

Wildfire Protection

The San Bernardino Mountains are widely regarded as a hazardous fire-prone area in the country. Global climate change is projected to worsen the situation. In a potential repeat scenario of the 2003 Old Fire or worse, the current population of the mountain region could not be safely evacuated during such a major disaster. The Moon Camp EIR does not fully disclose that the defense of every new project is linked to the wildfire danger of the entire mountain region, a situation where the county's jurisdiction, responsibility and accountability are largely subordinate to other authorities. It offers no solution to the added risk or the cost to defend 50 more houses next to the forest.

TENNYSON-51

Transportation, Circulation, and Parking

There is not adequate parking for the marina since there is no sufficient parking for boat trailers, nor is there parking for boat trailers specified within the complex on each individual lot, yet with a private marina, there are expected to be boat trailers. Statements in the DEIR that there is adequate parking completely ignores this and are therefore invalid.

TENNYSON-52

The additional roads and parking entrances, especially in the proposed marina area, would create congestion and safety issues that have not been addressed sufficiently by the DEIR. These entrances are in the midst of very winding roads and create hazards that even adding turn lanes cannot remedy. From the provided map, the entrance to the parking lot for the marina is just west of a sharp curve. The dangerous situations from this have not been properly evaluated.

TENNYSON-53

The DEIR considers the increase in traffic based on the traffic in the entire valley as opposed to the current traffic in Fawnskin. This artificially lowers the increase and therefore the significance of the impact of the increase in traffic.

TENNYSON-54

The Marina Point project has been completely omitted from this DEIR so no cumulative impacts of the two adjacent projects have been included in the traffic analysis.

TENNYSON-55

The additional traffic and parking issues from the potential building on over 1000 (according to the County Assessor's office) already approved vacant lots has not been taken into consideration and added into the analysis.

TENNYSON-56

Any increases in traffic on the North Shore has a more than normal level of impact due to the substandard size of the highway lanes. At a minimum, the significance of the traffic impacts must be calibrated to include the fact that the highways are substandard and that any change in traffic creates more impact than on normal highways.

TENNYSON-57

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

TENNYSON-58

Additional Questions and Comments Concerning the Report

1. Why does the draft report not focus to a greater extent on noise impact on residential activities and campgrounds close to the project? TENNYSON-59

2. What justification does the report have for the addition of a marina with its accompanying noise, when there are already public launch facilities on the north shore of Big Bear Lake and significant boat storage facilities on the south shore of Big Bear Lake? TENNYSON-60

3. Why does the report not propose effective third party enforcement of regulations against short term rentals? TENNYSON-61

4. Why does the report not include adequate measures to prevent light pollution at night? TENNYSON-62

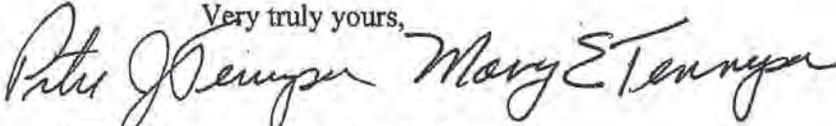
5. Why does the report not address the impact of residential noise and marina noise on wildlife migration, foraging and perching patterns? TENNYSON-63

6. Why is the report's assessment of water availability not current, including description of existing restrictions? TENNYSON-64

7. Why does the report not disclose additional traffic hazards from inadequate parking and from the location of entrances to and exits from the project and its marina? TENNYSON-65

Summary and Conclusions

Current housing exists for sale. Many residents are 'part-time' dwellers and/or own undeveloped lots within existing zoning. Given this excess, how could rezoning Moon Camp be considered in the public interest? On the contrary, the proposed project adversely affects wildlife, especially the eagle, water quality via run-offs, water supply, views from the lake and a scenic highway, and promises to generate significant noise. The fabric of the forest is not in buildings; it is the quiet solitude of open space. Fawnskin is saturated. It needs to retain its open spaces; not absorb unsustainable development. TENNYSON-66

Very truly yours,

Peter J. Tennyson and Mary E. Tennyson

Peter and Mary Tennyson (TENNYSON)

Response to TENNYSON-1 and -2

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

Response to TENNYSON-3

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

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

Response to TENNYSON-4

As previously discussed in Response to FOF (b)-3, The RRDEIR No. 1 does relate impacts compared with the current site as well as compared with the Original Proposed Project (92 lots). The findings of less than significant throughout the RRDEIR No. 1 are made related to the current status of the site. The commenter asserts that the RRDEIR No. 1 improperly minimizes the actual impacts to the proposed Project by comparing the impacts of the Proposed Alternative Project to those of the

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

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

Response to TENNYSON-5

As previously discussed in Response to FOF (b)-4 a public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. All mitigation measures for the project meet this

standard. A broad statement that “mitigation proposed throughout the RRDEIR No. 1 are ‘paper’ mitigations” is not sufficiently specific so that the agency has the opportunity to evaluate and adequately respond. However, comments with specific examples of concern are provided below.

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

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

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

Response to TENNYSON-6

As previously discussed in Response to FOF (b)-4, A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. All mitigation measures for the project meet this standard. A broad statement that “mitigation proposed throughout the RRDEIR No. 1 are ‘paper’ mitigations” is not sufficiently specific so that the agency has the opportunity to evaluate and adequately respond. However, comments with specific examples of concern are provided below.

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Response to TENNYSON-7

See previous Response to TENNYSON-6 referencing Response to FOF (b)-4.

Response to TENNYSON-8

See Response to FOF-a 3 through 8. To be legally adequate pursuant to CEQA, a mitigation measure must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4). By setting up a regulatory scheme where prohibitions identified in RRDEIR mitigation measures may be enforced by the Homeowners Association, individual residents, or the County of San Bernardino, the approving agency for this Project, and mitigation measures are “fully enforceable through permit conditions, agreements, or other legally binding instruments.” CEQA does not require conclusive evidence that the restrictions will be enforced, only that the mitigation measures are accompanied by enforcement mechanisms that make the measures enforceable.

Response to TENNYSON-9

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

Response to TENNYSON-10

As previously discussed in Response to FOF (b)-8, as noted in RRDEIR No. 1, Section 1.3.3 (pages 1 through 4), the comments provided during the public scoping process going as far back as 2002 were addressed. As such, the RRDEIR No. 1 adequately addresses all the issues that were presented in the public scoping sessions.

Response to TENNYSON-11

As previously provided in Response to FOF (b)-9 and Response to FOF (b)-10, a slope density legend is provided below, showing a 0 percent to 40 percent slope and the Project’s compliance with USFS slope density requirements for total area, percentage of total area, maximum allowed density and total units allowed on-site.

SLOPE DENSITY LEGEND

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

Response to TENNYSON-12

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

As previously discussed in Response to FOF (b)-13, The small, westernmost drainage is an on-site drainage area and was determined not to meet jurisdictional requirements (see Appendix C of the RRDEIR No. 1). FCS biologist Dennis Peterson visited the site on May 18, 2018, to verify and confirm that the jurisdictional delineation boundaries have not changed. Please see Appendix E of this 2020 Final EIR for the memorandum dated May 28, 2018, describing the site conditions during the jurisdictional delineation confirmation visit.

Response to TENNYSON-13

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

Response to TENNYSON-14

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

Response to TENNYSON-15

As previously discussed in Response to FOF (b)-16, the commenter notes a typographical error in RRDEIR No. 1 regarding project commencement date. This comment does not raise an issue regarding the adequacy of the EIR and, therefore, no substantive response is necessary.

Response to TENNYSON-16

The comment asserts that various sections of the RRDEIR No. 1 make comparisons with the 1989 General Plan and sometimes the 2007 General Plan. Each environmental impact area utilized the applicable general plan document to evaluate environmental impacts.

Response to TENNYSON-17

As previously discussed in Response to FOF (b)-17 and -18, as outlined within Section 2, Project Description, of the RRDEIR No. 1, the Project will have a minimum lot size of 0.5 acre and an average lot size is 0.9 acre. Ultimately, as previously stated, the Tentative Tract Map has been designed as an extension of the existing land use pattern (i.e., neighboring single-family residential uses), but with much less density (minimum 7,200 square feet for neighboring lots and minimum 20,000 square feet for the Project). The Project offers a cohesively planned development, which would be subject to compliance with the County of San Bernardino's administrative design guidelines and development standards specific to the BV/RS-20M District. The minimum lot size in the Project is 20,000 square feet; however, all of the proposed residential lots are at least 0.5 acre in size, with the average lot size of 0.90 acre, and 12 lots are over 1 acre in size.

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

Further, Section 4.1, Aesthetics, of the RRDEIR No. 1, provides mitigation measures for short-term and long-term impacts upon development of the Project (i.e., A-1a, A-1b, A2a through A-2e, A-3a, A-3b and A-4a through A-4f [page 4.1-8 through 4.1-10]). Although the Project will permanently alter the aesthetics of the area near the Lake and the scenic highway from natural open space to low-density residential use. While some impact is unavoidable, implementation of mitigation measures along with standard conditions and CC&Rs will assist in blending this new neighborhood into the overall general character of the Fawnskin Community and reduce overall impacts to less than significant.

Response to TENNYSON-18

As previously discussed in Response to FOF (b)-31 and -32, the overall density of the Project is one lot per 1.25 acres. No lakefront homes are to be built. This is much less dense than the entire Fawnskin area it adjoins and this low-density provides a natural, open aesthetic for this area of the North Shore.

Response to TENNYSON-19

See Response to TENNYSON-17 which references Response to FOF (b)-17 and -18.

Response to TENNYSON-20

As previously discussed in Response to FOF (b)-20, the commenter re-emphasizes the revised Project's potential impacts on scenic views.

Please see Response to TENNYSON-17, which references Response to FOF (b)-17 and -18.

Response to TENNYSON-21

As previously discussed in Response to FOF (b)-21, the commenter re-emphasizes the revised Project's potential impacts on scenic views and absence of building size and height regulation.

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

Response to TENNYSON-22

As previously discussed in Response to FOF (b)-25, no launch ramp or boat trailer parking will occur at the marina. In addition, the marina parking is for day use only and not for trailers. Further, Exhibits 4.1-4 and 4.1-6 are provided as visual resources for the natural and cultural features of the environment that can be seen by the public, and influence the aesthetic appeal an area may have for viewers. The overall objective of Section 4.1, Aesthetics, Light and Glare, is to describe existing landscape and visual resource conditions at the affected portions of the Project site and surrounding vicinity and to identify the impacts that could result from the implementation of the Proposed Alternative Project. Section 4.1 takes into consideration all potentially affected areas (including views from the shoreline to the National Forest) and mitigates those potential impacts to a level of less than significant.

