

structure added to the hazardous mountain environment worsens the already out-of-balance ratio of wildland-to-urban intermix. Defending against fire in wildland terrain is the most costly and difficult firefighting condition of all. Given such circumstances, a General Plan Amendment that worsens the already hazardous situation would be an irresponsible disservice to the public. The prospect of relaxing zoning restrictions to allow 50 additional units and the accompanying increase in population would be unreasonable.

SBVAS-7

Moreover a change in the land use designation cannot be justified on the grounds that adjacent property is approved for higher residential density. In actual fact the majority of the adjacent land is National Forest and shoreline within the scenic corridor of the scenic highway. Compatibility with such valuable open space values strongly argues for the maintenance of the existing zoning at one unit per 40 acres.

Bald Eagles

Recent increased development in the Big Bear Valley has corresponded with a simultaneous decline in the population of wintering bald eagles that inhabit the area. In addition to being the national bird, the bald eagle has also come to symbolize the unique wildlife values of the Big Bear Lake area in the San Bernardino National Forest. Beyond its importance as a threatened species, the presence of the bald eagle in Big Bear is a popular attraction for the visiting public, widely featured in media publications. Such attention is a considerable benefit to the tourist economy that thrives on a major destination like the National Forest. The Forest Service Discovery Center on the north shore is the main visitor center for the local mountains. Eagle tours are the primary attraction in winter. The health and sustainability of the bald eagle is a critical indicator of the overall natural resource values of the National Forest in the Big Bear Lake area.

SBVAS-8

The Moon Camp site is important roosting habitat for the remaining bald eagle population in the Big Bear area. It is clear that the proposed project, depending for its approval upon an extreme zoning change would have a significant adverse effect on this species. The quantity of trees that would need to be removed for the extensive building and road construction proposals would severely compromise the viability of the existing habitat and likely compound the factors causing the population of the bald eagle to decline. It would be a terrible loss if the largest population of wintering bald eagles in Southern California were allowed to dissipate due to unwarranted projects like this.

Cumulative Impacts

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

SBVAS-9

The Draft EIR for the Moon Camp Project raises many red flags in this context. As is abundantly clear in the DEIR, the project will generate serious adverse impacts to aesthetics, air quality, biological resources, hydrology, public services, traffic and fire hazard. If the DEIR was impartial and honest, it would clearly recognize the "No Project/Existing Designation" Alternative as the environmentally responsible alternative, insofar as it clearly meets this criteria and the applicant clearly has no inherent right to develop the land to the extent that is proposed.

The cumulative impacts assessment in the DEIR, despite its deficiencies, particularly strikes a strong cautionary note in recognizing that the proposed project could result in increased demand for public services, which typically means higher taxes for existing residents. However, it fails to properly acknowledge that the inability of water providers to confirm services, which is a significant adverse effect. This fact in conjunction with the general overdraft in the Big Bear Basin represents a critical flaw in the project that is improperly glossed over in the DEIR.

SBVAS-9

The problem is compounded by the fact that the County has never properly analyzed the potential for build-out of existing lots and the increased conversion of second homes into full-time occupancy. These unavoidable changes will have a substantial impact on the Fawnskin infrastructure that has not been adequately taken into account. The Moon Camp proposal will have a significant impact in accelerating the overall conversion of the community to a primary resident population. The project would adversely affect growth inducing trends, impacts to the National Forest, carrying capacity of the mountain infrastructure, and the completely ignored wildland fire hazard. In view of so many unpredictable variables and existing excessive demands on infrastructure, it is unreasonable to amend the General Plan in a way that would only make conditions worse.

Fire Hazard

Failure to acknowledge the existing fire hazard in the San Bernardino Mountains and the recurring cycles of drought, excessive fuels and savage winds, it is a significant deficiency of DEIR. Even the county's land use planning for the mountain region does not incorporate realistic precautions against a major wildfire catastrophe, which presents a much greater threat to public safety than the county fully recognizes. It is a serious problem that has not been sufficiently addressed. This is especially alarming in view of the fact that the county appears to accept no liability or accountability for decisions that compromise public safety on such a large scale.

The situation as it stands is inherently unpredictable and unsafe, due to the overlap of firefighting jurisdictions and responsibilities. Although the county makes decisions placing excessive numbers of structures inside the wildland-urban intermix of the National Forest, the responsibility of fighting wildland fires largely falls to the Forest Service and Calfire. To some extent the county accepts responsibility for defending structures from fire, but the overlapping jurisdictions are subject to many fluctuations. For example both the Forest Service and Calfire have obligations to fight fires in other areas. That means there are times when the San Bernardino Mountains will be less protected than others.

SBVAS-10

As more and more second homes convert to full-time occupancy, the population will significantly increase. More people mean more ignition sources, as the majority of fires are started by human actions. Incidence of arson is increasing for this reason. None of these considerations have been properly addressed by the county. Wildfire professionals will attest that the recurrence of major wildland fire is an on-going fact. Elements such as extreme combustible fuels, annual gale force winds, dangerous roads subject to closure, arson activity and firefighters dispersed to cover other emergencies, make these mountains highly susceptible to a catastrophic incident that would overwhelm existing capabilities to defend existing communities, let alone build-out densities or a conversion from second homes to full-time populations. Given such extreme hazardous conditions and recent harrowing examples of major fires, which caused unprecedented destruction, there can be no excuse for compounding this situation unnecessarily. It is irresponsible that the DEIR ignores the severity and significance of this issue.

The county should not ignore the guidelines in the General Plan that prescribe the use of open space as a protective fire hazard reduction method. The existing land use designation for the project site fulfills that purpose and should not be removed.

Citizen Participation

Audubon is appreciative of the extraordinary amount of volunteer hours, research and consultation with experts that has been undertaken by the local Friends of Fawnskin community organization in opposing the misguided Moon Camp proposal. The county should take note that the testimony from the community in regard to the adverse impacts of the project represents a much more accurate perspective than what has been provided in the Draft EIR. Certainly equivalent amounts of time, expertise and expense have been invested by citizens in placing their case before the county. There are abundant and compelling reasons why the existing General Plan guidelines ought to be maintained and not be irresponsibly overturned. Maintaining the status quo is in the best interest of the public, for its safety, well-being and continued protections of a priceless National Forest. The county is fortunate to have local concerned advocates and their clear reminder of what represents the county's primary responsibilities.

SBVAS-11

We thank you for your consideration of these comments.

Sincerely



Drew Feldmann
Conservation Chair

San Bernardino Valley Audubon Society (SBVAS)

Response to SBVAS-1 and SBVAS-2

The commenter provides an introductory statement to preface the comment letter. No response is necessary.

Response to SBVAS-3 through SBVAS-7

The commenter states the Project is inconsistent with current zoning and may have potential impacts. In addition, the commenter expresses concern regarding wildfire hazards. Please see Response to SM&W-1 for zoning consistency. In addition, see Response to WINCH (b)-5 regarding wildfire hazards.

Response to SBVAS-8

SBVAS comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1.

Response to SBVAS-9

The commenter remarks that the DEIR fails to acknowledge that the water purveyor cannot provide water service. On November 17, 2015 CSA 53 C and the Big Bear Department of Water and Power entered into an agreement whereby the Department of Water and Power will provide water service to the Tract. The commenter also remarks that the cumulative impacts have not been adequately addressed. As shown in the Errata, the updated Cumulative Impacts List shows 66 percent fewer single family units being developed that was originally identified—due to the significant downturn in the economy and development industry.

Response to SBVAS-10

The commenter expresses concern regarding wildfire hazards. Please see Response to WINCH (b)-5 regarding wildfire hazards.

Response to SBVAS-11

The commenter provides a conclusive statement. No response is necessary.

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June 10, 2010

Via Federal Express

Matt Slowik, Senior Planner
County of San Bernardino Land Use
Services Department
385 North Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

RECEIVED
JUN 11 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Re: **Revised and Recirculated Environmental Impact Report for the
Moon Camp Residential Subdivision**

Dear Mr. Slowik:

This firm represents Friends of Fawnskin ("FOF") on matters related to the Moon Camp Residential Subdivision project ("Project"). FOF is dedicated to protecting the unique resources of Big Bear Lake, protecting the area's forests and open space lands, preserving Fawnskin's unique character and upholding the integrity of the County General Plan and the Bear Valley Community Plan. The purpose of this letter is to inform the County of San Bernardino that the Revised and Recirculated Draft Environmental Impact Report ("RDEIR") for the Project fails to comply with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq.*, and the CEQA Guidelines, California Code of Regulations, title 14, § 150000 *et seq.* ("CEQA Guidelines").

FOF submitted extensive comments on the RDEIR in its June 4, 2010 letter. This letter does not seek to repeat the valid issues raised in FOF's letter. There are, however, additional deficiencies in the RDEIR that were either not addressed by the FOF letter or that warrant additional comment. In short, we have determined the RDEIR suffers from several essential defects. First, the document fails to adequately describe key components of the Project related to the provision of water supply and to the changes in the County Development Code that would be required to approve the Project. Second, the RDEIR fails to recognize the Project's numerous inconsistencies with the Bear Valley Community Plan ("Community Plan") and the County of San Bernardino 2007 General

SM&W-1

Plan ("General Plan"). Third, the RDEIR lacks a legally adequate analysis of the Project-specific and cumulative impacts on groundwater resources. Fourth, the document fails to provide a legally adequate analysis of the Project's growth-inducing and cumulative impacts. Finally, the RDEIR fails to identify and analyze a reasonable range of alternatives to the Project. For the reasons described below, a new EIR that analyzes the Project's significant environmental impacts must be prepared and circulated for public review and comment. CEQA Guidelines 15088.5(a)(4). Only then can the public and the County be adequately informed about the environmental repercussions of the Project and meaningfully consider alternatives and mitigation measures to address the Project's adverse environmental impacts.

SM&W-1

In addition, the Project demonstrates a disturbing disregard for the Community Plan provisions that only allow development to be approved when there is a demonstrated adequate water supply and when the Project would be compatible with the community's character. Although the applicant proposes an amendment to the General Plan, this amendment would only serve to undermine the integrity of the County's planning efforts. Thus, because the Project conflicts with fundamental General Plan and Community Plan provisions so as to result in significant environmental impacts, and because the County has failed to adequately identify these conflicts in the EIR, approval of the Project would violate not just CEQA, but also the California Planning and Zoning Law, Gov't Code § 65000 *et seq.*, and the Subdivision Map Act, Gov't Code §§ 66473.5, 66474. Therefore, the County may not legally approve the Project, certify the EIR, or rely on the EIR to approve the Project.

I. THE PROJECT VIOLATES THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

An EIR must provide a degree of analysis and detail about environmental impacts that will enable decision-makers to make intelligent judgments in light of the environmental consequences of their decisions. CEQA Guidelines § 15151; *Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d 692 (1990). To this end, the lead agency must make a good faith effort at full disclosure of environmental impacts. In order to accomplish this requirement, it is essential that the Project is adequately described and that existing setting information is complete. *See County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185, 199 (1977). Both the public and decision-makers need to fully understand the implications of the choices that are presented related to the project, mitigation measures, and alternatives. *Laurel Heights Improvement Ass'n v. Regents of University of California*, 6 Cal.4th 1112, 1123 (1988). In this case, the Moon Camp RDEIR fails to provide sufficient information to enable informed decision-making by the County.

SM&W-2

A. The RDEIR's Project Description is Inconsistent and Vague.

In order for an EIR to adequately evaluate the environmental ramifications of a project, it must first provide a comprehensive description of the project itself. "An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 730 (quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 193). As a result, courts have found that even if an EIR is adequate in all other respects, the use of a "truncated project concept" violates CEQA and mandates the conclusion that the lead agency did not proceed in the manner required by law. *San Joaquin Raptor*, 27 Cal. App. 4th at 729-30. Furthermore, "[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." *Id.* at 730 (citation omitted). Thus, an inaccurate or incomplete project description renders the analysis of significant environmental impacts inherently unreliable.

SM&W-3

Moreover, according to CEQA, an EIR's project description must contain "[a] general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities." CEQA Guidelines § 15124(c). Here, the RDEIR for the Moon Camp Project does not come close to meeting these clearly established legal standards because it fails to provide a stable and finite project description with respect to key components of the proposed Project that have the potential to result in significant environmental impacts not analyzed in the RDEIR. The most obvious example of this deficiency is the RDEIR's cursory and cryptic plan for a key component of the Project – water service.

SM&W-4

The RDEIR identifies three alternative approaches to providing water service to the site. Yet, the only alternative that has been described in any detail -- Water Service Alternative 1 -- appears to be infeasible. Because the majority of the Project site is outside the Department of Water and Power ("DWP") service area as well as outside the City of Big Bear Lake's Sphere of Influence ("SOI"), Water Service Alternative 1 would require the Local Agency Formation Commission ("LAFCO") to approve an expansion of the City's SOI to include the entire existing DWP Water Service Area in Fawnskin as well as the entire Project site. RDEIR at 2-14. Yet as LAFCO makes clear, this alternative is not viable "since it would require consideration under section 56133 which precludes service outside an agency's sphere of influence. None of the Fawnskin community is within the City of Big Bear Lake sphere of influence." See Appendix G: Letter from County of San Bernardino LAFCO, January 24, 2008. Clearly, this is not a

SM&W-5

feasible alternative for water service and we question why it was even included in the RDEIR.

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SM&W-5

While Water Service Alternative 2 may be a viable approach to supplying water to the site, the RDEIR provides too little information to evaluate the feasibility of this approach. The document does nothing more than state the obvious when it asserts that County Service Area 53C (CSA 53C) would own and operate the water facilities within the Project site and contract with DWP for a water interconnection to the existing Fawnskin water system. RDEIR at 2-19. Yet, the provision of water service under this alternative is discussed in such a superficial manner that the description amounts to no more than a self-evident rumination that water service would be implemented. The RDEIR never describes CSA 53C, the feasibility of CSA 53C providing service, how this entity would provide this service, or the on-site and off-site improvements that would be necessary to serve the Project site. The RDEIR includes a feasibility study for another CSA to provide sewer service for the Project site (*see* Appendix G); the RDEIR should have provided a similar feasibility study for water service.

SM&W-6

The RDEIR fares no better in its description of Water Service Alternative 3. This alternative would require the developer to construct an on-site 238,600 gallon reservoir, an on-site booster station and an emergency electrical generator. RDEIR at 2-19. Other than a statement that this alternative would include a 75-foot-diameter pad for the reservoir, and that CSA 53C would own and operate the water system, the RDEIR is devoid of details. *Id.* at 2-19, 4.9-7. In order to evaluate the Project's environmental impacts, the RDEIR must provide details about the design and operation of each component of this water service infrastructure.

SM&W-7

As will be discussed below, the County cannot approve this Project in the absence of a secure water supply. The physical act of providing the water to this relatively remote site – a site that is outside of an established agency service area – is a critical aspect of water supply. The lack of detail and the failure to resolve this issue are particularly ominous inasmuch as the Project applicant has had the last six years to come up with a solution to this critical Project component. Water service is not trivial, speculative, or optional—it is part of the Project, and therefore must be included in the project description. *See San Joaquin Raptor*, 27 Cal. App 4th at 714-16 (holding EIR inadequate where project description failed to include sewer expansion which was "required element of the development project").

SM&W-8

In addition to the RDEIR's deficiencies with regard to a meaningful description of water service, the RDEIR also errs because it fails to identify the fact that the Project would require an amendment to the San Bernardino County Development

SM&W-9
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Code. The RDEIR identifies the need for a General Plan Amendment (*see* 2-26) but does not identify a re-zoning as one of the necessary Project approvals. This information is important, not only because CEQA requires an EIR to list the lead agencies' potential approvals (*see* § 15124 (d)(2)), but also because, pursuant to the Development Code, the County must make findings if a General Plan amendment proposes to change a land use zoning designation from one zone to another. San Bernardino County Development Code § 86.12.060 (a)(2). The revised EIR must provide this information.

SM&W-9

B. The RDEIR Does Not Properly Analyze the Project's Land Use Impacts.

1. The RDEIR Fails to Adequately Analyze the Project's Inconsistency With the General Plan, Including the Bear Valley Community Plan.

CEQA requires that environmental impact reports analyze the consistency of a project with applicable local plans, including General Plans. *See Napa Citizens for Honest Govt. v. Napa County Board of Supervisors* 91 Cal. App. 4th 342, 386-87 (2001); CEQA Guidelines Appendix G, § IX (b). Inconsistencies with a General Plan or other local plan goals and policies that were enacted in order to protect the environment are significant impacts in themselves and can also be evidence of other significant impacts. *See id.*; *Pocket Protectors v. City of Sacramento*, 124 Cal. App. 4th 903, 929 (2004).

SM&W-10

The RDEIR acknowledges that the Project must be consistent with the General Plan, and analyzes the Project's consistency and inconsistency with various specific Community Plan priorities. However, in its analysis, the RDEIR glosses over numerous glaring inconsistencies in order to reach the contrived conclusion that the Project "would not violate any community policy or standard set forth in the Big Bear Valley Community Plan or County General Plan." RDEIR at 4.5-14. In addition to misinforming decision-makers and the public about the Project's consistency with these Plans, this analysis underestimates the actual impacts of the Project and ignores some of the Project's most significant impacts.¹ The FOF June 4, 2010 letter identifies an extensive list of the Project's inconsistencies with these Plans; that letter is incorporated by reference, herein. This letter highlights a few of the most egregious Plan inconsistencies and the failure of the RDEIR to analyze or mitigate for the impacts

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¹ Additionally, the RDEIR's conclusion that the Project is consistent with various General Plan goals and policies is fatally undermined by the fact that the EIR does not contain an adequate discussion of the Project's impacts on the resources which those goals and policies are meant to protect. *See Napa Citizens for Honest Govt.*, 91 Cal. App. 4th at 381.

relating to these inconsistencies. In any event, the RDEIR must be revised and recirculated to provide a comprehensive and accurate analysis of all of the Project's inconsistencies.

SM&W-11

(a) The Project Is Flatly Inconsistent With Community Plan Provisions Calling For Adequate Infrastructure.

A cornerstone principle of the Community Plan states that the County may consider revisions to the land use designation for a project site, and increases in density, only if the project is able to provide an adequate water supply to support the proposed density of development. Community Plan at 11, 22 (Policy BV/LU 1.2), 38, 46 (Goal BV/CI 5, and Policy BV/CI 5.1); and RDEIR at 4.5-13. While the RDEIR determines that the Project "has produced a secured water source" (at 4.5-14), this is not the case. As discussed below, the RDEIR lacks the evidentiary basis to conclude the Project has an adequate source of water. Consequently, if implemented, the Project would be directly at odds with the General Plan.

SM&W-12

The Community Plan embodies values and principles that recognize the scarcity of water in Big Bear Valley. (See e.g., Community Plan at 11: "One of the major issues that was addressed in the 1988 Community Plan was that of an adequate water supply..." and "[o]ne of the most significant constraints on future growth and development in Big Bear Valley was identified as the availability of water for potable domestic and fire flow purposes."). Indeed, in a deliberate effort to address this scarce water supply the County developed specific *very low density* land use strategies:

In recognition of several large parcels of undeveloped private property that was suitable for future residential development that occur in the unincorporated portion of the valley, residential land use designations were assigned to these properties, *but with very low density of development allowed*. Appropriate density of future development was intended to be considered at the time that specific development proposals were submitted. Individual projects would address the *availability of adequate water supplies*, traffic circulation and other infrastructure to support the individual project's proposed density of development. This concept came to be known as the "Holding Zone" approach. The 2006 Bear Valley Community Plan incorporates this strategy from the 1988 Plan. Current residential land use zoning designations on large parcels with low development densities are reflected in such designations as BV/RL-40 (Rural Living, 40 acre minimum parcel size) and other similar low density designations. *Future development proposals will be considered based on a*

SM&W-13

demonstrated ability to provide adequate infrastructure and maintain consistency with the goals and policies of the 2006 Community Plan.

SM&W-13

See Community Plan at 11 (emphasis added). This land use strategy is indisputably linked to protecting Big Bear Valley's scarce water resources.

In addition, the Community Plan makes clear that this approach to planning was intended to implement the community's priorities. See Community Plan at 13: "[a] key consideration in developing this plan has been acknowledging the potential impacts that future development will have on the area's valued natural resources. The goals and policies included in this community plan emphasize the protection of these sensitive resources...". The Community Plan further identifies the following "principle planning issue:" "[a]cknowledge service and infrastructure capacity and limitations of the areas, particularly roads and water, to serve future development." *Id.*

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The Project site was designated Rural-Living-40 (designating a 40 acre minimum parcel size) and placed in this "Holding Zone" specifically because of Bear Valley's limited water supplies. Inasmuch as there is no assurance that adequate water supplies exist to serve the proposed Moon Camp Project, approval of the Project would be directly at odds with the Community Plan's cornerstone principle that calls for approving development *only upon demonstration of an adequate water supply.*

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(b) The Project Is Flatly Inconsistent With General Plan Provisions Calling For the Preservation of Bear Valley's Community Character.

If approved, the Moon Camp Project would conflict with the Community Plan's vision of preserving the character of this unique mountain community. As the Community Plan acknowledges, Bear Valley "is known as a charming, small-town, mountain-recreation community that is attractive to tourists and residents alike for its climate, recreational amenities, scenic resources and sense of remoteness from urban life." Community Plan at 12. Its residents believe that their community's priorities are not consistent with those of the adjacent municipality, particularly in terms of its approach to development. *Id.* "Residents of the Bear Valley community have expressed their desire to follow a measured and carefully managed approach to future development." *Id.* A principal concern of residents is the conversion of natural open space to development, and particularly to a type of development that detracts from the natural setting and rural-mountain character currently enjoyed by the community. *Id.* at 13.

SM&W-16

The Moon Camp RDEIR suggests that because the proposed subdivision would allow one-half acre lots, this would allow lot owners to minimize grading and preserve existing trees and other natural features on their lots and that consequently the forest and natural environment – and consequently the community’s character -- will be maintained. RDEIR at 4.5-14 and 15. However, it is not debatable that the development patterns associated with the Moon Camp Project would ruin the visual integrity of this beautiful lakeside setting. California courts agree on this issue. As explained by the court in *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas*, 29 Cal.App.4th 1597, 1606 (1994), it is “self-evident” that replacing open space with a subdivision will have an adverse effect upon “views and the beauty of the setting.” The court also found that aesthetic impacts are not mitigated to below a level of significance where there is evidence that the project will continue to impact the view. Here, the Moon Camp RDEIR’s conclusion that the proposed Project’s significant aesthetic impacts could be mitigated to a less than significant level defies common sense inasmuch as the proposed Project would clearly detract from the pristine forest setting and views of Big Bear Lake. See RDEIR at 4.1-10.

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Equally troubling, the RDEIR asserts that the Moon Camp Project would be compatible with the community’s character based on the incorrect assumption that the Project has been designed as an extension of the existing land use patterns (i.e., neighboring single-family residential uses). *Id.* at 4.5-13. As the FOF June 4, 2010 letter explains, this assessment is simply wrong. While there is one very small older subdivision to the east of the proposed Project site, over 60 percent of the Project site is bounded by either National Forest land or lakefront. The Project site is a National Forest inholding and its development certainly would not be an extension of an existing community. In fact, the RDEIR concedes this point concluding that the Project would change the visual character of the site from a forested, undeveloped nature to a developed residential areas. *Id.* at 7-11. Although the RDEIR finds this impact to be significant (at 7-31), it fails to take the necessary next step and acknowledge that the Project’s inconsistency with the General Plan’s goals and policies calling for the preservation of these critical community characteristics is also a significant impact.

SM&W-18

Furthermore, as the FOF letter explains, the Project would destroy the visual integrity of the forest setting by adding structures, roads and curbs, pedestrian walkways, parking and storage areas, and lighting. Indeed, there are no residential streetlights in Fawnskin at all, nor does the community any curbs. These suburban/urban style type improvements have no place in a mountainous community. The development of a subdivision and marina would also degrade views from SR-38, a State of California and County designated “Scenic Highway” and a U.S. Forest Service designated “scenic

SM&W-19

byway.” RDEIR at 4.1-2. As the General Plan recognizes, San Bernardino’s “vast undeveloped tracts of land that offer significant scenic vistas” are in “danger of deteriorating under growing pressure from urban development...” General Plan at III-6. The General Plan goes on to state that a highway’s designation as “scenic” depends upon:

the amount of natural landscape [that] can be seen by individuals traveling along its route and the extent to which development intrudes upon this view. The boundaries of a scenic corridor generally encompass the land adjacent to and visible from the highway, using a motorist’s line of sight. A reasonable boundary is selected when the view extends to the distant horizon.

Id. The General Plan’s goals and policies call for maintaining and enhancing the visual character of scenic routes in the County. *See* General Plan at VI-12 and VI-13. Finally, the U.S. Forest Service’ Forest Land Management Plan 2006 Revision identifies high scenic integrity objectives for the area surrounding the Project site. RDEIR at 4.5-11.

Despite these serious discrepancies between the County’s stated goals in the Community Plan and the Forest Service’ objectives in the Forest Land Management Plan, on the one hand, and the reality of the proposed Moon Camp Project, on the other hand, the RDEIR fails to include “definite affirmative commitments to mitigate the adverse effect” of these discrepancies. *See Napa Citizens for Honest Govt.*, 91 Cal. App. 4th at 379. Instead, the RDEIR offers merely a pittance of mitigation designed only to imbue the Project with the image of not detracting from the scenic views of the forest or the Lake. For example, to mitigate for the Project’s aesthetic impacts, the Project includes measures such as using earth tone colors and adding and building the development entry sign out of rock or rock appearance. RDEIR at 4.1-8 and 4.1-9. Needless to say, these measures are simply not sufficient to mitigate for the loss of the forested lake views.

The introduction of these man-made structures into this pristine environment would be visually intrusive and would be an abrupt interference in an otherwise natural setting. The Project’s visual impacts are significant and for that reason, the Project would conflict with the General Plan, the Community Plan and the Forest Land Management Plan. The revised EIR must acknowledge these inconsistencies as significant impacts of the Project.

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SM&W-20

SM&W-21

(c) The Project Is Flatly Inconsistent with Policies and Programs in the General Plan Land Use Element.

The RDEIR's deficient land use analysis extends beyond the document's failure to adequately analyze impacts relating to the Project's inconsistency with the Community Plan. In addition, the RDEIR fails entirely to examine the Project's inconsistency with important provisions in the General Plan. A selection of certain of these General Plan programs and policies include:

- Policy D/LU 1.1: Encourage low density development by retaining Rural Living (RL) zoning in Community Plan areas that are outside of city spheres of influence and removed from more urbanized community. General Plan at II-46.
- Policy CI 11.10: Because the recharge of groundwater basins is vital to the supply of water in the County, and because these areas can function only when retained in open space, the County will consider retaining existing groundwater recharge and storm flow retention areas as open space lands. *Id.* at III-34.
- CI 11.12: Prior to approval of new development, ensure that adequate and reliable water supplies and conveyance systems will be available to support the development, consistent with coordination between land use planning and water system planning. *Id.* at III-35.
- Program 9: Encourage new development to locate in those areas already served or capable of being served by an existing approved domestic water supply system. *Id.* at III-36.

SM&W-22

The revised EIR must examine each of the General Plan policies for which the Project may be inconsistent. If inconsistencies exist, the RDEIR must identify these as significant impacts and identify feasible mitigation or Project alternatives capable of minimizing or eliminating these impacts.

(d) The RDEIR Fails to Address the Project's Significant Impacts Relating to the Findings For General Plan Amendment and Zoning Change.

The RDEIR fails to adequately analyze the ability of the Project to comply with the findings required to amend the General Plan and San Bernardino County Development Code ("Development Code"). See section 86.12.060. In order to legally proceed with these amendments, the County must make six findings pertaining to issues such as: 1) the Project's consistency with the General Plan, 2) the Project's logical

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extension of the existing land use pattern; 3) and, adverse effects on surrounding properties. *Id.* If *any one* of the six findings is invalid, the County may not proceed with the Moon Camp Project.

SM&W-23

FOF's June 4, 2010 letter provides extensive evidence as to why the County cannot make the required findings. Moreover, inasmuch as inconsistencies with a General Plan or other local plan goals and policies that were enacted in order to protect the environment are significant impacts in themselves and can also be evidence of other significant impacts (*See Pocket Protectors*, 124 Cal. App. 4th 903, 929 (2004)), the RDEIR is deficient in that it has not adequately analyzed the ability of the County to make these findings. The revised EIR must provide a comprehensive analysis.

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C. The RDEIR Fails To Adequately Analyze Impacts Relating to Water Supply.

As the Community Plan explains, Big Bear Valley faces serious limitations with regard to ground water supply. Indeed, one of the most significant constraints on future growth and development in Bear Valley is the availability of water. Community Plan at 11. In large part because of the recent population change from part-time to full-time residents in the area, water availability has become severely restricted. *Id.* at 38. At the same time, notwithstanding the rains of the 2009/10 El Nino, California is in the midst of a prolonged drought. *See California Drought: Hydrological and Regulatory Issues*, December 7, 2009, attached as Exhibit A. Throughout Big Bear Valley, and particularly in Fawnskin, the quantity of water supplies cannot be taken for granted. Nonetheless, that is precisely the tack taken by the RDEIR, which assumes, or rather speculates, that water supply can keep up with demand.

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The Project's impact on water supply is discussed in two places in the RDEIR: as part of the Hydrology and Water Quality analysis and as part of the Utilities analysis. Under CEQA, an EIR must clearly identify the proposed water supply for the entire project under review, and must then analyze the reliability of that supply. *See, e.g., Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 431-32; *Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal. App. 4th 715, 722-24; *Napa Citizens for Honest Government v. Napa County Board of Commissioners* (2001) 91 Cal. App. 4th 342, 373-74. If it is uncertain whether the proposed supply can provide the needed water, the EIR must also identify an alternative source. *Vineyard Area Citizens*, 40 Cal. 4th at 432. The EIR must finally analyze and disclose the potential environmental impacts of tapping this additional source. *Id.*

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The RDEIR fails to comply with these requirements in several ways: (1) it underestimates the Project's water demand; (2) it fails to adequately analyze the Project's impact on the region's groundwater resources; (3) it fails to take into account declining water supplies due to climate change; (4) it fails to provide the necessary detail and analysis of impacts relating to the provision of water service; and (5) it lacks an analysis of the cumulative effect on water supply.

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1. The RDEIR Underestimates the Project's Water Demand.

The RDEIR's water supply analysis underestimates the demand for water generated by the proposed Project. The estimate of water demand utilized in the analysis (14 acre-feet per year) appears to be substantially understated given the type of homes that would be constructed on the site's lots. According to a "Water Availability Analysis" prepared by Napa County, residential water use can vary dramatically from house to house depending on the number of occupants, the number and type of appliances and water fixtures, and the amount and types of lawn and landscaping. See "Water Availability Analysis Policy Report" August 2007, attached as Exhibit B. Two homes sitting side by side can consume dramatically different quantities of water. The Napa Analysis offers two examples to demonstrate the variability in water use:

Example 1: Home #1 is 2500 square feet. Outside the house there is an extensive lawn, a water-loving landscaping, and a swimming pool with no pool cover. Inside the house all the appliances and fixtures, including toilets and shower-heads, which are not water saving types. The owners wash their cars weekly but they do not have nozzles or sprayers on the hose. They do not shut off the water while they are soaping up the vehicles, allowing the water to run across the ground instead. Water is commonly used as a broom to wash off the driveways, walkways, patio, and other areas. The estimated water usage for Home #1 is 1.2 acre-feet of water per year.

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Example 2: Home #2 is also 2500 square feet. Outside of the house there is a small lawn of drought tolerant turf, extensive usage of xeriscape landscaping, and no swimming pool. Inside the house all of the appliances and fixtures, including toilets and showerheads, are of the low flow water saving types. The owners wash their cars weekly, but have nozzles or sprayers on the hose to shut off the water while they are soaping up the vehicles. Driveways, walkways, patios, and other areas are swept with brooms instead of washed down with water. Estimated water usage for Home #2 is 0.5 acre-feet of water per year.

The above are only examples of unique situations. The estimated water use for any project will vary depending on existing parcel conditions. Here, the applicant

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assumes that each residence would use 0.28 acre-feet per household per year for a total projected water consumption of 14 acre-feet of water per year. RDEIR at 4.9-8. Even assuming water use commensurate with example #2 above, the water demand from the proposed Project would be closer to 25 acre-feet per year. Water use commensurate with example #1 would be about 60 acre-feet per year. Given the severe groundwater constraints in Big Bear Valley, any increase in water use, let alone consumption greater than 14 acre-feet per year per lot, could result in a significant burden on groundwater resources, beyond that acknowledged in the RDEIR.

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Moreover, the applicant apparently already realizes that 14 acre-feet would not be sufficient to supply the proposed Project inasmuch as the water purveyor may seek to extract additional groundwater. See RDEIR at 4.9-15, Mitigation Measures U-1b and U-1c. Thus, we question whether the 14 acre-feet figure is an accurate assessment of the Project's water demand. This uncertainty also implicates the RDEIR's Project Description inasmuch as CEQA requires a stable, finite project description. *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 730 (quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 193).

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Clearly, if the applicant intends to use water in addition to the 14-acre feet identified, the RDEIR must analyze the ability to provide this water now, not after Project approval. Decision-makers must be "presented with sufficient facts 'to evaluate the pros and cons of supplying the amount of water that the [project] will need.'" *Id.* at 431 (quoting *Santiago County Water Dist. v. County of Orange*, 118 Cal. App. 3d 818, 829 (1981)). The "future water sources for a land use project such as this and the impacts of exploiting those sources are not the type of information that can be deferred for future analysis." *Id.* The RDEIR's analysis of water supply for the Project fails to meet this standard.

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2. The RDEIR Fails to Adequately Analyze Whether the Project Would Substantially Deplete Groundwater Supplies or Interfere With Recharge.

The RDEIR fails to adequately document existing geohydrological conditions and thus fails to analyze the Project's effect on groundwater supplies. Consequently, the RDEIR lacks the evidentiary basis to conclude that the Project would not substantially deplete groundwater supplies or interfere with groundwater recharge.

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To serve the Moon Camp Project, the Project applicant intends to rely on groundwater from the North Shore Subunit groundwater basin (referred to as Subarea A) and the Grout Creek Subunit groundwater basin (referred to as Subarea D). The February

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11, 2009 "Water Supply Analysis" prepared by California Collaborative Solutions ("CSS") concludes that the combined pumping capacity of Well FP2 (Subarea A groundwater basin) and Well FP4 (Subarea D groundwater basin) are more than adequate to meet the long term water supply needs of the proposed 50 lot subdivision without adverse impacts to either Sub-Area A of the North Shore Basin or the Grout Creek groundwater basin. *See* Appendix C.5 at 2. The CSS Water Supply Analysis, however, relies in large part on a 2003 Focused Geohydrologic Evaluation prepared by Geoscience Support Services ("2003 Evaluation").² Yet, the 2003 Evaluation was entirely inadequate and failed to document existing groundwater conditions.³ Consequently, the prior DEIR prepared for the original Moon Camp Project identified the Project's water supply impacts as significant and unavoidable because the 2003 Evaluation contained "inconclusive testing of potential overdraft conditions for the groundwater basin."

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² While a 72-hour pumping test was conducted for Well FP2 in 2008 to establish the FP-2 well's discharge rate, such a test is certainly not sufficient to identify the aquifer's sustainable yield. *See* Appendix G: "Results of Rehabilitation and Aquifer Testing Moon Camp Well FP-2," CSC, August 7, 2008.

³ A critical omission in the RDEIR is the actual 2003 Evaluation itself. The RDEIR Technical Appendices include only the cover page and page 3 of this Evaluation. Thus, the RDEIR cannot support the RDEIR's conclusion that an adequate water supply exists for the proposed Project. It is inappropriate to rely upon this type of incorporation by reference as a substitute for an important analysis of a key environmental impact. "Incorporation by reference is most appropriate for including long, descriptive, or technical materials that . . . do not contribute directly to the analysis of the problem at hand." CEQA Guidelines § 15150(f). Clearly the analysis of groundwater resources in the Big Bear watershed "contributes directly" to the analysis of the Moon Camp's water supply impacts, and therefore should have been included directly in the text of the RDEIR, not merely incorporated by reference. Moreover, even if the RDEIR could legitimately rely upon an outside document for its analysis and conclusions, it would need to include a thorough description of the 2003 Evaluation's scope and methodology. *See Emmington v. Solano County* (1987) 195 Cal. App. 3d 491, 502-03 (outside reports do not support environmental document where they are not adequately summarized and analyzed). In addition, CEQA requires that an agency relying on another document must comply with specific procedures, including notifying the public about where a copy of the other document can be obtained. CEQA § 15150 (b). The RDEIR contains no such information about the 2003 Evaluation. As a result, the County cannot rely on that Evaluation in analyzing the Project's impacts.

RDEIR at 1-5. Now, six years later, no subsequent detailed groundwater investigations have been conducted. Accordingly, because the RDEIR did not comprehensively study groundwater resources, but relies, in large part, on the inadequate 2003 study, the agency lacks the evidentiary basis to conclude that adequate groundwater resources exist to serve the Project.

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Independent hydrological experts confirmed that the 2003 Evaluation provided uncertain and unreliable results regarding the Project's potential effects on local water supplies.⁴ Tom Perina, Ph.D, P.G. (6636), C.H.G. (572) and Tain-Shing Ma Ph.D, P.E., hydrologists, reviewed the 2003 Evaluation and each expert independently determined that the Evaluation lacked the necessary data to determine the maximum perennial yield of the North Shore and Grout Creek groundwater basins. The Perina and Ma Reports are attached to this letter as Exhibits C and D.

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The Ma Report explains that the 2003 Evaluation relies on a U.S. Environmental Protection Agency Hydrological Simulation Program Fortran watershed model but fails to describe how this model was calibrated. *See* Ma Report at 1. The input parameters to this model were estimated or assumed specifically because measured field hydrological data were not available. *Id.* Ma concludes that it is not possible to determine whether the modeled data represent local conditions. *Id.* Indeed, the 2003 Evaluation itself concedes that most of the input parameters that are required for a detailed evaluation of the average annual groundwater recharge had to be estimated or assumed "from data collected outside the Grout Creek and North Shore subunits or outside the Big Bear Lake Watershed *due to lack of measured data in the area.*" 2003 Evaluation at 3 (emphasis added). Similarly, the September 2, 2004 Letter from Geoscience to the City of Big Bear Lake Department of Water and Power warns, "[h]owever, the relatively wide range of potential yield reflects the *limited data available to determine the estimate.*" Appendix G (emphasis added).

