necessary.

*Response to FOF (b)-254*

The commenter provides a conclusory summary statement. No response is necessary.

*Response to FOF (b)-255*

Comment noted. No response is necessary.



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**Slowik, Matt - LUS - Advance Planning**

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**From:** Drew Feldmann [drewf3@verizon.net]  
**Sent:** Friday, June 04, 2010 3:30 PM  
**To:** Slowik, Matt - LUS - Advance Planning  
**Cc:** DoriMyers1@aol.com; kstitt@earthlink.net  
**Subject:** Comments on Moon Camp  
**Attachments:** Audubon Moon Camp DEIR Comments June 2010.pdf

Mr. Slowik,

The San Bernardino Valley Audubon Society's comments on the Moon Camp project DEIR are attached.

Thank you for the extension on the Church of the Woods.

Thank you.

Drew Feldmann  
SBVAS Conservation Chair

SBVAS-1





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

June 4, 2010

Matt Slowik, Senior Planner  
COUNTY OF SAN BERNARDINO  
Land Use Services Department  
385 N. Arrowhead Ave., First Floor  
San Bernardino, CA 92415-0182

By email to [mslowik@lusd.sbcounty.gov](mailto:mslowik@lusd.sbcounty.gov)

RE: Draft Revised and Recirculated Environmental Impact Report for the MOON CAMP  
50-Lot Residential Subdivision, Tentative Tract No. 16136; SCH #2002021105

Dear Mr. Slowik,

The *San Bernardino Valley Audubon Society* (Audubon) appreciates the opportunity to comment on the Draft Revised and Recirculated Environmental Impact Report (DEIR) referenced above for the Moon Camp development project and marina in Fawnskin.

SBVAS-2

Our local Audubon Society represents 2000 members within the Inland Empire and regards the San Bernardino National Forest as one of our most outstanding public assets, a unique mountain environment that offers excellent habitat for a remarkable range of wildlife as well as refuge, recreation and spiritual renewal to everyone who enjoys these valuable alpine qualities. When actions are proposed that threaten to inappropriately diminish these exceptional values, we feel compelled to speak out in defense of the best interests of our members and the general public.

We believe the adverse impacts resulting from the proposed project would be highly detrimental to the community of Fawnskin, the Big Bear Valley, the San Bernardino National Forest and the general public. Given the on-going crisis of severe fire hazard in the mountain region, overdraft of water resources, insupportable infrastructure, public safety risk from limited evacuation capability and excessive fragmentation of wildlife and National Forest resources, it is disappointing that the project impacts have been largely understated and inaccurately represented in the DEIR.

Adverse Impacts

The recirculated Draft EIR is presented as an analysis of one of the project alternatives from the prior Environmental Impact Report for the original 92-unit proposal. However, it is not an acceptable alternative. By simply focusing on reduction of impacts between the first proposal and the present lesser density proposal, the DEIR fails to adequately disclose the most important consideration, which is the adverse impacts that the new 50-unit proposal would produce in contrast to the *existing* low-density rural zoning of the General Plan.

SBVAS-3

The DEIR inappropriately treats the proposed General Plan amendment to change the site's land use designation as if the proposed change were simply an entitlement. The proposed zone change is a discretionary action that is not guaranteed. It is a misleading diversionary device to simply compare the revised proposal solely to the invalidated prior proposal –used as an artificial straw man that is easily

SBVAS-4





knocked-down so the new proposal might appear in a better light. The proper test for disclosing and identifying the full adverse impacts of the proposal is to compare the project to the current zoning designation, which is the one true baseline against which the significance of the adverse impacts should be legitimately considered.

SBVAS-4

The real issue is not whether the revised proposal is less terrible than the prior proposal but whether it is appropriate for the actual site and surroundings, given the existing low-density zoning. When the facts are examined impartially, the answer is clearly no. Rather than face this question directly, the DEIR obscures its analysis by using the prior proposal as a straw man, minimizing the threshold of significance, ignoring impacts to adjacent national forest and overlooking conflicts with County General Plan. It is by and large a very unsatisfactory EIR that goes through the legal motions, but essentially misleads rather than informs.

SBVAS-5

Audubon would like to address our comments primarily to the proposed General Plan Amendment for a land use designation change, the impacts to the bald eagle, the cumulative effects and the unprecedented fire danger of the mountain area.

SBVAS-6

#### General Plan Amendment

A zoning change is not an automatic prerogative of land ownership and should not be considered as an entitlement by developers. It is a discretionary action on the part of the county and is governed by what best serves the overall public interest. Because a zone change is not an entitlement, it would be a mistake to take it too much for granted as the DEIR appears to do.

As it stands, the proposed Moon Camp Project is in conflict with the County of San Bernardino's General Plan. A General Plan Amendment is required to eliminate the land use conflict, which in this case would confer a special favor to the applicant. However, at the same time it would be a significant detriment to the public. Audubon strongly disagrees with the analysis in the Draft EIR that changing the existing land use designation to accommodate a major development would result in a less than significant impact to the local community. The local community is strongly opposed to the change. The DEIR fails to adequately disclose the negative impacts to the surrounding San Bernardino National Forest and the environmental quality of the public resources.

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

SBVAS-7

The proposed General Plan Amendment to change the land use designation from BV/RL-40 to BV/RS-20,000 is insupportable in view of the lack of a reliable water source and the extreme fire danger in the San Bernardino Mountains. The California Department of Forestry and Fire Protection (Calfire) indicates that these mountains face one of the most severe fire conditions in the world. The severe wildfires of 2003 and 2007 demonstrated that present firefighting capabilities are insufficient to defend existing structures in the mountains much less any additional structures, especially ones unauthorized by existing General Plan guidelines.

Fire danger cannot be expected to decrease in the foreseeable future. These facts ought to preclude any further mountain development that is not already prescribed in the General Plan. Each additional