Response to TENNYSON-23

See previous Response to TENNYSON-22..

Response to TENNYSON-24

As previously discussed in Response to FOF (b)-28 no streetlights are proposed or required. The only outdoor lighting is within the 50 lots, which are spread out over 62 acres, 1.25 acres per lot. Significantly, these would be less dense than the surrounding residential areas. Moreover, project development and design will have to comply with County lighting requirements to minimize impacts to night skies and surrounding residential uses. The Project will also be required to implement Mitigation Measures A-4a through A-4f (RRDEIR No. 1, page 4.1-9, and 4.1-10) to reduce light and glare impacts to less than significant levels.

Response to TENNYSON-25

As previously discussed in Response to FOF (b)-29, no lakefront lots are included in the Project. This completely maintains the entire lake view and views of the southerly ridgeline. The lake views are the most scenic views within the entire Project area.

Response to TENNYSON-26

As previously discussed in Response to FOF (b)-31 and -32, the overall density of the Project is one lot per 1.25 acres. No lakefront homes are to be built. This is much less dense than the entire Fawnskin area it adjoins and this low-density provides a natural, open aesthetic for this area of the North Shore.

Response to TENNYSON-27

As previously discussed in Response to FOF (b)-33 and -34, the commenter states implementation of the Project (new construction) will be a blight to the marina and the scenic byway corridor. Please see Response to FOF (b)-15.

Response to TENNYSON-28

As previously discussed in Response to FOF (b)-33 and -34, the commenter states implementation of the Project (new construction) will be a blight to the marina and the scenic byway corridor. Please see Response to FOF (b)-15.

Response to TENNYSON-29

As discussed in Response to FOF (b)-35, as part of the Standard Conditions and Uniform Code, as outlined within Section 4.1 of the RRDEIR No. 1, the Project shall be designed to blend into the natural landscape and maximize visual attributes of the natural vegetation and terrain. Project design should also provide for the maintenance of a natural open space, which should be visible from the right-of-way. No additional response is necessary.

Response to TENNYSON-30

As discussed in Response to FOF (b)-38, the marina parking is for day use only and the launch ramp has been eliminated as a project component. Therefore, it is highly unlikely that there would be any trailer parking in the marina parking lot. Determining where and how many boat trailers will park in and near the Project site is speculative at this point.

Response to TENNYSON-31

As discussed in Response to FOF (b)-51 regarding the use of fireplaces within the Project. Mitigation Measure AQ-3 (RRDEIR No.1, page 4.2-38), in particular, prohibits open-hearth fireplaces and permits only EPA Phase II certified fireplaces and wood stoves, pellet stoves, and natural gas fireplaces. The use of certified fireplaces and stoves will significantly increase the heating efficiency of fireplaces and reduce the amount of smoke particles and toxics emitted into the air compare to an ordinary open-hearth fireplace present in many homes in the neighboring area. See Response to Pitts 12 for additional related information.

Response to TENNYSON-32

The comment expresses concerns regarding the RRDEIR No. 1's discussion of impacts to the bald eagle, ashy-gray paintbrush and other pebble plain plants, and other biological resources.

As discussed previously in Response to FOF (b)-58 through -95, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to TENNYSON-33

The comment states that the project site is an important roosting and perching habitat for the bald eagle population, and states that the RRDEIR No. 1 should elaborate the discussion of the unavoidable impacts to bald eagles, as well as cumulative impacts and mitigation efforts.

As discussed previously in Response to FOF (b)-58 through -95, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to TENNYSON-34

The comment restates the findings of RRDEIR No. 1 regarding significant and unavoidable impacts to bald eagles, and expresses the importance of bald eagles to the region.

As discussed previously in Response to FOF (b)-58 through -95, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to TENNYSON-35

The comment states that the RRDEIR No. 1 attempts to minimize the size of the pebble plain habitat and states that the RRDEIR No. 1 must disclose the impact and indicate habitat preservation measures. The comment states that over 36 acres of off-site mitigation would be required and that the RRDEIR No. 1 fails to include a discussion of off-site mitigation requirements. As discussed previously in Response to FOF (b)-58 through -95, no responses will be prepared regarding biological resource comments provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to TENNYSON-36

As previously discussed in Response to FOF (b)-231, regarding the assumptions used in the well pump and aquifer test included as Appendix G3 to the RRDEIR No. 1, the referenced report was prepared by Geoscience Support Services, Inc., and stamped and signed by registered Certified Hydrogeologists. The commenter's assertions appear to be her own personal opinion and not based on specific information tending to call the report's methodology into questions. Hydrogeological conditions, including estimates of the perennial basin yield for Grout Creek Subarea D and North Shore Subarea A, are described in detail in Geoscience 2003a (see attached). These subareas encompass the proposed Mooncamp Development. Further information on the hydrogeologic conditions of the Mooncamp development, based on pumping tests and monitoring of the wells on and in the immediate vicinity of the Mooncamp Development, are provided in Appendix G.3 of the RRDEIR No. 1. These studies show that the Project's total anticipated water demand is within the Perennial Yield of the hydrologic subareas that encompass the wells that will provide water supply to the Project.

The Geoscience report "Focused Geohydrologic Evaluation of the Maximum Perennial Yield of the North Shore and Grout Creek Hydrologic Subunit Tributary Subareas" (Geoscience 2003a) was prepared because previous estimates of the perennial yield of the North Shore Hydrologic Subunit addressed the subunit in whole and did not account for the fact that the east side of this relatively long subunit is hydrologically separated from the west side. This was significant because pumping on

the east side accounted for most of the perennial yield. Geoscience 2003a divided the North Shore Hydrologic Subunit into six individual tributary subareas (A through F) and provided a basis for evaluating groundwater pumping and recharge for smaller portions of the North Shore Subunit that were not in direct hydraulic connection with the eastern portion (Subarea F) where most of the pumping has historically occurred. The perennial yield of Tributary Subarea A has not been fully utilized and the shallow groundwater levels in this portion of the North Shore Subunit indicate that this area is not in overdraft. In addition to Geoscience 2003a, pumping tests have been conducted since 2004 on Well FP-2 and FP-4 to provide an analysis of the hydrogeologic conditions in the area and the potential impacts from pumping on existing wells and groundwater resources. These analyses, based on available data, are sufficient to conclude that there are adequate groundwater resources to support the Project.

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

Response to TENNYSON-37

See previous response to TENNYSON-36, which references Response to FOF (b)-231. Response to TENNYSON-38 As previously discussed in Response to FOF (b)-99, bioretention basins will be constructed by the developer at each lot. Homeowners will be responsible for the minimal maintenance that the basins require. These are design requirements that will be enforced by the County of San Bernardino during the construction plan review process.

Response to TENNYSON-39

As previously discussed in Response to FOF (b)-100, the Project is designed to preserve existing site drainage to the extent possible. As discussed on page 4.4-7 of the RRDEIR No. 1, “Post-project runoff flows are proposed to generally remain in the existing drainage pattern, with culverts crossings occurring at low points along the highway...” The post-development drainage pattern will remain largely unchanged in both location and quantity.

Response to TENNYSON-40

As previously discussed in Response to FOF (b)-101, seeding and planting for erosion control will not occur within sensitive plant areas. There are no sensitive plants in the open space parcel below the highway.

Response to TENNYSON-41

As previously discussed in Response to FOF (b)-107 through FOF (b)-110, the commenter provides conclusive statement that does not raise an issue regarding the adequacy of the EIR.

Response to TENNYSON-42

As previously discussed in Responses to FOF (b)-110 through -136, the commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre. The commenter requests a valid reason for changing the zoning, when there is sufficient infrastructure and if the change is in the best interest of the public. No lakefront lots are included in the Project. This completely maintains the entire lake view and views of the southerly ridgeline. The views from the lake are the most scenic views within the entire Project area. The minimum lot size is 0.5 acre. The average lot size is 0.9 acre. Fifty lots on 62 acres equates to 1.25 acres per lot. A total of 9.8 percent (6.12 acres) of the entire Project (62.43 acres), is natural open space that is visible from the scenic highway. In addition, see Response to SM&W-1 and SM&W-4 for a response regarding zoning consistency for the Project site.

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

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

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

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

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

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

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

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

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

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

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

Response to TENNYSON-43

As previously discussed in Response to FOF (b)-138, Section 4.6 of the RRDEIR No. 1 contains a comprehensive analysis of noise impacts resulting from the Project. The commenter correctly notes that part of the analysis includes a determination of impacts from additions of project traffic along area roadways. The analysis concludes that impacts related to traffic-related noise generated by the Project would be less than significant. The commenter asserts that analysis of traffic-related noise impacts on roadways located farther from the Project site and the community of Fawnskin are of little value. Comment noted. Roadways located farther from the Project site, such as North Shore Drive at Stanfield Cutoff and Big Bear Boulevard at Stanfield Cutoff, were analyzed because these roadways currently have higher existing traffic trips.

Response to TENNYSON-44

As previously discussed in Response to FOF (b)-140, the commenter asserts that the noise analysis was deficient because it fails to take into account noise generated by boats using the marina. Section 4.6 of the RRDEIR No. 1 analyzes potential noise impacts from watercraft use, including boats and jet skis, that may be using the Project's marina. The analysis concluded that existing watercraft noise levels for a ski-boat were 46 to 59 A-weighted decibel (dBA) at 100 feet and a jet-ski was 103 dBA at 80 feet with an outboard motor on a fishing boat reaching noise levels of approximately 100 dBA. Big Bear Municipal Water District estimates that daily use of boats on the lake is approximately 106 with

peak day average use being 207 on the weekends. The Project will result in the development of a 55-slip marina that could potentially add additional watercraft in proximities to the existing Fawnskin community. Where the proposed marina is located, there are no residential sensitive receptors within 300 feet of the marina. Therefore, even assuming the sound levels of watercraft as stated above, the noise attenuation resulting from the distance between the marina and residential uses would result in impacts being less than significant.

Response to TENNYSON-45

As previously discussed in Response to FOF (b)-139 regarding noise impacts on the Forest Service campgrounds, the Forest Service campgrounds are a significant distance from the Project site. Based on attenuation of sound when receiver is farther away from the source of the noise, construction and operational impacts on the Forest Service campgrounds will be negligible. As concluded in the RRDEIR No. 1, construction and operational noise impacts of the Project will be less than significant.