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The Perina Report is also highly critical of the 2003 Evaluation. Perina finds that if increased production results in a decline of the water table, the yield of existing wells will drop and wells may become dry. Lowering of the water table may also impact the ecosystem in the area. Perina states, "this issue was not addressed in the study and should be part of an ecological impact assessment." Perina Report at 1. The Perina Report also explains that the 2003 Evaluation itself acknowledged that, given the wide variation in precipitation levels, future groundwater production and development

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should rely on established ground water level thresholds rather than perennial yield estimates. The 2003 Evaluation states:

The groundwater recharge analysis is based on long-term precipitation records. However, short-term periods (5-10 years) of relatively low precipitation have been observed throughout the period of record. These short-term periods of low precipitation are anticipated to have a significant impact on the groundwater levels in the North Shore and Grout Creek Hydrologic Subunits because the storage capacity of the groundwater reservoir is relatively small. For this reason, future groundwater production, and development, in each tributary subunit should rely more on established groundwater level thresholds than the perennial yield estimates.

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See Perina Report at 1,2.

Perina confirms that watershed yield calculations presented in the 2003 Evaluation were only "rough estimates" that *should not* be depended on for quantitative determination of water availability. *Id.* (emphasis added). Indeed, an accurate assessment of future groundwater production should have been based on "hard data" – or actual measured groundwater levels throughout the watershed -- to determine actual water availability. *Id.*

Further evidence that the 2003 Evaluation preparers recognized the weakness in the data-collection efforts is the report's statement that: "priority should be given to the construction of monitoring wells and the development of a reliable ground water level baseline for the tributary subareas." 2003 Evaluation at 3. Thus, because the 2003 Evaluation failed to provide an accurate assessment of groundwater availability in the Project vicinity and because we can find no evidence of any subsequent groundwater investigation, the RDEIR fails to analyze accurately whether there is adequate water supply for the level of development allowed by the Moon Camp Project, in violation of CEQA. See *Santiago County Water Dist.*, 118 Cal.App.3d at 831.

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CEQA further requires that if there is uncertainty as to the adequacy of the water supply to serve a proposed project, the EIR must identify additional sources of supply and discuss the environmental consequences of tapping those resources. See *Napa Citizens*, 91 Cal.App.4th at 373. We can find no indication that there has been any attempt to identify additional sources of supply, let alone evaluate the environmental consequences of tapping this groundwater source for the Project. See *Napa Citizens*, 91 Cal.App.4th at 373.

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Water supply is serious business in Big Bear Valley. Indeed, water resources are so constrained that all DWP customers in the Valley are already under Stage I Water Shortage Emergency Restrictions. *See* DWP Current Water-Use Regulations; DWP Board of Commissioners Resolution No. DWP 2007-02 available at: <http://www.bbldwp.com/Board/Meetings/Resolutions/WaterShortageEmergencies.pdf>. These regulations were enacted in May 2008 and include extensive restrictions on water consumption. The failure to even acknowledge these emergency-based water restrictions is yet another example of the RDEIR's superficial treatment of the Project's groundwater resource impacts.

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In sum, the RDEIR lacks the evidentiary support to conclude that the Project would not adversely affect groundwater resources. Surrounding residents have valid concerns about the effect that this new development will have on their drinking water supply. Sufficient water supply is also critical to protect biological resources. We are dismayed that additional data collection has not occurred since the original EIR was published in 2004. Over the last six years, the applicant certainly could have collected multi-year data reflecting extraction versus recharge over time. CEQA, and good public policy, demand that the County ask itself the hard questions necessary to ensure that the Project does not substantially deplete groundwater supplies in this fragile area.

SM&W-40

3. The RDEIR Fails to Analyze Global Warming's Effect on Water Supply in Determining the Project's Water Supply Impacts.

Significant for the state, as well as the Project area, is global warming's impact on water supply. The Intergovernmental Panel on Climate Change ("IPCC") specifically identified the American West as vulnerable, warning, "Projected warming in the western mountains by the mid-21st century is very likely to cause large decreases in snowpack, earlier snow melt, more winter rain events, increased peak winter flows and flooding, and reduced summer flows." IPCC 2007b. As the Moon Camp RDEIR makes clear, rain and snow amounts are critical in the Bear Valley watershed, as the watershed relies on this precipitation for groundwater and there is no supplementation or intentional recharging of the aquifers. RDEIR at 4.4-2.

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Recently, researchers found that the increase in atmospheric greenhouse gases has contributed to a "coming crisis in water supply for the western United States." *See* Climate Change Primer, Climate Change Resource Center, attached as Exhibit E. Using several climate models and comparing the results, the research found that warmer temperatures accompany decreases in snow pack and precipitation and the timing of runoff, impacting river flow and water levels. *Id.* The California Center on Climate Change also recognize the problem global warming presents to the state's water supply

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and predicts that if greenhouse gas emissions continue under the business-as-usual scenario, this snowpack could decline up to 70-90 percent, affecting winter recreation, water supply and natural ecosystems. *See Our Changing Climate: Assessing the Risks to California*, California Climate Change Center, attached as Exhibit F. Global warming will affect snowpack and precipitation levels, and California will face significant impacts, as its ecosystems depend upon relatively constant precipitation levels and water resources are already under strain. *Id.*

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Clearly, the decrease in snowpack in the Sierra Nevada will lead to a decrease in California's already "over-stretched" water supplies. *Id.* It could also potentially reduce hydropower and lead to the loss of winter recreation. This means "major changes" in water management and allocation will have to be made. *Id.* As one study explains, anthropogenic change of Earth's climate is altering the means and extremes of precipitation, evapotranspiration, and rates of discharge of water sources. *Stationarity is Dead: Whither Water Management, Science*, attached as Exhibit G. This report concludes that water supply experts must update the analytic strategies used for water supply planning under uncertain and changing conditions.

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Inasmuch as Southern California creates a great demand for water during the spring and summer (*see* Exhibit F), global warming may directly affect the ability to supply clean, affordable water to Southern California residents and change how the Project will utilize water. The revised EIR for the Moon Camp Project must address these changes in water supply availability.

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4. The RDEIR Fails to Adequately Analyze How the Project Would Provide Water Service to the Project Site and the Environmental Impacts Associated With This Service.

As discussed above, the RDEIR leaves unanswered important questions pertaining to the provision of water service for the proposed Project. In addition to the uncertainty relating to the water supply provider, the RDEIR fails to identify or analyze the environmental impacts that would result from providing the water supply infrastructure to the Project site. The RDEIR states that under Water Supply Alternatives 1 and 2, the developer would be required to construct the on-site and off-site facilities as described in the DWP's Water Feasibility Study. RDEIR at 2-14 through 2-20. The RDEIR does not describe this DWP study or identify the facilities that the study purportedly describes.

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The RDEIR further notes that "significant transmission improvements" in the Fawnskin system would be needed to provide fire flow to the Project site. *Id.* Again,

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the RDEIR text does not identify the nature of these improvements. The Alda Engineering letter dated March 6, 2007, located in the RDEIR's technical appendix, mentions the need for an additional storage of 30,000 gallons in the Upper Fawnskin pressure zone to supply fire flow for the project. *See* Alda Letter at 4. This letter also states that this additional storage could be provided by either constructing a second reservoir adjacent to the existing Raccoon Reservoir or conveying surplus storage in the Lower Fawnskin pressure zone through an existing booster station. *Id.* The letter further mentions the potential for improvements to the booster station and the need for a back-up generator. *Id.* Finally, the letter suggests that additional storage facilities may need to be constructed on U.S. Forest Service lands." *Id.* at 6. The RDEIR does not provide any detail as to these systems and facilities. Are they, or are they not, a part of the Project? Members of the public and decision-makers should not have to guess as to the nature of the necessary infrastructure to supply the Project's water.

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The RDEIR asserts, absent any evidence or analysis, that impacts related to the installation of the off-site and on-site water improvements would be temporary and therefore less than significant, and also suggests that the improvements would occur primarily within existing paved roads. RDEIR at 2-19 and 4.9-6. We question the validity of these statements inasmuch as RDEIR Figure 2-6 shows extensive new off-site water supply lines. Certainly, new reservoirs and generators would not be constructed within existing roads. Moreover, even if water lines would be constructed within existing roads, there would be noise, air quality and traffic impacts associated with such an extensive project. The RDEIR must analyze the environmental impacts resulting from the installation of all facilities, systems and equipment for the Project's daily water, emergency storage and fire flow storage.

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Water Supply Alternative 3 would involve the construction of a new 238,600-gallon on-site reservoir and an on-site booster station. RDEIR at 4.9-7. The booster station would include an electrical generator. *Id.* Here too, the RDEIR lacks any detail as to how and where this reservoir would be constructed and how it would operate or be maintained. Until these critical design details are identified, it is not possible to evaluate the environmental impacts that would result from construction of this proposed on-site water system.

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5. The RDEIR Fails to Adequately Analyze and Mitigate the Project's Cumulative Water Supply Impacts.

The RDEIR lacks the required analysis to determine the Project's cumulative effect on groundwater resources. While the document identifies certain other projects that would be built in the area, as discussed below, this list is incomplete.

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Beyond this deficiency, however, the RDEIR fails entirely to identify the cumulative water demand from each of these projects and compare this demand to available water resources. In the revised and recirculated EIR, the County must conduct a quantitative analysis of this cumulative impact. The purpose of such quantitative analysis is clear: if it demonstrates that there will be insufficient water supplies to meet cumulative development demands, the County must (a) identify the steps required to increase capacity or obtain new water sources, and (b) consider the environmental impacts of obtaining this supply, including the impacts of constructing any required infrastructure. *Vineyard Area Citizens*, 40 Cal. 4th at 432. If this analysis reveals that groundwater resources are not sufficient to satisfy the demands from proposed development, the County must consider limiting growth. The absence of this analysis deprives the public and decision-makers of sufficient information to draw their own conclusions about the wisdom of this Project and its environmental costs. *See Citizens of Goleta Valley*, 52 Cal. 3d at 568; CEQA § 21080(e)(1)-(2).

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D. The RDEIR Fails to Adequately Address the Project's Growth-Inducing Impacts.

CEQA requires that an EIR contain an analysis of a project's growth-inducing impacts. Growth-inducing impacts are those that encourage or facilitate other activities or projects that could significantly affect the environment. *See* Pub. Res. Code § 21100(b)(5); CEQA Guidelines § 15126(d). Growth-inducing impacts include aspects of a project that "could foster economic or population growth, or the construction of additional housing," that "encourage or facilitate other activities that could significantly affect the environment," or that "remove obstacles to population growth." CEQA Guidelines § 15126.2(d). Expansion of public infrastructure, such as community service facilities and roadways, is a classic example of a growth-inducing impact of a project.

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Here, the Project would require the extension of water and wastewater service to the site. RDEIR at 4.9-4 and 4.9-10. As discussed above, under Water Service Alternative 1, DWP would own and operate the Project's water system and, in the unlikely event that LAFCO approved an expansion of the City of Big Bear Lake's SOI, the DWP service area would be expanded to include all of Fawnskin as well. *Id.* at 2-14. Similarly, under Water Service Alternatives 2 and 3, CSA 53C would have water authority sufficient to encompass the whole of the north shore of Big Bear Lake including the entirety of the community of Fawnskin. *See* Appendix G: LAFCO Letter dated January 28, 2008. Consequently, since water service would be extended beyond the Project site itself, such service could serve future development. Other landowners in Fawnskin or the north shore of Big Bear Lake could request a tie into the new service, thus allowing increased development and increased demand on the watershed's already

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scarce supplies. The RDEIR is deficient in its failure to analyze these growth-inducing effects. *City of Antioch v. City Council of Pittsburg* (1986) 187 Cal.App.3d 1325, 1337.

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The RDEIR's analysis of growth-inducing impacts is further deficient because it fails to consider the precedent that approval of an amendment to the General Plan could set for interpretation of the County's planning policies. Specifically, if the County approves this Project – in violation of its General Plan's and Community Plan's clear policies calling for development not to proceed in the absence of a demonstrated water supply, such an action would undoubtedly encourage other developers to seek similar approvals. By creating such a precedent, this Project could induce additional development that would not be allowed under a proper reading of the County's Plans. The associated environmental impacts to, for example, water supply, community character, biological resources, traffic, air quality, and noise must be addressed.

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E. The RDEIR Fails to Adequately Analyze the Project's Cumulative Impacts.

An environmental document must discuss significant "cumulative impacts." CEQA Guidelines § 15130(a). "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." CEQA Guidelines § 15355(a). "[I]ndividual effects may be changes resulting from a single project or a number of separate projects." CEQA Guidelines § 15355(a). A legally adequate "cumulative impacts analysis" views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable future projects whose impacts might compound or interrelate with those of the project at hand. "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." CEQA Guidelines § 15355(b). The cumulative impacts concept recognizes that "[t]he full environmental impact of a proposed . . . action cannot be gauged in a vacuum." *Whitman v. Board of Supervisors* (1979). 88 Cal.App.3d 397, 408

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A cumulative impact analysis is especially important in the present case because growth in Big Bear Valley has already severely taxed the area's roads and other public utilities and services. The Community Plan took specific action to limit the amount of growth and development in the Valley, taking into account the area's natural resources and its infrastructure. Community Plan at 11. Over the years, the County has allowed a disproportionately high level of development and this growth has placed extraordinary demands on the Valley's natural resources. Loss of habitats for native species, increased pollution of Big Bear Lake and area streams and rivers, and of course, dwindling water resources have all worsened with this continued development.

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Given the current conditions and constraints, one would expect that the cumulative impact analyses in this RDEIR would have thoroughly evaluated the effect that the Moon Camp Project together with other development would have on the area's environmental resources. Unfortunately, this is not the case. Rather, the RDEIR's cumulative impact analysis suffers from several serious flaws. First, while the document identifies 17 development projects that are either pending, recently approved, or in process of being constructed in the Project area, the RDEIR does not provide sufficient information to determine what these projects are or where they are located. For the most part, Table 5-1 simply lists the projects by tentative tract number. Without a description of each of these projects, it is not possible to cumulatively evaluate the projects' environmental impacts.

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Second, Table 5-1 omits certain projects. For example, the list excludes the following:

- In the area surrounding the Moon Camp Project site, there are 1,076 developable lots of record;
- Marina Point: This project includes 133 condominiums and a 175- boat slip public marina on 12.5 acres, located immediately west of the proposed Moon Camp Project site. See Map of Fawnskin, attached as Exhibit H.
- Deer Trail: An application for 27 dwelling units on 30 acres has been submitted to the County. This property is located just north of the Moon Camp Project site. See parcel identified as Klein Property in Exhibit H.
- A large County Recycling Center on the North Shore about four miles east of the Project site.

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The revised EIR must include these projects and developable lots in its cumulative impact analysis.

Even more troubling than the failure of the RDEIR to accurately describe the projects and to include all of the relevant projects in the cumulative impact analysis is the document's failure to *actually analyze* the listed projects' cumulative environmental impacts. With the exception of cumulative impacts on the bald eagle and traffic/circulation, the RDEIR's analysis of cumulative impacts never actually evaluates the combined effects of both the proposed Moon Camp Project and the other listed projects. Such an analysis is required in order to determine whether the effects of the

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Moon Camp Project, together with other projects, are cumulatively significant. (*Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 120.)

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In violation of CEQA, the RDEIR merely summarizes the project-specific impact analysis and casually concludes that the cumulative impacts would be less than significant. For example, as discussed above, with regard to water supply, the RDEIR should have quantified the increase in water demand from all relevant projects and compared that demand to available groundwater resources. Similarly for the analysis of cumulative air quality impacts, the RDEIR should have evaluated the increase in emissions from all relevant stationary and mobile sources and compared this increase to applicable air quality standards. This type of quantitative analysis should have been performed for *each* impact area.

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As for the RDEIR's evaluation of the cumulative impacts on the bald eagle, the RDEIR correctly identifies the cumulative impact as significant. The document fails, however, to take the legally required next step and identify feasible mitigation. *See* CEQA Guidelines sections 15126.4 (a)(1)(A) and 15130 (b)(5).

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The EIR must be revised to analyze the Project's cumulative impacts and identify feasible mitigation for any impacts determined to be significant.

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F. The RDEIR Analyzes an Inadequate Range of Alternatives and Thus Fails to Identify Alternatives that Reduce Impacts.

An EIR must describe a range of alternatives to the proposed project, and to its location, that would feasibly attain the project's basic objectives while avoiding or substantially lessening the project's significant impacts. Pub. Res. Code § 21100(b)(4); CEQA Guidelines § 15126.6(a). A proper analysis of alternatives is essential for the County to comply with CEQA's mandate that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code. § 21002; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126.6(a); *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443-45. As stated in *Laurel Heights Improvement Association v. Regents of University of California*, "[w]ithout meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process. . . . [Courts will not] countenance a result that would require blind trust by the public, especially in light of CEQA's fundamental goal that the public be fully informed as to the consequences of action by their public officials." 47 Cal.3d 376, 404 (1988). Here, the RDEIR's discussion of alternatives fails to live up to these standards.

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The primary flaw in the RDEIR's alternatives analysis is its failure to identify and consider a reasonable range of alternatives that reduce project impacts, as CEQA requires. See CEQA Guidelines § 15126.6(c); *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566. Under CEQA, the discussion of alternatives must focus on alternatives capable of avoiding or substantially lessening the adverse environmental effects of a project, "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." CEQA Guidelines § 15126.6(b). The alternatives to be discussed need not be identical to, or even substantially similar to the project as originally described by the applicant, so long as they can be accomplished within a reasonable period of time, taking into account economic, environmental, social and technological factors. *Citizens of Goleta Valley*, 52 Cal.3d at 574.

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Other than the two no-project alternatives, the RDEIR considers only two alternatives to the proposed Project. Remarkably, both of these alternatives actually call for an *increase* in the number of residential lots and therefore would result in *greater* environmental impacts than the Proposed Project.⁵ Indeed, the "Reduced Density, Utilizing Proposed Project Redesign Alternative" includes 66 residential lots, while the "Reduced Density Without Road Alignment and Without Marina Alternative" includes 62 residential lots. See Table 7-2: Comparison of Alternatives. The intensity of both these alternatives is far too high for the proposed site, both in terms of the overall massing of development and in terms of the alternatives' impacts upon hydrology and drainage, water supply, biological resources, aesthetic resources, traffic, public services and utilities, and cumulative effects. Thus, rather than imparting serious information about potentially viable options that could reduce adverse impacts, the RDEIR offers alternatives that serve as "straw men" to provide justification for the Project. Such an approach violates the letter and spirit of CEQA.

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While the "Reduced Density Without Road Alignment and Without Marina Alternative" would eliminate the roadway realignment and the marina, this alternative still results in significant impacts because it authorizes a level of development that would place extraordinary strains on the area's natural resources. For example, like the proposed Project, this alternative would result in significant and unavoidable impacts to

SM&W-64

⁵ The RDEIR Project Description identifies the Proposed Alternative Project (i.e., subdivision of the site into 57 lots, which consist of 50 residential lots and 7 lots for other purposes). RDEIR at 2-13. The tentative tract map has been revised to reduce the number of residential lots from 92 lots to 50 lots. *Id.*

the bald eagle. *Id.* at 7-13. In addition, this alternative still results in significant aesthetic impacts in that it would transform the visual character of the Project area and severely impair views of the lake and the distant mountain ranges. RDEIR at 7-18 and 7-31.

SM&W-64

At the same time, the "Reduced Density, Utilizing Proposed Project Redesign Alternative" is even more impactful, as this option would allow 66 lots and retain the marina. The RDEIR's failure to identify even one reduced-intensity alternative does not begin to satisfy CEQA's mandate. As the case law instructs, an EIR must analyze a reasonable range of alternatives that "offer substantial environmental advantages over the project proposal." *Citizens of Goleta Valley*, 52 Cal.3d at 566. As a result of this omission, the RDEIR is of little utility to the public and decision-makers, who are left with no reasonable, less damaging option for development of this uniquely important site. Under CEQA, an agency may not approve a proposed project if a feasible alternative exists that would meet the project's objectives and would diminish or avoid its significant environmental impacts. Pub. Res. Code § 21002; *Kings County Farm Bureau*, 221 Cal. App. 3d at 731. Given the extensive, significant environmental impacts the Project will have, the consideration of alternatives is critical and CEQA compliance will not be complete until the County presents decision-makers and the public with a rigorous, good-faith assessment of options that reduce these impacts.

SM&W-65

G. The DEIR Must Be Recirculated.

Given the foregoing deficiencies, the RDEIR must be revised and recirculated. The present RDEIR cannot properly form the basis of a final EIR. CEQA and the CEQA Guidelines describe the circumstances which require recirculation of a draft EIR or circulation of a supplemental draft EIR. Such circumstances include (1) adding significant new information to the EIR after public notice is given of the availability of the DEIR but before certification, or (2) where the draft EIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. CEQA Guidelines § 15088.5. "Significant new information" includes the identification of new significant impacts; a substantial increase in the severity of impacts; and the identification of a new feasible project alternative or mitigation measure that could clearly lessen the project's significant impacts but the project's proponent declines to adopt it. *Id.*

SM&W-66

Here, in order to cure the numerous defects described above, the new RDEIR would necessarily include substantial new information that triggers CEQA's recirculation request. Failure to recirculate the new RDEIR would thus violate CEQA.

SM&W-67

II. APPROVAL OF THE PROJECT WOULD VIOLATE CALIFORNIA PLANNING AND ZONING LAW AND THE SUBDIVISION MAP ACT.

The State Planning and Zoning Law (Gov't Code § 65000 *et seq.*) and California case law require that development decisions be consistent with the jurisdiction's general plan. Similarly, the Subdivision Map Act specifically prohibits the approval of a tentative subdivision map unless the agency finds that "the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan. . . ." Gov't Code § 66473.5; *see also* Gov't Code § 66474.

SM&W-68

As reiterated by the courts, "[u]nder state law, the propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements." *Resource Defense Fund v. County of Santa Cruz* (1982) 133 Cal.App.3d 800, 806. Accordingly, "[t]he consistency doctrine [is] the linchpin of California's land use and development laws; it is the principle which infuses the concept of planned growth with the force of law." *Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1336.

SM&W-69

General plans establish long-term goals and policies to guide future land use decisions, thus acting as a "constitution" for future development. *Leshner Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540. To promote coordinated land use policies and practices, state law requires local governments not just to formulate theoretical land use plans, but also to conform their development and land use projects and approvals with those duly certified plans. *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 570; *see also* Gov't Code §§ 65860 (requiring consistency of zoning to general plan), 66473.5 & 66474 (requiring consistency of subdivision maps to general plan, and 65867.5 (requiring consistency of development agreements to general plan). It is an abuse of discretion to approve a project that "frustrate[s] the General Plan's goals and policies." *Napa Citizens for Honest Gov't v. Napa County* (2001) 91 Cal.App.4th 342, 379. The project need not present an "outright conflict" with a general plan provision to be considered inconsistent; the determining question is instead whether the project "is compatible with and will not frustrate the General Plan's goals and policies." *Napa Citizens*, 91 Cal.App.4th at 379.

SM&W-70

For the reasons described in Part I of this letter, the Project is inconsistent with the General Plan and Bear Valley Community Plan. Because of the Project's glaring inconsistencies with these planning documents, approval of this Project would violate State Planning and Zoning Law and the Subdivision Map Act.

SM&W-71

III. CONCLUSION

As set forth above, the Moon Camp RDEIR suffers from numerous deficiencies, many of which would independently render it inadequate under CEQA. Taken as a whole, the deficiencies of the RDEIR necessitate extensive revision of the document and recirculation for public comment. Moreover, as currently designed, the Project conflicts with the General Plan and the Community Plan, and therefore cannot be legally approved. FOF respectfully requests that the County reevaluate the Project in light of its inconsistencies with County plans. Further, we specifically urge the County to take no further action on this Project until a legally adequate EIR is prepared and recirculated.

SM&W-72

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Laurel L. Impett (RH)

Laurel L. Impett, AICP

Rachel B. Hooper

Rachel B. Hooper

Exhibits:

- Exhibit A: California Drought: Hydrological and Regulatory Issues (excerpts), CRS Report for Congress, December 7, 2009
- Exhibit B: Water Availability Analysis Policy Report, August 2007
- Exhibit C: Letter from Tom Perina, Ph.D, P.G. (6636), C.H.G. (572), February 2, 2008
- Exhibit D: Review Comments on Maximum Perennial Yield of the North Shore and Grout Creek Hydrologic Subunit Tributary Subareas, Tain-Shing Ma Ph.D, P.E., January 29, 2008
- Exhibit E: Climate Change Primer, Climate Change Resource Center
- Exhibit F: Our Changing Climate: Assessing the Risks to California, California Climate Change Center
- Exhibit G: Stationarity is Dead: Whither Water Management, Science, February 2008
- Exhibit H: Map of Fawnskin

cc: Sandy Steers, Friends of Fawnskin

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Shute Mihaly & Weinberger LLP (SM&W)

Response to SM&W-1

The Project is not inconsistent with County of San Bernardino General Plan provisions calling for the preservation of Bear Valley's community character (Shute Mihaly & Weinberger, page 7).

The commenter asserts that the Moon Camp Project would conflict with the County General Plan and Bear Valley Community Plan's vision of preserving the character of its unique mountain community. Specifically, the commenter asserts that the County cannot approve new development projects within the Bear Valley, unless they are consistent with the goals and policies of the 2007 Bear Valley Community Plan. The commenter asserts that the Moon Camp Project, by proposing development of 50 custom home sites on minimum half-acre lots, is inconsistent with the existing community character and, therefore, is inconsistent with the County's General Plan. Initially, the County General Plan, through the Bear Valley Community Plan, guides development of land within the Bear Valley Community Plan area in a manner that preserves the character and independent identity of individual communities within the area (BVCP, page 7). Land use goals and policies applicable to the Bear Valley community are distinct from those applicable to development on a countywide basis. The ultimate goal of the Bear Valley Community Plan is to regulate growth in a manner that retains the community attributes that make Bear Valley unique. However, retention of unique community character is not synonymous with preservation of the existing conditions in the community. To the contrary, the Bear Valley Community Plan clearly contemplates additional development and, in certain circumstances, development that is more intense than allowed under existing land use designations. As discussed in the Bear Valley Community Plan, undeveloped private property within the Bear Valley, suitable for future residential development, were assigned General Plan Land Use designations allowing very low-density development with appropriate density of future development to be considered at the time the specific development proposals were submitted (BVCP, page 11). Individual projects are required to address the availability of adequate water supplies, water and wastewater facilities, traffic circulation, and other infrastructure in support of an individual project's proposed density of development (BVCP, page 11). This concept, known as the "Holding Zone" approach, has traditionally been applied by the County transitioning individual parcels of property from low-density land use designations to higher density land use designations in the Bear Valley Community. The County General Plan clearly contemplates and sets out very specific requirements for increasing the allowable density of development through General Plan amendments. As indicated in the RRDEIR No. 1, the proposed Project will provide adequate water, wastewater, utility, and roadway infrastructure to support the proposed Project consistent with the mandates of the Bear Valley Community Plan.

The Bear Valley Community Plan acknowledges that Bear Valley will continue to experience growth in residential population and merely acknowledges that new development must be consistent with the rural-mountain character of the community (BVCP, page 13). The Moon Camp Project is consistent with the existing Bear Valley community character. Although the proposed Project will convert currently vacant, unoccupied land to residential uses, as indicated above, a mere increase in development density does not make the Project inconsistent with the surrounding community character. The Project site is bordered to the west/northwest by the community of Fawnskin, which is comprised mainly of a mix of commercial uses and single-family residences with minimum lot size

of 7,200 square feet. The Project site is bordered to the north and east by property under the jurisdiction of the USFS with a few parcels under private ownership.

Despite requesting a General Plan amendment changing the land use designation from BV/RL-40 to RS-20000, the average lot size is 0.90 acre with 12 lots over 1 acre in size. The development proposed by the Moon Camp Project is significantly less intense than the existing development within the community of Fawnskin and is a logical transition of land use from higher density residential uses to open space represented by undeveloped property in the jurisdiction of the USFS. The Project has been designed to be compatible with surrounding uses and provide a logical transition in the area's development. The design of the Project was specifically tailored to preserve quality of visual resources as experienced by travelers along SR-38 and recreational visitors observing the area from the lake. The Project will set aside approximately 9.1 acres of the site for open space/conservation, as well as avoid development along the lake's edge, south of SR-38. The location of the open space/conservation easements limits the number of residential lots bordering SR-38, including no lots south of SR-38 bordering Big Bear Lake. This limitation of residential lots abutting SR-38 will preserve scenic views along SR-38, including unobstructed views of Big Bear Lake. As reflected in the aesthetics discussion in Section 4.1 of the RRDEIR No. 1 and supported by the visual simulations included therein, the Project will be designed to reduce visual impacts to less than significant levels. Section 4.1.6 of the RRDEIR No. 1 lists numerous mitigation measures that will ensure that the Project is developed in a manner which maintains its compatibility with community character and surrounding environment. Moreover, the Project is required to leave trees and downed logs in place to the extent that clearing is not required by the development process to maintain the existing visual character of the Project site. The Project is also required to avoid impacts to trees that are larger than 24 inches in diameter and if such trees are required to be removed, a replacement ratio of 2:1 is required to mitigate any such impacts. Finally, development standards will be incorporated into the Conditions of Approval which will result in the custom homes being developed in a manner which complements the surrounding environment and natural setting, including requiring the use of building materials that will be complimentary to the surrounding community and environment.

The Proposed Alternative Project is also consistent with the San Bernardino National Forest Land Use Management Plan to the extent applicable. The San Bernardino National Forest Land Use Management Plan is a land use plan that directs management of lands under the jurisdiction of the United States Forest Service. The Plan in and of itself does not regulate development of privately-owned parcels of property. The San Bernardino National Forest Service Land Use Management Plan does identify high-scenic integrity objectives for the areas surrounding the Project site managed by the Forest Service. However, as designed, the Proposed Alternative Project will not impact any recognized scenic vistas or other areas designated for high-scenic value in the area. The Project is designed so that lots that abut the National Forest have adequate depth between the developed area of the site and the National Forest boundary. As required by the Forest Plan and County Fire Marshal, lots abutting the forest will maintain a 100-foot fuel modification zone, which precludes development within 100 feet of the lot boundary abutting the National Forest. The Project is designed so that the 10 lots adjacent to the forest range from 0.56 acre to 2.7 acres with an average lot size of 1.4 acres, which significantly exceeds the minimum density permitted under the RS-20000

land use designation. Lot depths for the 10 lots range from 206 feet to 474 feet with an average of 271 feet deep. Additionally, no direct access between the residential lots and the National Forest is proposed; no trails between the site and forest are proposed as part of the Proposed Alternative Project. Moreover, mitigation measures identified in the RRDEIR No. 1 require the Project to be designed to avoid removal of trees and downed logs to the extent feasible and to replace large trees that unavoidably need to be removed on a 2-to-1 basis, thereby increasing tree density on-site. These mitigation measures will ensure that the Project is designed in a manner to complement the existing natural environment and preserve scenic integrity of the surrounding area consistent with the San Bernardino National Forest Land Use Management Plan.

Response to SM&W-2

The commenter provides an introductory statement to preface potential deficiencies the EIR may have regarding sufficient information to make an informed decision by the County of San Bernardino decision making authorities. No response is necessary

Response to SM&W-3

The commenter alleges that the Project Description is inadequate and fails to comply with the mandates of CEQA. Section 2.3 of the RRDEIR No. 1 includes comprehensive description of the proposed Project, which includes the location of the Project, the density of the Project, public infrastructure necessary to accommodate development of the Project, and potential features of the Project, such as the marina, open space areas, and list of discretionary entitlements necessary to develop the Project. The commenter alleges that the Project Description is specifically inadequate due to failure to adequately discuss proposed water service options and necessary facilities. At the time the RRDEIR No. 1 was released for public review, there were a number of options for water service proposed but no definite plan determined. The RRDEIR No. 1 provides a comprehensive analysis of several water service options to apprise the reviewing public and decision-makers of all of the potential water service options available to the Project. Lack of certainty about the exact method of water service at the time the RRDEIR No. 1 was released for public review is not grounds for concluding the Project Description is legally inadequate. The possible water service alternatives known to the Project Applicant and the lead agency at the time the document was prepared were discussed in detail.

Response to SM&W-4

Please see Response to SM&W-3.

The commenter asserts that due to a project's inconsistency with the County of San Bernardino General Plan and Development Code, approval of the Project will result in violation of the State of California's Planning and Zoning Laws. As discussed in Response to Comment SM&W-1, the Moon Camp Project is not inconsistent with the County General Plan or Development Code and accordingly, any approval of the Project will not result in the violation of the State's Planning and Zoning Laws.

Response to SM&W-5

Since circulation of the RRDEIR No. 1, a definitive source of water service has been secured. Currently, CSA 53C does not own or operate any potable water facilities in the Project area. Therefore, it would be inefficient to have CSA 53B take ownership of the Project's water facilities and

be the water purveyor. Accordingly, on November 17, 2015, the County of San Bernardino and Big Bear Lake Department of Water and Power entered into an Outside Service Agreement for Potable Water Service, whereby the Department of Water and Power will be the water purveyor to the Project site. The Project Applicant will construct the necessary transmission facilities that, along with the wells, will be transferred to the Department of Water and Power for incorporation into its facilities in the area.

Response to SM&W-6

A Water Availability/Feasibility Study dated January 13, 2011, was prepared for the Project, which presents the improvements necessary for the District to provide water service to the Moon Camp Tract. The CSA 53C Feasibility Study uses the water demand projections and fire flow requirements contained in the Department of Water and Power's Water Feasibility Study dated March 6, 2007, (ALDA) concluding that the Project will require 14 acre-feet of water per year and 1,750 gpm of fire flow. The CSA 53C Feasibility Study storage requirements are 250,000 gallons for domestic and fire flow. The Department of Water and Power (ALDA) Feasibility Study identified 238,600 gallons of storage for domestic and fire flow. The CSA 53C Feasibility Study and the Department of Water and Power (ALDA) Feasibility Study detail the requirements for (1) the on-site Tract water lines and (2) the off-site water lines needed to interconnect the Tract's water system to the Department of Water and Power Fawnskin Water System and provide an estimated cost for the construction \$1,030,000. ALDA has verified the final alignment of the off-site pipelines in its February 7, 2011, letter to the Department of Water and Power.

Response to SM&W-7

Please see Response to SM&W-6.

Response to SM&W-8

The Project is providing its secure water supply from two existing on-site wells as described in Section 4.9.5 of the RRDEIR No. 1 and Appendices C.5, C.6, G.3 and G.4. Thomas Harder Groundwater Consultant (formerly with Geoscience) has concurred that the two on-site wells provide an adequate, reliable and secure water supply for the Project (Harder, November 22, 2010, Response to Comments).

Response to SM&W-9

The commenter asserts that the Project Description is defective because it fails to identify a zone change as a necessary discretionary approval. Unlike many other jurisdictions, San Bernardino County of San Bernardino utilizes a "one map" system, whereby the General Plan Land Use Designations and corresponding zoning designations are the same. Hence, approval of a General Plan Land Use Designation from BV/RL-40 to RS-20000 automatically results in the revision of the applicable zoning designation. The use of the one map system ensures continued zoning and General Plan consistency.

Response to SM&W 10

Please see Response to SM&W-1. Please also see Response to FOF-b-1 through FOF-b-255. Section 4.5 of the RRDEIR No. 1 includes a comprehensive analysis of the Project consistency with various applicable local plans, including the County of San Bernardino General Plan and associated Bear

Valley Community Plan. As concluded in Section 4.5, the Project, upon receiving approval of the requested General Plan Amendment and zone change, will be consistent with such local plans.

Response to SM&W 11

Please see Response to SM&W-1 and SM&W-10.

Response to SM&W-12, 13, 14, 15

See Response to SM&W-1 through SM&W-8.

Response to SM&W-16

The commenter asserts that the RRDEIR No. 1 incorrectly concludes that the Project is consistent with the Bear Valley Community Plan. Contrary to the commenter's assertion, the discussion in the EIR supports the conclusion that the Project is consistent with the goals and policies of Bear Valley Community Plan. Initially, the Bear Valley Community Plan itself recognizes that there are several large parcels of undeveloped private property that are suitable for future residential development (BV1.2.2) Moreover, the Bear Valley Community Plan acknowledges that development of these privately owned parcels for residential development are appropriate where individual projects adequately address the availability of water supplies, traffic circulation, and other infrastructure necessary to support the individual projects. The Bear Valley Community Plan, BV2.2 Goals and Policies, Policy BV/LU1.1 requires that any proposed changes to the Land Use Policy Map be consistent with the community character. Elements of community character that the public have identified as important include providing adequate infrastructure, promoting sustainable and beneficial economy, balance between locals and tourists, and promoting both single-family residential development and local level business. All of these factors are part of the ultimate determination of whether the Project is consistent with the existing community character. The Project actually represents development densities that are lower than existing residential uses on the adjacent property to the northwest of the Project site. Property to the northwest of the Project site is zoned to allow four dwelling units per acre, with minimum lot sizes of 7,200 square feet. Here the Project is proposing a minimum lot size of 20,000 square feet, representing a 300 percent reduction in allowable density. Moreover, the Project does not propose any lakefront development which would otherwise inhibit views of the lake from the existing residential uses.

Response to SM&W-17

See Response to SM&W-16.

Response to SM&W-18

See Response to SM&W-16.

Response to SM&W-19

The commenter asserts the mere development of the Project site with residential uses would in and of itself destroy the visual integrity of the forest setting and thereby lead to inconsistency with the General Plan/Bear Valley Community Plan. As indicated throughout the RRDEIR No. 1, the Project Applicant has designed the Project to minimize visual and aesthetic intrusions and to protect existing views of the lake. The Project has been designed so that all residential lots are at least 0.5 acre in size, with the average lot size of 0.9 acre and with 12 lots over 1 acre in size. This allows the individual lot owner to develop their lots, while minimizing grading and preserving existing trees and

other natural features on their lots. In addition, no residential development will occur along the lakefront. This lack of development south of SR-38 will preserve lake views not only from existing residents to the northwest of the Project site but also for motorists travelling along SR-38. The County of San Bernardino respectfully disagrees with the commenter that the mere existence of streetlights, roads and curbs, pedestrian walkways, and parking areas destroy the community character. Additionally, development of Project will not adversely impact scenic views of motorists traveling on SR-18. Initially, as mentioned above, there is no lakeside development on the south side of SR-38, which would otherwise impede views from traveling motorists. Additionally, lots adjacent to SR-38 on the westernmost portion of the Project site have been designated as open space, thereby precluding development. Finally, there is already extensive residential development along SR-38 both north and south of the highway, to the southeast of the Project site. As mentioned above, this Project represents development which is consistent with development already in existence in the Fawnskin area.

Response to SM&W-20

As discussed in detail in Sections 4.1 and 4.5 of the RRDEIR No. 1, development of the Project as designed with incorporation of mitigation measures will not result in a significant environmental impact pursuant to CEQA. The commenter identifies several of the Mitigation Measures, such as including using earth-tone colors for the buildings and developing entry signs out of rock or rock appearance, as being inadequate to mitigate aesthetic and land use impacts. However, taken as a whole, implementation of the identified mitigation measures is sufficient to reduce any potentially significant impacts to a less than significant level.

Response to SM&W-21

Contrary to the commenter's assertions, there is substantial evidence included in the RRDEIR No. 1 to conclude that the Project's visual impacts can be reduced to less than significant levels with implementation of identified mitigation measures. Moreover, the Project is not inconsistent with nor does it conflict with the General Plan, Community Plan, and the Forest Land Management Plan.

Response to SM&W-22

Please see Response to SM&W-1 and SM&W-10-11. Commenter asserts that the RRDEIR No. 1 failed to adequately analyze impacts related to the Project's consistency with certain policies and programs of the County of San Bernardino General Plan. Specifically, the commenter asserts that the Project is inconsistent with Policy D/LU 1.1. This policy encourages low-density development by retaining Rural Living (RL) zoning in Community Plan areas that are outside of City's spheres of influence and removed from more urbanized community. This General Plan policy is only applicable to development within the Desert Region. On the contrary, the Project is located within the Mountain Region as defined by the County General Plan. Additionally, the commenter cites Policy CI 11.10. This policy does not apply to the Project, as Project site is not currently identified as a groundwater recharge or storm flow retention area. Additionally, contrary to the commenter's assertions, the Project is consistent with General Plan Policy CI-11.12, which requires the County to ensure that adequate and reliable water supplies and conveyance systems are available to support the development prior to the approval of new development. As discussed in detail in the RRDEIR No. 1 and response to comments on the RRDEIR No. 1 and associated 2020 Final EIR, adequate water supplies have been identified for this Project and the Project will be required to construct and install

appropriate water conveyance systems as a condition of Project approval. Accordingly, the Project is consistent with all applicable provisions of County General Plan and Bear Valley Community Plan.

Response to SM&W-23

Please see Response to SM&W-1, SM&W-10 and -11, and SM&W-22. The RRDEIR No. 1 includes a comprehensive analysis of the Project's consistency with applicable General Plan policies and programs and concludes that the Project is consistent with County of San Bernardino General Plan.

Response to SM&W-24

Potential impacts associated with groundwater production for the Project have been evaluated in the context of perennial yield estimates from Geoscience 2003a and pumping tests described in Geoscience 2008. Groundwater supply for the project will be from Well FP-2, located within Subarea A of the North Shore Subunit, and Well FP-4, located within Subarea D of the Grout Creek Subunit, as defined in Geoscience 2003a. Annual groundwater production for the proposed Moon Camp Development, in combination with estimates of existing private well production and production for other planned developments, will not exceed the most conservative estimates of perennial yield for the hydrologic subareas encompassing the supply wells. Further, pumping tests on Wells FP-2 and FP-4 have shown that operation of these wells at the pumping rates necessary to supply water to the development will result in minimal interference with existing wells in the area. The scope and findings of these studies are adequate to demonstrate the proposed Project's impact on the region's groundwater resources.

Response to SM&W-25

In calculating the amount Wells FP 2 and FP 4 can provide to the Tract, the most conservative annual groundwater yields have been used. In addition, the demand calculation is based upon 100 percent occupancy of all 50 lots for 365 days per year. Big Bear Valley's occupancy rate is 33 percent permanent residents and 67 percent part-time residents. Occupancy of the similar Eagle Point Estates Tract is 17 percent permanent occupancy and 83 percent part-time occupancy.

Response to SM&W-26

Well FP 4 draws from Grout Creek Subarea D, which has an annual Perennial Yield of 66 acre-feet per year (Geoscience 2003). The only other groundwater production in this subarea is from 11 private wells and is calculated to be 3 acre-feet per year (no Department of Water and Power wells in Fawnskin are within this subarea). Combined with FP 4's 5 acre-feet per year, this results in 8 acre-feet per year of groundwater withdrawal which is well below the Perennial Yield of 66 acre-feet per year. Well FP 4 draws from the North Shore Subarea A which has a Perennial Yield range of 14 44 acre-feet per year. The most conservative Annual Yield of 14 acre-feet per year was used for the Tract's water supply.

Response to SM&W-27

Potential impacts associated with groundwater production for the Project have been evaluated in the context of perennial yield estimates from Geoscience 2003a and pumping tests described in Geoscience 2008. Groundwater supply for the project will be from Well FP-2, located within Subarea A of the North Shore Subunit, and Well FP-4, located within Subarea D of the Grout Creek Subunit, as defined in Geoscience 2003a. Annual groundwater production for the proposed Moon Camp Development, in combination with estimates of existing private well production and production for

other planned developments, will not exceed the most conservative estimates of perennial yield for the hydrologic subareas encompassing the supply wells. Further, pumping tests on Wells FP-2 and FP-4 have shown that operation of these wells at the pumping rates necessary to supply water to the development will result in minimal interference with existing wells in the area. The scope and findings of these studies are adequate to demonstrate the proposed Project's impact on the region's groundwater resources.

There are no other planned developments within Subarea A, which is the tributary subarea encompassing Well FP-2 where the majority of groundwater production for the proposed Project will occur. The combination of existing private groundwater production and planned production from Well FP-2 is within the most conservative estimates of perennial yield for this subarea.

The cumulative impact of Well FP-4 on groundwater supply in the Grout Creek Subunit has to be addressed in context of the entire subunit because all other potential future developments would be connected to the City of Big Bear Lake Department of Water and Power water system. Water demand from private production in the Grout Creek Subunit is estimated to be 7 acre-feet/year (CDM 2006). Based on its latest Water Master Plan, the Big Bear Lake Department of Water and Power (BBLDWP) estimates that the ultimate water demand of the Grout Creek Subunit at buildout will be 204 acre-feet/year (CDM 2006). Groundwater production from the Grout Creek Subunit for the Project (Well FP-4) will be 5 acre-feet/year. Thus, the maximum cumulative groundwater production from the Grout Creek Subunit is estimated to be 216 acre-feet/year. The estimated perennial yield of the Grout Creek Subunit is 280 acre-feet/year (Geoscience 2003a; Geoscience 2006). The estimated perennial yield exceeds the anticipated water demand from the proposed Mooncamp Development (groundwater production from FP-4), the existing private wells, and future buildout of the area.

Response to SM&W-28 through -30

Water demand for the Tract is based upon the two Water Feasibility Studies conducted by Department of Water and Power and CSA 53C. Both Studies agreed with the 250 gallons per day per lot, which equates to 14 acre-feet per year. As Shute states at the bottom of page 12 of its June 10, 2010, letter, "The estimated water use for any project will vary depending on existing parcel conditions." The commenter cites a Napa County report which in no way represents existing water demand/conservation conditions in Big Bear Valley. The Department of Water and Power and CSA 53C Reports reflect the existing conditions in Big Bear Valley and apply them to the water demand for this Tract.

Response to SM&W-32

Hydrogeological conditions, including estimates of the perennial basin yield for Grout Creek Subarea D and North Shore Subarea A, are described in detail in Geoscience 2003a. These subareas encompass the proposed Mooncamp Development. Further information on the hydrogeological conditions of the Mooncamp development, based on pumping tests and monitoring of the wells on and in the immediate vicinity of the Mooncamp Development, are provided in Appendix G.3 of the RRDEIR No. 1. These studies show that the Project's total anticipated water demand is within the Perennial Yield of the hydrologic subareas that encompass the wells that will provide water supply to the Project.

Response to SM&W-33

See Response to SM&W-32. The complete version of the report entitled “Focused Geohydrologic Evaluation of the Maximum Perennial Yield of the North Shore and Grout Creek Hydrologic Subunit Tributary Subareas,” dated December 2, 2003, is provided in Appendix 15-11 of the 2005 Final EIR (included as Appendix A-1 of the 2020 FEIR). The Geoscience report “Focused Geohydrologic Evaluation of the Maximum Perennial Yield of the North Shore and Grout Creek Hydrologic Subunit Tributary Subareas” (Geoscience 2003a) was prepared because previous estimates of the perennial yield of the North Shore Hydrologic Subunit addressed the subunit in whole and did not account for the fact that the east side of this relatively long subunit is hydrologically separated from the west side. This was significant because pumping on the east side accounted for most of the perennial yield. Geoscience 2003a divided the North Shore Hydrologic Subunit into six individual tributary subareas (A through F) and provided a basis for evaluating groundwater pumping and recharge for smaller portions of the North Shore Subunit that were not in direct hydraulic connection with the eastern portion (Subarea F) where most of the pumping has historically occurred. The perennial yield of Tributary Subarea A has not been fully utilized and the shallow groundwater levels in this portion of the North Shore Subunit indicate that this area is not in overdraft.

In addition to Geoscience 2003a, pumping tests have been conducted since 2004 on Well FP-2 and FP-4 to provide an analysis of the hydrogeological conditions in the area and the potential impacts from pumping on existing wells and groundwater resources. These analyses, based on available data, are sufficient to conclude that there are adequate groundwater resources to support the project. See Response to SM&W-32 for additional related information.

Response to SM&W-34 and 35

Watershed models are typically calibrated to measured stream flow data. The watershed model described in the Geoscience 2003a report was not calibrated because there were no gaged streams in the Grout Creek or North Shore Subunits with which to calibrate the model. The model is, however, developed based on precipitation data and evapotranspiration data specific to the Big Bear area and is a reliable tool for water resource planning.

Precipitation input data to the watershed model are based on daily precipitation measurements from precipitation stations within the Big Bear Lake Watershed and are representative of local conditions. Evaporation data is based on an evaporation pan located within Big Bear Valley and is also representative of local conditions. These two input parameters are the two most important factors for the recharge estimated by the model. As with any model, it was necessary to use assumed values for many of the input parameters required to run the model. The modeling approach incorporated a wide range for the assumed input parameters, resulting in a relatively wide range of potential recharge for the area of the Moon Camp development. The low end of this range of recharge, which is the estimate being relied upon for water resources planning for the development, is only 2.5 percent of average annual precipitation for the area and is considered a very conservative estimate of available water resources.

However, the low end of the perennial yield, which is the estimate being relied upon for water resources planning for the development, is conservative and the actual perennial yield of Tributary

Subarea A is more likely higher. Accordingly, significant declines in the groundwater table associated with groundwater pumping for the development are not anticipated.

Response to SM&W-36

This would eventually happen in any well in any groundwater basin where production substantially exceeds perennial yield. Since the proposed groundwater production necessary to support the Project is at the low end of the range of estimated perennial yield for the area, significant declines in the groundwater table are not anticipated. Substantial lowering of the groundwater table is not anticipated because groundwater pumping for water supply will be maintained at the low end of the range of estimated perennial yield of the subarea. Until additional data can be collected to refine the perennial yield estimate of Subarea A, producing up to 14 acre-feet/year of groundwater from this subarea for existing pumpers and the proposed Moon Camp development is a very conservative approach to developing the groundwater resources of the area. Groundwater levels in the production wells will be monitored over time to assess groundwater level trends, which can be used to re-evaluate the perennial yield.

Given the potential uncertainty of the recharge estimates, total groundwater production for Subarea A has been planned to remain within the low end of the recharge range (14 acre-feet/year). The low end of the range of natural recharge estimates is a conservative estimate of the perennial yield (available groundwater supply) for the subarea. This amount of recharge is only 2.5 percent of the long-term average annual precipitation for the subarea, which is approximately 28 inches/year based on the San Bernardino County Flood Control District isohyetal map for the area (see Geoscience 2003a; Figure 4). This amount of recharge is also below the range of accepted recharge estimates for other groundwater basins in Southern California, which is generally 3 to 7 percent of precipitation (Geoscience 2003a). In some areas of Southern California, groundwater recharge as a percent of precipitation has been reported to be greater than 10 percent (Manghi et al. 2009).

It is not possible to establish the relationship between pumping and groundwater levels (sustainable yield) without first pumping the basin. This has to be conducted over a long period of time (i.e., decades) and encompass multiple wet and dry precipitation cycles. Given that groundwater pumping for the Project would be within the low end of the current estimate of recharge for the area, it is anticipated that groundwater level monitoring will show that the perennial yield of the area is higher, not lower.

Response to SM&W-37

The Geoscience 2003 report also recommends that “development planning for tributary subareas be initially based on the maximum perennial yield estimates” described in that report. It goes on to say that “as groundwater production is initiated in each subarea, it will be very important to monitor groundwater levels . . .” Planned production for the Mooncamp Development is very conservatively based on the best available data and uses the low end of the perennial yield.

Response to SM&W-38

Contrary to the commenter’s assertions, there is no uncertainty with regard to adequacy of water supply to serve the proposed Project. Section 4.9 of the RRDEIR No. 1 includes a comprehensive analysis of proposed water consumption, of the Project, amount of water available to serve the

Project and a method by which water service would be provided to the Project (RRDEIR No. 1, page 4.9-1 through 4.9-10). The proposed Project site lies primarily within a tributary aquifer of the Northshore Sub-Unit designated in Sub-Area A. There are three groundwater wells within the Project site which were constructed and are owned by the Project's property owner and developer. The Project will be served by groundwater extracted from the Northshore Sub-Unit through the identified groundwater wells. Based on a significant amount of hydrogeologic modeling and analysis, evidence shows that there is sufficient groundwater within the Northshore Sub-Unit Sub-Area A to support Project development and its consumption needs which are conservatively projected to be 14-acre-feet per year. In addition, and to be conservative in the analysis, considering the existing wells currently extracting water from the Northshore Sub-Unit, an additional well on-site will produce water from the Grout Creek Sub-Unit which is a hydrologically distinct and separate aquifer. Water service will be provided by Big Bear Department of Water and Power. Pursuant to the Outside Service Agreement for Potable Water Service entered into by CSA 53C and the Department of Water and Power dated November 17, 2015, the Department of Water and Power has agreed to be the water service agency for the Project. The Department of Water and Power will own the on-site wells and distribution infrastructure.

Response to SM&W-39

The Project provides its own, on-site secure water supply. The Department of Water and Power is no longer under Emergency Water Restrictions. An additional well on-site will also provide additional source of water to the Project.

Response to SM&W-40

Thomas Harder, Groundwater Consultant, has concurred that the two on-site wells provide an adequate, reliable and secure water supply for the Project. A more detailed explanation is located in Response to SM&W-72 of this document where the Harder, November 22, 2010, Response to Comments has been appended. A new well, FP-4, will provide further water supply to the Project.

Response to SM&W-41 through -44

The commenter states that the RRDEIR No. 1 fails to analyze global warming's effect on water supply in determining the Project's water supply impacts. Any potential change in available groundwater supply associated with global warming is not quantifiable. While warming could result in increased evapotranspiration, increased peak winter flows may result in increased groundwater recharge. Any climate-related impacts will need to be addressed through prudent groundwater management practices.

Response to SM&W-45 through -47

CSA 53C has provided a Water Availability/Feasibility Study dated January 13, 2011 which states that the District has completed a Feasibility Study which presents the improvements necessary for the District to provide water service to the Moon Camp Tract. The CSA 53C Feasibility Study uses the water demand projections and fire flow requirements contained in the Department of Water and Power's Water Feasibility Study dated March 6, 2007, (ALDA) concluding that the Project will require 14 acre-feet of water per year and 1,750 gpm of fire flow. The CSA 53C Feasibility Study storage requirements are 250,000 gallons for domestic and fire flow. The Department of Water and Power (ALDA) Feasibility Study identified 238,600 gallons of storage for domestic and fire flow. The CSA 53C

Feasibility Study and the Department of Water and Power (ALDA) Feasibility Study detail the requirements for: (1) the on-site Tract water lines and (2) the off-site water lines needed to interconnect the Tract's water system to the Department of Water and Power Fawnskin Water System and provide an estimated cost for the construction \$1,030,000. ALDA has verified the final alignment of the off-site pipelines in its February 7, 2011, letter to the Department of Water and Power. Please see Response to SM&W-5 for further discussion.

Response to SM&W-48

Please see Response to SM&W-5. The Department of Water and Power is now going to serve as the water purveyor for the project.

Response to SM&W-49

Any potential change in available groundwater supply associated with global warming is not quantifiable. While warming could result in increased evapotranspiration, increased peak winter flows may result in increased groundwater recharge. Any climate-related impacts will need to be addressed through prudent groundwater management practices.

Response to SM&W-50 and 51

The extension of the water and sewer pipelines are only within the Tract and within the interconnection to the Fawnskin Water System. These pipelines will not be available to serve any other parcels of land. All other surrounding parcels are already served by water and sewer. There are no growth inducing aspects to the water and sewer improvements.

Response to SM&W-52

The EIR's growth inducing impact analysis is not deficient. The commenter asserts that the analysis is deficient because the approval of a General Plan Amendment could set precedent for interpreting the County of San Bernardino's policies which could lead to further General Plan amendments, leading to additional residential growth within the Bear Valley Community. CEQA requires that an EIR consider all phases of the Project when evaluating its impacts on the environment. The consideration and discussion in an EIR must include analysis of potential growth inducing impacts of a project. The EIR must discuss the ways in which the Project could foster economic or population growth, where the construction of additional housing, either directly or indirectly, in the surrounding environment (CEQA Guidelines Section 15126.2(D)). Projects that result in significant growth-induced impacts are typically those that remove obstacles to population growth. Section 6.3 of the RRDEIR No. 1 discusses the growth inducing impacts of the proposed Project, implementation of the proposed Project would result in the development of up to 50 residential lots. Using the City of Big Bear Lake average household size multiplier of 2.31 persons per household, the proposed Project has the potential to increase population by approximately 115 persons at buildout. The RRDEIR No. 1 analyzed potential for the increased population to result in physical changes to the environment from such things as need for additional public facilities, infrastructure, such as roadway improvements to accommodate additional traffic, and the need for new and expanded utilities services, such as water distribution facilities and wastewater facilities. However, CEQA does not require the lead agency to speculate or make unreasonable assumptions in its environmental impact analysis. There are no facts in the record to support a conclusion that the mere approval of a General Plan Land Use Designation amendment to facilitate development of the proposed Project would

directly or indirectly lead to further growth in the Big Bear area due to changes in County policy related to General Plan Amendments making it easier for future residential developments to exceed stated land use intensities. Therefore, County respectfully declined to include such assumptions in the RRDEIR No. 1 analysis.

Response to SM&W-53

The commenter recites statutory regulatory law relating to Cumulative Impacts analysis under CEQA. This comment does not allege any substantive deficiency with the RRDEIR No. 1 and, therefore, no further response is necessary.

Response to SM&W-54 through -56

The commenter asserts that the Cumulative Impacts analysis included in the RRDEIR No. 1 was inadequate. The RRDEIR No. 1 included an analysis of the Project's potential to have a cumulatively significant impact with regard to every impact area analyzed in the EIR. CEQA requires an EIR to discuss cumulative impacts of a project when the Project's incremental effect is cumulatively considerable. The cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. An appropriate cumulative impact analysis looks at a project's potential impacts in relation to past, present and future probable projects within a cumulative impact area resulting in similar impacts. CEQA Guidelines Section 15130, Section 5 of the RRDEIR No. 1, includes the Cumulative Impacts discussion. Consistent with CEQA Guidelines Sections 15130, the RRDEIR No. 1 analyzed the Project's potential to result in cumulatively considerable impacts in light of the past, present and future probable projects within the Big Bear Valley, both within the jurisdiction of the County of San Bernardino and the jurisdiction of the City of Big Bear Lake. Contrary to the commenter's assertions, sufficient information is provided regarding the identified cumulative projects listed in Table 5-1, to provide meaningful information regarding potential cumulative impacts to the public and decision-makers alike. First, the discussion of cumulative impacts need not be detailed or exhausted as the discussion project-specific impacts in an EIR. Second, the specific location of the identified cumulative projects does not impact the adequacy of the cumulative impact analysis. The impact areas for which the Project could result in a cumulatively significant impact, such as traffic and air quality, are regional in nature and not dependent upon specific location of a cumulative project. With regard to water supply and project impacts on groundwater levels, the EIR contains an exhaustive discussion of the issue in Section 5.3.9. As indicated in the EIR, water supply for the Project will be comprised of 100 percent groundwater extracted from wells located on the Project site; additionally, the DWP has agreed to serve the project, and the DWP's Hydrogeologist, Thomas Harder, has shown that there are adequate groundwater supplies to serve the buildout of the Fawnskin area, including the Project (Appendix F). The RRDEIR No. 1 discusses the impact of the Project in association with other existing wells producing water from the same groundwater basin in concluding that the Project will not result in a cumulatively significant impact (RRDEIR No. 1, pages 5-10 and 5-11). Accordingly, the Cumulative Impact analysis is adequate.

Response to SM&W-57

CEQA requires an EIR to analyze the cumulative impacts of a project. However, CEQA Guidelines Section 15130 makes it clear that an EIR shall discuss the cumulative impacts of a project only when the project contributes to the impact. If a project does not have an "incremental effect" on a

particular impact, no analysis is necessary. The commenter does not identify any specific impact that it believes was inappropriately omitted from the cumulative impact analysis.

Response to SM&W-58

The RRDEIR No. 1 adequately analyzed the cumulative impact on water supply resulting from the Project. As discussed, all potable water for the Project is from on-site wells carefully designed to ensure that the amount of groundwater utilized for the Project did not exceed the minimum annual recharge in the groundwater basin, even considering other existing groundwater extraction activity. Accordingly, the RRDEIR No. 1 concluded there would be no cumulative impacts based on the anticipated annual recharge of the groundwater basin. There are no new projects identified that would increase pumping from the Northshore and Grout Creek Sub-Unit.

Response to SM&W-59

The Biological Resources section of the RRDEIR No. 1 has subsequently been recirculated and, therefore, responses to comments on the Biological Resources section will not be responded to here.

Response to SM&W-60

The commenter generally states legal requirements for preparation of an EIR. No further response is necessary.

Response to SM&W-61 through -65

The commenter asserts that the Alternatives analysis included in the RRDEIR No. 1 is inadequate and failed to comply with CEQA. CEQA requires a discussion of Alternatives to the Project that may avoid or substantially lessen identified Project impacts to be included in an EIR. CEQA Guidelines Section 15126.6, requires the EIR to describe a reasonable range of alternatives to the Project, or to the location of the Project which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant impacts of the Project. An EIR need not consider every conceivable Alternative to a project, rather it must consider a reasonable range of potential feasible Alternatives that will foster informed decision-making and public participation. The 2005 EIR prepared for this Project analyzed development of lots, hundred-slip marina, realignment of SR-38 through the Project site, as well as substantial lakefront development. The 2005 EIR concluded that the Project would have numerous significant unavoidable environmental impacts. One of the Alternatives analyzed in the 2005 Draft EIR was a reduced intensity Alternative. After considering the conclusions of the 2005 Draft EIR and evaluating input from the public and governmental agencies, the Project Applicant chose to proceed with the reduced intensity Alternative. Although the County of San Bernardino, as CEQA lead agency, has the power to approve an Alternative to the proposed Project, the Project Applicant and County instead decided to recirculate the Draft EIR to provide more detailed information regarding a reduced intensity Alternative to both the reviewing public and decision-makers. Based on the findings of the RRDEIR No. 1, the only significant unavoidable impact on both a project level and cumulatively is to the American bald eagle. However, based on the County's strict threshold of significance for impacts to the bald eagle, essentially any development on the Project site would likely have triggered a significance determination, thereby making any Project Alternative at eliminated or substantially less than the impact to the bald eagle, infeasible. The RRDEIR No. 1 analyzed a number of Alternatives to

the Project, thereby comparing the proposed impacts of the Project to the Alternatives in a manner consistent with the mandates of CEQA.

Response to SM&W-66 and -67

CEQA requires that a Draft EIR be recirculated for public review where significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review but before certification (CEQA Guidelines Section 15088.5). Significant new information requiring recirculation includes new information identifying a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible project Alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the Project. The commenter asserts that the EIR needs to be recirculated prior to consideration and certification by the County. Contrary to the commenter's assertion, there is no evidence in the record consisting of new information that otherwise requires County to recirculate the EIR.

Response to SM&W-68 through -71

The commenter asserts that the proposed Project is inconsistent with the County of San Bernardino's General Plan and Bear Valley Community Plan. As discussed in Responses to SM&W-16 through 21, the proposed Project is not inconsistent with the County General Plan or Bear Valley Community Plan. The proposed Project is seeking a General Plan Amendment to revise the land use and zoning designation of the site from BV/RL40 to RS-20000. Despite the increase in proposed density of the Project, the Project is still consistent and compatible with the policies of the Bear Valley Community Plan and portions of County General Plan as discussed in detail in Section 4.5 of the RRDEIR No. 1.

Response to SM&W-72

The commenter asserts the EIR needs to be revised and recirculated for public comment. The commenter also generally concludes that the proposed Project will conflict with the County of San Bernardino General Plan and Bear Valley Community Plan. As discussed in Responses to SM&W-1 through 71, the proposed Project does not conflict with County General Plan and Bear Valley Community Plan nor are there any legal deficiencies precluding the County from certifying the 2020 Final EIR.

Appended to SM&W Response below is Harder's November 22, 2010, response to comments, which also includes a detailed response to Perina and Ma.

Perina Report: Letter dated February 2, 2008

Page 1, 2nd paragraph, 1st sentence: The report presents minimum background information about the purpose and context of the study performed.

RESPONSE: The background, purpose, and scope of the Geoscience (2003) report are provided on pages 7 and 8 of that report.

Page 1, 2nd paragraph, 5th sentence: Groundwater production from the fractured bedrock will be considerably more expensive because of the higher cost of well installation and likely lower well capacity compared to wells screened in alluvium.

RESPONSE: None of the wells for the proposed Project are completed in the bedrock aquifer.

Page 1, 2nd paragraph, 6th and 7th sentence: The viability of groundwater production from bedrock must be further questioned in the context of existing domestic well construction. If increased production results in water table decline, the yield of existing domestic wells will drop and wells may become dry.

RESPONSE: Groundwater production from the fractured bedrock will be considerably more expensive because of the higher cost of well installation and likely lower well capacity compared to wells screened in alluvium.

Page 2, 1st paragraph, 4th sentence: The watershed yield calculations presented in this study are rough estimates that can be useful for comparative ranking of watersheds or their subareas, but they should not be depended on for quantitative determination of water availability.

RESPONSE: Perennial yield estimates will always be estimated because it is not possible to collect all of the data necessary to determine with absolute certainty the available water resources of any given area. Estimates of perennial yield for the tributary subarea encompassing the proposed Project have been developed based on available data. As more data become available, primarily through long-term production and monitoring of groundwater levels in the area, it will be possible to refine the perennial yield. Regardless, the low end of the estimates of perennial yield is conservative and can be relied upon for water resource planning.

Page 2, 2nd paragraph: The estimate of the potential water yield is based on a model that uses 20 parameters. Of these, only two were site-specific and 18 were taken from the literature (i.e., nationwide studies by the U.S. Environmental Protection Agency). For these 18 parameters, the study used the means of ranges of “typical” and “possible” parameter values. The choice of parameters should be location-appropriate (i.e., the elimination of values typical for other climatic settings, etc.). It would be more appropriate to use, for the most sensitive parameters, the maximum and minimum values instead of the mean, and to generate a range of model results.

RESPONSE: The most sensitive model parameters are precipitation and evapotranspiration. Measured values specific to the Big Bear area were used for the model. Short of measured data for the remaining 18 parameters, the use of “typical” and “possible” parameters provides the range in model results. The parameters used result in a low recharge estimate that is only 2.5 percent of average precipitation for the area, which is approximately 28 inches/year based on the San Bernardino County Flood Control District isohyetal map for the area (see Geoscience 2003a; Figure 4). This amount of recharge is also below the range of accepted recharge estimates for other groundwater basins in Southern California, which is generally 3 to 7 percent of precipitation (Geoscience 2003a). In some areas of Southern California, groundwater recharge as a percent of precipitation has been reported to be greater than 10 percent (Manghi et al. 2009).

Page 2, 3rd paragraph: Water management decisions should account for increased runoff and reduced perennial watershed yield resulting from future development.

RESPONSE: Most of the groundwater recharge within Subareas A and D occurs at the alluvium/bedrock interface at the base of the mountains to the north of the proposed development. This area is outside the proposed development and will not be impacted. Soils beneath the Project area have been mapped as containing a high percentage of clay and have slow infiltration rates. Project design features are planned to limit runoff during storm events and maximize infiltration and groundwater recharge.

Page 2, 4th paragraph: The calculation of outflow (Section 3.2, page 12) was based on aquifer properties estimated from pumping tests and lithologic data. The transmissivity values given on page 27 and saturated thickness values (page 26) correspond to hydraulic conductivity between 0.5 and 2.5 feet per day, indicative of a relatively low permeability aquifer material. The aquifer test analysis was not available for review. Review of these data and conducting aquifer tests to obtain representative estimates of aquifer properties that would allow more accurate calculation of outflow is recommended.

RESPONSE: A more detailed description of the underflow analysis for the Grout Creek Subunit is provided in Geoscience 2001. There are no controlled pumping tests currently available from this area to determine aquifer properties. Transmissivity and hydraulic conductivity data were estimated based on specific capacity data and lithologic characteristics from interpretation of the driller's logs for the wells.

Ma Report: Report dated January 29, 2008

Page 1, 2nd comment: The 3rd paragraph on page 2 mentions the boundaries of surface water drainage divides also represent groundwater flow divides. Are there physical evidences or data to support this indecipherable statement?

RESPONSE: It is assumed that drainage divides also represent groundwater flow divides until data is collected that shows otherwise.

Page 1, 3rd comment: The first paragraph in page 3 mentions that the input parameters are either estimated or assumed because measured field data are not available. Chapter 3.3.2.4 in page 18 further mentions that 18 of the 20 required model input parameters are estimated from EPA published data. I do not see any discussion on the confidence of using these estimated data in the report. In addition, how well these estimated data represent the local-scale spatial variability?

RESPONSE: In-lieu of site-specific data, the relative confidence of the parameter set used to obtain the model results was evaluated in the context of general knowledge of the percent of precipitation that is expected to result in groundwater recharge. The low end of the range of potential recharge is only 2.5 percent of the long-term average annual precipitation for the subarea, which is approximately 28 inches/year based on the San Bernardino County Flood Control District isohyetal map for the area (see Geoscience 2003a; Figure 4). This amount of recharge is below the range of accepted recharge estimates for other groundwater basins in Southern California, which is generally

3 to 7 percent of precipitation (Geoscience 2003a). In some areas of Southern California, groundwater recharge as a percent of precipitation has been reported to be greater than 10 percent (Manghi et al. 2009). Thus, there is a relatively high degree of confidence that the actual average annual recharge for the Project Area is greater than the low end of the range of recharge estimated by the watershed model. Accordingly, the low end of the estimates of perennial yield is conservative and can be relied upon for water resource planning. Given the lack of data, there was no basis to vary estimated parameters spatially across the area.

Page 2, 4th comment: This is related to comment 3. This report also mentions that Geoscience did a similar study in 2001. There are some degrees of differences in estimated annual groundwater recharge from both reports, mainly, due to different set of data used. Since many data are assumed in the current report and there is no summary of the 2001 Geoscience report, which report is more representative to the study area?

RESPONSE: The Geoscience 2003a study is considered the most updated and representative study for the perennial yield estimates.

Page 2, 5th comment: The last paragraph in page 6 mentions future groundwater production and development in each tributary subunit should rely more on established groundwater thresholds due to small storage capacity of the groundwater reservoir. Since there is no reference cited to support this statement, are there hydrogeological data to support this statement?

RESPONSE: Reliance on groundwater level thresholds for decision making is an established groundwater management philosophy that has been successfully applied to numerous groundwater basins in California, including the Big Bear Valley (Geoscience 2003b). The small storage capacity of the aquifer system is inferred based on relatively low transmissivity estimates from pumping test data (such as that conducted at FP-2) and observations of groundwater level changes in other wells in the Big Bear Valley.

Page 2, 6th comment: Chapter 3.2 in page 12 describes the estimation of groundwater underflow for an estimate of groundwater recharge. Is this calculation performed by a commercial program? An appendix to detail the underflow calculation in the Grout Creek subunit will help to clarify any question that may arise.

RESPONSE: Groundwater underflow was estimated by applying Darcy's law to the flownet shown on Figure 9 of Geoscience 2001. Details of the flownet calculation are provided in Table 6 of that document.

Page 2, 7th comment: would suggest adding a brief discussion on the calculation of annual groundwater recharge using the HSPF model and a summary table of all annual budget terms for the calculation of yields.

RESPONSE: The methodology used to estimate groundwater recharge using the HSPF model is described on pages 13 through 20 of Geoscience 2003a. The results of the recharge estimates using

the model are summarized on pages 23, 24 and 28 through 30 of that report. Annual budget terms are not summarized in the report and the data is presumably with the author.

Page 2, 8th comment: Chapter 3.3.2.2, the 2nd paragraph in page 17 discusses the estimation of daily precipitation and adjustment factor. How many precipitation stations and data records are available in study area? In addition, the 3rd paragraph in the same page demonstrates the calculation of daily precipitation in Grout Creek Tributary Subarea A. Does that imply a constant daily precipitation applies to the whole Subarea A? In addition, a map showing all weather stations and a table listing precipitation periods of all weather stations are strongly recommended.

RESPONSE: There are no precipitation stations within North Shore Subarea A and Grout Creek Subarea D that have public records on file with the San Bernardino County Flood Control District. Precipitation in the watershed model was varied daily as described on Page 17 of Geoscience 2003a. A table summarizing precipitation stations within the Big Bear Lake Watershed is as follows:

Table 2-2: Precipitation Stations in the Big Bear Lake Watershed

Precipitation Station	SBCFCD ¹ Number	Coordinates		Period of Record	Average Yearly Precipitation Latitude Longitude (inches/year)
		Latitude	Longitude		
Big Bear Lake Dam	6032	34.241274	-116.9752	1883-Present	36 inches/year
Fawnskin	6334	34.267063	-116.95282	1974-Present	19 inches/year
Big Bear Lake Fire Department	6090	34.244422	-116.91072	1950-1980	23 inches/year
Big Bear Hospital	6363	34.246059	-116.88578	1980-2001	22 inches/year
Big Bear Ranger Station	6722	34.264030	-116.90075	1976-1983	22 inches/year
Big Bear Community Services District	6091A	34.261343	-116.84403	1951-Present	14 inches/year
Note: ¹ San Bernardino County Flood Control District Number					

Page 2, 9th comment: Chapter 4.3 in page 23 mentions few pumping tests in production wells at various places.

I would suggest add a summary table of these pumping tests and hydraulic properties derived from these tests. By the way, a description of the spatial distribution of these hydraulic properties in the study area is also needed.

No pumping tests have been conducted other than that reported in Appendix G.3 of the RRDEIR No. 1. A spatial distribution of hydraulic properties cannot be conducted until additional wells are drilled and/or tested.

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Big Bear Group

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LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Attn: Matthew W. Slowik Senior Planner

**RE: Environmental Impact Report for the Moon Camp Development Project/RCK
Properties Inc.
(SCH#2002021105)**

SIERRA CLUB-1

The Big Bear Group of the Sierra Club representing over 180 local members in the Big Bear Valley would like to thank you for the opportunity to comment on the above referenced Environmental Impact Report. Our comments are as follow:

Biological Resources

- **The proposed project contains some of the most utilized Bald Eagle roosting and perching habitat in the Big Bear Valley.** The Big Bear Lake Eagle Count Survey in Volume II revised and recirculated EIR shows a significant reduction in the Bald Eagle count from the late 1970's to date. A primary reason is thought to be development around the lake. (See attached testimony by Robin Eliason, a biologist for the United States Forest Service in Big Bear, before the Big Bear Lake City council on another project) The EIR states that the project will result in significant impact to the eagle habitat. What reduction in eagle count would you expect as a result of your proposed project?
- The EIR states that even after the proposed mitigation is enacted for the proposed alternate project that significant and unavoidable impacts have been identified to Bald Eagles. An alternative that could significantly further reduce the impact on Bald Eagles would be one that eliminates the marina and its parking lot.

SIERRA CLUB-2

SIERRA CLUB-3

Presently, there is an abundance of public marinas that residences of the proposed development could use to dock their boats. Why destroy the last remaining habitat unnecessarily? Why was this not evaluated as alternative? What would be the resulting impact on Bald Eagle habitat if this were done?

SIERRA CLUB-3

- Ash- gray paintbrush a federally listed threatened plant is acknowledged to occur on the project site. There is a large difference between the extent of the occurrence reported by Scott White Consulting (reported in 2007) and that reported by Tim Krantz in 2008. In the 2007 report White states that he confirmed the occurrence of ash-gray paint brush and noted no substantial changes to densities or distribution from previous reports. Has this difference been reconciled? If so how? If not, why not? Until this is done the reports and suggested mitigation are suspect. The attached map (M-1) obtained from the USFS shows the location of sensitive plants on the proposed site. This map is a compilation of studies done over the years and seems in conflict with the study done by Krantz. Can you please explain the difference?

SIERRA CLUB-4

- The proposed project will result in a "take" of threatened plant species. Is a permit from Fish and Game required? If so, has such a permit been applied for?

SIERRA CLUB-5

- Is the small amount of acreage left as on site mitigation for the loss of pebble plain and threatened plant habitat enough to assure the long term viability of the species? If you conclude it is. What studies, if any, can you cite to support this conclusion?

SIERRA CLUB-6

- The purchase of the Dixie Lee Lane pebble plain has been suggested as mitigation for the loss of pebble plain habitat. It is our understanding that this pebble plain was totally set aside as mitigation for the pebble plain lost as a result of the construction of Big Bear High School, its parking lots and outdoor athletic facilities and thus cannot be used for further mitigation. The 2 acres suggested by Tim Krantz does not seem reasonable considering the size of the High School complex. Do you have documentation to support the claim made by Tim Krantz?

SIERRA CLUB-7

- What plant species are contained in the Dixie Lee pebble plain? How does this match up in species and number with the Moon Camp pebble plain?