Response to TENNYSON-46

As previously discussed in Response to FOF (b)-140, regarding noise generated by boats using the marina, Section 4.6 of the RRDEIR No. 1 analyzes potential noise impacts from watercraft use, including boats and jet skis, that may be using the Project's marina. The analysis concluded that existing watercraft noise levels for a ski-boat were 46 to 59 A-weighted decibel (dBA) at 100 feet and a jet-ski was 103 dBA at 80 feet with an outboard motor on a fishing boat reaching noise levels of approximately 100 dBA. Big Bear Municipal Water District estimates that daily use of boats on the lake is approximately 106 with peak day average use being 207 on the weekends. The Project will result in the development of a 55-slip marina that could potentially add additional watercraft in proximities to the existing Fawnskin community. Where the proposed marina is located, there are no residential sensitive receptors within 300 feet of the marina. Therefore, even assuming the sound levels of watercraft as stated above, the noise attenuation resulting from the distance between the marina and residential uses would result in impacts being less than significant.

Response to TENNYSON-47

See Response to TENNYSON-46.

Response to TENNYSON-48

See Response to TENNYSON-46.

Response to TENNYSON-49

As previously discussed in Response to FOF (b)-146, the construction impact analysis included in the RRDEIR No. 1 analyzes potential impacts on adjacent sensitive receptors, such as residents in the adjacent community of Fawnskin along Canyon Drive and residential uses southeast of the Project site across SR-38. The analysis specifically focuses on construction impacts at the sensitive receptors in determining the significance of the impact. The season or time of year during which construction activity takes place is immaterial in that the identified closest sensitive receptors to the Project site remain year-round and form the basis of the analysis. The exact schedule of construction is speculative at this point and therefore has not been specifically determined. The noise analysis analyzes the worst-case construction scenario, which includes construction of those portions of the Project that are the closest to existing sensitive receptors. Any construction activity that is further

away from the sensitive receptors, due to noise attenuation, would be less intense than the impacts analyzed in the RRDEIR No. 1.

As previously discussed in Response to FOF (b)-147, regarding equipment to be used in construction activity, including saws and drills, Table 4.6-6 includes a list of typical construction equipment utilized in this type of development and which the County of San Bernardino believes forms a reasonable basis for the assumptions used in the construction portion of the noise analysis.

As previously discussed in Response to FOF (b)-148, the commenter asserts that the construction noise analysis should analyze potential impacts on the recreational areas adjacent to the Lake, in addition to the residential sensitive receptors. The analysis does indicate noise levels for various distances from the Project site. However, when, where, and how many visitors are going to visit to use recreational areas adjacent to the Project site is speculative. The analysis included in the EIR contains sufficient information regarding construction noise impacts to the important decision-maker of the impacts to the Project pursuant to the mandates of CEQA.

Response to TENNYSON-50

As previously discussed in Response to FOF (b)-149, the CC&Rs for the Project will include a prohibition on rentals for less than 30 days.

Response to TENNYSON-51

As previously discussed in Response to FOF (b)-191 through -206, see Response to SM&W-1 and SM&W-4 for a response regarding zoning consistency for the Project site. In addition, see Response to WINCH (b)-5 for wildfire hazards and setbacks. Further, see Response to SM&W-1 for information on water supply and infrastructure.

Response to TENNYSON-52

As previously discussed in Response to FOF (b)-209, no launch ramp is included in the Project; therefore, no boat trailer parking will exist at the marina.

Response to TENNYSON-53

As previously discussed in Response to FOF (b)-210, based upon the Traffic Impact Analysis conducted for the Project, the existing curve radius of the State Highway (which is required to remain as a part of the Project) design provides proper sight distance for the Project. In addition, Caltrans will issue a permit to construct the proposed road improvements, which will include the design of the two intersections, turning movements, signage and striping.

Response to TENNYSON-54

See previous discussion in Response to FOF (b)-211, which responds to a comment stating that the RRDEIR No. 1 uses traffic measurements for the entire valley as the existing condition from which to calculate increases due to this project. This comment is not sufficiently specific so that the agency has the opportunity to evaluate and adequately respond. The traffic study properly uses the existing conditions in the localized study area to assess impacts. This includes utilization of existing traffic along area roadways and the impact of the addition of projected project related traffic trips.

Response to TENNYSON-55

As previously discussed in Response to FOF (b)-212 regarding the Cumulative Projects list and the Cumulative Impacts Analysis, Marina Point has been added to the updated Cumulative Projects List as shown in the Errata.

Response to TENNYSON-56

As previously discussed in Response to FOF (b)-214, CEQA requires consideration of all past, present, and reasonably foreseeable future projects in the cumulative impacts analysis. There are a number of existing undeveloped subdivided lots in the Big Bear Valley area. However, the majority of these lots were created long ago and have yet to be developed. Under the circumstances, it is not reasonable to assume these lots will all be developed within the foreseeable future. Otherwise, the EIR would present an unreasonable view of the projects cumulative impact.

Response to TENNYSON-57

As previously discussed in Response to FOF (b)-217, Based upon the Traffic Impact Analysis conducted for the Project, the existing curve radius of the State Highway (which is required to remain as a part of the Project) design provides proper sight distance for the Project. In addition, Caltrans will issue a permit to construct the proposed road improvements, which will include the design of the two intersections, turning movements, signage, and striping.

Response to TENNYSON-58

As previously discussed in Response to FOF (b)-225, the author provides a conclusive statement that does not raise any issue regarding the EIR. No further response is necessary.

Response to TENNYSON-59

As previously discussed in Response to FOF (b)-164, the commenter questions why the noise analysis does not analyze impacts on residential uses and recreational campground uses. Section 4.6 of the RRDEIR No. 1 does analyze potential impacts on sensitive residential receptors, as well as recreational uses, such as the campgrounds.

Response to TENNYSON-60

As previously discussed in Response to FOF (b)-168, the commenter questions the justification of including the marina as a project component. This comment does not raise an issue regarding the adequacy of the EIR and, therefore, no further response is required.

Response to TENNYSON-61

As previously discussed in Response to FOF (b)-169, the Project will be governed by CC&Rs that prohibit short-term rental of residential units.

Response to TENNYSON-62

The RRDEIR No. 1 does include mitigation measures to ensure the Project does not cause unnecessary light pollution. The commenter is directed to Mitigation Measures A-4a through A-4f (RRDEIR No. 1, page 4.1-9 to 4.1-10).

Response to TENNYSON-63

As previously discussed in Response to FOF (b)-170, The Biological Resource Section of the RRDEIR No. 1 was recirculated in 2011, and, therefore, comments regarding the adequacy of the Biological Resource section of the RRDEIR No. 1 will not be responded to here.

Response to TENNYSON-64

Please see Response to SM&W-36 through -44, as shown below.

Response to SM&W-36: This would eventually happen in any well in any groundwater basin where production substantially exceeds perennial yield. Since the proposed groundwater production necessary to support the Project is at the low end of the range of estimated perennial yield for the area, significant declines in the groundwater table are not anticipated. Substantial lowering of the groundwater table is not anticipated because groundwater pumping for water supply will be maintained at the low end of the range of estimated perennial yield of the subarea. Until additional data can be collected to refine the perennial yield estimate of Subarea A, producing up to 14 acre-feet/year of groundwater from this subarea for existing pumpers and the proposed Moon Camp development is a very conservative approach to developing the groundwater resources of the area. Groundwater levels in the production wells will be monitored over time to assess groundwater level trends, which can be used to re-evaluate the perennial yield.

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

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

Response to SM&W-37: The Geoscience 2003 report also recommends that “development planning for tributary subareas be initially based on the maximum perennial yield estimates” described in that report. It goes on to say that “as groundwater production is initiated in each subarea, it will be very important to monitor groundwater levels . . .” Planned production for the Mooncamp Development is very conservatively based on the best available data and uses the low end of the perennial yield.

Response to SM&W-38: Contrary to the commenter’s assertions, there is no uncertainty with regard to adequacy of water supply to serve the proposed Project. Section 4.9 of the RRDEIR No. 1 includes a comprehensive analysis of proposed water consumption, of the Project, amount of water available to serve the Project and a method by which water service would be provided to the Project (RRDEIR No. 1, page 4.9-1 through 4.9-10). The proposed Project site lies primarily within a tributary aquifer of the Northshore Sub-Unit designated in Sub-Area A. There are three groundwater wells within the Project site which were constructed and are owned by the Project’s property owner and developer. The Project will be served by groundwater extracted from the Northshore Sub-Unit through the identified groundwater wells. Based on a significant amount of hydrogeologic modeling and analysis, evidence shows that there is sufficient groundwater within the Northshore Sub-Unit Sub-Area A to support Project development and its consumption needs which are conservatively projected to be 14-acre-feet per year. In addition, and to be conservative in the analysis, considering the existing wells currently extracting water from the Northshore Sub-Unit, an additional well on-site will produce water from the Grout Creek Sub-Unit which is a hydrologically distinct and separate aquifer. Water service will be provided by Big Bear Department of Water and Power. Pursuant to the Outside Service Agreement for Potable Water Service entered into by CSA 53C and the Department of Water and Power dated November 17, 2015, the Department of Water and Power has agreed to be the water service agency for the Project. The Department of Water and Power will own the on-site wells and distribution infrastructure.

Response to SM&W-39: The Project provides its own, on-site secure water supply. The Department of Water and Power is no longer under Emergency Water Restrictions. An additional well on-site will also provide additional source of water to the Project.

Response to SM&W-40: Thomas Harder, Groundwater Consultant, has concurred that the two on-site wells provide an adequate, reliable and secure water supply for the Project. A more detailed explanation is located in Response to SM&W-72 of this document where the Harder, November 22, 2010, Response to Comments has been appended. A new well, FP-4, will provide further water supply to the Project.

Response to SM&W-41 through -44: The commenter states that the RRDEIR No. 1 fails to analyze global warming’s effect on water supply in determining the Project’s water supply impacts. Any potential change in available groundwater supply associated with global warming is not quantifiable. While warming could result in increased evapotranspiration, increased peak winter flows may result in increased groundwater recharge. Any climate-related impacts will need to be addressed through prudent groundwater management practices.

Response to TENNYSON-65

The RRDEIR No. 1 did analyze potential hazards from roadway design, including the location of the entrances and exits to the marina parking lot and concluded impacts would be less than significant. In addition, the launch ramp has been removed from the Project thereby reducing usage of the marina parking lot. No shortage of parking is anticipated.

Response to TENNYSON-66

As previously discussed in Response to FOF (b)-252, the commenter provides a conclusory summary statement. No response is necessary.

May 29, 2010

Dear Sirs
Land Use Services Dept.
Attn: Matthew Slowik

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

My name is Peter E. Medellin. I own the house at 39527 N. Shore Drive. Fawnskin, Calif. 92333. My permanent home address is 13520 Fenton Ave. Sylmar, Calif. 91342-3010.

MEDELLIN-1

This letter is concerning Moon Camp 2010 DEIR.