SIERRA CLUB-8

- If the Dixie Lee Lane pebble plain can be used for mitigation it would seem to concentrate a great amount of the viable remaining pebble plains to a relatively small area (South side of the lake below Sugarloaf). If we had a fire in this area, would this not wipe out a large amount of our remaining pebble plain habitat? Are we not guilty of putting too many of our eggs in one basket?

SIERRA CLUB-9

- If the Dixie Lee Lane pebble plain can be used for mitigation, explain how the non wasting endowment you propose works and how much money it can be expected to raise yearly to cover the cost of management and preservation. Is this amount sufficient? Has this amount been confirmed by the management entity? How will the capability of the management entity be judged? What if they fail? How will they be replaced? Please explain the mechanism and who is responsible?

SIERRA CLUB-10

- Please explain how 11.8 acres of pebble plain identified by reputable authorities in 2002 shrank to 0.69 acres in 2007. Why should we believe the 2007 acreage over the 2002 acreage? This needs to be justified in detail. Why not hire an independent expert to reconcile the difference? The attached map (M-1) seems to support the larger acreage.

SIERRA CLUB-11

- BR-1c states that building envelopes or setbacks will be established to prevent

SIERRA CLUB-12

construction in the occupied ash- gray paint brush habitat. The lots are sold individually. What is the mechanism to assure this happens? When these homes are occupied what assurance is there that the various owners over the years will recognize and protect this habitat? Who enforces? What are the penalties for non-compliance? Can this really be considered long term mitigation?	SIERRA CLUB-12
• BR-1d states that as a mitigation measure the long term conservation areas will be actively managed to prevent edge effects from existing and proposed adjacent land uses. How will the responsible manager be picked? Do you have a list of candidates? Do they have experience with this type of management? How is this effort to be funded in perpetuity? If funding is from the interest from an endowment, how much is the endowment? What are the projected costs? What do you assume as interest rates?	SIERRA CLUB-13
• We have seen problems with management of conservation easements in the past. Who evaluates the performance of such management in perpetuity and what is the mechanism for changing out poor management?	SIERRA CLUB-14
• BR-1d also states that a habitat management plan will be developed. Who develops this plan? How and by whom will its adequacy be evaluated? How will the development of this plan be funded? What is the projected cost of such a plan?	SIERRA CLUB-15
• BR-2 states as a mitigation measure to maintain wildlife habitat for the rubber boa that all trees and logs be allowed to remain in place. The lots will be sold individually. If this is a true mitigation measure, how do you propose to enforce it in perpetuity with multiple owners over time? What is the penalty for non-compliance?	SIERRA CLUB-16
• In order to mitigate the loss of habitat for San Bernardino flying squirrels BR-3 proposes to place nest and aggregate boxes on USFS land adjacent to the project site. Have you received permission from the USFS to do this? If permission is not granted what is your backup plan?	SIERRA CLUB-17
• BR-4 suggests that artificial perch trees will be used to replace any existing perch trees that need to be taken down. Our observation is that the artificial trees have a short life span due to rotting and wind and will need to be replaced on a regular basis. If this is an acceptable mitigation measure who is responsible for maintaining and replacing these trees? How will this be funded in perpetuity? What is the projected cost on a yearly basis?	SIERRA CLUB-18
• BR-11 proposes as a mitigation measure to limit human disturbance on adjacent natural open space that signs warning that the open area contains sensitive plant and wildlife habitat and will be placed where the project property boundary abuts USFS property. How will this be enforced? The USFS is understaffed and will not have the personnel to monitor. The attached map (M-1) shows a large amount of sensitive habitat on adjacent Forest Service land that needs protection.	SIERRA CLUB-19
• U-1a allows for at least 500 SF of turf and perhaps more if allowed by the water purveyor. What will be the effect from fertilization on native plant life on the remaining portion of the lot and in the drainage system?	SIERRA CLUB-20
• This project limits the access of wild life to the lake which is important in dry years. The EIR does not substantially address this issue. Will fencing that blocks access be allowed around properties?	SIERRA CLUB-21
• What prevents individual lot owners from planting non-native invasive plants around there home? If a part of the terms and conditions for residents, who is	SIERRA CLUB-22

responsible in perpetuity for enforcement? Who is responsible for removing invasive plants from open space and the surrounding National Forest in perpetuity if enforcement fails? How would this work to be funded? What are the projected costs?

SIERRA CLUB-22

- How is BR-8 enforced? Who is responsible? What are the penalties for non-compliance?

SIERRA CLUB-23

Utilities and Air Quality

- U-1a proposes 13 measures to reduce water usage that will be spelled out in a conservation guideline booklet produced by the Moon Camp Home Owners Association. Some of these measures need to be addressed prior to any housing construction. How will this be handled in the absence of any home owners? A guideline booklet suggested that the measures may or may not be followed. Is this the intent? If it is, how can it be considered a mitigation measure?
- AQ-3 and 4 outline the requirements for wood burning stoves and fire places. From a fire safety point and an air quality point of view gas burning fire places would be superior. Was this considered? If not, why?

SIERRA CLUB-24

SIERRA CLUB-25

Aesthetics

- The Pacific Crest Trail is approximately 1 mile north of the project site on the ridgeline. What will be the visual effect from the trail? Has this been evaluated? If there is an effect what mitigation do you suggest?

SIERRA CLUB-26

Fire

- Any project built in the San Bernardino Mountains today that significantly increases the temporary or permanent population of the area creates a major problem should the Big Bear Valley need to be evacuated. The evacuation routes out of Big Bear are limited and subject to major traffic jams during an evacuation. This is further exacerbated should one of these routes be shut down. This needs to be thoroughly evaluated. Why was this not addressed under cumulative impacts? What is the cumulative impact?
- Does the project provide for a fuel break between the proposed homes and the National Forest? If not, why? If there is who is responsible for long term maintenance?

SIERRA CLUB-27

SIERRA CLUB-28

Other

- Table ES- 3 has a reference to Chaffey Joint Union High School at the top of half the sheets that make up this table. Why should we conclude that these sheets are for the Moon Camp development?
- In Volume II, Moon Camp Property, Fawnskin Area: Vegetation and Special Status Plants by Scott D White refers to Exhibits 1, 2, 3, and 4 in the text. These Exhibits were not provided. Why not? We cannot evaluate or comment on items not included.

SIERRA CLUB-29

SIERRA CLUB-30

Respectively submitted

Ed Wallace

Conservation Chair
Big Bear Group
Sierra Club

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Sierra Club (SIERRA CLUB)

Response to SIERRA CLUB-1

The Sierra Club comment letter was received during the RRDEIR No. 1 45-day public review period. However, the Biological Resources Section of the RRDEIR No. 1 was recirculated within 2011 RRDEIR No. 2. Consequently, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1.

Response to SIERRA CLUB-24

The commenter states infrastructure and water supplies in the Fawnskin system are limited and the Department of Water and Power says that the supply cannot support any significant increase in the percentage of full-time residents.

See Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to SIERRA CLUB-25

The commenter questions if wood-burning fireplaces were analyzed within the EIR.

This topic is discussed on page 4.2-37 of the RRDEIR No. 1. Mitigation Measure AQ-3 (RRDEIR No. 1, page 4.2-38), in particular, prohibits open-hearth fireplaces and permits only EPA Phase II certified fireplaces and wood stoves, pellet stoves, and natural gas fireplaces. The use of certified fireplaces and stoves will significantly increase the heating efficiency of fireplaces and reduce the amount of smoke particles and toxics emitted into the air compared with an ordinary open-hearth fireplace present in many homes in the neighboring area.

Response to SIERRA CLUB-26

As addressed within Section 4.1, Aesthetics, the 2011 Project would have substantially fewer aesthetic impacts than the Original Proposed Project. The views in the Original Proposed Project (2005 EIR) were significantly disrupted by the introduction of 31 residences to the lakefront and along the highway. These residences were highly visible from the lake, from the road, and in the view shed of existing residences situated above. In contrast, the revised Project has eliminated the lakeshore residences and a number of lots on the north side of the highway due to the introduction of 6.2 acres of open space conservation easements and a minimum lot size of 0.5 acre. Another major difference between the Original Proposed Project and the revised Project is the removal of the highway realignment segment of the Original Proposed Project. The realignment would have dramatically affected the aesthetics, both by destroying the rural, undulating character of the scenic highway and by removal of significantly more trees to achieve the objective. Over 600 trees were spared with the elimination of the realignment feature.

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

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

Although the opinions of the commenter regarding the merits of the project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to SIERRA CLUB-27 and -28

The commenter expresses concern regarding wildfire hazards.

See Response to WINCH (b)-5.

Response to SIERRA CLUB-29

Descriptions within Table ES-3 contains a typographical error stating Chaffey Joint Union High School versus the Moon Camp header. Section 4, Errata of this FEIR document corrects the typographical error. The revision and minor modification to the document do not result in any new significant environmental impacts of the project or substantial increases in the severity of any environmental impact identified in the RRDEIR No. 1.

Response to SIERRA CLUB-30

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

Slowik, Matt - LUS - Advance Planning

From: Alison Bates [bates.alison@gmail.com]
Sent: Friday, June 04, 2010 3:17 PM
To: Slowik, Matt - LUS - Advance Planning
Subject: URGENT: Opposition to Moon Camp Development Project
Attachments: Opposition to Moon Camp development.doc

Dear Mr. Slowik,

Please read the attached letter in opposition to the Moon Camp Development Project.

Regards,
Alison Bates

ABATES-1



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

June 4, 2010

RE: Opposition to Proposed Moon Camp Development Project: Lot Residential Subdivision TT No. 16136
EIR (Fawnskin)

Dear Mr. Slowik,

I am writing because I believe the proposed Moon Camp Development Project should not be built for several reasons.

This project violates the current zoning. To allow this project, zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per ½ acre. There is no valid reason for changing the zoning, since the County General Plan requires that zone changes be done only when there is sufficient infrastructure, when the change is in the best interest of the public and when it will not adversely affect surrounding property. No compelling need has been demonstrated to re-zone this sensitive parcel.

Additionally, this proposed project will be developed in an area with identified biological sensitivity. America's icon, the Bald Eagle, frequently utilizes this area as winter habitat. In addition, the US Forest Service has been monitoring year-round Eagle nests in Big Bear, in the Fawnskin area, which signals that this is not only critical habitat for eagles, but also has the potential to become nesting ground. Under both the 1940 Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c) and the 1918 Migratory Bird Treaty Act (16 U.S.C. 703-712), by federal law it is mandated that Bald Eagles are protected. This includes prevention of ecosystem degradation. Approved by the Senate on July 12, 1976, public law 95-616 dictates that the United States will take measures to protect identified ecosystems of special importance to migratory birds against pollution, detrimental alterations, and other environmental degradations.

Furthermore, this development will destroy critical Pebble Plain habitat. The Pebble Plain habitats of Big Bear Valley are both endemic to the area and are habitat for several endangered species that do not live in any other location in the world, including Ash-Gray Paintbrush, Southern Mountain Buckwheat, Bear Valley Sandwort, and others. I have personally seen these species on this property and all three are listed as threatened on the U.S. Fish and Wildlife Service Threatened & Endangered Species List.

Big Bear Valley is valued for its natural beauty and resources. It is imperative to protect these resources to maintain the intrinsic value of nature, but also to protect borders of the San Bernardino National Forest and the economic impact of visitors spending money in the Valley to enjoy natural beauty. This development will significantly and negatively alter the area and is unnecessary.

Respectfully Submitted,

Alison Bates
PO Box 907
Big Bear City, CA 92314
(207) 749-6420

ABATES-1

ABATES-2

ABATES-3

ABATES-4

ABATES-5

2.2.7 - Individuals

Alison Bates (ABATES)

Response to ABATES-1

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

Response to ABATES-2

Please see Responses to SM&W 1-4 and SM&W 21 through 26. The Project does not violate the County of San Bernardino's Zoning Codes. County Code allows the Zone Change request when sufficient infrastructure is available to serve the needs of the Project. The Moon Camp RRDEIR No. 1 has demonstrated that sufficient infrastructure is available to provide the necessary services to the 50 half-acre residential lots. The current RL-40 zoning classification is utilized in the Bear Valley Community Plan as a "Holding Zone." This designation was utilized by the County for larger parcels of land that were intended to be further subdivided at a later date. By applying the RL Holding Zone designation, the County allows the landowner to apply for a Zone Change at the time a specific project is presented for County review and approval. Several RL to RS Zone Change applications have been approved by the County in the Bear Valley Community Plan area over the last several years. After examination of the potential impacts of the Project, the RRDEIR No. 1 concludes that the Project is consistent with the Bear Valley Community Plan and the County General Plan and will not have a significant impact on surrounding properties.

Response to ABATES-3

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

Response to ABATES-4

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

Response to ABATES-5

The Project identifies, evaluates, and protects the sensitive species and natural beauty of the Moon Camp site. Two Conservation Open Space Lots (A and H) and lakefront open space lots (B and C) create 9.1 acres of open space area within the Project. This equates to over 14.5 percent of the Project being set aside as Conservation and Open Space. In addition to the 9.1 acres of Conservation/Open Space, the average lot size is 0.9 acre (39,000 square feet), which is significantly less densely developed than the surrounding developed lots, which have a zoning of 7,200 square feet. Most significantly, no residential development occurs between the State Highway and Big Bear Lake, thereby maintaining the beautiful, natural vistas as travelers and visitors traverse the site.

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BRADLEY & CATHY WINCH

1050 Canyon Road, PO Box 370, Fawnskin, CA 92333-0370

Voice: 909 866-9479/909 866-5960/909 800-1808(cell) Fax: 909 866-2767

E-mail: blwjalmar@att.net

April 16, 2010

RECEIVED
APR 19 2010

LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

County of San Bernardino

Land Use Services Dept.; Advance Planning Div.

385 N. Arrowhead Ave., First Floor

San Bernardino, CA 92415-0182

Attn: Matthew Slowik

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

Dear Mr. Slowik,

**I am a Fawnskin resident and I will be
directly impacted by the Moon Camp
Development. Therefore, I would like to request
an extension on the public review time period for
the Moon Camp Re-circulated DEIR.**

**The original project notice came in the
summer of 2001 and the original DEIR was
circulated in 2004. With the huge time gap since**

WINCH a-1

the beginning of this project and since the original DEIR, it will take time for me to re-familiarize myself with the project. In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for me or the public to properly review and comment on within 45 days.

WINCH a-1

Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,



Bradley L. Winch, PhD, JD, MinSP
1050 Canyon Road
Fawnskin, CA 92333

Bradley and Cathy Winch (a) (WINCH (a))

Response to WINCH (a)-1

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

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BRADLEY & CATHY WINCH

1050 Canyon Road, PO Box 370, Fawnskin, CA 92333-0370

Voice: 909 866-9479/909 866-5960/909 800-1808(cell) Fax: 909 866-2767 E-mail:
blwjalmar@att.net

5/28/10

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

**Neil Derry, Supervisor Third District
County of San Bernardino
385 N. Arrowhead Ave.; Fifth Floor
San Bernardino, CA 92415-0110**

WINCH b-1

Gentlemen,

My wife Cathy and I have been residents in Fawnskin since 2002. We also have three rental properties here because we believe people that come up the mountain to visit the Big Bear Valley and Fawnskin in particular want the fresh air, the forest, the lake and the general rural atmosphere that we have been able to keep here so far.

We have watched, with sadness in our hearts, as new developments have been proposed for our very special

area. Now we have another one, Moon Camp, that threatens our area, our peace and quiet, the natural beauty of Fawnskin and the access that North Shore Drive in Fawnskin provides to our beautiful lake.

WINCH b-1

Specifically, to allow this project, zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per ½ acre. Can you give us a valid reason for changing the zoning, especially since the County General Plan requires that zone changes be done only when there is sufficient infrastructure, when the change is in the best interest of the public and when it will not adversely affect surrounding property?

WINCH b-2

Let me address each of the above cited concerns individually:

Infrastructure--water supplies in the Fawnskin system are limited and DWP says that the supply cannot support any significant increase in the percentage of full-time residents. There are residents on wells nearby that could be severely impacted by the new wells on Moon Camp. The proposal currently has no clearly

WINCH b-3

defined water service available and every option could end up costing current residents. No analysis has been done to show that this proposed project would not significantly impact cost or availability of water for current residents. One of our rentals in Fawnskin has its own well and I am concerned that it will be left high and dry by the proposed Moon Camp Project. What guarantee can either of you, or the Moon Camp Developer, give me to assure that I will be able to have available water in my well for personal use by our tenant?

WINCH b-3

Other infrastructure concerns include Roads/traffic, Electricity, and Police protection: If you have ever driven North Shore Drive you already know that that narrow highway here is overburdened. Bear Valley Electric has already raised rates to pay for a new generator because valley electric supply is limited. The Sheriff's Department resources are already stretched too thin to handle current needs and response times are often long. I ask, will the Moon Camp Project solve

WINCH b-4

these concerns, or will it instead add to the already existing problems of current homeowners? Everyday we see large semis crossing over the double yellow lines, endangering residents who often have to pull their cars off the road to avoid collision with them. And nothing is being done to prevent such violation of the law. The Moon Camp Project will only compound the problem and further endanger our law abiding citizens. How will you answer this major problem?

WINCH b-4

We have been permanent residents here since 2002 and have had to evacuate the mountain twice. The inefficiency of recent evacuations shows that we already have a challenge getting our current residents off the mountain. Adding the possibility of more residents and visitors could be dangerous for all of us. More homes along the forest boundary increase the risk of wild fires that could devastate our community. Will you allow that to happen or will you step up and say "no" to the new dangers this project will foist on us?

WINCH b-5

We have exceptional Biological Resources in Fawnskin. The project would significantly impact the bald eagle habitat and cause concern to as well as several other endangered species. There is nothing in the DEIR that addresses these environmental issues. Many trees would be cut and natural habitats lost to develop this project. The forest surroundings and wildlife path to the lake would be severely impacted. The bald eagle and forest surroundings bring many visitors to the valley who will not come when these resources are gone or degraded. What *proven* mitigations would be done to eliminate these impacts?

WINCH b-6

The North Shore of Big Bear Lake is unique and treasured by the entire valley for its beauty, lake views, scenic highway and forested character. This project raises serious questions about Aesthetics/Light and Glare/Noise. We currently have dark skies without street lights and it is so quiet most visitors comment on how pleasant that is to them. Unfortunately, the

WINCH b-7

DEIR misapplies and misuses County standards for Aesthetics/Light and Glare/Noise from urban areas. This is an invalid application of data to serve the purposes of the Project. Such data cannot be used to evaluate the impact this project would have on these issues. Will you allow that to happen to our pristine Fawnskin? Both of us, along with our puppy, spend much time walking at night just staring at the stars. Would you take that pleasure away from us? If your answer is yes and you vote in favor of the Moon Camp Project, then please explain to us your reasoning?

WINCH b-7

There are also major issues with air quality, water quality (especially with two potential new marinas right next to each other), and cumulative impacts of all the recent developments around the valley. How will you justify degradation of our sources of beauty and pleasure if you approve this project?

WINCH b-8

Respectfully submitted,

WINCH b-9

Bradley L. Winch

Bradley L. Winch

Catherine Winch

Catherine Winch

WINCH b-9

**PS Blessings to you on your deliberations. May you
choose a path that is for the highest and greatest good
for all concerned.**

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Bradley and Cathy Winch (b) (WINCH (b))

Response to WINCH (b)-1

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

Response to WINCH (b)-2

The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre. See Responses to SM&W-1 through -4 and SM&W-21 through -26 for a response regarding zoning of the Project site. No additional response is necessary.

Response to WINCH (b)-3

The commenter states infrastructure and water supplies in the Fawnskin system are limited and the Department of Water and Power says that the supply cannot support any significant increase in the percentage of full-time residents. Please see Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to WINCH (b)-4

The commenter expresses concern regarding infrastructure, roads/traffic, electricity, and police protection. An updated Traffic Impact Analysis (2007) (Appendix E of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project, and a 2018 Focused Traffic Impact Assessment was also prepared (see Appendix M of this 2020 Final EIR). According to the Traffic Impact Analysis, no areas are expected to have significant and unavoidable impacts for opening year and Horizon Year 2030 Traffic Conditions nor cumulative traffic impacts with the implementation of Mitigation Measures T-1 and T-2 (RRDEIR No. 1, page 4.8-51). The 2018 Focused Traffic Impact Assessment also confirmed that no additional improvements beyond those previously identified in the 2007 updated Traffic Impact Analysis are required to achieve an acceptable level of service. In addition, as indicated within Section 4.7, Public Services, of the RRDEIR No. 1, anticipated police calls that may occur include increased burglar alarm calls, general criminal investigations, missing or lost persons, emergency medical calls, thefts of boats, and vandalism. Although there would be an incremental need for increased police service, it is not anticipated that Proposed Alternative Project implementation would require any new police facilities. Each homeowner will be required to pay property taxes and development impact fees based on then-current rates. The Proposed Alternative Project's increase in demand for police services would be offset through project related fees and taxes. Therefore, impacts to law enforcement services are expected to be less than significant, and no mitigation measures are proposed.

Further, as indicated within Section 4.9, Utilities, of the RRDEIR No. 1, the Project would result in an increased demand for electrical service. Based on a daily average of 16.66 kilowatts per unit, at project buildout the Proposed Alternative Project would utilize 833 kilowatts per day. BVE recently constructed a local power generating station to provide backup power and peak power to supplement the two power lines that feed the valley. According to BVE, service is available and of adequate supplies. The Project Applicant will also construct and fund all infrastructure related to the Proposed Alternative Project. In addition, the future residents of the site will pay monthly user fees that offset the cost of service and maintenance. Therefore, the impacts are considered less than significant and no mitigation is required.

Although the opinions of the commenter regarding the merits of the project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to WINCH (b)-5

The commenter expresses concern regarding wildfire hazards.

As outlined within Section 4.7, Public Services, of the RRDEIR No. 1, wildfire is the primary safety issue in mountainous areas. Fire conditions in the San Bernardino National Forest are more dangerous than ever, according to the USFS (2006). The recent Butler II fire (September 2007) required the evacuation of the Fawnskin community for a short period. Many decades of fire suppression policy, which led to growth of the understory and bark beetle infestation, is partially to blame for this unprecedented fire hazard. Implementation of the San Bernardino National Forest Plan (2006) for mechanical thinning of under-story trees and provision of fire-flow would reduce fire danger in the project area.

The Project site is located adjacent to the National Forest Service on the north and east. The USFS requires a 100-foot firebreak for residential lots that are adjacent to USFS land. The Proposed Alternative Project is designed to include this 100-foot fuel modification zone adjacent to USFS land.

The Project site is in a high fire hazard area and included in the County of San Bernardino's Fire Hazard Overlay District (FS1). The FS1 Area "includes areas within the mountains and valley foothills. It includes all the land generally within the San Bernardino National Forest boundary and is characterized by areas with moderate and steep terrain and moderate to heavy fuel loading contributing to high fire hazard conditions."

Since the Proposed Alternative Project is located within a FS1 designated area, it is subject to compliance with various requirements relative to construction, building separations, project design, and erosion and sediment control. The requirements applicable to each fire safety area are found in the County's Development Code in Section 82.13.050 (General Development Standards), Section 82.13.060 (FS1, FS2, and FS3 Development Standards), and 82.13.070 (FS1 Additional Development Standards). The provisions for the FS1 District include, but are not limited to, fuel modification zones, setbacks, emergency access, water supply (for fire flows), and apply to all phases of project development. For a complete list of applicable codes, see Appendix F, San Bernardino County Development Code, Fire Safety Overlay District.

Exhibit 2-5, in Section 2, Project Description, shows the required 100-foot fuel modification zone required for any development project that abuts USFS land. Ten of the residential lots are affected by this requirement and must abide by the Fuel Modification Plan required to be prepared for the Proposed Alternative Project. In addition, because the proposed residential lots would be sold as custom lots and would be developed as they are sold, fuel modification on individual lots may be required if a lot being developed is adjacent to other lots that have not been sold or remain undeveloped. Under this condition, Development Code Section 82.13.060(6) (B) would apply. This provision states in part that "when a development project is phased, individual phases may be

required to provide temporary fuel modification areas, where the development perimeter of a phase is contiguous to a subsequent phase of a project, which in its undeveloped state is a hazardous fire area. . .”

The fuel modification zone adjacent to the USFS boundary and areas within the site that would be required to maintain temporary fuel modification areas will be maintained by the prospective homeowners of these specific lots. Each homeowner will be required to pay property taxes and development impact fees based on then-current rates. The Project’s increase in demand for fire protection services would be offset through project-related fees and taxes.

Regular thinning of these buffer zones would lessen the fire hazard. A potential loss of habitat could result from the removal of trees required for fire control. However, the County of San Bernardino requires under Chapter 88.01, Plant Protection and Management of the Development Code that development on all private and public lands within the unincorporated areas of San Bernardino County is subject to specific requirements. Removal of any native plant from unincorporated areas of San Bernardino requires the approval of a removal permit. The Proposed Alternative Project would comply with this Plant Protection and Management Ordinance and the design standards specific for high fire areas.

Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to WINCH (b)-6

The commenter expresses concern regarding biological resources.

Based on concerns raised in comments received on the RRDEIR No. 1, Appendix K of this 2020 Final EIR provides an updated analysis on impacts to the ashy-grey Indian paintbrush (a Federally-Listed Threatened Species), which confirmed the findings of RRDEIR No. 1 that impacts are less than significant. Consequently, a partial recirculation of the RRDEIR No. 1 for the 2011 Project will further the basic purpose of CEQA to inform decision makers and the public about the potential significant environmental effects of proposed activities. Responses to comments on biological resources made during the review period for RRDEIR No. 1 are not provided in this FEIR document because the County recirculated the Biological Resources Section in RRDEIR No. 2. Responses to all comments received regarding biological resources during the review period for RRDEIR No.2 are addressed within Section 3 of this FEIR document.

Response to WINCH (b)-7

The commenter expresses concern regarding aesthetics, light, and glare. Generally, the attributes of the 2011 Project, including reduction in development intensity, elimination of the development of lakefront lots, elimination of the realignment of SR-38, reduction and relocation of the proposed marina, increase in permanently protected open space, and reduction in the number of trees removed from the site, enhance the aesthetic values of the project to reduce aesthetic impacts. In addition, with the implementation of Mitigation Measures A-1 through A-4 (RRDEIR No. 1, page 4.1-

8 through 4.1-10), implementation of the 2011 Project would result in less than significant aesthetic, light, and glare impacts.

Further, the Project is conditioned to comply with County of San Bernardino Code Section 83.07.040, Glare and Outdoor Lighting—Mountain and Desert Regions to reduce impacts to the night sky.

RRDEIR No. 1 Mitigation Measures A-1 through A-4 with regard to aesthetics are as follows:

- MM A-1a** Construction equipment staging areas shall be located away from existing residential uses. Appropriate screening (i.e., temporary fencing with opaque material) shall be used to buffer views of construction equipment and material, when feasible. Staging locations shall be indicated on Project Grading Plans. (MM 5.4-1a)
- MM A-1b** All construction-related lighting associated with the construction of new roadways, improvements to SR-38 and the installation of utilities shall be located and aimed away from adjacent residential areas. Lighting shall use the minimum wattage necessary to provide safety at the construction site. A construction safety lighting plan shall be submitted to the County for review along with Grading Permit applications for the subdivision of the lots. (MM 5.4-1b)
- MM A-2a** All homes shall provide a two-car garage with automatic garage doors. (MM 5.4-2a)
- MM A-2b** New development shall be subordinate to the natural setting and minimize reflective surfaces. Building materials including siding and roof materials shall be selected to blend in hue and brightness with the surroundings. Colors shall be earth tones: shades of grays, tans, browns, greens, and pale yellows; and shall be consistent with the mountain character of the area. (MM 5.4-2b)
- MM A-2c** Outside parking/storage areas associated with the boat dock activities shall be screened from view by the placement of landscaping and plantings which are compatible with the local environment and, where practicable, are capable of surviving with a minimum of maintenance and supplemental water. (MM 5.4-2c)
- MM A-2d** Construction plans for each individual lot shall include the identification and placement of vegetation with the mature height of trees listed. Landscaping and plantings should not obstruct significant views, within or outside of the Project, either when installed or when they reach maturity. The removal of existing vegetation shall not be required to create views. (MM 5.4-2d)
- MM A-2e** A Note shall be placed on the Composite Development Plan stating that during construction plans review and prior to issuance of building permits for each lot, the building inspector shall refer to the Mitigation Monitoring and Compliance Program regarding these aesthetic impact mitigation measures. The building inspector shall coordinate with the Planning Division the review and approval of building plans in relation to these aesthetic impact mitigation measures, prior to approval and issuance of building permits. (MM 5.4-2e)

- MM A-3a** Any entry sign for the development shall be a monument style sign compatible with the mountain character, preferably, rock or rock appearance. (MM 5.4-3a)
- MM A-3b** Prior to recordation of the tract map (and/or any ground disturbance, whichever occurs first), landscaping or revegetation plans for lettered lots (A through D) shall be submitted to and approved by the San Bernardino County Land Use Services Department. (MM 5.4-3b)
- MM A-4a** All exterior lighting shall be designed and located as to avoid intrusive effects on adjacent residential properties and undeveloped areas adjacent to the Project site. Low intensity street lighting and low-intensity exterior lighting shall be used throughout the development to the extent feasible. Lighting fixtures shall use shielding, if necessary to prevent spill lighting on adjacent off-site uses. (MM 5.4 4a)
- MM A-4b** Lighting used for various components of the development plan shall be reviewed for light intensity levels, fixture height, fixture location and design by an independent engineer, and reviewed and approved by the County Building and Safety Division to ensure that light emitted from the Project does not intrude onto adjacent residential properties. (MM 5.4-4b)
- MM A-4c** The Project shall use minimally reflective glass. All other materials used on exterior buildings and structures shall be selected with attention to minimizing reflective glare. (MM 5.4-4c)
- MM A-4d** Vegetated buffers shall be used along State Route 38 to reduce light intrusion on residential development and on forested areas located adjacent to the Project site. The vegetation buffers shall be reflected on the master landscape plan submitted to and approved by the County Land Use Services Department prior to the issuance of the first grading permit. (MM 5.4-4d)
- MM A-4e** All outdoor light fixtures shall be cutoff luminaries and only high- or low pressure sodium lamps shall be used. (MM 5.4-4f)
- MM A-4f** Mitigation Measures A-4a through A-4e shall be included in the Conditions, Covenants and Restrictions (CC&Rs) of the Homeowner's Association (HOA). (MM 5.4-4e)

Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to WINCH (b)-8

The commenter expresses concern regarding air quality, water quality and cumulative impacts. Air quality, water quality and cumulative impacts were addressed within the RRDEIR No. 1. Mitigation Measures were implemented where appropriate. Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of

San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to WINCH (b)-9

The commenter provides a closing statement. No response is necessary.

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Carla and Roger Wilson (WILSON)

Response to WILSON-1

The commenter requests to be taken off the County of San Bernardino's distribution list regarding the Moon Camp Project. The County will take Carla and Roger Wilson off the distribution list and no additional response is necessary.

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P O Box 368
Fawnskin CA 92333
June 1, 2010

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

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

Attn: Matthew Slowik

Moon Camp 2010 DEIR

Dear Mr. Slowik:

As residents of Fawnskin, we are very concerned about the proposed Moon Camp development and request the following questions be answered:

- | | | |
|---|--|--------|
| ~ | Why will the zoning on this parcel be changed (from rural, 1 house/40 acres to 1 house/1/2 acre) when there is insufficient evidence that there is adequate infrastructure (water, roads, electricity, etc.) to support this addition? | EADS-1 |
| ~ | Why, when there are 1076 lots suitable for building already in Fawnskin, do we need 50 more lots? | EADS-2 |
| ~ | Why allow building on these 50 lots in this area, an area of great beauty, much appreciated by all those driving toward Fawnskin? | EADS-3 |
| ~ | What consideration has been given for water supply to these proposed new homes, when there is an insufficient supply for existing homes? | EADS-4 |
| ~ | What consideration has been given to the impact of water supply to the proposed development on surrounding homes? Has an analysis been done on this impact? | EADS-5 |
| ~ | What consideration has been given to impact on traffic patterns of 50 new homeowners to our small town? Northshore Hwy 38 is already congested, especially on weekends. | EADS-6 |
| ~ | What consideration has been given to impact of 50 new homes, adjoining Forest Service land, to enhanced fire hazard? Our home is next to FS land and was endangered during the recent Fawnskin fire. | EADS-7 |
| ~ | What consideration has been given to the impact of the proposed new homes on bald eagle habitat (and other endangered species)? What mitigations would be done to eliminate this impact? | EADS-8 |

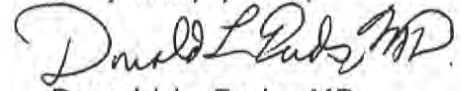
- ~ As residents of Fawnskin, we are concerned that this proposed development will bring more noise and lighting. How can you re-assure ~~me~~ about mitigating this impact?
- ~ Why allow another marina to be built on the Northshore, when there are several already, impacting the health of the lake and the views of existing homes?

EADS-9

EADS-10

Thank you for your consideration in this matter.

Very truly yours,


Donald L. Eads, MD

Claudia Eads, MD

Copy to Neil Derry, Supervisor Third District

Donald and Claudia Eads (EADS)

Response to EADS-1 and 2

The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre and sufficient infrastructure. Please see Response to SM&W-1 for a response regarding zoning of the Project site. No additional response is necessary.

Response to EADS-3

The commenter expresses concern regarding aesthetics. Please see Response to WINCH (b)-7

Response to EADS-4 and 5

The commenter states infrastructure and water supplies in the Fawnskin system are limited and the Department of Water and Power says that the supply cannot support any significant increase in the percentage of full-time residents. Please see Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to EADS-6

The commenter expresses concern regarding impacts to roads and traffic. Please see Response to WINCH (b)-4.

Response to EADS-7

The commenter expresses concern regarding wildfire hazards. Please see Response to WINCH (b)-5.

Response to EADS-8

The commenter expresses concern regarding biological resources. Please see Response to WINCH (b)-5 and 6.

Response to EADS-9

The commenter expresses concern regarding aesthetics and noise. Please see Response to WINCH (b)-7 for responses regarding aesthetic impacts. In addition, a Noise Analysis (Appendix D of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Noise Analysis, no areas are expected to have significant and unavoidable impacts with the implementation of Mitigation Measures NOI-1 and NOI-2 (RRDEIR No. 1, page 4.6-16).

Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to EADS-10

The commenter expresses concern regarding the marina and potential health and view of the lake. The Initial Study prepared for the Project in February 2002 addressed the potential impacts associated with Hazards and Hazardous Materials. The Initial Study concluded that the Project would include hazardous materials that are typical of residential developments (household chemicals, pesticides, etc.). It is also stated that the Project would include the storage of fuels associated with the marina facility. All hazardous materials would be subject to all local, state and federal regulations pertaining to the transport, use and storage of such material, which would ensure that any

potentially significant impact regarding hazardous materials would be reduced to less than significant levels (please refer to Response VII (a-c) in the Initial Study). In addition, see Response to WINCH (b)-7 for responses regarding aesthetic impacts.

Slowik, Matt - LUS - Advance Planning

From: DoriMyers1@aol.com
Sent: Thursday, June 03, 2010 9:10 PM
To: Slowik, Matt - LUS - Advance Planning
Subject: Moon Camp 2010 DEIR

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

Date: June 3, 2010

Re: Moon Camp 2010 DEIR

Dear Sir:

I have often visited Fawnskin and the Big Bear area. When I was young I spent most of my summers in Big Bear. I have camped, hiked and birded in the Fawnskin area for many years and I feel I know the area fairly well.

I have always preferred the north shore of Big Bear Lake for its beauty, lake views, forested character and places for wild life. This is a lovely rural area that should be treasured and preserved because it is one of the last bits of undeveloped shoreline and area around the lake.

If this area were to be developed it would be destroyed as a wild place of scenic beauty and a haven for wildlife such as the Bald Eagle. In the past I have seen Bald Eagles perched in trees near the lake very close or on this proposed development. The Bald Eagle is our national bird and this population is very special and needs all the protection we can give it. The Bald Eagle requires large trees to perch in that are not in developed areas and that are close to its food source - the fish in the lake.

Why should this area be rezoned? It would go from a rural classification to what in effect would become a dense highly developed area that really couldn't be adequately supported by existing services. The road is narrow and already too busy. Water supplies are limited as well as electrical and the infrastructure is just not in place. And the proposed development would degrade the property surrounding it..

I don't see the need to develop this area at all. This proposed development will degrade the area and adversely affect the community, visitors and wildlife. This is a special place of beauty that should be preserved forever.

Sincerely,

Dori Myers
6011 Saddletree Lane
Yorba Linda, CA 92886

MYERS-1

MYERS-2

MYERS-3

MYERS-4

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Dori Myers (MYERS)

Response to MYERS-1

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

Response to MYERS-2

The commenter expresses concern regarding biological resources.

See Responses to WINCH (b)-5 and -6.

Response to MYERS-3

The commenter expresses concern regarding traffic, water supply and aesthetics.

A Traffic Impact Analysis (Appendix E of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Traffic Impact Analysis, no areas are expected to have significant and unavoidable impacts for Horizon Year 2030 Traffic Conditions nor cumulative traffic impacts with the implementation of Mitigation Measures T-1 and T-2 (RRDEIR No. 1, page 4.8-51). In addition, as indicated within Section 4.7, Public Services, of the RRDEIR No. 1, anticipated police calls that may occur include increased burglar alarm calls, general criminal investigations, missing or lost persons, emergency medical calls, thefts of boats, and vandalism. Although there would be an incremental need for increased police service, it is not anticipated that Proposed Alternative Project implementation would require any new police facilities. Each homeowner will be required to pay property taxes and development impact fees based on then-current rates. The Proposed Alternative Project's increase in demand for police services would be offset through project-related fees and taxes. Therefore, impacts to law enforcement services are expected to be less than significant, and no mitigation measures are proposed.

See Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Generally, the attributes of the 2011 Project, including reduction in development intensity, elimination of the development of lakefront lots, elimination of the realignment of SR-38, reduction and relocation of the proposed marina, increase in permanently protected open space, and reduction in the number of trees removed from the site, enhance the aesthetic values of the project to reduce aesthetic impacts. In addition, with the implementation of Mitigation Measures A-1 through A-4 (RRDEIR No. 1, page 4.1-8 through 4.1-10), implementation of the 2011 Project would result in less than significant aesthetic, light, and glare impacts.

Response to MYERS-4

The commenter provides a closing statement. No response is necessary.

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ATTN: NEIL DERRY

ATTN: MATTHEW SLOWIK

5-10-2010

TENTATIVE TRACT # 16136 MOON CAMP-FAUNSKIN CA

WHEN THE PROJECT BEGINS THERE WILL BE AN IMMEDIATE NEED FOR A PERMANENT TURNING LANE AT THE INTERSECTION OF CANYON (FORMERLY ORIOLE) AND SR 38 (NORTH SHORE DRIVE). CANYON RUNS NORTH AND SOUTH AND BEGINS/ENDS AT EAST/WEST SR 38. THE INCREASED TRAFFIC FLOW DUE TO CONSTRUCTION AND THE FUTURE RESIDENTS CREATES AN UNSTABLE (AND DANGEROUS) INTERSECTION. THERE EXISTS (1) STOP SIGN ON SOUTH BOUND CANYON AT SR 38. CANYON IS A PROPRIETARY ROAD INTO/OUT OF THE NEIGHBORHOOD IT SERVES.

ALLEN-1

THIS INTERSECTION ALSO SERVES AS A SCHOOL BUS STOP FOR THE ELEMENTARY GRADES.

CANYON IS ONLY 300 FEET (EST.) WEST OF THE NEW PROJECT DRIVEWAY #1.

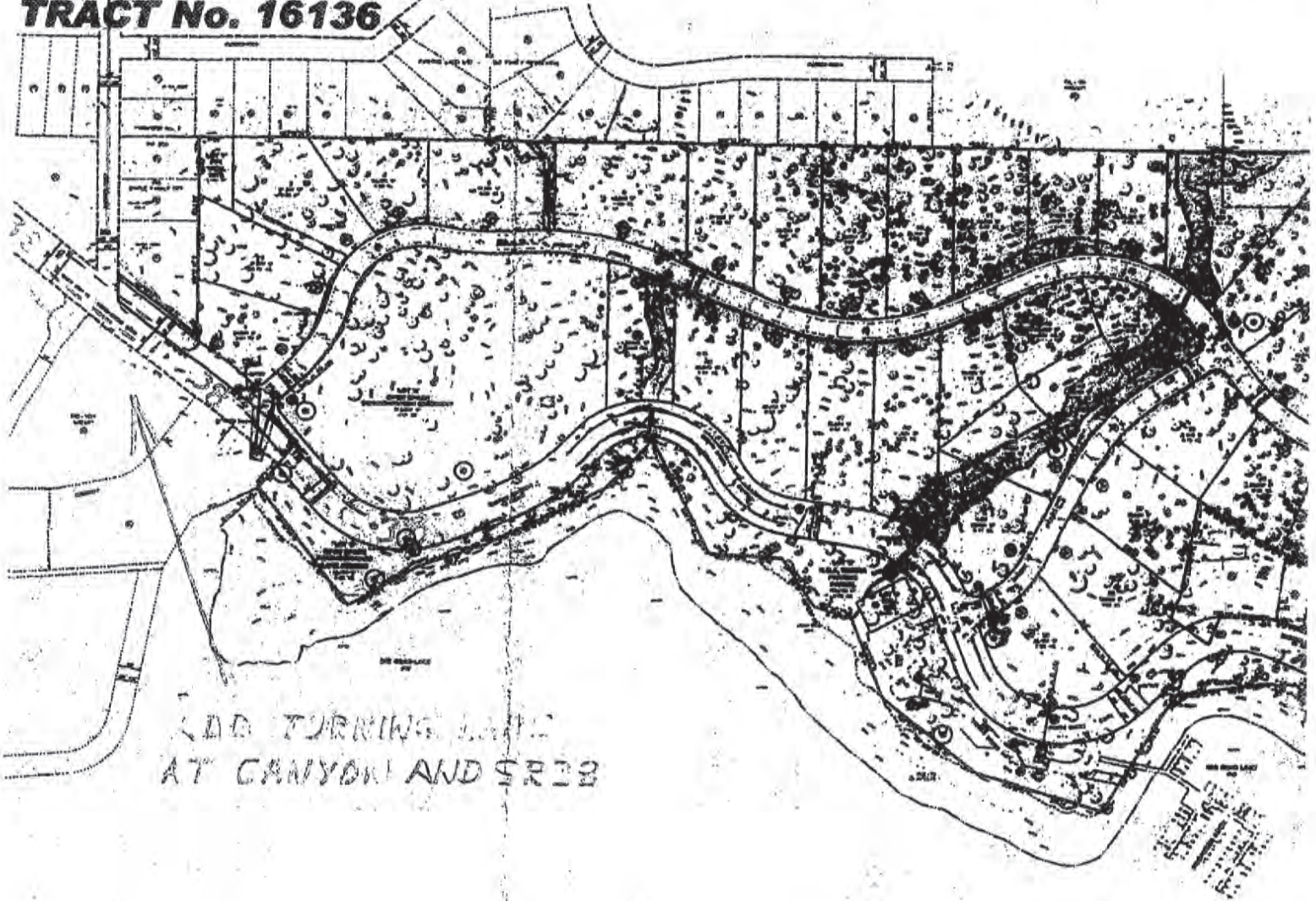
I SUGGEST AN AMPLE WIDENING OF SR 38 EAST/WEST WHEREBY A DUAL DIRECTION LANE BE PLACED IN THE CENTER BETWEEN THE EAST BOUND AND SOUTH BOUND LANES TO SAFELY ENABLE TRAFFIC TO GET ON TO AND OFF OF CANYON.

HAROLD ALLEN
39590 OAKLEEN ROAD PO BOX 23
FAUNSKIN CA 92333

Harold Allen

5-10-2010

TRACT No. 16136



ADD TURNING LANE
AT CANYON AND SR12

SY PLAN REQUIREMENTS

1. ALL NEW CONSTRUCTION SHALL BE DESIGNED FOR A MINIMUM OF 100 MPH WIND SPEED.

2. ALL NEW CONSTRUCTION SHALL BE DESIGNED FOR A MINIMUM OF 100 MPH WIND SPEED.

WATER QUALITY TREATMENT CONTROL TABLE

1. ALL NEW CONSTRUCTION SHALL BE DESIGNED FOR A MINIMUM OF 100 MPH WIND SPEED.	2. ALL NEW CONSTRUCTION SHALL BE DESIGNED FOR A MINIMUM OF 100 MPH WIND SPEED.
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9. ALL NEW CONSTRUCTION SHALL BE DESIGNED FOR A MINIMUM OF 100 MPH WIND SPEED.	10. ALL NEW CONSTRUCTION SHALL BE DESIGNED FOR A MINIMUM OF 100 MPH WIND SPEED.

- LEGEND**
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 - 9. ALL NEW CONSTRUCTION SHALL BE DESIGNED FOR A MINIMUM OF 100 MPH WIND SPEED.
 - 10. ALL NEW CONSTRUCTION SHALL BE DESIGNED FOR A MINIMUM OF 100 MPH WIND SPEED.

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Harold Allen (ALLEN)

Response to ALLEN-1

The commenter expresses concern regarding increased traffic to SR-38 and requests widening of the SR-38.

The site plan for the Project proposes two points of access from SR-38: driveway number one, toward the western portion of Tentative Tract No. 16136, and another driveway providing access to the Project from SR-38 further to the east. San Bernardino County Municipal Code § 87.06.030(c)(2)(E) states that “The subdivision in each of its phases shall have two points of vehicular ingress and egress from existing surrounding streets, one of which may be used for emergency use only.” Therefore, the Project’s vehicular ingress and egress design is consistent with County Code. In addition, a Traffic Impact Analysis (Appendix E of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Traffic Impact Analysis, no areas are expected to have significant and unavoidable impacts for opening year and Horizon Year 2030 Traffic Conditions nor cumulative traffic impacts to SR-38 or the surrounding area with the implementation of Mitigation Measures T-1 and T-2 (RRDEIR No. 1, page 4.8-51). No additional response is necessary.

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HELEN and CHARLES STEARNS

Post Office Box 267
39383 Lodge Road
Fawnskin, CA 92333

May 31, 2010

RECEIVED

JUN 02 2010

LAND USE SERVICES DEPT
ADVANCE PLANNING DIVISION

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

Neil Derry, Supervisor Third District
County of San Bernardino
385 N. Arrowhead Ave., Fifth Floor
San Bernardino, CA 92415-0110

Re: Proposed Moon Camp Development
Fawnskin, CA

Gentlemen:

As residents of Fawnskin we are concerned about the proposed Moon Camp development on North Shore Boulevard in Fawnskin.

1. In 2003 when we were under a mandatory evacuation order due to the fire which was making its way up the mountain, it took us six hours to get off the mountain. There was very little support from emergency personnel, probably because everyone was trying to leave and there were not enough personnel to assist all of us.

Question: If the development is approved, what provision will be made for additional personnel (fire, police, and sheriff) on a regular basis and in emergency situations?

STEARNS-1

2. The water supply in Fawnskin is very limited. During weekends and holiday times the water pressure is reduced substantially.

Question: If the development is approved, what provision will be made for sufficient water to service the new development while not further impacting the current residents?

STEARNS-2

3. The picturesque beauty of the North Shore, highway 38, is currently an unparalleled view of the shoreline, Big Bear Lake, and mountains.

Question: If the development is approved including fifty (50+) dock slips, that will jetty from the shoreline out into the lake, what provision will be made for the added road and noise congestion, and the water quality with an added marina?

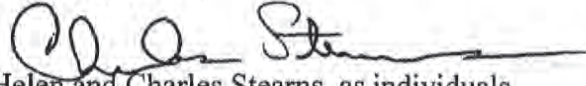
STEARNS-3

Matthew Slowik
Supervisor Neil Derry

Page 2

Thank you for your consideration of these concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read "Helen and Charles Stearns". The signature is fluid and cursive, with a long horizontal line extending from the end.

Helen and Charles Stearns, as individuals
Honorary co-Mayors of Fawnskin

STEARNS-4

Helen and Charles Stearns (STEARNS)

Response to STEARNS-1 through -3

The commenter expresses concern regarding additional fire and police as well as potential impacts to water quality and noise. Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis regarding population, fire and police protection, utilities or noise are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Project-related traffic noise and operational noise impacts are addressed beginning on page 4.6-18 of the RRDEIR No. 1. The traffic noise impact analysis on page 4.6-21 concluded that, “Based on the information cited in Table 4.6-8, all roadway segments comparatively analyzed would experience a noise increase of less than 1 dBA at 100 feet from the roadway centerline. Thus, noise impacts along all the roadway segments would be less than significant based on the significance criteria in Section 4.6.6, Impacts and Mitigation Measures.” The noise section also analyzed noise impacts from watercraft noise associated with implementation of the Project on page 4.6-23. The analysis concluded that the Project would result in a nominal increase in daily boating numbers, and in addition, adherence to the Water District’s rules and regulations, and the Harbor and Navigational Code 654, would reduce noise impacts from watercrafts to a less than significant level.

Response to STEARNS-4

The commenter provides a closing statement. No response is necessary.

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P.O. Box 409
Fawnskin, CA 92333
April 9, 2010

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

RE: Draft Re-circulated EIR for Moon Camp Development Project/RCK Properties
(SCH # 2002021105)

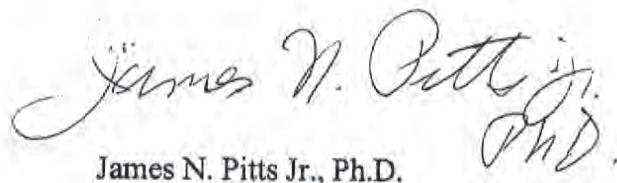
Dear Mr. Slowik:

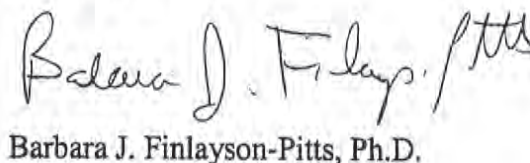
Thank you for your notification of the availability of the draft re-circulated environmental impact report for the Moon Camp Development Project/RCK Properties Inc. (SCH # 2002021105). On an initial examination of this EIR, it is apparent that this is not a slight revision, but rather essentially an entirely new document. Furthermore, the conclusions have changed dramatically from the previous EIR. Although the proposed project has been down-sized somewhat, the significant change in assessed impacts is surprising and requires examination in some detail of the differences between the previous assessment and the current one. We are therefore requesting an extension of the review period beyond May 21. Given the more than 1000 pages in the document and appendices, doing an adequate review cannot be done in the less than two months that was allotted.

PITTS a-1

We appreciate your consideration of this request and would appreciate being notified of the decision regarding extending the review period.

Yours truly,


James N. Pitts Jr., Ph.D.


Barbara J. Finlayson-Pitts, Ph.D.

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

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James and Barbara Finlayson Pitts (PITTS (a))

Response to FINLAYSON-PITTS (a)-1

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

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P.O. Box 409
Fawnskin, CA 92333
May 29, 2010

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

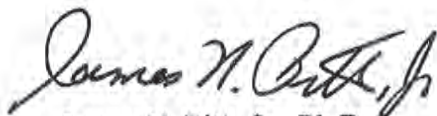
RE: Draft Re-circulated EIR for Moon Camp Development Project/RCK Properties
(SCH # 2002021105)

Dear Mr. Slowik:

Attached please find comments on the draft re-circulated environmental impact report for the Moon Camp Development Project/RCK Properties Inc. (SCH # 2002021105). We focus on air quality, which is our area of expertise. As you will see in the detailed comments, we believe that the dramatic change in conclusions regarding air quality compared to the 2004 EIR, i.e., that there is no longer a significant negative impact, is based on faulty assumptions that in no way reflect what reality is most likely to be, i.e., that there will be significant negative health and environmental impacts.

Thank you for your assistance, and for extending the deadline for comments on this draft EIR.

Yours truly,


James N. Pitts Jr., Ph.D.


Barbara J. Finlayson-Pitts, Ph.D.

cc: Supervisor Neil Derry, Third District
Jamie Garland, Field Representative
David Prusch, Field Representative
Bill Collazo, Planning Commission

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

**COMMENTS ON DRAFT REVISED AND RECIRCULATED
ENVIRONMENTAL IMPACT REPORT (EIR) FOR MOON CAMP 50-LOT
RESIDENTIAL SUBDIVISION TT No. 16136**

Barbara J. Finlayson-Pitts, Ph.D.
James N. Pitts, Jr., Ph.D.

May 29, 2010

We appreciate the opportunity to comment on the draft revised and recirculated EIR for the proposed Moon Camp subdivision (TT N. 16136). Our comments focus primarily on the air quality assessment, which is our area of expertise.

PITTS b-1

General Comments:

This EIR focuses on the "Proposed Alternative Project" that is comprised of:

- 62.43 acres on the north shore of Big Bear Lake that would be subdivided into 50 residential lots;
- Seven lettered lots that would be used as a marina parking lot;
- Boat ramp to serve a 55 boat slip marina;
- Three well sites;
- A potential reservoir site;
- Two open space/lake access/conservation sites.

PITTS b-2

There are a number of significant flaws in the draft EIR:

- ***The choice of the basis for comparison is the first major flaw in the EIR.*** The property is currently zoned BV/RL-40, allowing one home in 40 acres, equivalent to approximately 1.5 homes on the 64 acres. This should be the basis for comparison of the proposed development, not an unapproved plan of larger magnitude consisting of 92 homes and a 103 boat slip marina.
- ***There appears to be a major flaw in the revised assessment of air quality impacts.*** The original 2004 EIR concluded that there were severe air quality impacts that could not be mitigated due to long-term emissions associated with 92 homes, compared to 1.5 homes allowed under the current zoning. The present draft EIR for the 50 home proposed development concludes that there would be "less than significant impacts" on air quality, which is rather surprising given that the magnitude of the proposed project has been reduced by not quite a factor of two. If the revised assessment of air quality is the basis for the statement in the Executive Summary that the Proposed Alternative Project "substantially reduces and in some cases completely avoid the significant environmental impacts that were identified in the 2005 Final EIR", then this conclusion is simply wrong.

PITTS b-3

For comparison, Table 1 summarizes the calculated long term emissions of air pollutants in pounds per day in the 2004 EIR for 92 homes and for the present draft

EIR for 50 homes. (This comparison is for the long-term emissions associated with 50 homes, and does not include those during construction).

Since emission factors for various sources have not changed significantly in the five years, one might expect the estimated emissions for the proposed alternative project to be approximately reduced in proportion to the reduction in the number of homes, i.e., to $(50/92) \times 100 = 54\%$ of those in the 2004 EIR. While this is the case for oxides of nitrogen (NO_x), those for the other air pollutants are now estimated to be only 5-13% of those estimated in the 2004 EIR. For reasons detailed below, it seems highly likely that the astonishing, but erroneous, reduction in emissions from this proposed project is due to a change in assumptions made in the model, not an error in the previous EIR as stated.

PITTS b-3

Table 1. Comparison of Total Estimated Emissions of Air Pollutants in 2010 Draft EIR for 50 Homes to those in 2004 EIR for 92 Homes^a

Proposed Number of Homes/EIR	VOC (lbs/day)	NO_x (lbs/day)	CO (lbs/day)	PM_{10} (lbs/day)
92 (2004 EIR)	1045	32	1265	170
50 (2010 EIR) ^b	51	16	161	18 ^c
Percentage of 2004 Estimate	5 %	50%	13%	11%

^aNumbers in EIR rounded off to be more consistent with uncertainties

^bReported separately for summer and winter; numbers here are combined to give annual totals for direct comparison to 2004 EIR estimates.

^c2010 EIR gives separate values for PM_{10} and $\text{PM}_{2.5}$. As discussed below, it is not clear how the $\text{PM}_{2.5}$ was calculated and whether it is included in PM_{10} . This emission rate would become 27 lbs/day if $\text{PM}_{2.5}$ was not included in PM_{10} .

- ***A third major flaw is that the 2010 draft EIR does not carry out dispersion modeling of pollutants as recommended by the South Coast Air Management District (AQMD) for projects larger than 5 acres. Furthermore, there is no photochemical modeling of the formation of ozone, particles and other toxic secondary air pollutants.*** Instead, it uses AQMD look-up tables for "thresholds of significance" for directly emitted air pollutants to assess whether the project will have significant impacts. However, these tables are provided only for projects of 1-5 acres; for larger projects such as Moon Camp, dispersion modeling is recommended. As discussed in more detail below, this is critical for both the proposed project location as well as downwind of the project where there are a number of residents who have been there for many years.

PITTS b-4

While the EIR summarizes the current state of air quality, i.e., the actual pollutant concentrations in air, one cannot connect emissions cited in the report to the resulting concentrations and air quality without doing modeling studies. A rough calculation carried out by us for particulate matter from wood smoke shown in detail below

illustrates one reason why this is important. In addition, it is only with the use of a photochemical model that the impact of the project on the formation of ozone and other secondary pollutants that are formed in air, rather than directly emitted, can be assessed.

PITTS b-4

- ***A fourth major flaw is that there is no treatment or discussion of toxic air contaminants (TAC's) or hazardous air pollutants (HAPs) as designated by the California Air Resources Board and the U.S. Environmental Protection Agency.*** There would be significant emissions of these associated with the project. For example, diesel exhaust is designated a TAC in California and wood smoke emissions are well known to include designated TAC/HAPs such as benzene, formaldehyde and polycyclic aromatic hydrocarbons, many of which are known carcinogens.¹
- ***A fifth major flaw is that the cumulative impacts do not appear to have included the 133- condominium Marina Point project which is immediately adjacent to Moon Camp.*** A total of 183 new residential units would be created by these two developments. At an average of 2.3 persons per unit used in the current EIR, this translates into an additional 423 people in Fawnskin. The current population is approximately 600 people, so the cumulative impact is an *approximately 70% increase in the population of Fawnskin*, with the associated impacts on air quality as well as water, traffic, etc.
- ***A sixth flaw is that the contribution of soot particles from wood smoke on climate is ignored;*** as discussed in many publications, including IPCC (2007), these are strong light absorbers and contribute to warming of the atmosphere.
- ***An seventh flaw is that the impact of this development on visibility in Big Bear Valley has been ignored.*** As discussed in detail below, this is highly likely to be a significant impact.

PITTS b-5

PITTS b-6

PITTS b-7

PITTS b-8

Detailed Comments (approximately in order found in EIR):

1. There are some errors and omissions in Table 4.2-1. The federal AQS for ozone is 0.075 ppm for 8 hours (same error in Table 4.2-2). For nitrogen dioxide, 0.10 ppm is the equivalent 1-hour federal AQS.

PITTS b-9

2. Page 4.2-8. Nitrogen dioxide is not formed by the reaction of nitric oxide with oxygen in air. The conversion of nitric oxide to nitrogen dioxide involves a complex series of photochemical reactions involving VOC. Nitrogen dioxide is not the only oxide of nitrogen of concern for public health. Nitric acid has also been associated with health effects.

PITTS b-10

In the description of off-road sources, boats are not included.

3. Page 4.2-9. Particulate matter (PM) does not only consist of "dry solid fragments, droplets of water or solid cores with liquid coatings" and the sources listed are incomplete. For example, a large fraction of PM in air in California is formed by chemical reactions in air of the directly emitted (primary) pollutants, and liquid organics are a major component.

PITTS b-11

Elemental carbon is not "carbon that has had hydrogen taken from it". Carbon is a chemical element and you cannot remove a different element from it.

4. Page 4.2-11. The current atmospheric level of CO₂ is about 390 ppm, not 370 ppm.

PITTS b-12

5. Page 4.2-15. Recreational boating is stated to be a source of CO and VOC. Is it not also a source of particulate matter and NO_x?

PITTS b-13

6. Pages 4.2-16 through 4.2-24. There is no discussion, or even acknowledgement, of the impacts of particles on climate change. Particles from wood smoke will be the major contributors from this project. Such particles consist primarily of black soot that absorbs solar radiation, contributing to warming.

PITTS b-14

7. Tables 4.2-4 and 4.2-5 on pages 4.2-24 and -25. As stated above, the thresholds given by the AQMD apply only to projects of 5 acres or less. Dispersion and photochemical modeling need to be carried out for larger projects such as this one.

PITTS b-15

8. The EIR apparently uses different versions of available emissions estimates and other data for reasons that are not clear. For example, why were 2003-2005 look-up tables used, rather than the more recent 2006-2008 tables for the local thresholds of significance (page 4.2-25)? On page 4.2-30, the URBEMIS 2002 Version 8.7 model is apparently used to generate the data in Table 4.2-6; similarly, on page 4.2-33, it states that "Landscape emissions... are based on... URBEMIS 2002 model". Why was the more recent URBEMIS 2007 Version 9.2.4 not used? Also, the URBEMIS output in the Appendix indicates EMFAC 2002 was used. Why not the more recent EMFAC 2007?

PITTS b-16

In a similar vein, references to climate change issues are out of date. For example, on page 4.2-17, IPCC, 2001 is referenced, which has long been supplanted by IPCC, 2007. There is no mention at all of the 2009 Copenhagen Accord and its impacts on future greenhouse gas emissions. Soot emissions from fireplaces are not treated in terms of their climate impacts, which are thought to be significant.

9. Page 4.2-31. It is stated that the previous analysis of ROG (VOC) emissions during construction showed they were mainly "assigned to architectural coatings off-gas. Used in the old analysis was the default emissions factor for architectural coating; however, that does not reflect the SCAMD's Architectural Coatings Rule (Rule 1113)." However, this is flawed reasoning; assuming an individual source meets some Rule such as 1113 does not guarantee that in aggregate, total emissions will be insignificant.

PITTS b-17

10. Page 4.2-32. The construction mitigations are essentially completely toothless as they rely on the contractors' judgment. For example, statements such as "*To the extent that equipment is available and cost effective,*", "*construction diesel engines... shall meet the Tier II California Emission Standards... unless certified by the contractor that such an engine is not available for a particular use.... if the contract certifies that compliance is not feasible*". This simply says a contractor needs only to say they do not have lower-emission equipment available.

PITTS b-18

11. Pages 4.2-34 and 4.2-35, Tables 4.2-9 and 4.2-10. The output of the URBEMIS model in Appendix A only reports PM₁₀, not PM_{2.5}. How were the PM_{2.5} emissions calculated and are they part of PM₁₀ estimates in Tables 4.2-9 and 4.2-10? That is, are the total PM₁₀ particulate emissions in summer for the project equal to 5.55 lbs/day, of which 1.89 lbs/day is in the form of smaller PM_{2.5} particles, or is the total emissions of particulate matter equal to the sum of PM₁₀ and PM_{2.5}, i.e. $(5.55 + 1.89) = 7.44$ lbs/day?

PITTS b-19

12. Pages 4.2-33 to -35. This is where the major flaw is in the assessment of the air quality impacts of the proposed project.

As summarized in Table 1 above, there has been a remarkable decrease in the estimated long-term emissions between the 2004 EIR and the draft 2010 EIR, much larger for most pollutants (VOC, CO and PM) than expected on the change from 92 to 50 homes. The EIR states that this is because most of the emissions come from wood burning and that: "The [2004] analysis used the URBEMIS model version available at the time (Version 7G) which has been determined to have had an error in calculation emissions from hearth activities". The error, however, is not identified and it appears that the major reason for the vastly decreased estimated emissions due to the project is that the current draft EIR has simply changed the assumptions that went into the calculations.

The 2004 EIR assumed that 100% of the homes would have fireplaces and 25% outdoor wood burning stoves. This is a reasonable "worst case", since having a wood-burning fireplace is quite traditional in a mountain setting. Wood fireplaces have much higher emissions than wood stoves or natural gas fireplaces.

PITTS b-20

However, the current 2010 draft EIR assumes that only 10% of the homes (i.e., 5 of the 50 homes) will have wood fireplaces, 35% will have wood stoves and 55% will have natural gas fireplaces. There is no law that would mandate this (AQMD Rule 445 does not apply above an altitude of 3000 ft). In addition, in many mountain homes there is more than one fireplace per home, but only one per home was apparently assumed in the 2010 EIR evaluation.

In short, the dramatic decrease in projected emissions of air pollutants in the 2010 draft EIR compared to the 2004 EIR appears to be due primarily to changing assumptions about the use of fireplaces in the new homes. While this may be the default in the version of URBEMIS they used, it is not "conservative" as they state on page 4.2-33, and certainly not close to the "worst case" assumption that the calculations should be based on.

Whether the original 2004 EIR estimates were reasonable can be examined by applying known emission factors for particulate matter, PM, from wood fireplaces to the 92 homes. The emission factor for PM from a wood fireplace¹ is 57 g/hr. The 2004 EIR assumed a total of 92 homes burning wood 8 hours per day, which given the emission factor of 57 g/hr, would generate 4.2×10^4 g/day, or 92 lbs/day. With a 25% use of outdoor wood systems, the emissions from wood burning alone would be 115 lbs/day. The 2004 EIR estimate of PM₁₀ area emissions was 155.8 lbs/day, which is reasonable since it includes other emissions, not just those from wood-burning fireplaces.

The conclusion that must be reached that the original 2004 EIR calculations do not contain significant errors and are appropriate for 92 homes. In that case, the emissions for the revised project of 52 homes should be approximately 54% of the 2004 EIR estimated values. Table 2 shows the emissions estimated by taking 54% of the emissions shown in Table 5.6-5 of the original EIR to adjust for the decreased number of homes in the proposed alternative project. For comparison, the AQMD thresholds are also shown, along with the conclusion that would be reached regarding whether there is a significant impact. *However, note that as discussed above, the latter are not to be used for projects of this size!* They are shown here merely to show the change in conclusions one reaches if the appropriate "worst-case" is taken.

PITTS b-20

Table 2. Comparison of Total Estimated Emissions of Air Pollutants in 2010 Draft EIR for 50 Homes to those in 2004 EIR Adjusted to 50 Homes and to AQMD Threshold Values for Projects of 5 Acres or Less

Proposed Number of Homes/EIR	VOC (lbs/day) ^a	NO _x (lbs/day) ^a	CO (lbs/day) ^a	PM (lbs/day) ^a
50 (2004 EIR) ^b	564	17	683	92 ^c
AQMD Threshold ^d	55	55	550	150
Significant Impact?	Yes	No	Yes	No

^aNumbers rounded off for ease of comparison

^bValues in Table 5.6-5 in 2004 EIR multiplied by 0.54

^cThe 2004 EIR did not separate PM₁₀ and PM_{2.5} so we have combined these numbers from the 2010 draft EIR, which did give separate estimates.

^dOnly recommended for projects of 5 acres or less. Shown here for illustration only.

Note that now there is a significant negative impact for VOC and CO, in contrast to the conclusions in the 2010 EIR. While PM would not exceed the emission threshold on a regional basis, simple calculations detailed in the following paragraph show that on a local level, PM emissions would have very significant, large, negative impacts on both health and visibility.

Taking an emission rate of 57 g per hr for PM from wood-burning fireplaces based on the PM emission factor,¹ a total of 6.84×10^4 g/day of PM would be emitted by 50 homes using fireplaces (this is not outside of the realm of possibility during holidays such as Thanksgiving and Christmas). Assume there is a radiation inversion over the area that is 100 m high (again, not unusual) and that the PM emitted from the fireplaces is distributed into the volume defined by the project area of 62.4 acres (equivalent to 2.53×10^5 m²) and a height of 100 m. This volume is 2.53×10^7 m³. The concentration of PM in air would then be 2.7×10^3 $\mu\text{g m}^{-3}$ (2.7 mg m^{-3}) solely from wood-burning, without taking account other emissions or background contributions. Note that the California 24-hr air quality standard (AQS) for PM₁₀ is 50 $\mu\text{g m}^{-3}$ (Table 4.2-1). **Under very stable meteorological conditions, the PM just from fireplace emissions alone could reach 54 times the California AQS!** As indicated in Table 4.2-1, PM has been demonstrated to have serious health effects, including cardiopulmonary and respiratory impacts, particularly on the most sensitive population including newborns, negative impacts on the development of lung function in children, and increased mortality, as demonstrated in many areas including those heavily impacted by wood smoke.²

As another basis for comparison of the potential local effects of PM emissions from the 50 homes, Figure 1 shows data from the "killer smog" that occurred in London in 1952. The concentrations of sulfur dioxide (SO₂) and particles (same as PM) are plotted during this episode, along with the excess deaths that it caused, which are attributed to PM. The red arrow indicates the estimated PM concentrations for 50 homes in Moon Camp using wood-burning fireplaces. Clearly, the Moon Camp situation could present a situation similar to the London episode that caused a dramatic increase in mortality. Note,

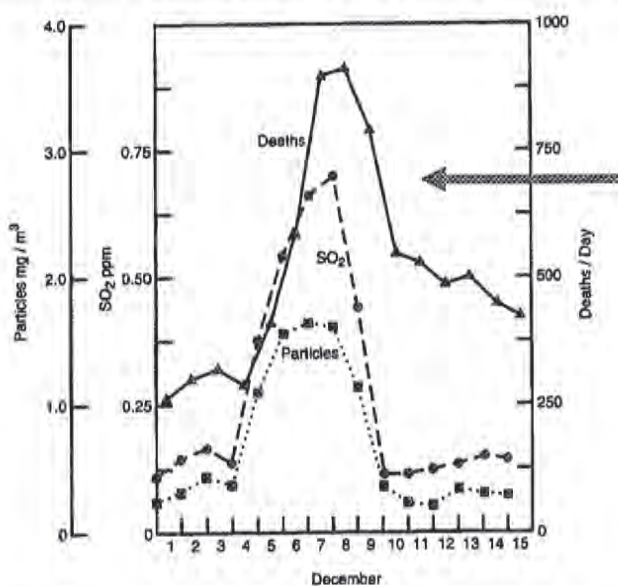


Figure 1. Concentrations of SO₂ and PM as well as excess deaths during 1952 London smog episode. The red arrow indicates the estimated PM concentrations for 50 homes in Moon Camp using wood-burning fireplaces.

however, that the AQS that are set to protect public health are much lower than this, again indicating an expectation of severe health impacts at the project location and downwind.

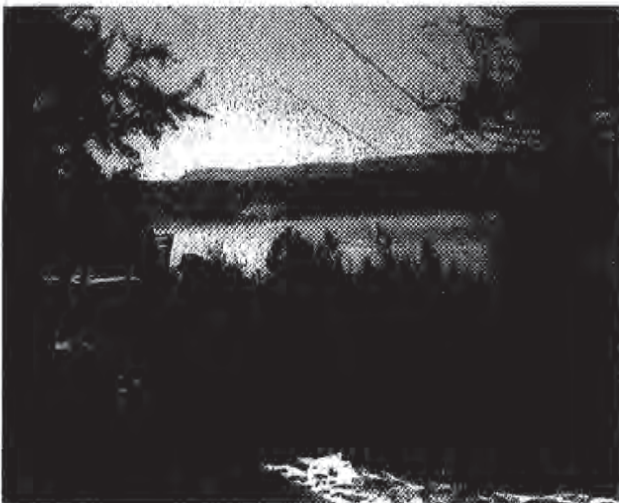
This result is in direct contradiction to the statement on page 4.2-42 that "...it is not likely that particulate matter emissions from wood-burning devices in an entire day would be enough to violate the 24-hour standards for either PM_{10} or $PM_{2.5}$ ". Not only would these standards be violated, but by very large amounts.

In fact, the AQS would be violated even under the erroneously small PM emissions in the draft 2010 EIR. Taking total PM_{10} hearth emissions of 7.74 lbs/day from Table 4.2-10 and applying the same calculation as above, the PM concentration in air is predicted to be $140 \mu g m^{-3}$, a factor of almost three above the California AQS. Note that this assumes that the $PM_{2.5}$ included in Table 4.2-10 is actually included in PM_{10} ; if it is not, the concentration would be $267 \mu g m^{-3}$, more than five times the California AQS.

This illustrates the importance of doing dispersion modeling as recommended by the AQMD for projects over 5 acres. Emissions of PM as well as the other air pollutants, including a variety of compounds known to be airborne toxic chemicals will impact not only the homeowners in the project, but those downwind as well. It is clear from these first-approximation estimates that there will be significant negative health impacts due to the proposed project.

In addition to the health effects, impacts on visibility will also be significant but are not addressed in the EIR. A major attraction of Big Bear Valley for residents and tourists alike is the clean air and long-range visibility. Impacts on visibility of wood-burning in the more densely populated areas of the South Shore are already obvious on winter mornings when radiation inversions are common (see photo). Given the potentially very large PM concentrations, the effective visual range could well be reduced to several miles or less.

PITTS b-20



Photograph taken from Flicker Drive in Fawnskin, immediately above proposed Moon Camp development. The white haze over the lake is due to wood smoke particles from south shore fireplaces, which impacts not only visibility but also health.

12. Page 4.2-34. The number of older vehicles listed in the "Technology Groups" in Table 4.2-8 for 1987 and older cars is said to be only 2.78% in 2007 and 1.69 % in 2008, so that they have "... negligible effect on total emissions". This reasoning is

incorrect. It is well documented that older vehicles have much larger emissions than current vehicles, and will contribute to a disproportionate extent to the total mobile source emissions.

The statement that the 50 watercraft associated with the project represent only "0.223 percent of the County's total" is irrelevant since the emissions are not dispersed over the entire County. It is not clear how the emissions shown in Table 4.2-9 for watercraft were calculated, since they refer to using "emissions... generated on an average yearly basis". Given the boating season in Big Bear Lake is about 3-4 months long, all of the emissions occur in a quarter to a third of the year. Did the assessment take that into account in determining the emissions in Table 4.2-9?

PITTS b-20

13. Page 4.2-37. Table 4.2-11: North Shore Drive does not intersect Big Bear Blvd.

PITTS b-21

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

15. Pages ES-8 and ES-11. The use of generators is discussed. Have the air pollutant emissions from this been taken into account?

PITTS b-22

Summary:

In summary, in addition to many technical errors in the draft EIR, the major change in conclusions with respect to air quality, from significant negative impacts that could not be mitigated to "less than significant" impacts, are based on simply and primarily on changing the assumptions regarding wood-burning fireplaces in the homes. The current draft EIR makes the unsupportable and unrealistic assumption that only 10% of the homes (i.e., 5 of the 50 homes) will have wood-burning fireplaces. This amounts essentially to changing the model input in order to obtain a desired conclusion, rather than examining a worst case as should be done in an EIR. The statement on page ES-3 that the project assessed here "in some cases completely avoids the significant environmental impacts" is incorrect at best and very misleading at worst.

PITTS b-23

References

1. J. E. Houck and J. Crouch, "Updated Emissions Data for Revisions of AP-42 Section 1.9, Residential Fireplaces", December 18, 2002. Prepared for the U. S. Environmental Protection Agency.

2. P. A. Sanhueza, M. A. Torreblanca, L. A. Diaz-Robles, L. N. Schiappacasse, M. P. Silva and T. D. Astete, "Particulate Air Pollution and Health Effects for Cardiovascular and Respiratory Causes in Temuco, Chile: A Wood-smoke Polluted Urban Area", *J. Air & Waste Manage. Assoc.* 59 1481 (2009)

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James and Barbara Finlayson Pitts (PITTS (b))

The comment letter provides two sets of comments, a general set of comments (General Comments) that identify perceived flaws in the Revised and Recirculated Draft Environmental Impact Report (identified as the 2010 RRDEIR No. 1), and a second set that provides detailed page-by-page comments (Detailed Comments) from a comparison with the original Draft Environmental Impact Report (identified as the 2005 Draft EIR). Each set of comments is addressed in the following responses.

General Comments

Response to PITTS (General Comments) (b)-1

See Response to SM&W-1 through 4 for a response regarding zoning of the Project site. No additional response is necessary.

Response to PITTS (General Comments) (b)-2

This comment relates principally to the differences in assumptions related to the incorporation of hearth uses in the calculation of operational emissions. The response to this comment is provided in the discussion of Detailed Comment #12 below (PITTS). As described therein, the estimation of operational emissions contained in the RRDEIR No. 1 results in lower emissions than those emission levels contained in the 2005 Draft EIR. This is due to three factors: 1) the reduction in the project size from 92 residential units in the 2005 Draft EIR to 50 units in the RRDEIR No. 1; 2) modification of the distribution of hearth emission sources (wood burning stoves and fireplaces and natural gas fireplaces) to provide a more realistic estimate of the extent of hearth appliances; and 3) the inclusion of Mitigation Measure AQ-3 (RRDEIR No. 1, page 4.2-38) which prohibits the installation of non-certified USEPA wood fireplaces and stoves. All of these factors result in lower estimates of operational emissions in the RRDEIR No. 1 compared to the 2005 Draft EIR.