I am very concerned about this project. Why is the county making a zone change at this time? When we have more than 1,076 lots in Fawnskin that can be used to build a house on. Why do we need an additional 50 more lots when we already have more than 1,000 lots available to be built on?

MEDELLIN-2

The infrastructure at Fawnskin cannot support an additional 50 more houses. The Police protection is already spread very thin in Fawnskin. Has there been a plan to add more Police or Sherriff Dept personnel? Have the resident of Fawnskin voted to pay additional taxes to support the added Sherriff Dept personnel? What about the added traffic this will bring. Have the roads been made wider to accommodate the additional traffic? No, the roads have not been upgraded. Who will play for the upgrades that will be required? What about the shortage of water that we are current experiencing. We do not have the extra capacity to take of this proposed project. Where do you plan to get the extra water from? Has the water supply been added too to take care of this added demand for more water? No, it has not. What about the electrical supply, I hear that the DWP will be raising rates now to pay for a new generator because the electrical supply in now very limited.

MEDELLIN-3

The Fire Dept in Fawnskin is very small and is not equipped to take care of another large development like the MoonProject. Has a new fire department been planned? This will add to the fire hazards.

MEDELLIN-4

This proposed change will also affect the Bald Eagles that use the trees in the area to nest on. Other wild life will also suffer because of the change. Many trees will be cut to accommodate the proposed project. Where will the wild life go to? Will all the trees that are cut going to be replaced? I do not think so.

MEDELLIN-5

I don't think this zoning change is a good idea at this time. Bear Valley has enough building sites that are available at this time. We should first use up what is available to build on before we add more strains on the current Electrical resources, Water resources, Police protection, Sewer problems, traffic problems, and all the other problems that is zoning change will bring at this time.

MEDELLIN-6

Adding two more additional Marinas will bring all kinds of noise, traffic, pollution from the added marinas.

MEDELLIN-7

We should not over build the north shore to where is loses the beauty that we now enjoy at the north side of the lake.

These are my views and the problems that I see with this proposed Moonproject. I am of the opinion that this is not a good project.

MEDELLIN-8

Sincerely,



Peter E. Medellin

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Peter Medellin (MEDELLIN)

Response to MEDELLIN-1

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

Response to MEDELLIN-2

The commenter expresses concern regarding re-zoning of the site and if the change is in the best interest of the public.

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

Response to MEDELLIN-3

The commenter expresses concern regarding infrastructure, police protection, traffic, and water supply.

See Response to WINCH (b)-4 for responses regarding transportation and traffic impacts from the Project. In addition, see Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

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

Response to MEDELLIN-4

The commenter expresses general concern regarding wildfire hazards. No further response is necessary.

See Response to WINCH (b)-5.

Response to MEDELLIN-5

The commenter expresses concern regarding biological resources.

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

Response to MEDELLIN-6

The commenter re-expresses concern regarding re-zoning of the site and if the change is in the best interest of the public.

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

Response to MEDELLIN-7 and -8

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

Raymond Shelden

39177 Cedar Dell
Fawnskin, CA 92333-0353
May 28, 2010

RECEIVED
JUN 02 2010

LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Matthew Slowik
Land Use Services Department

Subject: Moon Camp 2010 DEIR

Dear Mr. Slowik,

I am writing to express concerns about two of the features of the proposed Moon Camp development and to ask specific questions relative to those concerns.

SHELDEN-1

My first concern is the presence of street lights in the proposed development given that the rest of Fawnskin is free of such night time distractions. In particular please answer the following three questions:

SHELDEN-2

1. What is the rational for allowing street lights in this one section of Fawnskin?
2. Why is the developer being allowed to inflict the glare of the street lights from his development on the other residents of Fawnskin?
3. Why is the developer being allowed to make a significant change in the night-time ambiance of Fawnskin? It appears to me that it is blatantly unfair for one person (the developer) to be able to change the night time environment for an entire community. Why do you think this situation is fair and reasonable?

SHELDEN-3

SHELDEN-4

The second topic is the proposed 55 slip marina. Since I rent a slip at Captain John's Fawn Harbor Marina, I am well aware of the size of a 55 slip marina and therefore the intrusion into the lake it would cause. In addition I am aware that there are several empty slips at his marina, which is within half a mile of Moon Camp. Please answer the following questions regarding the proposed marina.

SHELDEN-5

1. How far into the lake would the marina extend assuming the lake is full? How many acres of the lake will be consumed by this marina?
2. How far from the high water bank would the marina extend if (as is common in Sept.) the lake was down ten feet? In other words, how much further from the shore line would the docks start?

SHELDEN-6

3. What are the plans for the docks during times of low lake level? SHELDEN-7
4. Given that the majority of current Fawnskin residents do not have a boat, why are 55 slips being planned for 50 homes? Is there any data to indicate that the owners in this development are more likely to be boat owners than typical of the rest of Fawnskin residents? SHELDEN-8
5. Given that there are empty slips at Captain John's marina, what data is there to indicate that more slips are needed on the north side of the lake? SHELDEN-9
6. Will residents of Moon Camp, who do not have need of a slip, be allowed to rent/lease their slips to other boat owners? SHELDEN-10
7. Given the depth of the lake in mid Sept. of 2009, what will be the depth of the water be for the slips nearest shore? In other words, will the slips even be usable? SHELDEN-11
8. What evidence leads you to believe that a marina of the proposed size will improve the beauty of Big Bear Lake? SHELDEN-12
9. What provision is being made for the storage of boat trailers during the summer and for the boats during the winter? In case you are unaware of boating life at Big Bear, boats are not left in the water over winter and most marinas use considerable space for the storage of boats during the winter, hence the question concerning storage. SHELDEN-13
10. After reading your answers to the above questions, are you still convinced that the marina really needs to be 55 slips, and if so why? SHELDEN-14
- Thank you for your time in giving detailed and thoughtful answers to these questions. SHELDEN-15

Sincerely,



Raymond Shelden, full time resident
Fawnskin, CA

Raymond Shelden (SHELDEN)

Response to SHELDEN-1 through -4

The commenter questions the use of streetlights and the potential impacts.

No streetlights are proposed or required. The only outdoor lighting is within the 50 lots, which are spread out over 62 acres, 1.25 acres per lot. Significantly, less dense than the surrounding residential areas.

Response to SHELDEN-5 through -14

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

Response to SHELDEN-15

The commenter provides a closing statement and no response is necessary.

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Slowik, Matt - LUS - Advance Planning

From: Richard Bates [bates.rick@gmail.com]
Sent: Friday, June 04, 2010 3:49 PM
To: Slowik, Matt - LUS - Advance Planning
Subject: Opposition to Moon Camp Development
Attachments: R Bates Opposition to Moon Camp development.doc

Dear Mr. Slowik,

Please read my attached letter in opposition to Moon Camp Project.

Sincerely,

Richard E. Bates, Jr.

RBATES-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,

RBATES-2

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

Most importantly, this proposed project will be developed in an area with identified biological sensitivity. I have walked this property and have had identified to me at least three threatened plant species that are listed on the US Fish and Wildlife Service Threatened and Endangered Species list. I believe that areas with rare species must be preserved for future generations. This is reason enough to stop this proposal before any further work. Additionally, this area has been identified to me as bald eagle protected habitat. Habitat for bald eagles is required to be protected under federal law.

RBATES-3

Roads in this area are already heavily used. Additional residences will add a strain to the current road system and will increase traffic in the community. I have driven on the roads around Big Bear Lake and believe that the current infrastructure barely supports the current population. I have been told that over 1000 approved plots exist already on file and cannot imagine increasing this backlog without major infrastructure improvements. Even if the developer pays for such improvements, the impact on the current community will be overwhelming. I suspect the impact on other public services such as water, sewer, electric and law enforcement will be equally significant and will need upgrades.

RBATES-4

This proposed project violates the current zoning. This proposed project should not be approved because changes to zoning, according to the county general plan, cannot take place without proper infrastructure in place as well as other logical community reasons. As stated, I do not believe this areas has sufficient infrastructure to make this change and I do not believe that the community will be better by so doing.

RBATES-5

Sincerely,

Richard E. Bates, Jr.
220 Robinson Hill Road
Sebago, ME 04029

Former Planning Board Member and Chairman, 20 years
Town of Sebago Planning Board

Richard Bates (RBATES)

Response to RBATES-1 and -2

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

Response to RBATES-3

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

Response to RBATES-4

The commenter expresses concern regarding impacts to roads and traffic as well as potential impacts to law enforcement. In addition, the commenter states infrastructure and water supplies in the Fawnskin system are limited, and DWP says that the supply cannot support any significant increase in the percentage of full-time residents.

See Response to WINCH (b)-4 for responses regarding transportation and traffic impacts from the Project. In addition, see Response to FOF-239 for response regarding infrastructure and water supplies in the Fawnskin system. No additional response is necessary.

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

Response to RBATES-5

The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre. Can you give us a valid reason for changing the zoning, especially since the County of San Bernardino General Plan requires that zone changes be done only when there is sufficient infrastructure, when the change is in the best interest of the public and when it will not adversely affect surrounding property.

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

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Slowik, Matt - LUS - Advance Planning

From: ROBERT SCOTT [rscott338@charter.net]
Sent: Friday, June 04, 2010 11:01 AM
To: Slowik, Matt - LUS - Advance Planning
Cc: ROBERT SCOTT
Subject: Fw: MOON CAMP 2010 DRAFT EIR

DEAR SIR, I JUST WANT TO INFORM YOU THAT MY QUESTION REGARDING THE DEIR FOR THE PROPOSED MOON CAMP DEVELOPMENT WILL BE MAILED OUT TODAY. I HAVE ATTACHMENTS TO MY LETTER AND AM UNABLE TO PUT IT ALL IN AN EMAIL.

THANK YOU, ROBERT SCOTT.

909/844 4545

EMAIL: RSCOTT338@CHARTER.NET

SCOTT (A) -1

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Robert Scott (a) (SCOTT (a))

Response to SCOTT (a)-1

The commenter provided two (2) comment letters to the County of San Bernardino via mail and email. Both letters are a duplicate. A response to both comment letters are located within Response to SCOTT (b), below. No additional response is necessary.