Response to PITTS (General Comments) (b)-3

The comment dealing with the need to perform air quality modeling is addressed in response to Detailed Comment 7. Even though the project covers a total area of approximately 62 acres, the area to be developed is actually about 18 acres. The URBEMIS land use emission model used to estimate construction emissions assumes that a maximum of 25 percent of the area to be developed would be disturbed in a single day. This amounts to an area of approximately 4.5 acres which therefore allows the estimation of emissions to use the SCAQMD's mass rate emission look-up tables and obviates the need to do dispersion modeling. In addition, because of the relatively small amounts of operational emissions from the Project as estimated in the RRDEIR No. 1, it is highly doubtful that such emissions would have any measurable impact on ozone, particulates, or toxic secondary pollutants in the region surrounding the Project. The current state of photochemical models are neither spatially nor temporally finely resolved enough to identify potential photochemical impacts from the Project's emissions.

Response to PITTS (General Comments) (b)-4

A potential source of TACs associated with the operation of the Project is related to wood burning in residential fireplaces. This topic is discussed on page 4.2-37 of the RRDEIR No. 1. In this discussion, it is noted that wood burning smoke includes toxics and/or cancer causing substances such as benzene, formaldehyde, benzo-a-pyrene, and polycyclic aromatic hydrocarbons. Mitigation Measure AQ-3 (RRDEIR No. 1, page 4.2-38), in particular, prohibits open-hearth fireplaces and permits only

EPA Phase II certified fireplaces and wood stoves, pellet stoves, and natural gas fireplaces. The use of certified fireplaces and stoves will significantly increase the heating efficiency of fireplaces and reduce the amount of smoke particles and toxics emitted into the air compare to an ordinary open-hearth fireplace present in many homes in the neighboring area.

Response to PITTS (General Comments) (b)-5

The Marina Point Project has been added to the updated Cumulative Projects List in the Errata for this FEIR document, Section 5: Cumulative Impacts—Table 5-1: Cumulative Project List.

Response to PITTS (General Comments) (b)-6

This comment is addressed in the response to Detailed Comment 6.

Response to PITTS (General Comments) (b)-7

Visibility is an important intrinsic attribute that attracts people to mountain recreational areas. However, an important source of impediments to local visibility come from the use of uncontrolled PM_{2.5} emissions from wood burning open-hearth fireplaces and stoves. A recent review of the emissions inventory in the South Coast Air Basin estimates PM_{2.5} emissions to range from approximately 10 to 20 tons per annual average day and up to 30 tons per day during periods with greater wood burning (generally, November through February). PM_{2.5} is a major contributor to visibility reduction. Reference: SCAQMD 2007. Preliminary Draft Staff Report Proposed Rule 445—Wood Burning Appliances. This visibility issue is discussed on pages 4.2-37 through 4.2-39 of the RRDEIR No. 1. In particular, Mitigation Measure AQ-3 (RRDEIR No. 1, page 4.2-38) prohibits open-hearth fireplaces and permits only EPA Phase II certified fireplaces and wood stoves, pellet stoves, and natural gas fireplaces. The use of certified fireplaces and stoves will significantly increase the heating efficiency of fireplaces and reduce the amount of smoke particles and toxics emitted into the air compare to an ordinary open-hearth fireplace present in many homes in the neighboring area.

Detailed Comments

Response to PITTS (Detailed Comments) (b)-1

The original Air Quality Report for the Moon Camp Project was prepared in July 2007. The federal ozone standard became effective on May 27, 2008, while the federal 1-hour nitrogen dioxide standard become effective on April 12, 2010, both standards well after the preparation of the original Air Quality Report.

Response to PITTS (Detailed Comments) (b)-2

The commenter is correct in that at tropospheric conditions the main pathway for the formation of nitrogen dioxide is via the photochemical reactions involving nitric oxide and VOC in the presence of sunlight. However, in high temperature combustion processes such as in vehicle and equipment engines, the combustion of a mixture of air and fuel produces combustion temperatures high enough to drive endothermic reactions between atmospheric nitrogen and oxygen in the flame, yielding various oxides of nitrogen, principally nitric oxide. In the presence of excess oxygen (O₂), nitric oxide (NO) will be converted to nitrogen dioxide (NO₂), with the time required dependent on the concentration in air.

The health effects of nitrogen dioxide were described in Section 4.2, Table 4.2-1 (page 4.2-13) of the RRDEIR No. 1:

(a) Potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups; (b) Risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes;

Response to PITTS (Detailed Comments) (b)-3

The California Air Resources Board describes particulate matter as follows:

Airborne particulate matter (PM) is not a single pollutant, but rather a mixture of many chemical species. It is a complex mixture of solids and aerosols composed of small droplets of liquid, dry solid fragments, and solid cores with liquid coatings. Particles vary widely in size, shape and chemical composition, and may contain inorganic ions, metallic compounds, elemental carbon, organic compounds, and compounds from the earth's crust. Particles are defined by their diameter for air quality regulatory purposes. Those with a diameter of 10 microns or less (PM₁₀) are inhalable into the lungs and can induce adverse health effects. Fine particulate matter is defined as particles that are 2.5 microns or less in diameter (PM_{2.5}). Therefore, PM_{2.5} comprises a portion of PM₁₀.

PM₁₀ and PM_{2.5} often derive from different emissions sources, and also have different chemical compositions. Emissions from combustion of gasoline, oil, diesel fuel, or wood produce much of the PM_{2.5} pollution found in outdoor air, as well as a significant proportion of PM₁₀. PM₁₀ also includes dust from construction sites, landfills and agriculture, wildfires and brush/waste burning, industrial sources, wind-blown dust from open lands, pollen, and fragments of bacteria.

PM may be either directly emitted from sources (primary particles) or formed in the atmosphere through chemical reactions of gases (secondary particles) such as sulfur dioxide (SO₂), nitrogen oxides (NO_x), and certain organic compounds. These organic compounds can be emitted by both natural sources, such as trees and vegetation, as well as from man-made (anthropogenic) sources, such as industrial processes and motor vehicle exhaust. Reference: California Air Resources Board 2018. Inhalable Particulate Matter and Health (PM_{2.5} and PM₁₀). Webpage: <https://www.arb.ca.gov/research/aaqs/common-pollutants/pm/pm.htm>

Response to PITTS (Detailed Comments) (b)-4

The commenter is correct in that the current background atmospheric level of CO₂ is around 390 ppm. The level of 370 ppm was taken from an earlier reference and is the approximate level in the year 2000.

Regardless of the value of the global average CO₂, no single project including the proposed project will impact the global average CO₂ level. What is important is the requirement to meet the regulatory requirements regarding the impacts of a proposed project on the environment. As discussed on Page 4.2-49 of the RRDEIR No. 1, the potential of the Proposed Alternative Project to create an impact on GHG is based on whether the Proposed Alternative Project would conflict with the attainment of the state's goals of reducing GHG emissions as dictated by AB 32. The Proposed Alternative Project will not interfere with the state's goals of reducing GHG emissions to 1990 levels

by the year 2020 as stated and an 80-percent reduction in GHG emissions below 1990 levels to 2050. As discussed herein, the Proposed Alternative Project will generate a limited amount of GHG generation during construction, and it will lead to a low amount of on-going operational emissions from the use of the 50 residential units. The Proposed Alternative Project would emit less than 50 percent of the SCAQMD's draft numerical GHG threshold of significance (see Response to Comment Pitts b-8, above), (currently proposed as 3,500 MTCO₂e). Moreover, the Proposed Alternative Project will utilize high-efficiency design features that will even further reduce consumption of electricity, natural gas, and will result in a corresponding reduction in GHG emissions. Therefore, the Proposed Alternative Project will not significantly hinder or delay California's ability to meet the reduction targets contained in AB 32.

Response to PITTS (Detailed Comments) (b)-5

As with all combustion engines, powered recreational boating is also an emitter of particulate matter and NO_x. The particulate and NO_x emissions from personal water craft are accounted for in Table 4.2-9 of the RRDEIR No. 1 and discussed on page 4.2-34.

Response to PITTS (Detailed Comments) (b)-6

Black soot (also known as black carbon) and wood smoke is acknowledged as a primary source of local air pollutants in winter and can contribute to global warming; see page 4.2-15 of the RRDEIR No. 1. Black soot is within a group of constituents known as aerosols. Aerosols were not included in the inventory of greenhouse gases for the following reasons:

1. AB 32 does not Define Black Carbon as a Greenhouse Gas
Black carbon is not identified as a greenhouse gas in AB 32. AB 32 states, "'Greenhouse gas' or 'greenhouse gases' includes all of the following gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride." The Project EIR relies upon the threshold, "The Proposed Alternative Project will be deemed to have a less-than-significant impact on global climate change on a cumulative basis if (1) it does not result in GHG emissions that are considerable when compared to the existing environmental setting, and (2) it is consistent with emissions reduction strategies included in local, regional, or statewide planning documents and from reputable published sources such as the California Climate Action Team's (CAT's) Report to the Governor, CARB Early Action Measures, and OPR's June 19, 2008 Technical Advisory Memorandum." Since black carbon is not one of the greenhouse gases as defined in AB 32, it would not hinder or delay California's ability to meet the reduction targets in AB 32.
2. Black Carbon is not included in California Air Resources Board Emission Inventory
Aerosols are not defined as greenhouse gases in AB 32; therefore, they are not contained in the California Air Resources Board (ARB) inventories of greenhouse gas emissions, including the Staff Report, California 1990 Greenhouse Gas Emissions Level and 2020 Emissions Limit.

The ARB Emissions Inventory Analysis Section Manager, Webster Tasai, is essentially responsible for compiling the State's greenhouse gas inventory. Mr. Tasai confirmed that black carbon: 1) is not a greenhouse gas as defined in AB 32; 2) has considerable uncertainty in its global warming potential; and 3) has a very short residence time in the atmosphere (personal communication, August 8, 2008).

3. Uncertainty of Black Carbon and Aerosol Global Warming Potentials

The global warming potential (GWP) of a gas is essentially a measurement of the radiative forcing (RF) of a greenhouse gas as compared with the reference gas, carbon dioxide. The uncertainty in establishing a GWP for black soot is examined in more detail below.

The Summary for Policymakers of the report, *Climate Change 2007: The Physical Science Basis, Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change* discusses the RF of aerosols.

RF is a measure of the influence that a factor has in altering the balance of incoming and outgoing energy in the Earth-atmosphere system and is an index of the importance of the factor as a potential climate change mechanism. Positive forcing tends to warm the surface while negative forcing tends to cool it. In this report, radiative forcing values are for 2005 relative to pre-industrial conditions defined at 1750 and are expressed in watts per square meter (W/m^2).

Anthropogenic contributions to aerosols (primarily sulphate, organic carbon, black carbon, nitrate and dust) together produce a cooling effect, with a total direct radiative forcing of -0.5 [-0.9 to -0.1] W/m^2 and an indirect cloud albedo forcing of -0.7 [-1.8 to -0.3] W/m^2Changes in surface albedo, due to land cover changes and deposition of black carbon aerosols on snow, exert respective forcings of -0.2 [-0.4 to 0.0] and $+0.1$ [0.0 to $+0.2$] W/m^2 (IPCC 2007).

Chapter 2 of the IPCC report (www.ipcc.ch/pdf/assessment-report/ar4/wg1/ar4-wg1-chapter2.pdf) discusses the uncertainty of the RF of individual aerosol species:

The direct RF of the individual aerosol species is less certain than the total direct aerosol RF. The estimates are: sulphate, -0.4 [± 0.2] W/m^2 ; fossil fuel organic carbon, -0.05 [± 0.05] W/m^2 ; fossil fuel black carbon, $+0.2$ [± 0.15] W/m^2 ; biomass burning, $+0.03$ [± 0.12] W/m^2 ; nitrate, -0.1 [± 0.1] W/m^2 ; and mineral dust, -0.1 [± 0.2] W/m^2 . For biomass burning, the estimate is strongly influenced by aerosol overlying clouds . . .

Black carbon aerosol deposited on snow has reduced the surface albedo, producing an associated RF of $+0.1$ [± 0.1] W/m^2 , with a low level of scientific understanding... The spatial patterns of RFs for non-long-lived greenhouse gases (LLGHG) (include ozone, aerosol direct and cloud albedo effects, and land use changes) have considerable uncertainties, in contrast to the relatively high confidence in that of the long-lived greenhouse gases . . .

In summary, the IPCC report indicates that total indirect and direct RF of aerosols result in cooling effects of -1.2 W/m^2 . Changes in surface albedo from black carbon deposited on snow produce warming effects of $+0.1$ W/m^2 , though the level of scientific understanding of this phenomenon is low. The certainty of the individual aerosols effects on direct RF is not as well understood as the total effect of aerosols. Nevertheless, the IPCC report indicates that fossil fuel black carbon results in a warming effect of $+0.2$ W/m^2 .

The GWP for short-lived greenhouse gases, such as aerosols, are not included in the IPCC report. The 2nd chapter of the 2007 IPCC report indicates that the GWPs of long-lived GHG do not depend on location and time of the emissions. However, the GWPs for short-lived GHG are regionally and temporally dependent. The IPCC report suggests that, “the GWP concept may be too simplistic when applied to aerosols.” In summary, the potential of black carbon to contribute to climate change is uncertain.

Diesel Exhaust Components

Diesel exhaust contains many different chemical species, such as elemental carbon (black carbon), organic carbon, and sulfates. The IPCC report indicates RF values for sulfates are $-0.4 [\pm 0.2]$ W/m², fossil fuel black carbon are $+0.2 [\pm 0.15]$ W/m², and fossil fuel organic carbon are $-0.05 [\pm 0.05]$ W/m². There is a low scientific understanding regarding the net GWP for diesel exhaust, as some of the components of diesel exhaust contribute to a cooling effect.

Response to PITTS (Detailed Comments) (b)-7

Even though the Project encompasses an area of approximately 62 acres, the actual construction would be done on a much smaller area. The estimation of construction emissions contained in the 2005 Draft EIR the RRDEIR No. 1 assumed that the actual home construction would have a footprint of approximately 18 acres. The URBEMIS land use model used to estimate emissions from various types of development projects assumes that a maximum of 25 percent of the area to be developed would be disturbed in a single day, or in the case of the Project, an area of 4.5 acres. Therefore, the SCAQMD LST emission look-up tables were used to estimate construction emissions and dispersion modeling was not required. As for the long-term localized operational impacts, the SCAQMD indicates that the LST methodology would typically not apply to the operational phase of a project because emissions are primarily generated by mobile sources traveling on local roadways over potentially large distances or areas.³ The Project would not be resolved within a photochemical model and would very likely not affect ozone levels downwind of the Project. The SCAQMD significance thresholds apply emissions of NO_x and VOC as surrogates for potential impacts on ozone.

To ensure that the assumptions dealing with the estimation of construction emissions are adhered to, Mitigation Measure AQ-1 (RRDEIR No. 1, page 4.2-31) will be amended to include the following as underlined text:

- AQ-1** Prior to construction of the Project, the project proponent will provide a Fugitive Dust Control Plan that will describe the application of standard best management practices (BMPs) to control dust during construction. The Fugitive Dust Control Plan shall be submitted to the County and SCAQMD for approval and approved prior to construction. Best management practices will include, but not be limited to:
- For any earth moving which is more than 100 feet from all property lines, conduct watering as necessary to prevent visible dust emissions from exceeding 100 feet in length in any direction.

³ SCAQMD 2005. Sample Construction Scenarios for Projects Less than Five Acres in Size.

- For all disturbed surface areas (except completed grading areas), apply dust suppression in a sufficient quantity and frequency to maintain a stabilized surface; any areas which cannot be stabilized, as evidenced by wind driven dust, must have an application of water at least twice per day to at least 80 percent of the unstabilized area.
- For all inactive disturbed surface areas, apply water to at least 80 percent of all inactive disturbed surface areas on a daily basis when there is evidence of wind-driven fugitive dust, excluding any areas that are inaccessible due to excessive slope or other safety conditions.
- For all unpaved roads, water all roads used for any vehicular traffic once daily and restrict vehicle speed to 15 mph.
- For all open storage piles, apply water to at least 80 percent of the surface areas of all open storage piles on a daily basis when there is evidence of wind-driven fugitive dust.
- Mass grading activities shall be limited to a maximum of 5 acres per day.

Please refer to Section 4: Errata of this FEIR document, showing detailed revisions to mitigation measures.

Response to PITTS (Detailed Comments) (b)-8

As noted earlier, the Air Quality Report for the project was prepared in early 2007. At that time, the version of the URBEMIS model that was publically available was the URBEMIS 2002 Version 8.7. This is the version of the model that was used in the Project Air Quality Report and EIR. The update to the URBEMIS model, Version 9.2, was released in June 2007 and URBEMIS Version 9.2.4 was released in February 2008, after the URBEMIS model runs had already been completed for the Project Air Quality Report and EIR analysis. The EMFAC2002 model that is used in estimating mobile source emissions as identified in the comment is a fundamental component of the URBEMIS model. Thus, the EMFAC2002 model was part and parcel of the URBEMIS2002 model. When the URBEMIS model was updated to the URBEMIS2007 version, the update also included the inclusion of the EMFAC2007 model as well to handle mobile source emissions.

The localized significance thresholds tables from the SCAQMD for the years 2003-2005 were used in the Air Quality Report and EIR since these were the most recent tables available from the SCAQMD at the time of preparation of the report and EIR.

The development of modeling tools is in a constant state of evolution as new information becomes available to update the model foundations. Further to this point, the URBEMIS series of emission calculators was replaced by the California Emissions Estimator Model (CalEEMod) from the California Air Pollution Control Officers Association in 2013, the most current version being Version 2016.3.2. The CalEEMod model consists of the use of new baseline emission databases that reflect a more complete understanding of the governing air pollutant and GHG emission factors as well as the incorporation of new land uses, and new rules and regulations designed to reduce air and GHG emissions from various emission sources.

Due to the age of the modeling presented in RRDEIR No.1, the comment also inquired as to the consequence of relying on the emission estimates from the older URBEMIS models in light of the new CalEEMod model in estimating the Project's emission impacts. To address this comment, the Project's emissions were recalculated using the most up-to-date emission model, the CalEEMod model assuming the Project would be constructed in 2018, a more realistic time period considering the elapsed time since the first air quality impact analyses were prepared and today's date. The emission calculations reflect the levels of emissions that would be generated if the Project were to be analyzed and constructed today. Table 2-3 compares the unmitigated project short-term construction emission estimates from RRDEIR No.1 (Section 4.2, Table 4.2-6 [page 4.2-30]) with the updated emission estimates using the CalEEMod model along with the relevant SCAQMD air quality criteria pollutant significance thresholds. The CalEEMod model construction emissions were estimated using the same construction schedule (1-year duration) and equipment inventory as assumed in RRDEIR No.1 with the exception of construction equipment load factors whose values were taken from the CalEEMod model.

As noted from Table 2-3, with the exception of NO_x emissions, the estimated construction emissions from the CalEEMod model are lower than the corresponding emissions shown in RRDEIR No.1. Further, none of the emissions' estimated using the CalEEMod model exceed any of the regional or localized emission significance thresholds. The estimated emissions shown in RRDEIR No.1 (Table 4.2-6), however, exceed the SCAQMD's localized significance thresholds for PM₁₀ and PM_{2.5} thereby requiring mitigation. After mitigation, as shown in Table 4.2-7 of the RRDEIR No.1 (page 4.2-32), the Project's construction emissions would not exceed any SCAQMD's construction emission significance thresholds. What this exercise shows is that the construction emissions contained in the RRDEIR No.1 provide a conservative emission estimate (in terms of overestimating construction emissions) when compared to those emissions calculated using the most up-to-date emissions estimating model, the CalEEMod model. Therefore, the Project's construction emissions provided in the RRDEIR No.1 are sufficient in describing the impacts of the Project's construction emissions.

Table 2-3: Comparison of Project Emission—Construction (Unmitigated)

Analysis	Construction Criteria Pollutants (pounds/day)				
	VOC	NO _x	CO	PM ₁₀	PM _{2.5}
RRDEIR No.1 (Table 4.2-6)	69.3	53.3	68.7	43.5	10.5
CalEEMod	54.3	59.6	36.2	11.5	6.1
SCAQMD Regional Construction Threshold	75	100	550	150	55
Significant Impact?	No	No	No	No	No
Local Significant Threshold ⁽¹⁾	N/A	270	2,075	14	9
Significant Impact?		No	No	Yes in RRDEIR No. 1 No for CalEEMod	Yes for RRDEIR No. 1 No for CalEEMod

Table 2-3 (cont.): Comparison of Project Emission—Construction (Unmitigated)

Analysis	Construction Criteria Pollutants (pounds/day)				
	VOC	NO _x	CO	PM ₁₀	PM _{2.5}
<p>Note:</p> <p>⁽¹⁾ The localized significance thresholds were updated to the latest values shown in the SCAQMD's Mass Rate Emission Tables (2006-2008) for a 5-acre project, in Source Receptor Area 38 and a distance to sensitive receptor of 25 meters; website: http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/appendix-c-mass-rate-1st-look-up-tables.pdf</p> <p>N/A = the SCAQMD has not defined a localized threshold for VOC emissions</p> <p>Source of CalEEMod emissions: See Appendix H of this 2020 Final EIR</p>					

Table 2-4 below shows the comparison of the long-term operational emissions between emissions shown in the RRDEIR No. 1 (Table 4.2-9 [page 4.2-34] and Table 4.2-10 [page 4.2-35]) and the long-term operational emissions using the CalEEMod model.

Table 2-4: Comparison of Long-Term Operational Project Emissions

Analysis	Operational Criteria Pollutants (pounds/day)				
	VOC	NO _x	CO	PM ₁₀	PM _{2.5}
RRDEIR No. 1 (Table 4.2-9 and Table 4.2-10) ^{(1), (2)}	36.8	8.8	104.8	12.6	7.4
CalEEMod ^{(1), (2)}	9.5	10.8	32.2	4.5	1.9
SCAQMD Regional Operational Threshold	55	55	550	150	55
Significant Impact?	No	No	No	No	No
<p>Notes:</p> <p>⁽¹⁾ The higher of the summer and winter emissions is listed for each pollutant</p> <p>⁽²⁾ The pollutant emissions include the operation of personal watercraft, Table 4.2-9 of the RRDEIR</p> <p>Source: CalEEMod (Appendix H of this 2020 Final EIR)</p>					

As noted from Table 2-4, the CalEEMod update to the project's long term operational emissions are lower than the corresponding emissions shown in the RRDEIR No.1 tables with the exception of NO_x emissions. In both the case of the RRDEIR No. 1 and CalEEMod, the respective emissions are less than the SCAQMD's regional operational emission significance thresholds. Therefore, the emissions shown in the RRDEIR No. 1 represent a conservative estimate of the Project's long-term operational emissions and are sufficient in describing the Project's long-term operational impacts. The commenter is correct that the IPCC 2007 reference is more up to date than the IPCC 2001 reference.

On December 6, 2011, subsequent to the preparation of the RRDEIR No. 1 for the Project, the San Bernardino County Board of Supervisors approved a countywide Greenhouse Gas Emissions Reduction Plan (GHG Plan). In connection with this approval, the San Bernardino County Board of

Supervisors adopted a General Plan Amendment detailing a policy designed to reduce GHG emissions within the County boundaries which included adoption of the GHG Plan. With the application of the GHG performance standards, under the GHG Plan, any project that does not exceed 3,000 metric tons of carbon dioxide equivalent (“MTCO₂e”) per year is considered to be consistent with the Plan and determined to have a less than significant individual and cumulative impact for GHG emissions. The adoption of the GHG Plan has no bearing on, nor does it affect the less than significant finding of the RRDEIR No. 1 as it relates to GHG emissions. As detailed in the Air Quality Analysis Report (Appendix A to the RRDEIR No. 1), the Project’s estimated combined construction and operational greenhouse gas emissions are 1955.59 MTCO₂e, which is far less than the 3,000 MTCO₂e benchmark under the GHG Plan. Accordingly, even if the Project was analyzed under the GHG Plan, it would only confirm the less than significant finding contained in the RRDEIR No. 1 as it relates to GHG emissions.

Note that in a manner similar to the estimation of Project’s construction and operational emissions, the Project’s GHG emissions were also recalculated using the CalEEMod model. Table 2-5 compares the Project’s GHG emissions as presented in Table 4.2-12 and Table 4.2-13 with the GHG emissions calculated using the CalEEMod model.

Table 2-5: Comparison of Project GHG Emissions

Assessment	Annual GHG Emissions (Mt CO ₂ e/year)
RRDEIR No. 1 (Table 4.2-12 and Table 4.2-13)	1,604 ⁽¹⁾
CalEEMod	1,471 ⁽¹⁾
Note: ⁽¹⁾ The pollutant emissions include the 30-year amortization of construction emissions. Source: CalEEMod (Appendix H of this 2020 Final EIR)	

Table 2-5 indicates that the GHG emissions from the Project estimated using the CalEEMod model are lower than the corresponding GHG emissions contained in the RRDEIR No. 1.

Please refer to Appendix H of this 2020 Final EIR for a memorandum on the above analysis and the data files.

Response to PITTS (Detailed Comments) (b)-9

The calculation of architectural coating emissions is done by totaling up the interior and exterior square footage of all of the residences (assumed in the URBEMIS model to be 1,800 square-feet per residence) and multiplying by the appropriate VOC emission factor for interior and exterior coating as specified by the SCAQMD. Thus, the calculation of VOC emissions attributable to architectural coating represents the total emissions aggregated from all of the residences which in the case of the RRDEIR No. 1 was 50 residences.

In addition, the residential architectural coating VOC emission factor used in the original 2005 Draft EIR as contained in the URBEMIS model had a value of 0.0185 pounds of VOC per square-feet of area

coverage. This is equivalent to approximately 400 grams of VOC per liter of paint. It should be noted further that revisions to SCAQMD Rule 1113 have resulted in a significant lowering of the VOC content of paints after 2008 to 50 grams of VOC per liter of paint for residential interior coatings and 100 grams of VOC per liter of paint for exterior residential coatings. These new VOC paint content limits will significantly reduce the architectural coating emissions to even lower levels than presented in the RRDEIR No. 1.

Response to PITTS (Detailed Comments) (b)-10

Mitigation Measure AQ-2 (RRDEIR No. 1, page 4.2-31) will be modified to the following to further clarify its intent using a strike-out/underline revision format.

- AQ-2** To reduce emissions from the construction equipment within the Project site, the construction contractor will:
- ~~To the extent that equipment and technology is available and cost effective, the contractor shall use~~ catalyst and filtration technologies on mobile construction equipment.
 - All diesel-fueled engines used in construction of the Project shall use ultra-low sulfur diesel fuel containing no more than 15-ppm sulfur, or a suitable alternative fuel.
 - All construction diesel engines, which have a rating of 50 horsepower (hp) or more, shall meet the Tier II California Emission Standards for off-road compression ignition engines.
 - Heavy-duty diesel equipment will be maintained in optimum running condition.

Please refer to Section 4: Errata of this FEIR document, showing detailed revisions to mitigation measures.

Response to PITTS (Detailed Comments) (b)-11

The version of the URBEMIS model (URBEMIS 2002 Version 8.7) that was used to prepare Tables 4.2-9 and 4.2-10 only provided estimates of PM₁₀ construction emissions. The estimates of PM_{2.5} contained in the above tables were derived using the methodology published in October 2006 by the SCAQMD in their document entitled: "Final PM_{2.5} Calculation Methodology and PM_{2.5} Significance Thresholds" In that document, the SCAQMD lays out a methodology for generating estimates of PM_{2.5} emissions from the calculated fugitive dust and exhaust PM₁₀ emissions. The conversion factors from PM₁₀ emissions to PM_{2.5} depend on the type of emission source of concern. For the types of emission sources to be involved in the Project, the following factors were used:

- For construction equipment exhaust: $PM_{2.5} = PM_{10} \times 0.92$
- For construction fugitive dust: $PM_{2.5} = PM_{10} \times 0.21$

The exhaust and fugitive dust PM_{2.5} components are summed to derive a total PM_{2.5} emission. The calculated PM₁₀ emissions already include the PM_{2.5} component (PM₁₀ and PM_{2.5} emissions are not additive; PM_{2.5} is a portion of PM₁₀).

As noted in response Comment Pitts (b)-8, the Project's construction and operational criteria pollutant and GHG emissions were recalculated using the CalEEMod emission model with direct estimates of PM₁₀ and PM_{2.5}. The resulting CalEEMod GHG emissions were slightly lower than the GHG emissions presented in the RRDEIR No. 1, Table 4.2-12 (page 4.2-43) and Table 4.2-13 (page 4.2-44). Please refer to Appendix H of this 2020 Final EIR for a memorandum on the CalEEMod analysis and the data files.

Response to PITTS (Detailed Comments) (b)-12

The differences in operational emissions from the Project as shown in the original 2005 Draft EIR and in the RRDEIR No. 1 stem principally from three factors:

- The reduction in the number of residences from 92 in the original 2005 Draft EIR to 50 residences in the RRDEIR No. 1; and the assumptions regarding the extent of fireplace usage in the two documents
- Imposition of Mitigation Measure AQ-3 (RRDEIR No. 1, page 4.238) that prohibits the operation of non-certified wood burning fireplaces and stoves

With regard to the first factor, the emissions associated with a 50-unit development would be expected to be 54 percent of the emissions for a 92-unit development ($50/92 = 54$ percent) as was pointed out by the commenter.

The second factor dealing with the assumptions regarding the usage of hearth equipment has a larger impact on the estimation of emissions. In the original 2005 Draft EIR, the report assumed that 100 percent of the residences would have wood burning fireplaces that would be used to heat the residences. Additionally, it was assumed that 25 percent of the residences would have outdoor stoves and that there would be no natural gas fireplaces. In the RRDEIR No. 1, a different set of assumptions was used allowing for 10 percent of the homes having wood fireplaces, 35 percent would have wood stoves, and 55 percent would have natural gas fireplaces. Since wood fireplaces emit substantially more than do wood stoves or natural gas fireplaces, the emissions estimated in the original 2005 Draft EIR were substantially greater than the emissions shown in the RRDEIR No. 1. The hearth assumptions used in the RRDEIR No. 1 and resulting emissions reflect two important considerations: 1) it is highly unlikely that the construction of new residences would place a 100 percent reliance on the use of wood fireplaces to supply virtually all of the space heating in the residence. A more likely scenario would be to utilize natural gas heating to supply heating requirements and use natural gas-fired fireplaces to provide perhaps supplemental heating and the "mountain experience." 2) Mitigation Measure AQ-3 (RRDEIR No. 1, page 4.2-38) specifically requires the installation and operation of only EPA Phase II certified fireplaces and wood stoves,⁴ pellet stoves, or natural gas fireplaces even though such equipment is exempt from SCAQMD Rule 445—Wood Burning Devices because of the elevation of the Project. The use of EPA Phase II certified fireplaces and stoves, for instance, can reduce particulate matter emissions by about 85 to 90 percent from a conventional open burning wood fireplace.⁵ Natural gas fireplaces would reduce fireplace emissions even further to levels that are a

⁴ For a list of EPA certified wood appliances, go to <http://www.epa.gov/oecaerth/resources/publications/monitoring/caa/woodstoves/certifiedwood.pdf>

⁵ Current uncontrolled conventional wood hearth fireplaces have a particulate matter emission rate of about 57 grams/hour. The EPA certified wood fireplace particulate matter emission limits that vary from 4.1 grams/hour for catalytic models to 7.5 grams/hour for non-catalytic models.

fraction of a gram of particulate matter per hour of fuel combustion. There is also a corresponding reduction in carbon monoxide, VOC, and toxic air contaminants as well. Thus, the emission estimates contained in the RRDEIR No. 1 provide a more reasonable estimate of the operational emissions expected from the Project than was presented in the 2005 Draft EIR.

Response to PITTS (Detailed Comments) (b)13

North Shore Drive intersects Big Bear Blvd at the west end of Big Bear Lake.

Response to PITTS (Detailed Comments) (b)-14

Regardless of whether the public expects wood burning as part of the “mountain experience” or whether or not an activity is governed by a particular law or regulation, Mitigation Measure AQ-3 (RRDEIR No. 1, page 4.2-38) prohibits open-hearth fireplaces in any residential unit unless the fireplace is an EPA Phase II Certified fireplace and wood stove, pellet stove, or a natural gas fireplace. The mitigation measure would become part of the Project’s mitigation monitoring plan and depending on municipal requirements, the measure would be incorporated into the acceptance of the Project’s design plan as submitted to the City for approval, as a condition to the approval of a building permit, or as a part of the Project’s conditional use permit to ensure that the Mitigation Measure is fully implemented.

The “Good Neighbor Policy for Burning” included as Mitigation Measure AQ-4 (RRDEIR No. 1, page 4.2-38) was intended to provide common-sense guide for new residence in minimizing the emissions from hearth usage.

Response to PITTS (Detailed Comments) (b)-15

The use of a generator would only occur during an emergency power outage and during a small number of hours per year (as many as 50 hours per year as limited by the SCAQMD permit requirements) for maintenance requirements. There is no intent for generator usage to occur on a routine basis.

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May 27, 2010

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

RECEIVED
MAY 28 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Re: Moon Camp 2010DEIR

Dear Sir,

We are property owners and full time residents in Fawnskin and we are opposed to the zone change from rural R-40 to single residential -20,000 S.F. minimum lot size. We think there is insufficient infrastructure to allow increased development in the Big Bear Valley. We do not think this zone change is in the best interest to the residents of Fawnskin.

MCGREW-1

We read in the DEIR that the development has very little effect on traffic. We were here during the Old Fire and traffic was backed up for miles. It took four to five hours to get off the mountain. This was on a normal weekend. Nothing has changed since then to improve traffic flow. What would happen if we had a major fire on a peak summer holiday weekend and the fire was right on top of us? Our Fire Department is staffed by three man crews. Is this enough for existing residents? Why add more?

MCGREW-2

The Sheriff's department seldom patrols in Fawnskin. They have limited resources in Big Bear Valley. Why add more homes and residents to increase the burden on them? Bear Valley Electric was over whelmed with outages during this year's major snow storm. Many people in Fawnskin were without power for days. The electric company increased the rates to help pay for a generator because supplies are limited. Will they be able to keep adding customers to the system?

MCGREW-3

When we first moved to Fawnskin we would run out of water during the summer holidays. To prevent this, the Department of Water and Power has promoted no watering on holiday weekends. We know many water lines are substandard in Fawnskin. Do we have enough volume for fire fighting now? Do we need to add more homes when we are not sure of our supplies? Residents who have private wells near the proposed development have ran out of water in recent years. What effect will this development have on their wells?

MCGREW-4

If approved this project will have an impact on the environment. Many trees will need to be removed for the streets and infrastructure. When the lots are developed many more trees will need to be removed. This site is prime perching habitat for wintering bald eagles. How will the build out of this project effect the bald eagle habitat?

MCGREW-5

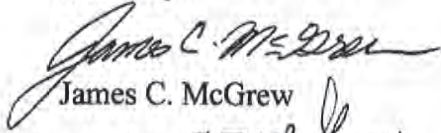
Although no homes will be built along the shore line views will be obstructed. We will be looking at a parking lot and a marina. Is this in the best interest of Fawnskin residents?

MCGREW-6

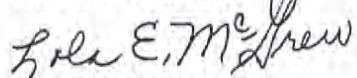
My wife and I moved to Fawnskin because it is the quiet side of the lake. By adding more homes and more marinas this will change. Please do not approve this zone change.

MCGREW-7

Sincerely,



James C. McGrew



Lola E. McGrew
39760 Flicker Road
P.O. Box 493
Fawnskin , CA 92333

Cc: Neil Derry, Supervisor Third District
County of San Bernardino
385 N. Arrowhead Ave.; Fifth Floor
San Bernardino, CA 92415-0110

James and Lola McGrew (MCGREW)

Response to MCGREW-1

The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre and sufficient infrastructure.

See Response to SM&W-1 for a response regarding zoning of the Project site. No additional response is necessary.

Response to MCGREW-2

The commenter expresses concern regarding impacts to roads and traffic. In addition, the commenter expresses concern regarding impacts from forest fires.

See Response to WINCH (b)-4 for a response regarding project and cumulative traffic. In addition, see Response to WINCH (b)-5 for a response regarding forest fires.

Response to MCGREW-3

The commenter expresses concern regarding Utilities.

As indicated within Section 4.9, Utilities, of the RRDEIR No. 1, the Project would result in an increased demand for electrical service. Based on a daily average of 16.66 kilowatts per unit, at project buildout the Proposed Alternative Project would utilize 833 kilowatts per day. BVE recently constructed a local power generating station to provide backup power and peak power to supplement the two power lines that feed the valley. According to BVE, service is available and of adequate supplies. The Project Applicant will also construct and fund all infrastructure related to the Proposed Alternative Project. In addition, the future residents of the site will pay monthly user fees that offset the cost of service and maintenance. Therefore, the impacts are considered less than significant and no mitigation is required.

Response to MCGREW-4

The commenter states infrastructure and water supplies in the Fawnskin system are limited and the Department of Water and Power says that the supply cannot support any significant increase in the percentage of full-time residents.

See Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to MCGREW-5

The commenter expresses concern regarding biological resources.

See Response to WINCH (b)-5 and 6.

Response to MCGREW-6

The commenter expresses concern regarding aesthetics.

See Response to WINCH (b)-7 for responses regarding aesthetic impacts.

Response to MCGREW-7

The commenter expresses concern regarding noise.

A Noise Analysis (Appendix D of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Noise Analysis, implementation of the project will not result in any permanent substantial increase in ambient noise levels at sensitive receptors in the Project vicinity. In addition, with the implementation of Mitigation Measures NOI-1 through NOI-4 (RRDEIR No. 1, page 4.6-16), temporary increases in noise levels in the project vicinity resulting from short-term construction activities would be reduced to less than significant.

Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Mr. & Mrs. John DeLandtsheer
Post Office Box 329
Fawnskin, CA 92333

June 10, 2010

Mr. Matthew Slowik, Land Use Services Dept.
County of San Bernardino, Advance Planning Division
385 N. Arrowhead Avenue, First Floor, San Bernardino CA 92415-0110

Dear Mr. Slowik:

Re: Moon Camp 2010 DEIR

My wife and I have been out of the country on vacation for several weeks and just returned yesterday. We received a letter regarding the opportunity to express our concerns regarding the proposed Moon Camp Development just below our home. We have several apprehensions related to this project and appreciate the opportunity of bringing them to your attention and hearing your response. We hope our concerns will be taken into consideration as you make decisions regarding the proposed Moon Camp project.

DELANDTSHEER-1

1. **Water:** I am sure you are well aware of the long-term drought that has adversely affected Southern California and Big Bear Valley over the past decade. We have been permanent residents of Fawnskin since February 1977, and have witnessed the gradual decrease in rainfall and snowfall over this thirty-three year period. Our concern is that there is barely sufficient water to support the existing residents and parcels in our neighborhood. Should there be another fire, would sufficient water be available to provide us with adequate protection? We have been evacuated twice in the last seven years and each fire season seems to start earlier and end later. Our DWP has gone on record as warning us that the water supply cannot support any significant increase in the percentage of full-time residents. The proposal provided by the developer does not clearly spell out how this problem is to be handled. There is a very good chance that all of our water rates will increase significantly so that these new homes can have the water they need, if in fact they can get sufficient water at all! I would like to know specifically from the DWP, from the Fawnskin Fire Department, and from the U.S. Forest Service if they believe that this proposed development would negatively impact our water usage and increase our vulnerability to fire danger.
2. **Safety:** Crime in our valley is on the rise. We Fawnskin residents hear weekly of break-ins, burglaries, meth labs, and other criminal activity in the Big Bear Valley. How will this proposed development impact the ability of our Sheriff's Department to respond quickly to emergency calls and to protect Fawnskin resident? Our roads already are overburdened with traffic, especially during winter months and severe weather conditions. It took the snowplows several days to reach us. How much longer will it

DELANDTSHEER-2

DELANDTSHEER-3

take with all the proposed new roads added to their route? Also, how much more will it cost us in taxes to pay for the additional personnel and equipment necessary to accommodate these new routes?

DELANDTSHEER-3

3. **Zoning:** It appears that zoning would need to be changed from a rural classification to allow one house per half-acre. Currently, there are over 1000 buildable lots available in Fawnskin. Do we really need more? Fawnskin has always been a small town; there is absolutely no reason, other than greed, to change the character of our town. Zoning changes occur when they are in the best interests of the citizens. Please explain to me how this proposed development is in the best interests of anyone in our town or our valley, except for the developers who stand to make money from the proposed project.
4. **Eagle Habitat:** Directly in front of our home are a number of trees that the bald eagles nest in each year. I am very concerned that the eagle nesting habitats will be adversely affected by this proposed development. Our son grew up here observing the eagles, as well as enjoying other forms of wildlife present in Fawnskin, all the while gaining an appreciation for the natural environment of our Valley. Consequently, these experiences prompted him to become a veterinarian. What will happen with our legacy for the next generation when first the eagles disappear, then other wildlife are crowded out by over-development, and children can no longer observe and appreciate nature?
5. **Aesthetics:** For over thirty years, my wife and son and I have been able to walk down to the lake from our home. We have so many fond memories of our daily hikes and of our son's special tree where he would sit as a youngster and skip stones across the lake or watch the ducks. These are memories our son wants to relive with his own children, our grandchildren, in a couple years when they are old enough to follow his path through the forest. The proposed development would block access to the lake for residents of our neighborhood. No longer would we be able to walk down to the lake. Already there is a barbed wire fence up separating the lake from the highway on both sides. People come to the mountains to enjoy the pristine scenery, the clean air, and the solitude. Fawnskin has always been a haven for all three. What kind of thinking goes into planning a development that turns this tiny area into another down-the-hill subdivision?

DELANDTSHEER-4

DELANDTSHEER-5

DELANDTSHEER-6

We appreciate the opportunity to share our concerns and questions with your agency and look forward to your responses. We trust that you will make a decision that retains the character, safety, and integrity of our small mountain community. Please contact me at the above address, or by e-mail at john_joelle@msn.com.

DELANDTSHEER-7

Sincerely,



John DeLandtsheer

John DeLandtsheer (DELANDTSHEER)

Response to DELANDTSHEER-1

The commenter states infrastructure and water supplies in the Fawnskin system are limited and the Department of Water and Power says that the supply cannot support any significant increase in the percentage of full-time residents.

See Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to DELANDTSHEER-2

The commenter expresses concern regarding impacts to roads and traffic. In addition, the commenter expresses concern regarding impacts from forest fires.

See Response to WINCH (b)-4 for a response regarding project and cumulative traffic. In addition, see Response to WINCH (b)-5 for a response regarding forest fires.

Response to DELANDTSHEER 3

As indicated within Section 4.7, Public Services, of the RRDEIR No. 1, anticipated police calls that may occur include increased burglar alarm calls, general criminal investigations, missing or lost persons, emergency medical calls, thefts of boats, and vandalism. Although there would be an incremental need for increased police service, it is not anticipated that Proposed Alternative Project implementation would require any new police facilities. Each homeowner will be required to pay property taxes and development impact fees based on then-current rates. The Proposed Alternative Project's increase in demand for police services would be offset through project related fees and taxes. Therefore, impacts to law enforcement services are expected to be less than significant, and no mitigation measures are proposed.

In addition, as evaluated in RRDEIR No. 1, Section 4.8, Transportation, Circulation, and Parking, Subsection 4.8.2, Project Impact Analysis, the site plan for the project proposes two points of access from SR-38; driveway number one, toward the western portion of Tentative Tract No. 16136, with another driveway providing access to the project from SR-38 further to the east. San Bernardino County Municipal Code § 87.06.030(c)(2)(E) states that: The subdivision in each of its phases shall have two points of vehicular ingress and egress from existing surrounding streets, one of which may be used for emergency use only. Therefore, the Project's vehicular ingress and egress design is consistent with County Code. In addition, a Traffic Impact Analysis (Appendix E of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Traffic Impact Analysis, no areas are expected to have significant and unavoidable impacts for opening year and Horizon Year 2030 Traffic Conditions nor cumulative traffic impacts to SR-38 or the surrounding area with the implementation of Mitigation Measures T-1 and T-2 (RRDEIR No. 1, page 4.8-51). No additional response is necessary.

Response to DELANDTSHEER-4

The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre and sufficient infrastructure.

See Response to SM&W-1 for a response regarding zoning of the Project site, as well as sufficiency of infrastructure.

Individual projects are required to address the availability of adequate water supplies, water and wastewater facilities, traffic circulation and other infrastructure in support of an individual project's proposed density of development (BVCP, page 11). This concept, known as the "Holding Zone" approach, has traditionally been applied by the County transitioning individual parcels of property from low-density land use designations to higher density land use designations in the Bear Valley Community. The County of San Bernardino General Plan clearly contemplates and sets out very specific requirements for increasing the allowable density of development through General Plan amendments. As indicated in the RRDEIR No. 1, the proposed Project will provide adequate water, wastewater, utility and roadway infrastructure to support the proposed Project consistent with the mandates of the Bear Valley Community Plan.

Response to DELANDTSHEER-5

The commenter expresses concern regarding biological resources.

See Responses to WINCH (b)-5 and -6.

Response to DELANDTSHEER-6:

The commenter expresses concern regarding aesthetics.

See Response to WINCH (b)-7 for responses regarding aesthetic impacts.

Response to DELANDTSHEER-7

The commenter expresses concern regarding aesthetics and noise.

The commenter provides a closing statement. No comment is necessary.

817 Coronado Terrace
Los Angeles, CA. 90026
May 31, 2010

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

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

RE: Moon Camp 2010 DEIR

Dear Mr. Slowik,

Regarding the 2010 DEIR of the Moon Camp proposed project, please respond to the following:

Zoning Change: We do not understand why the North Shore of Big Bear Lake is in need of 50 more home sites when there are already over 1,000 buildable sites available in the Fawnskin area. We are in need of open space along the lake, not structures and more infrastructure.

- Why do we need 50 more home sites?
- Is this the best use of this property for the community?
- Does this property not contain aesthetic qualities that are more important than more homes in a glutted market?
- We understand a zoning change would benefit the developer, but how would a zoning change from RL-40 to R1 benefit the Fawnskin community?

Additional Development: The fact that this project doesn't exist just by itself compounds the problems for the North Shore. The Marina Point project may add another 133 condos and 175 boat slips. The noise, air and nightlight pollution alone is enough to change the quality of life for the Fawnskin community to the negative. With the possibility of both the Marina Point and Moon Camp projects going forward:

- What mitigation is in place for the cumulative impacts of both projects?

FRANCUZ-1

FRANCUZ-2

FRANCUZ-3

FRANCUZ-4

FRANCUZ-5

FRANCUZ-6

Marina: Along with the proposed home sites come 55 boat slips and the infrastructure to supply and maintain these boats including parking and turn around space on an already well used, curvy part of the highway.

- What guarantees that the highway will remain safe to drive with boats and trailers going in and out on this curved portion of the road?
- Can you ensure that the noise emitted from the cars, trucks and the power boats themselves will not negatively the quality of life on the North Shore?
- Can you ensure that the amount of petrochemical pollution from these 55 boats will not negatively impact us as we live downwind of the marina?
- What assurance that boats pulled by cars or trucks being driven by an unknown quality of driver will not impede emergency vehicles who share this same stretch of curved highway?
- Has room for a Quagga mussel station been allotted at this site? It doesn't even look big enough for what you are planning.
- The entrance and exit to the development and boat ramp create a dangerous situation on the curves of the highway. This has not been properly analyzed in the DEIR. What mitigation is being done?

FRANCUZ-7

FRANCUZ-8

FRANCUZ-9

FRANCUZ-10

FRANCUZ-11

FRANCUZ-12

Safety Issues: Our recent experience with a major fire showed that the existing population was not able to evacuate in a timely fashion. The incident happened off season and mid-week when there are fewer people in the Big Bear Valley. Many residents had to remain on the mountain and pray for the best. In case of emergencies requiring evacuation of the mountain communities, please address:

- What mitigation has been provided to accommodate the additional residents needing to evacuate the mountain when one or more of the three routes is impaired by the emergency?
- Why don't the facts of what has happened in the past carry more weight when considering the density of this small community with so few escape routes?

FRANCUZ-13

FRANCUZ-14

Water: There is not a sufficient water supply to Fawnskin at present. Many Fawnskin residents have wells that have been affected in drought years. The addition of wells to accommodate 50 new home sites could easily overstress the existing wells on the North Shore. The proposal currently has no defined water service. Each option could impact current residents.

- Why should the current North Shore residents be affected negatively to benefit an unneeded development?
- What guarantees can be made that this development would not affect other homes on the North Shore?

FRANCUZ-15

FRANCUZ-16

Air Pollution: Mountain homes have traditionally had fireplaces; this is a fact. Many homes have more than one fireplace. Good neighbor policies do not mitigate the fact that 50 homes would have 50+ fireplaces or wood-burning stoves.

FRANCUZ-17

- What mitigation can be made for prevailing winds that blow from the dam into neighboring properties?
- How would a "good neighbor policy" be enforced?
- What mitigation is in place for the health problems caused by the additional smoke?

FRANCUZ-18

FRANCUZ-19

Natural Resources: The Moon Camp area is a known eagle habitat. Visitors and residents enjoy the frequent sightings of our country's grand bird. The DEIR map shows that approximately one-half of the eagle perch trees would be eliminated due to the parcel distribution.

FRANCUZ-20

- What mitigation is planned for this loss of habitat?

Light and Noise: The North Shore is known for its dark night skies and quiet rural qualities. The addition of 50 homes and 55 boats would change this natural quality that is so appreciated.

FRANCUZ-21

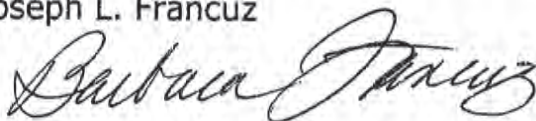
- What guaranteed enforcement would be in place to control lighting and noise as this proposed development does not include the building of the individual homes?

We would appreciate your addressing our questions.

Sincerely,



Joseph L. Francuz



Barbara Francuz

cc: Neil Derry, Supervisor Third District
County of San Bernardino
385 N. Arrowhead Avenue, Fifth Floor
San Bernardino, CA 92415-0110

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Joseph and Barbara Francuz (FRANCUZ)

Response to FRANCUZ-1 through 5

The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre. The commenter requests a valid reason for changing the zoning, when there is sufficient infrastructure and if the change is in the best interest of the public.

See Response to SM&W-1 for a response regarding zoning of the Project site. No additional response is necessary.

Response to FRANCUZ-6

The commenter questions what mitigation measures were provided for cumulative impacts to noise, light, and air.

Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to FRANCUZ-7 and 8

The commenter questions potential noise impacts to the marina.

The marina parking is for day use only and not for trailers. In addition, a Noise Analysis (Appendix D of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Noise Analysis, no areas are expected to have significant and unavoidable impacts with the implementation of Mitigation Measures NOI-1 and NOI-2 (RRDEIR No. 1, page 4.6-16).

Response to FRANCUZ-9

The commenter expresses concern regarding odor within the marina.

An Air Quality Impact Assessment was conducted for the Project. According to the Air Quality Analysis, CEQA Guidelines indicate that a significant impact would occur if a Project would create objectionable odors affecting a substantial number of people. The odor analysis conducted within the Air Quality Impact Assessment concluded the Project would not contain land uses typically associated with emitting objectionable odors, with the possible exception of wood smoke. Wood smoke is pleasant to some and may be a nuisance to others. Implementation and compliance with SCAQMD Rule 402 would ensure that wood smoke would not be offensive to a substantial number of people. Diesel exhaust and VOCs will be emitted during construction of the Proposed Alternative Project, which are objectionable to some; however, emissions will disperse rapidly from the Project site and therefore should not be at a level to induce a negative response.

In addition, Mitigation Measure AQ-3 (RRDEIR No. 1, page 4.2-38), in particular, prohibits open-hearth fireplaces and permits only EPA Phase II certified fireplaces and wood stoves, pellet stoves, and natural gas fireplaces. The use of certified fireplaces and stoves will significantly increase the heating efficiency of fireplaces and reduce the amount of smoke particles and toxics emitted into the air compare to an ordinary open-hearth fireplace present in many homes in the neighboring area. See Response to Pitts (b)-12 for additional information.

Response to FRANCUZ-10

The commenter expresses concern regarding boats pulled by cars or trucks will impacts emergency vehicles who share the same road.

The site plan for the Project proposes two points of access from SR-38; driveway number one, toward the western portion of Tentative Tract No. 16136, with another driveway providing access to the Project from SR-38 further to the east. San Bernardino County Municipal Code § 87.06.030(c)(2)(E) states that: The subdivision in each of its phases shall have two points of vehicular ingress and egress from existing surrounding streets, one of which may be used for emergency use only. Therefore, the Project's vehicular ingress and egress design is consistent with County of San Bernardino Code. In addition, a Traffic Impact Analysis (Appendix E of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Traffic Impact Analysis, no areas are expected to have significant and unavoidable impacts for opening year and Horizon Year 2030 Traffic Conditions nor cumulative traffic impacts to SR-38 or the surrounding area with the implementation of Mitigation Measures T-1 and T-2 (RRDEIR No. 1, page 4.8-51). No additional response is necessary.

Response to FRANCUZ-11

The commenter expresses concern regarding having room for quagga mussel station at the site.

The marina parking is for day use only and not for trailers. No additional response is necessary.

Response to FRANCUZ-12

The commenter expresses concern regarding additional use of the highway.

See Response to FRANCUZ-10.

Response to FRANCUZ-13 and -14

The commenter expresses concern regarding impacts from forest fires.

See Response to WINCH (b)-5 for a response regarding forest fires.

Response to FRANCUZ-15 and -16

The commenter states infrastructure and water supplies in the Fawnskin system are limited and the Department of Water and Power says that the supply cannot support any significant increase in the percentage of full-time residents.

See Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to FRANCUZ-17 through 19

The expresses concern regarding impacts towards the use of wood burning fire places.

See Response to FRANCUZ-9.

Response to FRANCUZ-20

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

Response to FRANCUZ-21

The commenter expresses concern regarding impacts from light and noise.

Generally, the attributes of the 2011 Project—including reduction in development intensity, elimination of the development of lakefront lots, elimination of the realignment of SR-38, reduction and relocation of the proposed marina, increase in permanently protected open space, and reduction in the number of trees removed from the site—enhance the aesthetic values of the Project to reduce aesthetic impacts. In addition, with the implementation of Mitigation Measures A-1 through A-4 (RRDEIR No. 1, page 4.1-8 through 4.1-10), implementation of the 2011 Project would result in less than significant aesthetic, light, and glare impacts.

In addition, a Noise Analysis (Appendix D of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Noise Analysis, no areas are expected to have significant and unavoidable impacts with the implementation of Mitigation Measures NOI-1 and NOI-2 (RRDEIR No. 1, page 4.6-16).

Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

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June 2, 2010

Karin Powell
P.O. Box 356
Fawnskin, CA 92333

RECEIVED
JUN 04 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

County of San Bernardino
Advance Planning Division
Land Use Service Dept.
385 N. Arrowhead Ave, First Floor
San Bernardino, CA 92415-0182

Subject: Moon Camp 2010 DEIR

Attention: Matthew Slowik

Dear Sirs:

I am quite concerned with the proposed change in the zoning of the referenced property because of the following:

*Fawnskin is a rural community with no need for subdivisions. Isn't the population under 1000? There are hundreds of existing lots to build upon and vacant homes to redevelop and improve. What are the exact numbers of unoccupied homes/cabins and vacant lots?

POWELL-1

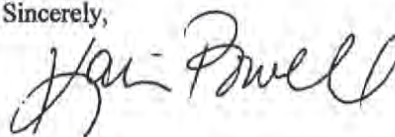
*I am wondering about the infrastructure required for this project? We are on water restrictions and I pay high water bills throughout the year, regardless of my use. Will my water bill increase again because of the new lines that will need to be built?

POWELL-2

*Our community is quaint, peaceful, and beautifully simple. We live in a forest that is enjoyed by many people because of these qualities. I would hate to see one more lovely hillside covered with conspicuously large uninhabited homes. Please help preserve our neighborhood by not allowing the zoning change.

POWELL-3

Sincerely,



cc: Neil Derry, Supervisor Third District

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Karin Powell (POWELL)

Response to POWELL-1

The commenter states that there are various vacant lots and residences within the area.

See Response to SM&W-1.

Response to POWELL-2

The commenter states infrastructure and water supplies in the Fawnskin system are limited and the Department of Water and Power says that the supply cannot support any significant increase in the percentage of full-time residents.

See Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to POWELL-3

Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

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FROM THE DESK OF
KIM MACDONALD

May 24, 2010
Re: Moon Camp 1010 DEIR

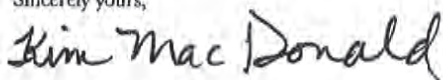
To Whom It May Concern:

I'm writing concerning the Moon Camp proposed development.

- Could you please explain why the county should allow a change to the zoning in this area. There are already more than 1,000 buildable lots in Fawnskin.
- Are there sufficient water supplies in the Fawnskin system? What would be the impact cost on current residents?
- What about the narrow highways which are already overburdened?
- What will be the impact on the endangered bald eagles that nest nearby? They are one of my chief joys in visiting the Big Bear area, and their loss would be huge.

In addition to these questions, I'm particularly concerned for the loss of serenity, beauty and quietness of the Fawnskin side of the lake. It was for these that I bought my home there. The North Shore is a treasure unlike the rest of the area and should be preserved. I urge you to please reject this development and preserve the unique character of the Fawnskin area.

Sincerely yours,



Kim MacDonald (Fawnskin homeowner)
408 W. Poppyfields Dr.
Altadena, CA 91001

MACDONALD-1

MACDONALD-2

MACDONALD-3

MACDONALD-4

MACDONALD-5

RECEIVED
26 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

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Kim MacDonald (MACDONALD)

Response to MACDONALD-1

The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre and sufficient infrastructure.

See Response to SM&W-1 for a response regarding zoning of the Project site. No additional response is necessary.

Response to MACDONALD-2

The commenter states infrastructure and water supplies in the Fawnskin system are limited and the Department of Water and Power says that the supply cannot support any significant increase in the percentage of full-time residents.

See Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to MACDONALD-3

The commenter expresses concern regarding impacts to roads and traffic. In addition, the commenter expresses concern regarding impacts from forest fires.

See Response to WINCH (b)-4 for a response regarding project and cumulative traffic. In addition, see Response to WINCH (b)-5 for a response regarding forest fires.

Response to MACDONALD-4

The commenter expresses concern regarding biological resources.

See Response to WINCH (b)-5 and -6.

Response to MACDONALD-5

Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

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Mr. Slowik,
Attached is my letter regarding the Moon Camp 2010 DEIR.

May 24, 2010

In addition I have enclosed the Big Bear Grizzly dated Jan. 20, 2010 which includes an article "Reservoir dogged" and statements from the Fire Crews who found lack of adequate water supply when fighting a fire in Lake Williams, BB Valley.

....also a copy of the Big Bear Grizzly for Wed, Oct. 24th 2007, outlining the problems that Tim Woods/RCK Properties were asked to respond to in their EIR. (These problems were not addressed in the current Moon Camp 2010 DEIR.)

....a downloaded statement currently on the www.bbldwp.com site, stating that "even with this conservation effort (Water Conservation 2010 outlining the water use schedule in place in BBValley) and by creating additional water-use efficiencies in this water system, there will not be sufficient ground water to meet the future water demands of the valley." (page 2)

Note: Most of Fawnskin is serviced by DWP, except for the few private wells, whose problems are not addressed by any of the proposals in the Moon Camp 2010 DEIR.

....a page from "Moon Camp Secrets" by Eileen Downey regarding the facts the current owners knew regarding the lack of water....before they purchased the property.

Loretta L. Gardiner
P O Box 258
40050 North Shore Dr.
Fawnskin, Ca. 92333
909-878-4220

GARDINER-1

RECEIVED
MAY 27 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

County of San Bernardino
Land Use Serv Dept, Advance Planning Div.
385 N. Arrowhead Ave, First Floor
San Bernardino, Ca. 92415-0182
Attn: Matthew Slowik
Copy: Supervisor Neil Derry

May 24, 2010

Subject: Moon Camp 2010 DEIR

This letter is in regards to the Moon Camp Development proposed by RCK Properties, Inc. (Moon Camp 2010 DEIR) and the effect on private wells it would have on property owners in Fawnskin.

I live at the corner of 40050 North Shore Dr. and Moon Lane (an unimproved County Rd.), directly south of the proposed Moon Camp Development and my water is entirely supplied by my private well.

In the past eight years I have experienced loss of water flow on five occasions, even though the entire Valley was observing the DWP Water Conservation Program as we are doing again in 2010.

The most recent loss of water was in June 2009, this incident and the others before it were not reported because I am not a DWP customer and there is no one to whom I can report this or any of the other four instances I have experienced in the past 8 years.

I have a well with a pressure tank and filter system, and a 5100 gal. water storage tank for fire suppression, costing approximately \$20,000 in total, I should not be required to become a DWP customer, and then pay a monthly water bill.

I am enclosing the front page of the Jan. 20, 2010 issue of the Big Bear Grizzly citing problems with water pressure noted by the Fire Dept., approving this development would endanger Fawnskin and leave many of us without the rights to which we are entitled. Also enclosed, a copy of Page A5 from the Big Bear Grizzly, dated Oct. 24th, 2007 with proof that the question of private wells was discussed with RCK, however it is not addressed in the reissued 2010 EIR, as it concerns well #3.

GARDINER-2

At the meeting held May 16th 2010 at the Discover Center by Tim Woods & Michael Perry representing RCK Development, Perry made it clear that private well rights issues were not going to be addressed...when asked of Perry..."What about the private well owners...what do we do when we run out of water?"...he shrugged his shoulders, as if to say "sorry", not our problem...When another member of the audience asked how Fawnskin would benefit from this development, Mr. Perry said....and I quote "You would have 50 beautiful houses to look at."

Mr Perry also mentioned plans to put a hydrant very near my address, directly below the proposed development. It would then be in front of two full time residences.....that have run out of water a total of 11 times in past 8 years, of the 50 parcels on North Shore Drive in Fawnskin there are about 20 occupied on a full time basis, and we still have run out of water.

Although RCK would not activate well #3, the well practically in my backyard, they would turn it over to DWP upon completion of the development....Mr. Perry indicated that he was aware that use of well #3 would adversely affect water flow for this neighborhood, but that will be a problem for DWP...and we are not their customers...back to square one....where is our protection?

Loretta L. Gardiner

Lori Gardiner (Loretta L. Gardiner)
40050 North Shore Dr.
Fawnskin. Ca. 92333 (909) 878-4220

hugged

Fire Department asks water agency to put the pressure on

By AHRISSIA OWEN TURNER
Reporter

On Nov. 7, the Big Bear City Fire Department, along with Big Bear Lake, Pawston and Baldwin Lake fire departments, responded to a structure fire in the unincorporated area Lake William. One home was destroyed and extensive damage occurred to the home next door.



Joel Dickson

Fire crews found the available water supply adequate to extinguish the fire, but just barely, said Big Bear City fire prevention inspector Tim Fraistrofer in a letter to the DWP dated Dec. 9. With three fire lines flowing, five crews were unable to

provide the needed water from the fire crews' monitors' master stream because the water pressure dropped to an unacceptable level.

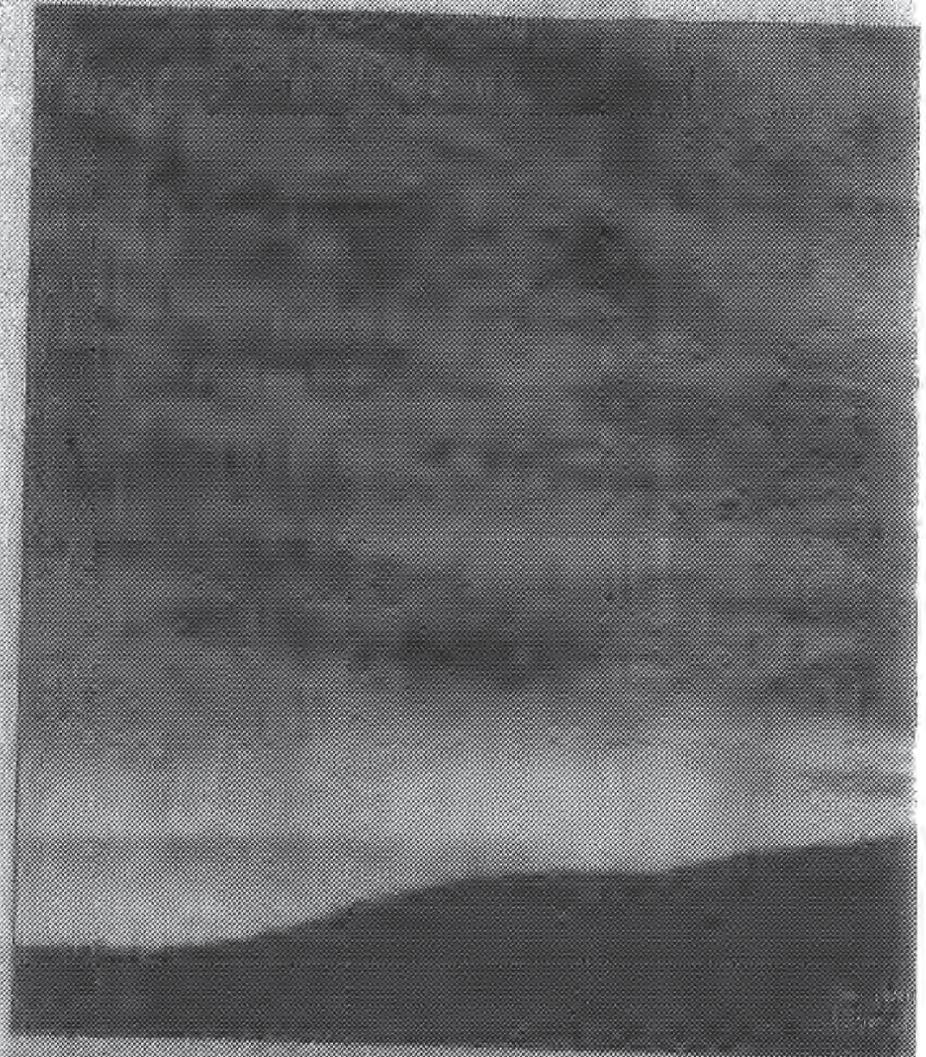
The water agency investigated the water supply, says DWP General Manager Joel Dickson. The reservoir capacity is 160,000 gallons in Lake William. The DWP has water reservoir monitoring at that site, Dickson says. Data shows that when the fire started, there was approximately 140,000 gallons of water available. During the fire, the water dropped to 120,000 gallons.

"That means that the available water supply was more than adequate to extinguish the fire," Dickson says. Big Bear Lake Fire Chief Rod Ballard says that while there was enough water available, crews had trouble getting it through the fire hoses quick enough because of low water pressure. "It was a challenge," Ballard says.

Three of the fire departments ran water lines, with Big Bear City providing the master line. A master stream flows about 1,100 to 1,200 gallons per minute. The additional two smaller hand lines produced approximately 200 to 250 gallons per minute.

"Not one of them flowed heavy," Ballard says. They were working nonstop for about 15 minutes on

No guar

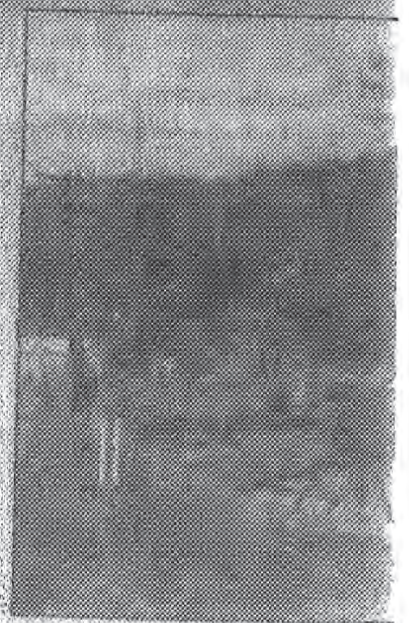


Little snow, lots of darkness with first wave of winter storms

By JUDI BOWERS and KATHY PORTIE
Reporter

Weather forecasters were calling for two feet of snow by the end of the day Jan. 18. The TV news media warned against driving to the mountains due to dangerous road conditions. No surprise they didn't get it right.

The first wave of a series of storms blew into Big Bear Valley last Jan. 17 bringing rain and sleet. Jan. 18 brought more rain and sleet with snow at the upper elevations—namely the resorts. Blow is the operative word in this instance. Wind gusts were reported by emer-



High winds blew over several towns

Lake William system under pressure

Continued from Page A-1

ture, which burns particularly hot, Ballard says.

Ballard gave instructions to turn down the master line to distribute the water more evenly because of the water pressure. "The big one was taking flow away from the smaller ones," Ballard says. "It could have been fine for a normal house fire. But that whole thing was being consumed."

The eastern wind made exposure the priority for the fire crews, Ballard says. "It was beyond our abilities to save that house," Ballard says. The fire had spread to the neighboring residence before the first fire crew arrived on scene, which became the priority. "It was like dumping water on a bonfire," he says.

"That house was a lost case," says Big Bear City Fire Department Fire Chief Jeff Willis. "But it would have made a difference for the adjoining structure," he said regarding the water pressure.

While the water agency can monitor how much water was available at the time of the fire, it does not have the ability to monitor the system pressure capability. "Therefore, we were not independently able to confirm Mr. Prestroffer's statement with regard to system pressure," Dickinson says. Neither

does Big Bear City Fire Department possess physical data about water pressure from the day of the fire.

DWP employee Jason Hall spent an hour at the site of the Lake William fire during the blaze. According to Dickinson, Hall says he spoke to several different fire department personnel and none of the firefighters mentioned there was a problem with water pressure or availability.

The water agency hired Annibal Blandon to evaluate the system's characteristics, "specifically whether the water pressure is inadequate for firefighting," Blandon assigned most of the DWP's distribution facilities since 2004.

"It is the DWP's intent to do as the Fire Department suggests and determine if the water system in the Lake William area is deficient with respect to firefighting," Dickinson says.

Since the reservoir was built in the late 1960s, newer homes built are up to 3,500 square feet. The tank requirement for an area with homes that size requires a 210,000 gallon tank capable of providing fire hoses 1,750 gallons per minute.

There are three different types of water pump systems in Big Bear Valley.

gravity and electrical pumps or a combination of the two, in which the electronic pump kicks on if the gravity pump isn't providing adequate water pressure during a fire. The Lake William reservoir only has a gravity pump.

Prestroffer is asking the water agency to consider consulting with an engineering firm to evaluate the installation of a larger water reservoir and a mechanical fire pump at the existing reservoir site, boosting water pressure during a fire. Willis supports Prestroffer's recommendation.

Fire prevention data has advanced during the last four decades, Willis says, to keep up with the changes occurring in the construction industry. More modern homes are made of more combustibles, including synthetic products, making structures burn hotter and faster.

If Willis had to choose between the two, he says, the department would benefit more from increased water pressure.

Contact reporter Arrissia Owen Turner at 909-866-3456 ext. 142, or by e-mail at ar.grizzly@gmail.com.

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Camp residents want to be sure about water

tomers is not a windfall, he said. But adding to the customer base isn't a bad thing, LaHaye said.

Eric Jensen doesn't want DWP water. Jensen asked why people on private wells with essentially free water should become paying DWP customers.

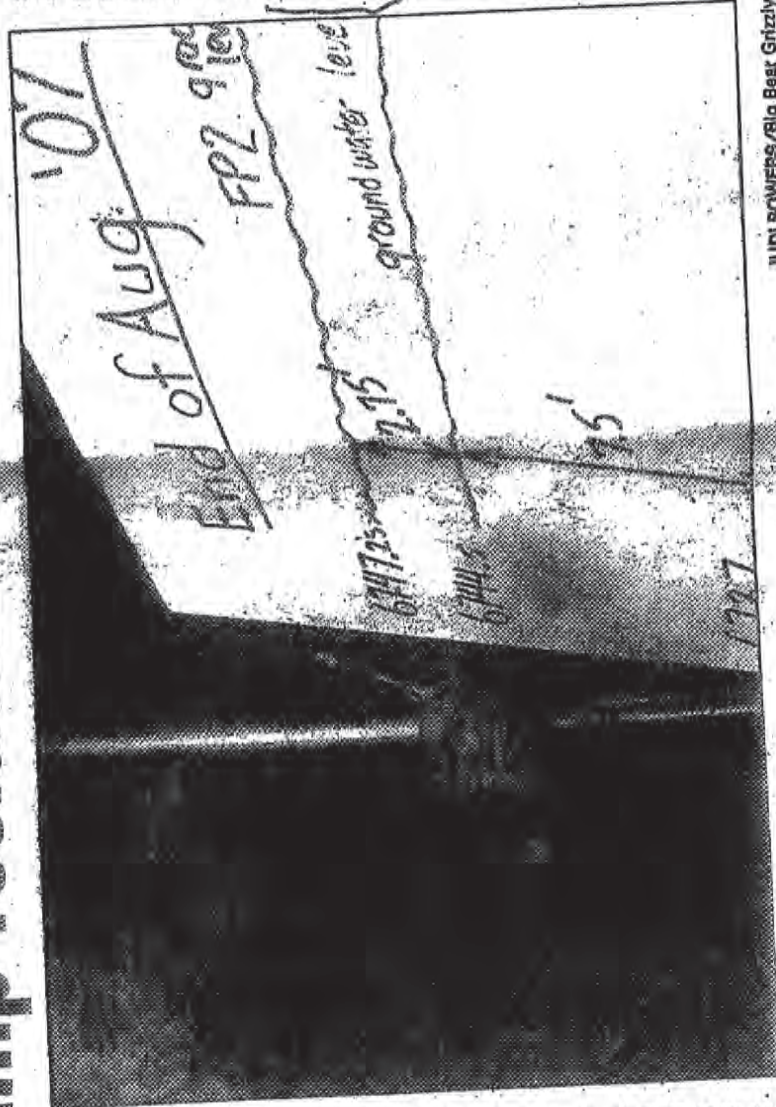
The proposed Moon Camp development is still in the planning stages. The developer needs to assure San Bernardino county there is enough water. Connecting FP-2 to existing water lines in Fawnskin will be paid for by the developer, Perry said.

FP-3 won't be equipped for pumping. FP-3 is closer to existing residents and would affect the residents' private wells, LaHaye said.

Steve Farrell questioned whether FP-2 would supply the project and Fawnskin residents for the long haul. The historical data goes back 100 years when the Valley was wetter, he said, and the data does not account for climate change and prolonged droughts.

"We will check and double our numbers to be sure there is enough water," LaHaye said.

Contact reporter Brian Charles at 909-388-3455, ext. 134 or email at briancharles@big-



JUDI BOWERS/Big Bear Grizzly

Michael Perry discusses depth to water levels with Fawnskin residents.

homes were drilled and named by RCK Properties. A third well, FP-1, was determined not viable and never equipped. RCK Properties owns the 62 acres where the development is planned. Local Realtor Jim Wood has an option to purchase the property, and is the developer for

The DWP will mark how many acre feet can be pumped before the depth to water for the private wells begins to draw down, LaHaye said. The DWP won't pump more water than can be taken without affecting private well owners, LaHaye said.

The DWP will run a main line to customers affected by FP-2 if their wells run dry, LaHaye said.

Fowls suggested an estrow account funded by the developer to pay for tying Moon Camp residents into a DWP main line, she said.

In the worse case scenario, the private well owners will

dents want. They are Geico or Big Bear Water and

sidents met General LaHaye and t. 20 at the department. nt for a pro- np develop- lopment is isting area 1 Camp on Drive in oved, 50 new built on 62 the project DWP has to re's enough nd.

n Camp resi- idual private osed project ar from a well which is 800 xisting homes wing from the ht pull water - supplying the wells, Perry

[Perennial Yield](#)[Monthly Demand](#)[Water Use Statistics](#)[Water Quality](#)[Lake William](#)[UWMP](#)**McAlister Well****Current Watering
Schedule**[Click Here](#)**DWP Mission**

The mission of the DWP is to manage our limited water resources through responsible planning, in order to assure quality water and essential services in the most cost-effective manner, for our current and future customers.

WATER SUPPLY

The DWP provides water service to about 16,000 customers from four separate water systems within the San Bernardino Mountains of Southern California. Three of the water systems and the majority of the customers are located in Big Bear Valley. The DWP provides water to its Big Bear Valley customers by pumping ground water from local aquifers. Currently, no outside water source is available to augment the local supply. The fourth system is in Rimforest, California located near Lake Arrowhead and water used in this system is purchased from the Crestline-Lake Arrowhead Water Agency (CLAWA).

Big Bear Valley lies 6,750 feet above sea level at the eastern end of the San Bernardino Mountains. The watershed surrounding the valley encompasses roughly 38.5 square miles. The main ridges, to the north and south, are relatively steep and support peaks ranging from 8,000-10,000 feet elevation. The climate is Mediterranean with cool, wet winters and warm, dry summers. Average annual precipitation ranges from nearly 40 inches at the west end of the valley to 10-15 inches at the east end of the valley. Annual precipitation is highly variable and it is common to have long dry spells (3-8 years) between years with above average precipitation. Ground water recharge varies accordingly and it can be several years between significant recharge events.