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TO: COUNTY OF SAN BERNARDINO
ADVANCED PLANNING DIVISION
LAND USE SERVICES DEPT.
385 N. ARROWHEAD AVE., FIRST FLOOR
SAN BERNARDINO, CA 92415-0182
ATTN: MATTHEW SLOWICK

RECEIVED
JUN 07 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

SUBJECT: MOONCAMP 2010 DEIR

CONTENTS: A) LETTER OF QUESTIONS AND COMMENTS, B) ATTACHMENT 1, MAP OF PROPOSED MOON CAMP DEVELOPMENT WITH MARKINGS RELATED TO THE LETTER CONTENTS, C) ATTACHMENT 2, PICTURE OF AREA NEXT TO EASTERN COVE OF PROPOSED LOCATION OF 55-SLIP BOAT DOCK WITH MARKINGS RELATED TO THE LETTER CONTENTS. ONLY THE SIX CLOSEST HOUSES TO THE COVE ARE REFERENCED BY NUMBER, BUT THE OTHER HOUSES WILL ALSO BE AFFECTED. THE ANGLE OF THE COVE PICTURE IN THE DEIR HAD ALL THE HOUSES ACROSS THE ROAD HIDDEN BEHIND THE TREES.

SCOTT-2

THE DEIR SHOWS THE MOON CAMP DEVELOPMENTS' PLAN TO PUT A 55-SLIP BOAT DOCK IN THE COVE ON THE EASTERN EDGE OF THEIR SHORELINE PROPERTY. OUR CONCERNS REGARDING THE BOAT DOCK FALL INTO THREE CATEGORIES, NOISE, DANGER, AND LAKE VIEW. PLEASE REFER TO THE TWO ATTACHMENTS FOR CLARIFICATION OF THE ISSUES MENTIONED NEXT.

QUESTION ONE :- WON'T THE PROPOSED DOCK PLACEMENT CONSTITUTE AN ACUTE SOURCE OF NOISE POLLUTION FOR THE HOMEOWNERS PRESENTLY RESIDING IN CLOSE PROXIMITY TO THAT COVE ? THE CONSIDERATIONS SUPPORTING THIS CONCERN ARE THE FOLLOWING. THE TOPOGRAPHY OF THE HILLSIDE THAT COMES DOWN TO THIS COVE ACTS LIKE AN AMPHITHEATER THAT ENHANCES SOUND GENERATED IN THE COVE AREA. FOR EXAMPLE, THE CONVERSATIONS BETWEEN FISHERMEN ON THE COVE SHORELINE, CAN BE EASILY HEARD BY THE RESIDENTS ACROSS THE STREET AND THOSE ON THE WATERFRONT (ATTACHMENT 1 SHOWS HOUSES 1 THRU 4 ACROSS STREET AND HOUSES 5 & 6 ON WATERFRONT, ATTACHMENT 2 DOESN'T HAVE HOUSE #6 IN PICTURE). BECAUSE OF THAT FACT, IT IS OBVIOUS THAT THE NOISE GENERATED BY THE MANY BOAT OWNERS AND GUESTS, THE BOAT AND JETSKI ENGINES, AND THE RADIOS AND MUSIC-PLAYING DEVICES, WILL CLEARLY RESULT IN NOISE OF A LEVEL THAT QUALIFIES AS NOISE POLLUTION FOR THE CURRENT RESIDENTS.

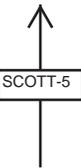
SCOTT-3

QUESTION TWO:- ISN'T IT DANGEROUS TO HAVE THE LARGE BOAT DOCK NEXT TO A HIGH-PRESSURE NATURAL GAS LINE ? THE CONSIDERATIONS SUPPORTING THIS CONCERN ARE THE FOLLOWING. THE GAS LINE LIES UNPROTECTED ON THE LAKE BOTTOM. IT GOES UNDERGROUND JUST BEFORE IT APPROACHES THE SHORELINE. IN THE YEARS WHEN THE LAKE LEVEL DROPS, THE RECEDING WATER EXPOSES THE GAS LINE ON THE LAKE BOTTOM SO THAT PEOPLE WALKING THE SHORELINE HAVE TO STEP OVER IT. DURING THESE TIMES THE GAS LINE IS VERY VULNERABLE TO PUBLIC ABUSE AND VANDALISM DAMAGE. THE GAS COMPANY HAS ERECTED A LARGE WARNING SIGN ON SHORE TO WARN BOATERS ABOUT THE PRESENCE OF THE GAS LINE AND IT ALSO STATES THEY SHOULD NOT ANCHOR OR DREDGE IN THIS AREA. IF THE BOAT DOCK IS PERMITTED TO BE IN THIS COVE, THE CONCENTRATION OF WATERCRAFT WILL SURELY RESULT IN SEVERELY RAISING THE POSSIBILITY OF THE GAS PIPE BEING DAMAGED. A RUPTURE OF THIS PRESSURIZED GAS PIPE WOULD RESULT IN LOSS OF NATURAL GAS SERVICE TO THE NORTH SHORE COMMUNITY AS WELL AS THE EXPLOSIVE FIRE DANGER FROM THE ESCAPING GAS IN THE PROXIMITY OF THE COVE THAT WOULD SPREAD QUICKLY TO THE SURROUNDING COMMUNITY. WHENEVER THE LAKE LEVEL DROPS, THE BOAT PROPELLERS GET CLOSER TO THE GAS PIPE THEY PASS OVER. THE PRESSURIZED GAS LINE IS A SMALL PIPE THAT CAN EASILY BE HOOKED BY AN ANCHOR.

SCOTT-4

QUESTION THREE:- WON'T THE PROPOSED BOAT DOCK SEVERELY DEGRADE THE QUALITY OF THE LAKE VIEW FOR THE RESIDENTS NEAR THE EASTERN COVE? THE CONSIDERATIONS SUPPORTING THIS CONCERN ARE THE FOLLOWING. BECAUSE OF OUR LOCATION, THE COVE CONSTITUTES A LARGE PORTION OF OUR LAKE VIEW. ONE OF THE MOST IMPORTANT REASONS THE RESIDENTS IN THIS AREA CHOSE TO LIVE HERE WAS THE PRISTINE VIEW OF THE LAKE. IF THE PROPOSED DOCK WAS LOCATED FARTHER WEST TOWARDS THE COVE, IT WOULD BE A LESS DANGEROUS LOCATION VIS-A-VIS THE GAS PIPE, AND THERE WOULD STILL BE ENOUGH SHORELINE AREA TO PROVIDE AMPLE PARKING FOR THE BOAT OWNERS. BECAUSE THE RESIDENTS NEAR THAT WESTERN COVE ARE A FEW FOOTBALL FIELDS UP THE HILL BEHIND THE PEBBLE PLAIN AREA, THE NOISE IMPACT WOULD BE NEGLIGIBLE BY COMPARISON WITH THE RESIDENTS AT THE EASTERN COVE ARE SUBJECT TO WITH THE PRESENT PROPOSAL. SINCE THE RESIDENTS NEAR THE WESTERN COVE HAVE SUCH AN ELEVATED LAKE VIEW, THE PORTION OF THAT VIEW THAT WOULD BE THE

SCOTT-5



DOCK WOULD BE MINIMAL.

I LOOK FORWARD TO THESE QUESTIONS AND CONCERNS BEING ADDRESSED IN THE NEXT EIR.
THANK YOU, ROBERT SCOTT. (RSCOTT338@CHARER.NET)

CC: NEIL DERRY, SUPERVISOR THIRD DISTRICT
COUNTY OF SAN BERNARDINO
385 N. ARROWHEAD AVE., FIFTH FLOOR
SAN BERNARDINO, CA 92415-0110



WASTEWATER

HOUSE 1

HOUSE 2

HOUSE 3

HOUSE 4

GAS CO.
WARNING
SIGN

PRESSURIZED
GAS LINE

(EASTERN
COVE)

BOAT DOCK

HOUSE 5

Robert Scott (b) (SCOTT (b))

Response to SCOTT (b)-1

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

Response to SCOTT (b)-2

The commenter expresses concern for the boat dock regarding noise danger and lake view.

Although it is not certain as to what the commenter is referencing to specifically as to danger, the hazards upon operation of the boat dock were analyzed within the RRDEIR No. 1 and were determined to be less than significant. In addition, a Noise Analysis (Appendix D of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Noise Analysis, no areas are expected to have significant and unavoidable impacts with the implementation of Mitigation Measures NOI-1 and NOI-2 (RRDEIR No. 1, page 4.6-16).

Further, despite requesting a General Plan amendment changing the land use designation from BV/RL-40 to RS-20000, the average lot size is 0.90 acre with 12 lots over 1 acre in size. The development proposed by the Moon Camp Project is significantly less intense than the existing development within the community of Fawnskin and is a logical transition of land use from higher density residential uses to open space represented by undeveloped property in the jurisdiction of the United States Forest Service. The Project has been designed to be compatible with surrounding uses and provide a logical transition in the area's development. The design of the Project was specifically tailored to preserve quality of visual resources as experienced by travelers along SR-38 and recreational visitors observing the area from the lake. The Project will set aside approximately 6 acres of the site for open space/conservation, as well as avoid development along the lake's edge, south of SR-38. The location of the open space/conservation easements limits the number of residential lots bordering SR-38, including no lots south of SR-38 bordering Big Bear Lake. This limitation of residential lots abutting SR-38 will preserve scenic views along SR-38, including unobstructed views of Big Bear Lake. As reflected in the aesthetics discussion in Section 4.1 of the RRDEIR No. 1 and supported by the visual simulations included therein, the Project will be designed to reduce visual impacts to less than significant levels. Section 4.1.6 of the RRDEIR No. 1 lists numerous mitigation measures that will ensure that the Project is developed in a manner that maintains its compatibility with community character and surrounding environment. Moreover, the Project is required to leave trees and downed logs in place to the extent that clearing is not required by the development process to maintain the existing visual character of the Project site. The Project is also required to avoid impacts to trees that are larger than 24 inches in diameter and, if such trees are required to be removed, that a replacement ratio of 2:1 is required to mitigate any such impacts. Finally, development standards will be incorporated into the Conditions of Approval which will result in the custom homes being developed in a manner that complements the surrounding environment and natural setting, including requiring the use of building materials that will complement the surrounding community and environment.

Response to SCOTT (b)-3

The commenter re-states his concern about noise for adjacent uses.

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

Response to SCOTT (b)-4

The commenter expresses concern about potential impacts from an adjacent natural gas pipeline within the marina.

The 2005 Final EIR included an Initial Study used to identify potential impacts that should be evaluated in the EIR and areas where no impacts would occur. Areas where no impact would occur included impacts from hazards and hazardous materials. Specifically, the Initial Study determined the private marina would not be significantly impacted and would generally include boat slips in a floating dock that is not considered to be an “improved marina.” That is, there would be no storage of fuels or other such hazardous materials on-site.

Response to SCOTT (b)-5

The commenter re-states potential impacts from implementation of the boat dock and lake views to the from the eastern shore.

See Response to SCOTT (b)-2. No additional response is needed.

Slowik, Matt - LUS - Advance Planning

From: Robin Eliason [reliason@charter.net]
Sent: Thursday, June 03, 2010 11:09 PM
To: Slowik, Matt - LUS - Advance Planning; COB - Internet E-Mail
Attachments: Mooncamp_letter_2010.doc

Mr. Slowik, Please find our comment letter on the Moon Camp DEIR, attached.

Clerk of the Board, Please forward the attached letter to the Supervisors.

Thank you.

Robin and Scott Eliason

ELIASON-1

Robin and Scott Eliason
PO Box 309
Fawnskin, California 92333
June 3, 2010

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

Re: Proposed Moon Camp Residential Subdivision

Dear Mr. Slowick and County Supervisors,

We are long-time year-round residents of the community of Fawnskin and request that the County Supervisors consider the following comments in making their decision about the proposed Moon Camp development.

ELIASON-2

1) First and foremost, there are no over-riding considerations that should convince the Supervisors that approving a proposal for additional housing in the Big Bear area is in the public or County's best interest. There are no benefits that could possibly outweigh the unmitigated impacts. In fact, it is difficult to imagine that there would be any benefits at all. There are many houses in our neighborhood that have been on the market for years without selling. Fawnskin also has many undeveloped lots in a wide range of sizes, views, and prices. There is no apparent need for additional lots and housing in the Fawnskin or the greater Bear Valley area now or in the foreseeable future. As such, the only conceivable benefits to anyone – the developer's profits and the County's tax rolls - are dubious at best.

ELIASON-3

2) The proposed development would result in more demand on already limited water resources. In the Big Bear area, we already have water conservation restrictions and guidelines. Adding additional housing (especially housing that is not needed) does not make sense. The hydrants on our street, and elsewhere in Fawnskin, do not produce the needed flow rates in the event of fire. Placing additional burden on the groundwater basin and the existing Fawnskin water system is definitely not to the community's benefit; rather it is a clear detriment.

ELIASON-4

It appears that none of the three water service alternatives are feasible. All are complex, speculative, and uncertain. Option B, the stated preferred way for each of the three alternatives to tap into Fawnskin's water supply, seems to involve pipeline construction through occupied lots in our neighborhood. The mapped connection between Fawnskin Dr and Canyon Rd in particular we are confident has no easements or landowner permission to implement. Approving a development without a single clearly defined, feasible, and supported water supply would be irresponsible in the extreme, and probably also illegal.

ELIASON-5

3) After having been evacuated twice for fires threatening the Fawnskin area (2003 Old Fire and 2007 Butler II Fire), we are extremely concerned about the impacts of more people and houses in our town in terms of safe and effective evacuation of our community. During each evacuation, it took people many hours to get off the mountain. Adding additional people to the community would result in more people having to be evacuated. The added population is much greater relative to Fawnskin than to Bear Valley as a whole, but the analysis of the impacts to emergency evacuation takes a valley-wide

ELIASON-6

perspective. The impacts specifically to Fawnskin therefore are understated and not honestly disclosed.

ELIASON-6

- 4) Please do not approve the proposed marina. The proposed marina and marina parking location is problematic for many reasons:
- The marina parking lot and road access is located one of the favored bald eagle perch sites. During the winter, that area often has one or two eagles perched in the trees. They use those perch sites to watch for prey (fish and ducks) in the lake.
 - Dredging the marina would eliminate shallow water in a sheltered bay that is favored by waterfowl, especially during the winter. Even if no dredging is needed, installation of boat docks would reduce the habitat quality for waterfowl. In turn, if waterfowl habitat is lost or degraded, the bald eagle foraging opportunities will diminish or be eliminated. During the winter when the lake is partially frozen, there have been a number of times that we have seen eagles (including one time when there were 7 eagles) perched on the ice next to open water in the location of the proposed marina.
 - The marina's access road entry and exit points to Highway 38 will increase the risk of vehicle accidents along this already-busy winding mountain road. Vehicles (including those pulling boat trailers) trying to enter or exit the marina access road will cause more traffic safety issues. As a dangerous ingress/egress on a curve with poor site distance, cars turning into or out of the parking lot would create an extremely dangerous traffic situation. That curve is called "dead man's curve" for a reason.
- 5) As development and activities around the mountain lakes have increased, habitat for bald eagles, a state-listed Threatened and federally-protected species, has been lost. We concur with the findings in the DEIR that it is not possible to mitigate for the loss of bald eagle habitat.
- 6) For the past two years, we have seen a pair of bald eagles in the Grout Bay area, including the Moon Camp proposed development, year-round (not just during winter months). As such, the significance of the loss of habitat is greater than described in the DEIR. Further loss of habitat could discourage this resident pair of eagles from nesting successfully.
- 7) The proposed access road on the east end of the development (across from the marina entry driveway) would further degrade the habitat quality for bald eagle perching at that favored and frequently-used perch site. It is unlikely that eagles would continue to perch at that site after another road and the marina were developed.
- 8) The impacts to pebble plain habitat and to ash-grey paintbrush are understated and would not be mitigated to below the level of significance. The DEIR fails to disclose these unmitigated significant effects.

ELIASON-7

ELIASON-8

ELIASON-9

ELIASON-10

ELIASON-11

ELIASON-12

The variability in reported acreages of pebble plain and the associated ash-grey paintbrush over multiple surveys and reports, along with the adoption of the smallest reported acreages, is suspicious. However, even if the 2008 Krantz survey results, and the smaller reported acreages contained therein, are correct, the proposed mitigation measures would not mitigate the impacts.

ELIASON-13

The DEIR understates the impacts to pebble plain habitat by ignoring inevitable indirect impacts to pebble plain habitat on adjacent Forest Service land through increased use (walking, biking, etc and associated creation and proliferation of unauthorized trails.) It may also understate the impacts by adopting the smallest acreages of several credible survey results.

The proposed mitigation will not reduce or offset the impacts to below significance for two reasons. First, the value of the onsite mitigation depends heavily on the quality and effectiveness of management. A small habitat fragment such as "Lot A" would be extremely vulnerable to degradation and edge effects and maintenance of habitat quality would rely heavily on effective and active management. How this property would be managed and by whom is deferred to later decisions

and is therefore entirely speculative. Second, the proposed 10-acre off-site mitigation parcel at Dixie Lee Lane would not offset impacts that would occur at Moon Camp. Within the 10-acre parcel, there are about 5 acres of pebble plain habitat, so the 3:1 ratio claimed in the DEIR is false. This pebble plain habitat, while of very high quality and conservation importance, supports nearly no ash-grey paintbrush - so it would not offset losses of this special-status species at all. The mitigation value of the off-site pebble plain habitat is subject to the same speculative future management as "Lot A". And finally, it is likely that this parcel is already protected – at least it has been fenced and signed as such for over 20 years.

ELIASON-13

9) We are concerned about the visual impacts of the large amount of cut-and-fill that would be required to construct the interior road in the proposed development.

ELIASON-14

10) As an amateur astronomer, I value the dark skies in our neighborhood and the lack of street lights. Please do not approve installation of street lights in the proposed development – no other areas in Fawnskin have or need them.

ELIASON-15

11) We value the quietness of our neighborhood. If the Supervisors approve the proposed development, the character will completely change. We will be faced with years of construction noise. There is no way to mitigate for those impacts.

ELIASON-16

We again urge the County Supervisors to fulfill their responsibilities to protect the Public Trust and to meet obligations to protect the quality of the environment. Please select the "No Project" alternative. The County Supervisors have no reasonable basis to reduce its previous determinations of significance, and over-riding considerations are not warranted because this project is NOT in the public interest. This proposed project should be denied.

ELIASON-17

Sincerely,

ROBIN ELIASON and SCOTT ELIASON
Residents of Fawnskin

Robin and Scott Eliason (ELIASON)

Response to ELIASON-1 and -2

The commenter provides an introductory comment prefacing the comment letter. No response is needed.

Response to ELIASON-3

The commenter states there is no reason the Project should allow a statement of overriding consideration because there are various vacant lots and residences within the area.

See Response to SM&W-1 regarding various vacant lots and residences within the area. In addition, as outlined within the RRDEIR No. 1, impacts to specific biological resources were the only significant and unavoidable impact upon implementation of the Project. However, the Biological Resource Section was re-circulated. All comments pertaining to biological resources are located within Section 3 of this Response to Comment document. If the County of San Bernardino approves the Proposed Alternative Project, the County shall be required to cite its findings in accordance with CEQA Section 15091 and prepare a Statement of Overriding Considerations in accordance with CEQA Section 15093. No additional significant impacts related to implementation of the Project have been identified following implementation of recommended mitigation measures and/or compliance with applicable standards, requirements and/or policies by the County of San Bernardino.

Response to ELIASON-4 and -5

The commenter expresses concern regarding water supply and potential overdraft of groundwater.

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

Response to ELIASON-6

The commenter expresses concern regarding wildfire hazards.

See Response to WINCH (b)-5.

Response to ELIASON-7 and -8

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

Response to ELIASON-9

The commenter expresses concern regarding potential impacts from increased traffic.

The site plan for the Project proposes two points of access from SR-38: driveway number one, toward the western portion of Tentative Tract No. 16136, and another driveway providing access to the Project from SR-38 further to the east. San Bernardino County Municipal Code § 87.06.030(c)(2)(E) states that “The subdivision in each of its phases shall have two points of vehicular ingress and egress from existing surrounding streets, one of which may be used for

emergency use only.” Therefore, the Project’s vehicular ingress and egress design is consistent with County Code. In addition, a Traffic Impact Analysis (Appendix E of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Traffic Impact Analysis, no areas are expected to have significant and unavoidable impacts for opening year and Horizon Year 2030 Traffic Conditions nor cumulative traffic impacts to SR-38 or the surrounding area with the implementation of Mitigation Measures T-1 and T-2 (RRDEIR No. 1, page 4.8-51). No additional response is necessary.

Response to ELIASON-10 through 13

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

Response to ELIASON-14

The commenter expresses concern regarding potential visual impacts from construction equipment.

The 2011 Project eliminates the realignment of SR-38. In addition, as outlined within Section 4, Errata of this Response to Comment document, with implementation of Mitigation Measure AQ-1 (RRDEIR No. 1, page 4.2-31), mass grading activities than be limited to a maximum of 5 acres per day. In addition to mitigations provided within the 2005 EIR, the RRDEIR No. 1 will include the following mitigation measures to further reduce visual impacts from construction of the Project:

Short-Term Aesthetic/Light and Glare Impact Mitigation

- A-1a: Construction equipment staging areas shall be located away from existing residential uses. Appropriate screening (i.e., temporary fencing with opaque material) shall be used to buffer views of construction equipment and material, when feasible. Staging locations shall be indicated on Project Grading Plans.
- A-1b: All construction-related lighting associated with the construction of new roadways, improvements to SR-38 and the installation of utilities shall be located and aimed away from adjacent residential areas. Lighting shall use the minimum wattage necessary to provide safety at the construction site. A construction safety lighting plan shall be submitted to the County for review along with Grading Permit applications for the subdivision of the lots.