Due to the variation in annual precipitation, the potential for extended droughts, and the finite nature of the ground water supply, the DWP is faced with both short-term and long-term challenges in providing water to its customers. Potential solutions to ensure a safe, adequate water supply include water reuse, conservation, and water importation. A supplemental water source that is currently being considered, is a ground water replenishment program spearheaded by the Big Bear Area Wastewater Agency (BBARWA, www.bbarwa.org). Highly treated, recycled water will undergo micro-filtration, reverse osmosis, and finally ultraviolet disinfection before it is allowed to percolate into the ground water basin. This artificially recharged ground water would then be pumped into Big Bear Valley's water systems after it has undergone additional filtration while percolating into the valley's aquifers. In the short term, reducing the community's water demand through conservation is the quickest and most cost-effective option for addressing the DWP's water supply issues. Reducing demand will provide time to thoroughly explore, identify, and implement the best long-term water supply solution. Additionally, the DWP is currently working on a water master plan that will identify future water needs and guide water supply planning for many years to come.

In the DWP's Big Four service area (Erwin Lake, Sugarloaf, Moonridge and City of Big Bear Lake), the maximum perennial yield* is estimated to be 2,940 acre-feet. In 2001, the water demand for this area was 2,850 acre-feet. Since 2001, the annual water demand has been reduced through an aggressive water conservation effort by the community. The water demand during the summer of 2004, for the Big Four, was down 14%, helping to significantly stretch the limited water supply. However, even with this conservation effort and by creating additional water-use efficiencies in this water system, there

Cont.

will not be sufficient ground water to meet the future water demands of the valley. More part-time residents are projected to become full-time residents and there are still several thousand undeveloped lots, in the DWP service area, which will need water service in the future. Therefore, a supplemental water source will always be essential to meet the future needs of the DWP's customers.

* Perennial Yield = The maximum quantity of ground water perennially available if all possible methods and sources are developed for recharging the basin. This quantity depends on the amount of water economically, legally, and politically available to the organization or agency managing the basin.

Click Here for [Update January 2006](#) (2.1M .pdf file)

The current owners purchased Moon Camp in 1969, at that time, the land was zoned R-40, which means that there can only be one residence for every 40 acres.

Sometime between 1969 and 1988, the debate over the land became news again because of the proposed subdivision of the old resort. The Grizzly reported that Moon Camp EIR (environmental impact report) was ok and the Big Bear Municipal Water District (MWD) Board voted 4-1 to accept the report, but voted 3-2 against the subdivision.

The MWD cited concerns over the limited amount of domestic water and told the developers they could approach the board again later. Tim Krantz of Bio-Tech commented that MWD's shore zone ordinance (over the development of shore line) required fees to be collected for habitat improvements in Stanfield Pond.

In addition, the pond needed to have culvert cutoffs to keep the water levels high even when the lake level receded. The cost of the project was estimated at \$250,000.00.

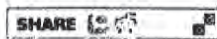
As of June 16, 1988, Krantz commented that the MWD had collected only \$4,000.00 and at that rate, it would take 374 years to complete the pond improvements.

I think that the future of Moon Camp should reflect its past a quiet, restful place where you will find beauty, peace and of course good fishing.

About the Contributor: Eileen Downey bought a home in Fawnskin as a retreat from the fast pace of the big city. Living here she has found inspiration, a renewed spirit, an endless amount of creativity and curiosity. Off the mountain, Eileen is an elementary teacher for children with autism but for the last three years, her passionate hobby has been to collect, read, and sort through the history of Fawnskin and its founding settlers. She hopes you will enjoy her series and be inspired by the first Fawnskin residents who called themselves "Fawnskin Folks."

If you have any additional information you would like to share, or have questions about the history of Fawnskin, please comment below.

Popularity: 2% [?]



Other Posts You May Enjoy:

Loretta Gardiner (Gardiner)

Response to GARDINER-1 and -2

The commenter states infrastructure and water supplies in the Fawnskin system are limited and the Department of Water and Power says that the supply cannot support any significant increase in the percentage of full-time residents.

See Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

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County San Bernardino Land Use

RE: Moon Camp development

I just wanted you to know I am
100% in favor with allowing the
Moon camp development to proceed!!

It looks beautifully done, the homesites
are big. It will help bring revenue
and business to the town of Fawnskin
we so desperately need in this small
dying mountain community.

I disagree 100% with the friends
of fawnskin's position. This radical group
prohibits, protest against everything in fawnskin
Groups like this through out California are
hurting our state by driving up costs
for businesses and driving jobs away
from our state and my community.

Please turn over →

up here the majority of our homes
are vacation or weekend homes.
Water impact will be very minimal.
This development will increase the
value of our homes in Fawnskin
as they will be high end homes!

I believe as a 25 year +
resident of this valley that
every aspect of this project
will be a plus. Please
don't give in to the out of
control environmentalist!! Lets grow
and prosper Fawnskin, SB County and
the State of California!!

M. Hill

39132 North Shore Drive
Fawnskin Ca 92333

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

7-16-10
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fa

M. Hill (HILL)

Response to HILL-1

The commenter states they are in favor of the Project. No response is necessary.

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County of San Bernardino
Land Use Service Dept.
Advance Planning Div.
385 N. Arrowhead Ave. 1st Floor
San Bernardino, Ca. 92415-0182
Attn: Matthew Slowik
Copies to Neil Derry

RECEIVED
JUN 02 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

May 24, 2010

Mr. Slowik,

I want to point out the problem with the critical water shortage as it affects the homes in Fawnskin on PRIVATE WELLS.

My home is directly below the proposed RCK Moon Camp Project and my entire water supply is from my PRIVATE WELL.

I have lived in my home for ten years and during that time I have run out of water SIX times, even though I, and the entire Big Bear Valley was observing the DWP "Water Conservation Program". These water usage restrictions are required again for 2010 for the fifth year in a row, and probably into the future.

THURSTON-1

My most recent loss of water supply was in May 2009, this instance and the others before it were not reported because I am not a DWP customer so I have no agency to report to, I am on my own. I should NOT be required to become a DWP customer, even if I could and pay for MY OWN WATER. At present time there are 1,076 buildable lots in Fawnskin, 50 more lots will further endanger the Moon Camp area water supply by pushing more unwanted development in Fawnskin.

Representing RCK at a public meeting, Michael Perry indicated that the owners of private wells could become customers of DWP and that fire hydrants on North Shore Dr. would provide an extra degree of protection. Who would pay for the installation and upkeep of these hydrants? Which well would provide the water for these hydrants?

THURSTON-2

I have had to evacuate three times in the ten years I have lived here. The enclosed front page of the Big Bear Grizzly, dated January 20, 2010 cites the fact that the Fire Dept found unacceptable water pressure when fighting a fire in Lake Williams. With the shortage of water in Fawnskin, the same situation could happen here. 50 more homes would increase wild fire risk in an area already suffering from water shortage.

THURSTON-3

RCK knew that the previous owners of the Moon Camp property had been informed of the water shortage years before. Approving this development would greatly endanger Fawnskin and leave many of us without the rights we are entitled to, just for the sake of profit for a few.

Marlene J. Thurston
PO Box 185
Fawnskin, Ca. 92333 (909) 993-3815

Marlene Thurston

By ARISSIA OWEN TURNER

Reporter

On Nov. 7, the Big Bear City Fire Department, along with Big Bear Lake, Fawnskin and Baldwin Lake fire departments, responded to a structure fire in the unincorporated area Lake William. One home was destroyed and extensive damage occurred to the home next door.



Joel Dickson

Fire crews found the available water supply adequate to extinguish the fire, but just barely, said Big Bear City fire prevention inspector Tim Frostroffer in a letter to the DWP dated Dec. 9. With three fire lines flowing, fire crews were unable to

provide the needed water from the fire crews' monitors' master stream because the water pressure dropped to an unacceptable level.

The water agency investigated the water supply, says DWP General Manager Joel Dickson. The reservoir capacity is 160,000 gallons in Lake William. The DWP has water reservoir monitoring at that site, Dickson says. Data shows that when the fire started, there was approximately 140,000 gallons of water available. During the fire, the water dropped to 120,000 gallons.

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Water: Lake William system under pressure

Continued from Page A-1

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There are three different types of water pump systems in Big Bear Valley,

gravity and electrical pumps or a combination of the two, in which the electronic pump kicks on if the gravity pump isn't providing adequate water pressure during a fire. The Lake William reservoir only has a gravity pump.

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If Willis had to choose between the two, he says, the department would benefit more from increased water pressure.

Contact reporter Armissia Owen Turner at 909-366-3458 ext. 142, or by e-mail at aturnergrizzly@gmail.com.



Joel Dickson

prevention inspector. Dickson Freistroffer in a letter to the DWP dated Dec. 9. With three fire lines flowing, fire crews

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Marlene Thurston (THURSTON)

Response to THURSTON-1 through 3

The commenter states infrastructure and water supplies in the Fawnskin system are limited and DWP says that the supply cannot support any significant increase in the percentage of full-time residents.

See Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

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To County San Bernardino,
Land Use

LILHAN

Subject Moon Camp development

I appreciated the updated EIR
for the new Moon Camp Development.

I believe this current proposal looks very
good and would a tremendous
benefit to the Town of Fawnskin!!
It would be a blessing to the businesses
of Fawnskin, bring in more revenue for the
Town of Fawnskin. Be good all the way
around. The Bald Eagle has plenty more areas
of Big Bear Lake to hang around in. Of course trees
could be left up since the development has reduced the
number of houses to be put up there. California
needs business!!

Thanks for allowing input
MJLillian
POB 777
Fawnskin Ca 92322

LILHAN-1

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MJ Lilhan (LILHAN)

Response to LILHAN-1

The commenter states they are in favor of the Project. No response is necessary.

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P.O. BOX 310 • FAWNSKIN, CA 92333-0310
PHONE (909) 866 6526

May 30, 2010

Re: Moon Camp Project, 2010 DEIR & request for zoning variance by RCK properties Inc.

I have a number of questions that the County should consider when making a decision to grant or deny RCK properties a zoning variance for their Moon Camp project:

LASKY-1

1) How is the requested change from a 40 acre minimum to a 0.5 acre minimum, allowing 55 more homes in Fawnskin in the "public interest?"

There already exists 1056 buildable lots in Fawnskin so adding 50 more in a extremely environmentally sensitive area subject to wild fires (3 major fires in the past 10 years or so) appears to be against the public interest.

LASKY-2

2) Is there sufficient infrastructure in Fawnskin to support 50 or more new residential properties ?

The present infrastructure is inadequate for the needs of us existing homeowners. For example electrical service is spotty and we frequently experience outages because the present electrical transmission lines, and supply are inadequate according to the power company. Furthermore water resources are marginal and are totally inadequate to fight the frequent wild-fires we experience.

LASKY-3

3) Has the County **required** RCK properties to install a water system including a reservoir that is completely independent of the existing Fawnskin water system to avoid impact to the marginal existing system and insure the safety of all during the annual fire season ?

To insure the safety of Fawnskin residents including the 50 or more new RCK households in an extreme fire zone, there must be a reservoir sufficient to provide the area with sufficient water to combat the raging blazes that periodically threaten our area. Further water resources including a pump station to insure sufficient hydrant pressure and maintenance of the facilities should be required. In short the County should require a new water district be created to build, and maintain a system that protects everyone including the future residents most at risk.

LASKY-4

4) Will the rural character of the Fawnskin area including its quiet forest environment be forever destroyed by the increased residential housing density that RCK is requesting ?

May 30, 2010

Will the rare wildlife habitats including the bald eagle areas forever be destroyed by RCK's development ?

LASKY-5

People buy property and live in Fawnskin because it is quiet and beautifully rural. Visitors come here especially in the Summer to enjoy the quiet forest environment , experience the wildlife enjoy the lake views. This particularly rare environment could be destroyed by the high environmental impact of the RCK Moon Camp development.

5) Will RCK properties be denied an "Investable interest" if their request for a 10 times increase in building density is denied ?

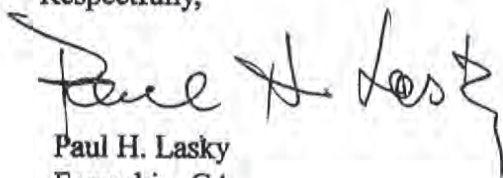
LASKY-6

I think not. In the past governmental interests have offered to buy the RCK property allowing the investors a handsome profit . RCK rejected the offer because they wished to maximize their profit by completing the high density development requiring the zoning change to one-half lots and excess lake development including a marina. Nevertheless the current 40 acre zoning does not prevent RCK from realizing a profit on their long-held investment.

I request that the Planning commission and County carefully consider and answer these vital questions before making the final decision that could either protect or destroy our local interests.

LASKY-7

Respectfully,



Paul H. Lasky
Fawnskin, CA

Paul Lasky (LASKY)

Response to LASKY-1

The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre and sufficient infrastructure.

See Response to SM&W-1 for a response regarding zoning of the Project site. No additional response is necessary.

Response to LASKY-2

The commenter expresses concern regarding impacts from forest fires.

See Response to WINCH (b)-5 for a response regarding forest fires.

Response to LASKY-3

The commenter expresses concern regarding utilities. In addition, the commenter states infrastructure and water supplies in the Fawnskin system are limited and DWP says that the supply cannot support any significant increase in the percentage of full-time residents.

As indicated within Section 4.9, Utilities, of the RRDEIR No. 1, the Project would result in an increased demand for electrical service. Based on a daily average of 16.66 kilowatts per unit, at project buildout the Proposed Alternative Project would utilize 833 kilowatts per day. BVE recently constructed a local power generating station to provide backup power and peak power to supplement the two power lines that feed the valley. According to BVE, service is available and of adequate supplies. The Project Applicant will also construct and fund all infrastructure related to the Proposed Alternative Project. In addition, the future residents of the site will pay monthly user fees that offset the cost of service and maintenance. Therefore, the impacts are considered less than significant and no mitigation is required.

In addition, see Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to LASKY-4

The commenter expresses concern regarding impacts from forest fires. In addition, the commenter expresses concern regarding impacts to the rural character of the area.

See Response to WINCH (b)-5 for a response regarding forest fires. In addition, see Response to WINCH (b)-7 for responses regarding aesthetic impacts.

The commenter states infrastructure and water supplies in the Fawnskin system are limited and DWP says that the supply cannot support any significant increase in the percentage of full-time residents.

See Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

Response to LASKY-5

The commenter expresses concern regarding biological resources.

See Responses to WINCH (b)-5 and -6.

Response to LASKY-6

The commenter expresses concern regarding aesthetics.

See Response to WINCH (b)-7 for responses regarding aesthetic impacts.

Response to LASKY-7

The commenter expresses concern regarding aesthetics and noise.

A Noise Analysis (Appendix D of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Noise Analysis, no areas are expected to have significant and unavoidable impacts with the implementation of Mitigation Measures NOI-1 and NOI-2 (RRDEIR No. 1, page 4.6-16).

Although the opinions of the commenter regarding the merits of the project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Slowik, Matt - LUS - Advance Planning

From: Tennyson, Peter J. [petertennyson@paulhastings.com]
Sent: Friday, June 04, 2010 3:40 PM
To: Slowik, Matt - LUS - Advance Planning
Subject: Comments on Moon camp EIR
Attachments: 20020102143407181.pdf

Dear Mr. Slowik:

attached is a letter concerning the "Moon camp" project draft EIR (SCH #2002021105). It will also be sent via US mail.

Peter Tennyson
Fawnskin

TENNYSON-1

IRS Circular 230 Disclosure: As required by U.S. Treasury Regulations governing tax practice, you are hereby advised that any written tax advice contained herein was not written or intended to be used (and cannot be used) by any taxpayer for the purpose of avoiding penalties that may be imposed under the U.S. Internal Revenue Code.

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For additional information, please visit our website at www.paulhastings.com.

965 Deer Trail
P.O. Box 293
Fawnskin, California 92333

4 June 2010

VIA E-MAIL TO MSLOWIK@LUSD.SBCOUNTY.GOV AND U.S. MAIL

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

Attn: Mr. Matthew Slowik

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

Dear Sir:

We appreciate the opportunity to comment on the Draft Re-circulated Environmental Impact Report ("DEIR") for the proposed Moon Camp development project. We own a home on Deer trail, above the project site, and believe that the DEIR does not adequately describe the manner in which we, our community and the visitors to the Big Bear lake area would be directly and adversely affected by the development of the proposed Moon Camp project. We urge that this report not be accepted until it is revised to better describe the project's extensive adverse effects on surrounding properties, on the community of Fawnskin and the Big Bear Valley as a whole, as well as on the neighboring National Forest and Big Bear Lake and the significant impacts and multiple harmful effects that would occur should this proposed project be approved. In a different forum we will urge the continued RL-40 designation of this property, as it is currently zoned, based on the county's general plan and development ordinances but seek in this letter to comment on the DEIR. We are confident that a properly prepared DEIR would lead to the conclusion this project is a bad idea.

TENNYSON-2

This DEIR often utilizes data that is out of date or worse, estimated from out of date information. In many categories, it downplays and understates the significant and unavoidable impacts of the proposed project. Please include this letter in its entirety as part of the formal CEQA comments to be included in the Environmental Impact Report. In summary, we find the DEIR to be inadequate for, among others, the following reasons:

General Comments

The Executive Summary statement that the Proposed Alternative Project "substantially reduces and in some cases completely avoids the significant environmental impacts that were

TENNYSON-3

identified in the 2005 Final EIR" is not the point—this report should be describing the effects of the proposed project—and is in many instances simply wrong. The data used for every area of evaluation is either out-of-date, understated or inaccurate creating an artificial reduction in the stated impacts. The report should use current data no later than 2007, after the most recent large fires and the onset of drought conditions.

TENNYSON-3

- This re-circulated DEIR must note the impacts compared with the current status of the site, rather than with the previously proposed [and now abandoned as unacceptable] project. As it now stands, the Re-circulated DEIR does not properly evaluate impacts to appropriately inform the public and the officials representing them. Simply creating less impact than the previously proposed project does not in any way substantiate that the impacts are now less than significant as the DEIR attempts to imply. The report should be revised to focus on changes from the present conditions, using current information, especially in light of recent fires, water rationing and current information about the loss of habitat and the need to preserve aesthetic considerations.

TENNYSON-4

- Many of the mitigations proposed throughout the DEIR for the adverse impacts it necessarily must acknowledge are 'paper' mitigations only and very likely have minimal or no value. The DEIR should be revised, if it continues to propose such mitigations, to describe and deal with their likely lack of effectiveness in actually mitigating for or reducing the significance of the specified impact. Some of these mitigations include such items as creating CC&R's, noting restrictions on deeds, stating standards to be observed in the construction and use of residences and putting flyers in the home but none of these proposed measures is analyzed in terms of its cost or feasibility of enforcement. The proponents should be required to describe feasible enforcement measures.

TENNYSON-5

- CC&R's have been proven several times in Big Bear Valley development projects to have little or no impact, especially on environmental issues. The Eagle Point development (by the same developers) supposedly "mitigated" for adverse impacts on eagles with CC&R's. The "mitigated" area is now almost completely devoid of eagles, in large part because the purported mitigations lacked any effective enforcement mechanism. One perch tree designated for preservation is now a tennis court that was approved by the homeowner's association that was expected to uphold the CC&R's. Other 'replacement' perches that were installed have long since fallen down and been forgotten because there was no mechanism for the public to enforce their maintenance. The DEIR must, if it proposes CC&R's as a mitigation measure, also establish a fund or process by which such measures can be enforced by persons who do not have a conflict of interest because they benefit from non-enforcement. The very nature of CC&R's as purportedly mutual agreements among owners to benefit each other's property is doomed to fail when the expected beneficiaries—the

TENNYSON-6

public and the environment—are not parties to the agreement and cannot enforce them. Other examples of failed CC&R's exist and can be provided.

TENNYSON-6

- “Standards only.” Please require a revised DEIR to provide proof that each item mitigated by a rule in proposed CC&R's will be maintained and enforced in perpetuity and describe the process by which that will be done, noting that there must be financial incentives to promote private enforcement.
- The DEIR relies on restrictions on use of lots in the future to conclude that environmental impacts will be minimized and should not be considered a detriment. It should be required to demonstrate that effective enforcement of such restrictions can be assured, given the scarcity of county enforcement resources for even current significant violations. Such restrictions should not be given significant weight unless there is a proven method to carry them out and make future owners aware of them, since courts will likely be sympathetic to claims of ignorance. What assurance does the public have that county staff will have the filing systems, the long memories and the appropriate levels of staff to enforce these measures in perpetuity?
- With the exception of doing nothing, it is hard to imagine a mitigation less effective than putting flyers in homes likely to be built over the next 10-20 years. Considering the frequency of turnover in homes in Big Bear now, flyers urging the avoidance of adverse impacts cannot be considered a serious mitigation and must be removed from the DEIR as recommendations and if they cannot be replaced with mitigations that can be proven effective, the impacts should be declared to be unmitigable.
- We attended the public scoping meeting for this DEIR and note that many of the comments raised at this meeting have not been properly addressed in the DEIR. Staff was present and took notes, and should require the authors to provide a list of the concerns raised and where they are addressed. Since this DEIR's purpose is to inform the public, this skimming over of the issues makes the DEIR evaluations seem biased.
- The project description throughout the DEIR states that slopes on the site range from 5% to 40%. However, no slope analysis is provided and we do not find in the report any verification that the proposed lots are buildable under the regulations enacted after the Old Fire. If as stated the property contains up to 40% slopes, the fire risk needs to be better addressed. The project maps, which appear simply to be geometric exercises to divide the parcels into regular lots of similar sizes, should be edited and resubmitted to display the impact of steep slopes on fire risk, run-off and vegetation, because the extensive grading and shoring needed to build on a steeper slope will necessarily have a greater impact. This will avoid the risk a subsequent owner of a lot will claim a “hardship” exemption.

TENNYSON-7

TENNYSON-8

TENNYSON-9

TENNYSON-10

TENNYSON-11

- The Re-circulated DEIR seems to be purposely misleading in some cases. Examples include:

(a) Descriptions of surrounding property uses fail to mention that the proposed project is bounded by housing on less than 39% of its borders and that the majority (over 61%) of the boundaries of the project are either National Forest or lakefront. This omission makes references to the density of existing "adjoining" housing misleading and should be corrected.

TENNYSON-12

(b) The original DEIR noted four major jurisdictional drainages (Exhibit 5.8-2), but the re-circulated one has omitted the west-most drainage (Exhibit 2-5). There is no mitigation offered for obstructing this draining nor acknowledgement of any kind of its existence even though this drainage is still on the property and was designated as such in the original EIR.

- For some areas, there is an assumption conditions have not changed since the original EIR. For example, there is minimal discussion of increased fire dangers recognized since 2003 and 2007, and the difficulties experienced in evacuations. Likewise, there is a launch ramp proposed, but no discussion of the need for inspections and preventive measures for the invasive Quagga mussel. If a private marina with little supervision (there is not even any discussion of measures to limit use by non-residents) is allowed to introduce this pest to the detriment of all, this is a serious and significant impact.
- The DEIR needs a revision to evaluate the air quality degradation, the noise pollution, the severe impacts to aesthetics, and the impacts to traffic and parking which are likely to result from the major construction of water facilities, including pipelines through many of the main roads of residential Fawnskin or the full impact of the planned marina. This omission, if not corrected, should lead to the conclusion that the omission is a deliberate attempt to conceal major adverse impacts.
- The DEIR misquotes the date as 2003 when this project was initially proposed. The first notice went out to the public in July 2001.

TENNYSON-13

TENNYSON-14

TENNYSON-15

Various sections of the DEIR go back and forth, making comparisons sometimes with the 1989 General Plan and sometimes with the 2007 General Plan. This appears designed to use whichever standard is in the best interest of the developer. All evaluations should be made against the most recent General Plan. The DEIR should be revised and resubmitted to do this.

TENNYSON-16

Aesthetics

It is the north shore that gives Big Bear its premier natural appearing landscape. The north shore of Big Bear Lake is a key component of one of the primary reasons that visitors and residents come. Boaters, hikers and skiers at the resorts on the south side of the lake benefit

TENNYSON-17

from the views across the lake and this view is strongly believed to encourage tourism. This project's impact on aesthetics has been minimized in this DEIR.

TENNYSON-17

- The DEIR compares the project density to that of adjacent residential development without noting that the project as proposed would eliminate one of the last existing sections of unencumbered view near Fawnskin. It also minimizes the impact of degrading view sheds by commenting on the developed nature of the south shore, implying that making the north shore similar is not a big deal. The loss of open habitat along a scenic highway is a major impact of great significance and should be described as such. If the proponents cannot make up for that loss it should be admitted, and some over-riding benefit to the public cited as justification. In a recent public meeting a project representative stated that making 50 houses available was such a benefit, ignoring the over 700 houses currently on the market and the almost 1200 vacant lots in Fawnskin.
- The DEIR also includes a misleading statement that the "view envelopes for existing residences ... are kept open to the greatest extent possible ..." but fails to point out that possible alternatives such as further reducing the number of lots would lessen the impact on view sheds and not building would eliminate the impact. Reducing the lots is also needed to avoid significant detriment on views from the lake and the south shore because the developer has no control over where the owners would choose to build their home within their lot once the lot is sold.

TENNYSON-18

TENNYSON-19

The EIR does nothing to analyze these impacts compared with what currently exists. It only states that the view would be less degraded than with the previous proposal.

TENNYSON-20

- The DEIR shows structures with small footprints and low building height and says that the view changes are less than significant. But it fails to point out that the developer has no control over where the owners would choose to build their home within their lot once the lot is sold, and little if any control over the size of house built. This evaluation thus understates the visual impact of the project on views from the lake and a scenic highway.
- The depiction of the marina and docks does not include boats in the docks and cars and boat trailers in the parking lot or along the highway. In addition, it does not include a view from the shoreline of the National Forest property east of the currently existing homes. This evaluation needs to be revised because it understates the significance of the change resulting from the project.
- The views from the lake with potential structures included should be of the middle of the proposed project, with all the homes with cars in the driveways and parked on the roads and with boats and boat trailers in the docks and marina parking.

TENNYSON-21

TENNYSON-22

TENNYSON-23

- The analysis on page 4.1-5 regarding lighting does not take into consideration the current extreme darkness of the area around the project and the fact that there are almost no streetlights in the current neighborhoods (and that bulbs have been removed from many of those that currently exist at the request of the residents). While pointing the lights downward may offer some form of mitigation in an urban setting, it does not mitigate the significance of having light where there now is none. Moreover, the county has a light ordinance in place now for reducing glare and nighttime lighting and it is already not enforced with existing homes. What assurance is there that it will be enforced on future ones sufficiently to declare this impact less than significant? We and our neighbors currently invite visitors to Big Bear to take advantage of prime stargazing conditions, especially during August when the Perseid meteor shower is visible. The proposed project severely threatens these viewing conditions and this should be described in detail.

TENNYSON-24

Page 4.1-6 acknowledges the existing scenic highway designation requires that "Placement of buildings and structures shall be compatible with and should not detract from the visual setting or obstruct significant views." It gives no insight about how this can or will be enforced. All structures, roads and curbs, pedestrian walkways, parking and storage areas, along with lighting (low intensity or not), and signs are incompatible with open spaces and the DEIR fails to acknowledge this.

TENNYSON-25

- When considering potential development in a forest area, it is important to recognize that at some point, community saturation can occur where the area, due to overbuilding or the loss of habitat or resource, can no longer sustain even minimal growth. For Fawnskin that point appears present or imminent but analysis of where that saturation point is for Fawnskin and the North Shore, based on natural resources has not been included in the DEIR.
- In a county scenic byway corridor that uses criteria of "maintenance of a natural open space," the impact of adding a noisy marina and a parking lot to the shoreline must be addressed and a better discussion of this impact is needed. An evaluation of whether eliminating the marina would lessen such adverse impact should be included.
- Currently there are ample opportunities to park and view the lake before, within, and after passing through the town of Fawnskin. The DEIR should acknowledge that added construction would diminish the existing visual quality and character of an area that is already saturated with buildings and population. The visual impression of the added residential development, in addition to the marina, would create a very significant impact on aesthetics and this impact has been understated in the DEIR.
- The additional traffic, congestion, trash, loitering, etc. from the project would directly diminish the existing visual quality and character of the area. None of this has been

TENNYSON-26

TENNYSON-27

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TENNYSON-29

evaluated in the DEIR. It must be addressed and taken into consideration in determining the significance of the total impacts on aesthetics.

TENNYSON-29

- Each proposed house is to have a two-car garage and two visitor-parking places. The DEIR should evaluate the impact of adding so many vehicles and their occupants to the area, especially on sensitive wildlife and plants. And with the proposed 50-slip marina, the question arises about where a boat trailer and/or an RV be parked. The project plans do not allow for this in the planned marina parking and thus would require either on-street parking or increasing the size of the parking lot. Either would exacerbate visual impact and would increase already significant impacts to bald eagles, and to the shoreline habitats of southwestern willow flycatchers. Many of these trailers would most likely be parked along the streets of the development or on the currently designated scenic highway, again intensifying significance of the impacts. None of this has been considered in the DEIR evaluations on significance of the impacts to aesthetics and wildlife.

TENNYSON-30

Air Quality

There are numerous days now when air inversion and smoke from fireplaces cause a distinct haze over the lake. The DEIR does not include adequate discussion of avoiding an increase in this problem, instead assuming that only 10% of the houses will have wood-burning fireplaces. This assumption is not typical of new and existing construction in Big Bear, and indeed in the project sponsor's other projects there are large homes with more than one fireplace. This omission, along with a failure to address emissions from watercraft in the proposed marina, is a significant defect in the DEIR and must be corrected. What studies or surveys were used to determine that only 5% of the homes would have fireplaces? Justification for this number must be provided or the worst case scenario of all homes having fireplaces must be used in all calculations.

TENNYSON-31

Biological Resources

The DEIR concedes a finding of significant impact on the bald eagle, but has understated the impacts to the bald eagle. It has also greatly underestimated the impacts to the ashy-gray paintbrush and other pebble plain plants, as well as to many of the other biological resources. This discussion must be rewritten and demonstrate conformance to the existing county development objectives.

TENNYSON-32

Bald Eagle

The Biological Resources Section strongly confirms that the Moon Camp site is a highly significant roosting and perching habitat for the remaining bald eagle population in the area. In fact the report states that the "proposed project contains some of the most utilized bald eagle

TENNYSON-33

roosting and perching habitat in the Big Bear Valley.” But the revised assessment also points out that the proposed project, which is entirely dependent upon a discretionary approval by the county of a preferential zoning change, would have an extremely adverse effect on the bald eagle, which could not be mitigated. The report should emphasize this and acknowledge the cumulative impact of this developer’s other projects on the bald eagle, and discuss the success, or lack thereof, of mitigation efforts in connection with such projects.

TENNYSON-33

In summarizing the overall effect of the proposed project on the bald eagle species in the Big Bear Valley, the conclusion of the DEIR is that the project would result in “significant and unavoidable impacts” to bald eagle populations, for which no offsetting mitigation can be provided. The bald eagle has become a major attraction and a prominent symbol for the Big Bear area as well as a critical indicator species of the overall biological health and integrity of the forest and Alpine Lake environment.

TENNYSON-34

Pebble Plain Habitat and Associated Plant Species

The DEIR admits the presence of pebble plain habitat but attempts to minimize size of the pebble plain habitat. The DEIR must identify the impact of the proposed project on all such habitat identified on historical Forest Service maps, and indicate acceptable habitat preservation measures.

TENNYSON-35

Using the historical mapping by the Forest Service of 17 acres, 12.19 acres of habitat would need to be mitigated and at a ratio of 3-to-1, that would require over 36 acres of off-site mitigation, which the DEIR fails to acknowledge or identify. Appropriate revisions should be made.

Water Quality and Supply

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

TENNYSON-36

- The well test analysis in appendix G-3 has some major flaws which serve to make this well test completely invalid. Therefore, the DEIR conclusion that sufficient water would be available to serve this proposed project cannot be drawn due to insufficient and erroneous data:
 - The DEIR states that during the period 1996 to 2003, the groundwater level dropped approximately 20 feet in the North Shore sub-unit. The DEIR should evaluate whether this drop is due to the aquifer already being drawn down from the existing private wells. If so, it should explain the greater impact of another 50

TENNYSON-37

houses. If this question cannot be answered, given previous experience in which one test well on the project caused levels in nearby private wells to drop, the project should be considered a major detriment to an area already suffering under water restrictions.

TENNYSON-37

- The statement on page 4.4-12 that “activity restrictions and property owners’ education are crucial to the proposed alternative project’s success at preserving water quality,” is basically stating that the water quality will not be preserved. Since there is no guarantee that either of these conditions can be enforced or even implemented, the DEIR must include findings of significant impact in the area of water quality. This conclusion is again confirmed on page 4.4-13 where the DEIR states “the individual lot owners will each treat their water quality volume prior to discharging from the site. Property owners will be responsible for their own maintenance.” This in effect concedes there will be no treatment and no maintenance
- The redirection of water flows from their natural direction by road construction and grading and elimination of surface flow across the highway described in the DEIR will directly impact the vegetation on the other side of the scenic highway. This impact has not been evaluated in the biological resources portions of the DEIR.

TENNYSON-38

TENNYSON-39

The DEIR recommends seeding and planting to provide soil stability during construction activities. This activity would directly and severely impact the pebble plain habitat plants, as well as other native plants in the set aside parcel below the highway and require additional remediation.

TENNYSON-40

Land Use and Zoning Change

The ‘Surrounding Land Use’ section in the Executive Summary states that, “The RL-40 land use designation allows development at a density of one dwelling unit per 40 acres and indicates that future development proposals will be considered based upon a demonstrated ability to provide adequate infrastructure and maintain consistency with the goals and policies of the Bear Valley Community Plan.” There is no demonstration of an ability to provide adequate infrastructure and no consistency with the community and its goals.

TENNYSON-41

The DEIR asserts that the proposed project is next to areas of similar housing density and implies it is unfair to deprive the proponents of an equivalent use of their land. However, the very small older subdivision on the east of Moon Camp is the product of a much earlier period, when circumstances were quite different. The fact that most of the proposed project is next to National Forest, where zero density prevails and open space is essential, is not taken into account. The fact that over 61% of the site is bounded by either National Forest or lakefront is also not taken into account.

TENNYSON-42

Noise

Location of Project

To be an adequate source of information for the decision makers, the report should assess the current noise conditions in the project area, at the adjacent camp grounds, and on the adjacent residences and parks, and the adjacent users of the lake, including recreational kayakers on Grout Bay. It ought to be of less concern to decision makers whether traffic along the Stanfield Cutoff or Big Bear Boulevard would increase, or by how much, but these are the statistics analyzed in the noise discussion. Revisions should be made to include Grout Bay and the campground.

TENNYSON-43

The county should require that this portion of the report be re-done, using the impact of noise from the project and the marina on a summer weekend. It is well known to the county planners and the county staff that Big Bear Lake, including the Fawnskin area near the project, is significantly more crowded during the weekends, particularly summer weekends. Failing to evaluate noise impacts based on the greater usage during a summer weekend therefore distorts the accuracy of the study.

TENNYSON-44

Also, and perhaps more significantly, the study makes no attempt to evaluate the impact of project noise on the forest service camp grounds which are less than one mile away from the proposed project site. An important feature of the Big Bear Valley economy is the attractive nature of camp grounds as support for fishing, camping, hiking and bicycling activity. The proposed project, in particular its proposed marina, is likely to significantly increase noise levels on the north shore of the lake near the camp grounds and the residential activities.

TENNYSON-45

Impact of Marina

Rapidly varying noise such as that from a jet ski has been found to be much more annoying than the constant noise by decades of psycho-acoustic research. A variable noise commands the ear's continuous attention, making it specially bothersome and difficult to ignore. The Drowning in Noise Report from 2003 prepared by the Noise Pollution Clearing House notes that a jet ski generates a "penetrating, whining sound, rising and falling rapidly in pitch like a dentist's drill and forcing the attention" of anyone within range.

TENNYSON-46

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

The county should also require that the report be re-done to consider the cumulative impact not only of the Moon Camp marina but of the current Cluster Pines/Marina Point project

TENNYSON-47

which is within one-half mile. Both projects are described as containing marinas and the proponents of this study should be required to consider, describe and propose mitigation measures to deal with the cumulative impact, particularly studying peak usage on weekends rather than data such as average boats per day over an entire year. By doing so the study benefits from the fact that boating is rare in winter and thus minimizes motorized boat traffic noise and its impact, as well as minimizing the impact of jet skis or other personal water craft. The project should be evaluated as if 50 or more boats and jet skis are added to what is now a relatively quiet part of the lake.

TENNYSON-47

The study must adequately break down or attempt to assess the added noise generated by a parking lot, loading and unloading of boats, starting up and provisioning of boats in the marina itself, and the inevitable near-shore noise twice each trip from entering or leaving the proposed marina.

TENNYSON-48

Construction

Further, the report is defective in minimizing the impact of construction activity. The report several times refers to the project only as grading the existing roadways and fails to address fully the impact of constructing 50 homes. The likely noise impact from construction activities would be concentrated in the warmer months, when residents in adjacent areas are also more likely to have windows and doors open or to seek to use their yards, balconies or decks. Fawnskin is a recreational area, with well over half the residences occupied by weekend residents, and construction on a Saturday therefore significantly impacts these users for half of the time when they would generally be using their properties.

TENNYSON-49

The report should be revised to describe in some detail the number of sensitive receptors based upon actual sound measurements, given the channeling effect that the structure of the current property is likely to have. This noise impact should be evaluated not only from the standpoint of residences but also from the standpoint of wildlife in the adjacent national forest. If construction noise and activity disrupts feeding patterns or approaches to the lake, this noise impact ought to be considered a significant impact of the project.

Noise from Rentals

At the scoping session for the report, concern was raised about the possible impact of short term renters from the project creating noise. The proposed report dismisses this concern by stating that the Covenants, Conditions and Restrictions for the proposed alternative project would prohibit short-term rentals. This ignores the fact that existing CC&R's in the area already contain such prohibitions and there is no effective enforcement mechanism. The report should state that such CC&R's have been ineffective in other instances and should propose an effective mitigation measure which would both permit and encourage private enforcement. A significant penalty for violations which could be enforced by private citizens and shared with the complaining parties might help.

TENNYSON-50