Response to ELIASON-15

The commenter expresses concern regarding night glow from outdoor lighting.

The only outdoor lighting is within the 50 lots, which are spread out over 62 acres, 1.25 acres per lot. Significantly, less dense than the surrounding residential areas. Generally, the attributes of the 2011 Project—including reduction in development intensity, elimination of the development of lakefront lots, elimination of the realignment of SR-38, reduction and relocation of the proposed marina, increase in permanently protected open space, and reduction in the number of trees removed from the site—enhance the aesthetic values of the Project to reduce aesthetic impacts. In addition, with the implementation of Mitigation Measures A-1 through A-4 (RRDEIR No. 1, page 4.1-8 through 4.1-

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

Response to ELIASON-16

The commenter expresses concern regarding noise.

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

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

Response to ELIASON-17

The commenter suggests that the EIR should analyze an alternative that would adjust the developable lot layout in a manner that completely avoids occupied ashy-grey Indian paintbrush habitat. CEQA requires an EIR to describe a reasonable range of alternatives to the Project, which would feasibly obtain most of the basic objectives and would avoid or substantially lessen the significant effects of the Project (CEQA Guidelines Section 15126.6). An EIR need not consider and analyze every conceivable alternative to the Project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation (CEQA Guidelines Section 15126.6(a)). As indicated in Section 2 of the RRDEIR No. 1, the Project will not have a significant unavoidable impact on the ashy-grey Indian paintbrush. Accordingly, the RRDEIR No. 1 is not required to analyze an alternative that would avoid or substantially lessen impacts to ashy-grey Indian paintbrush.

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May 5, 2010

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

RECEIVED
MAY 07 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Regarding: The Draft Re-Circulated EIR for Moon Camp Development

There are many problematic issues which point to the fact that this development should not be approved by the Planning Department.

ELLIS-1

- This area is currently zoned as 1 unit per 40 acres. In order for this project to move forward, this zoning would have to be changed to 1 unit per 20,000 square feet. This large scale project is not consistent with the San Bernardino General Plan and not compatible with the rural surroundings.
- According to the General Plan, zoning is not to be changed unless it is determined to be in the public interest. This project is NOT in the public interest. It is only in the best interest of the developers.
- The North Shore of Big Bear Lake is integrated with surrounding National Forest unlike the South Shore which has been developed without consideration of the National Forest or the unique qualities of the lake itself.
- More unneeded and unnecessary development which is not compatible with the rural surroundings should not be approved. It would be a mistake to change the zoning for a development that is not in the public interest, is not consistent with the General Plan for Rural Living, and simply is not needed.
- This project would increase the population of Fawnskin causing more need for services such as police, fire, schools, libraries, solid waste, electrical, and natural gas.
- Soil erosion due to grading to make this development happen would increase erosion and impact the water quality of the lake.
- The 55 boat slips would also impact the health of the lake.
- Water availability with overdraft of the groundwater basin would be a significant and unavoidable impact with North Shore Hydrologic Subunit.
- The impact to the Bald Eagle is most significant.

ELLIS-2

ELLIS-3

ELLIS-4

ELLIS-5

ELLIS-6

ELLIS-7

ELLIS-8

ELLIS-9

ELLIS-10

Because of the unavoidable impact this project would have on the unique area of Fawnskin and on the lake itself, no development is the only alternative which would follow the General Plan, keep the integrity of the North Shore, and maintain the rural surroundings between the National Forest, the small town of Fawnskin, and the lake. Zoning should not be changed for this unnecessary and unneeded development.

ELLIS-11

Most sincerely,

Sandra Ellis
Sandra Ellis

P.O. Box 8542
Green Valley Lake, CA 92341

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Sandra Ellis (ELLIS)

Response to ELLIS-1 through -3

The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre. The commenter states the changing of zoning is not within the best interest of the public, especially when it will adversely affect surrounding property.

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

Response to ELLIS-4

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

Response to ELLIS-5

The commenter re-states the changing of zoning and compatibility.

See Response to ELLIS-1 through -3. No additional response is necessary.

Response to ELLIS-6

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

Response to ELLIS-7

The commenter expresses concern regarding erosion and potential impacts to water quality of the lake.

As outlined within Section 4.4, Hydrology and Water Quality of the RRDEIR No. 1, the County of San Bernardino follows state standards for water quality. During construction, projects will be required to obtain coverage under the State's General Permit for Construction Activities that is administered by the California RWQCB. The Proposed Alternative Project will obtain coverage under the statewide National Pollutant Discharge Elimination System (NPDES) permit for construction activities, and develop and implement a Stormwater Pollution Prevention Program (SWPPP) to control erosion and protect water quality during the construction phase of the Proposed Alternative Project as well as operating under an approved WQMP.

At a minimum, the SWPPP would address the following items:

- **Erosion control.** Employ measures to prevent the movement of soil by wind or water during construction and may include watering, and physical barriers to the movement of soil particles.
- **Tracking of Soil.** Employ measures to effectively minimize the tracking of soil by vehicles and may include gravel driveways, wheel washes, and street sweeping.

- **Wastes and Cleanup.** The SWPPP must also address washout, cleanup and disposal related to debris, trash, concrete, asphalt, paint, coatings, solvents and other materials applicable to preparation and construction at the project site.

Other Reasonable BMPs. The SWPPP must also implement other applicable BMPs as needed to keep pollutants away from stormwater. The SWPPP must also identify additional applicable measures taken during the storm season and when storms are anticipated.

At a minimum, the WQMP would keep stormwater separate from potential pollutants and address the following items:

- **Parking Lot Runoff.** Parking lot drainage points should be equipped with oil/water separators which shall be maintained according to the manufacturer's requirements for maintenance.
- **Material Storage Area.** Any materials stored outdoors must be covered such that material cannot meet materials.
- **Other Reasonable BMPs.** WQMP and BMPs used on-site should be reviewed and revised as necessary to keep pollutants away from stormwater and the lake.

In addition, Mitigation Measures HYD-1 through HYD-17 (RRDEIR No.1, page 4.415 through 4.422) are required to further reduce potential water quality impacts during construction and operation of the Project. Consistency with County code and Mitigation Measures HYD-1 through HYD-17 will therefore reduce impacts to a level of less than significant. No additional response is necessary.

Response to ELLIS-8

The commenter expresses concern regarding the 55 boat slip and the health of the lake.

As outlined within Section 4.4, Hydrology, and Water Quality of the RRDEIR No. 1, the Proposed Alternative Project includes 55 boat slips. This would require no dredging, just the sinking of posts for support of the boat slip structure. Big Bear Lake is listed by the SWRCB as an impaired water body. Pursuant to The Clean Water Act, before the USACE can issue a permit for the marina/boat ramp/slip dock, the Project Applicant must receive an individual Conditional Water Quality Certification. However, the proposed launch ramp has been removed from the Project by the developer. Therefore, compliance with this procedure would reduce the level of impact to less than significant. No additional response is necessary.

Response to ELLIS-9

The commenter expresses concern regarding water supply and potential overdraft of groundwater.

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

Response to ELLIS-10

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

provided on the RRDEIR No. 1. All biological resource comments are addressed within Section 3 of this Response to Comment document.

Response to ELLIS-11

The commenter re-states the changing of zoning and compatibility.

See Response to ELLIS-1 through 3. No additional response is necessary.

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

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

Attn: Matthew Slowik

Subject: Moon Camp 2010 DEIR

I am the owner of the property located at 1067 Fawnskin Drive in Fawnskin California. I am strongly opposed to the development of the Moon Camp area. My concerns and questions are as follows:

COATES-1

Zoning change-

To allow this project, zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 1/2 acre. There is no valid reason for changing the zoning, since the County General Plan requires that zone changes be done only when there is sufficient infrastructure, when the change is in the best interest of the public and when it will not adversely affect surrounding property. There are already 1,076 buildable lots in Fawnskin, so creating 50 more is overkill.

COATES-2

What is the convincing reason to change this zoning?

Infrastructure-

Water: There are already insufficient water supplies in the Fawnskin system and DWP says that the supply cannot support any significant increase in the percentage of full-time residents. There are residents on wells nearby that could be severely impacted by the new wells on Moon Camp. The proposal currently has no clearly defined water service available and every option could end up costing current residents. No analysis has been done to show that this proposed project would not significantly impact cost or availability of water for current residents.

COATES-3

What is the plan for water supply on Moon Camp without negatively impacting the current residents?

Roads/traffic, Electricity, Police protection: The narrow highways here are overburdened. Bear Valley Electric has already raised rates to pay for a new generator because valley electric supply is limited. The Sheriff's Department resources are already stretched too thin to handle current needs and response times are often long.

COATES-4

There are many development projects already approved for the Valley, thousands of existing vacant lots that could be built out and many second homeowners that could become full time residents.

How will the overburdened Sheriff's Department, Bear Valley Electric, and the existing highway/road conditions handle the addition of a more densely populated area and marina?

Fire Hazard: With the inefficiency of recent evacuations, adding the possibility of more residents and visitors could be dangerous for all of us. More homes along the forest boundary increase the risk of wild fire.

COATES-5



What is the county plan for efficient evacuation procedures with the addition of more residents and visitors to the Moon Camp development without impeding or jeopardizing the evacuation of the current residents of the Fawnskin community?

↑
COATES-5

Biological Resources—

The project would significantly impact the bald eagle as well as several other endangered species. Many trees would be cut and natural habitats lost to develop this project. The forest surroundings and wildlife path to the lake would be severely impacted. The bald eagle and forest surroundings bring many visitors to the valley who would not come when these resources are gone or degraded.

COATES-6

What proven mitigations would be done to eliminate these impacts?

Aesthetics/Light and Glare/Noise—

The North Shore of Big Bear Lake is unique and treasured by the entire valley for its beauty, lake views, scenic highway and forested character. We currently have dark skies without street lights and it is so quiet most visitors comment on it. County standards for urban areas cannot be used to evaluate the impact this project would have on these issues.

COATES-7

The unique dynamics of Fawnskin are the very reason I chose to purchase a home in this community.

There are also major issues with air quality, water quality (especially with two potential new marinas right next to each other), and cumulative impacts of all the development around the valley recently.

COATES-8

There is nothing positive to the community of Fawnskin by allowing the Moon Camp development and I strongly urge the County of San Bernardino to reject the proposal for the Moon Camp project.

COATES-9

Sincerely,

Sheree E Coates 5/30/2010

Sheree E. Coates
Property address:
1067 Fawnskin Drive
Fawnskin, CA
Parcel Number: 0304-212-10-0-000

Mailing Address:
PO Box 1725
Sunset Beach, CA 90742

Cc: Neil Derry, Supervisor Third District, County of San Bernardino

Sheree Coates (COATES)

Response to COATES-1

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

Response to COATES-2

The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre. Can you give us a valid reason for changing the zoning, especially since the County of San Bernardino General Plan requires that zone changes be done only when there is sufficient infrastructure, when the change is in the best interest of the public and when it will not adversely affect surrounding property.

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

Response to COATES-3

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

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

Response to COATES-4

The commenter expresses concern regarding infrastructure, roads/traffic, electricity, and police protection.

A Traffic Impact Analysis (Appendix E of the RRDEIR No. 1) was conducted for the proposed Moon Camp Project. According to the Traffic Impact Analysis, no areas are expected to have significant and unavoidable impacts for Horizon Year 2030 Traffic Conditions nor cumulative traffic impacts with the implementation of Mitigation Measures T-1 and T-2 (RRDEIR No. 1, page 4.851). In addition, as indicated within Section 4.7, Public Services, of the RRDEIR No. 1, anticipated police calls that may occur include increased burglar alarm calls, general criminal investigations, missing or lost persons, emergency medical calls, thefts of boats, and vandalism. Although there would be an incremental need for increased police service, it is not anticipated that Proposed Alternative Project implementation would require any new police facilities. Each homeowner will be required to pay property taxes and development impact fees based on then-current rates. The Proposed Alternative Project's increase in demand for police services would be offset through project related fees and taxes. Therefore, impacts to law enforcement services are expected to be less than significant, and no mitigation measures are proposed.

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

that offset the cost of service and maintenance. Therefore, the impacts are considered less than significant and no mitigation is required.

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

Response to COATES-5

The commenter expresses concern regarding wildfire hazards.

See Response to WINCH (b)-5.

Response to COATES-6

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

Response to COATES-7

The commenter expresses concern regarding aesthetics, light, and glare.

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

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

Response to COATES-8

The commenter expresses concern regarding water quality with two marinas adjacent to each other as well as potential cumulative impacts to air quality.

As outlined within Section 4.4, Hydrology and Water Quality of the RRDEIR No. 1, the Proposed Alternative Project includes 55 boat slips. This would require no dredging, just the sinking of posts for support of the boat slip structure. Big Bear Lake is listed by the SWRCB as an impaired water body. Pursuant to The Clean Water Act, before the USACE can issue a permit for the marina/boat ramp/slip dock, the Project Applicant must receive an individual Conditional Water Quality Certification. However, the proposed launch ramp has been removed from the Project by the

developer. Therefore, compliance with this procedure would reduce the level of impact to water quality within the marina to less than significant.

In addition, an air quality analysis was conducted for construction and operation of the Project, including operation of vessels within the marina. As concluded within Section 4.2, Air Quality of the RRDEIR No. 1, consistency with Mitigation Measures AQ-1 through AQ-4 (page 4.2-31 and 4.2-32; 4.2-38 and 4.2-39) would reduce potential impacts from construction and operation of the Project to a level of less than significant. Further, consistency with Mitigation Measures AQ-1 through AQ-4 would reduce potential cumulative air impacts to a level of less than significant. No additional response is necessary.

Response to COATES-9

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

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Donall and Susan Piestrup
PO# 130703
42256 Switzerland Drive
Big Bear Lake, CA 92315
susanpiestrup@charter.net
909-866-0864

RECEIVED
APR 19 2010
COUNTY SERVICES DEPT.
ADVANCE PLANNING DIVISION

April 16, 2010

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

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

Dear Mr. Slowik:

We are dismayed at the minimal time allotted to properly read and review the Moon Camp RE-Circulated DEIR.

Certainly, operating under the "Let's do the right thing" principal, your office owes those of us most impacted (we locals) a time extension.

We hope to hear, shortly, that you concur.

Thanking you, in advance, for what we hope will be an honorable process, we are:



Susan Piestrup
cc: Sandy Steers



Donall Piestrup

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Susan and Donall Piestrup (PIESTRUP)

Response to PIESTRUP-1

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

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MA THER SLOWIK

I'm Writing you About The moor
Camp Project in Big Bear

BROWN-1

There are many issues on this
Project.

Water is one of the main problems

1. Fawn skin is depended on there own
water wells and a large project like
this could cause another problem
with there water supply

BROWN-2

2. I attended a DWP meeting in Big Bear
Lake and they said that there is
a inter connect between there lower
wells and the lake this should be
~~STUDIED~~ looked at.

BROWN-3

3. Going from 1 house per 40 Acres to
1 house per $\frac{1}{2}$ acre doesn't seem real
this should at least be kept to 1 house
to 5 acres

BROWN-4

RECEIVED

JUN 02 2010

AND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

THANK YOU

Tom Brown

PO Box 156

BIG BEAR LAKE 92315

909 866 6966

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Tom Brown (Brown)

Response to Brown-1

The commenter provides an introductory statement. No response is necessary.

Response to Brown-2 and -3

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

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

Response to Brown-4

The commenter states zoning must be changed from a rural classification (1 house per 40 acres) to 1 house per 0.5 acre. Can you give us a valid reason for changing the zoning, especially since the County of San Bernardino General Plan requires that zone changes be done only when there is sufficient infrastructure, when the change is in the best interest of the public and when it will not adversely affect surrounding property.

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

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

MAY 26, 2010

Attn: Matthew Slowik

I HOPE THESE THINGS ARE BEING CONSIDERED WHEN YOU ARE MAKING YOUR DECISIONS.

Water: There are already insufficient water supplies in the Fawnskin system and DWP says that the supply cannot support any significant increase in the percentage of full-time residents. There are residents on wells nearby that could be severely impacted by the new wells on Moon Camp. The proposal currently has no clearly defined water service available and every option could end up costing current residents. No analysis has been done to show that this proposed project would not significantly impact cost or availability of water for current residents.

CLOTTS-1

Roads/traffic, Electricity, Police protection: The narrow highways here are overburdened. Bear Valley Electric has already raised rates to pay for a new generator because valley electric supply is limited. The Sheriff's Department resources are already stretched too thin to handle current needs and response times are often long.

CLOTTS-2

There are many development projects already approved for the Valley, thousands of existing vacant lots that could be built out and many second homeowners that could become full time residents.

Fire Hazard: With the inefficiency of recent evacuations, adding the possibility of more residents and visitors could be dangerous for all of us. More homes along the forest boundary increase the risk of wild fire.

CLOTTS-3

There are also major issues with air quality, water quality especially with two potential new marinas right next to each other, and cumulative impacts of all the development around the valley recently.

CLOTTS-4

Please consider all of the above when making your decision that may have dire effects on the residents of Fawnskin and Big Bear Valley.

CLOTTS-5

Sincerely, Victor Clotts

945 Deertrail Lane

Fawnskin,calif. 92333

Box 24

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

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Victor Clotts (CLOTTS)

Response to CLOTTS-1

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

This is not true. Annual BBLDWP groundwater production in the Fawnskin area has averaged 106 acre-feet/year between 2003 and 2007 (TH&Co 2009). However, the perennial yield (available groundwater resources) of the Grout Creek Subunit encompassing the wells is 280 acre-feet/year. The projected ultimate water demand of the Fawnskin area is estimated to be 204 acre-feet/year, which is still below the estimated perennial yield (CDM 2006). Thus, there is a sufficient amount of available perennial yield that can be developed. Water supply limitations in this area are due to available infrastructure and the ability to extract the water due to shallow bedrock.

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

Response to CLOTTS-2

The commenter expresses concern regarding infrastructure, roads/traffic, electricity, and police protection.

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

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

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

Response to CLOTTS-3

The commenter expresses concern regarding wildfire hazards.

See Response to WINCH (b)-5.

Response to CLOTTS-4

The commenter expresses concern regarding water quality with two marinas adjacent to each other as well as potential cumulative impacts to air quality.

See Response to COATES-8.

Response to CLOTTS-5

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

Slowik, Matt - LUS - Advance Planning

From: Wendy Bates [wendycbates@hotmail.com]
Sent: Friday, June 04, 2010 4:30 PM
To: Slowik, Matt - LUS - Advance Planning
Subject: Moon Camp development comments
Attachments: WB_San_Bernardino_County4June.docx

Dear Mr. Slowik,

Please see my attached comments re: the proposed Moon Camp Development in Fawnskin, CA.

Sincerely,
Wendy Bates

W. BATES-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,

The proposed Moon Camp Development Project violates current zoning regulations. The good reasoning and foresight of the County Commissioners has helped maintain the rural environment, beauty and open space currently enjoyed in the Big Bear Valley. In the planning process begun decades ago, they surely considered that balancing open space with the built environment is an important aspect to land use planning. The Commission wisely realized there is value in not impinging on lands identified as threatened and endangered wildlife habitat while still fostering a viable community for residents and visitors. In keeping with their vision, this proposal should not be granted approval. It has not been shown there is a valid need for changing the zoning, since the County General Plan requires that zone changes be done only when there is sufficient infrastructure, when the change is in the best interest of the public and when it will not adversely affect surrounding property.

W. BATES-2

Respectfully Submitted,

Wendy Bates
111 Village Circle
Garden Valley, ID 83622
(208) 631-1633
Member, City of Crouch Comprehensive Plan Committee

Wendy Bates (W. BATES)

Response to W. BATES-1

The commenter provides an introductory statement. No response is necessary.

Response to W. BATES-2

The commenter requests a valid reason for changing the zoning, especially since the County of San Bernardino General Plan requires that zone changes be done only when there is sufficient infrastructure, when the change is in the best interest of the public and when it will not adversely affect surrounding property.

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

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WM. HAZE WINKEL & CO.

RECEIVED
ADMINISTRATION
2010 APR 26 AM 6:35

April 21, 2010

Dena M. Smith
Advance Planning
385 N. Arrowhead Avenue
San Bernardino, CA 92415-0182

RE: SCH #2002021105 Mooncamp Draft EIR

Dear Ms. Smith,

First of all, I'd like to give you some idea of my background. I graduated from USC with a real estate major, including two classes in city planning and have MS and PhD degrees in real estate valuation. (see attached C.V.) In addition, I served for four years on the Newport Beach Planning Commission.

HAZEWINKEL-1

The following are my comments on the above draft EIR for the proposed Mooncamp Subdivision.

- If loss of eagle habitat is potentially significant, shouldn't the project be rejected? HAZEWINKEL-2
- In general, it seemed that comparisons were made to a previous EIR which was rejected, rather than as if the present project was acceptable on its own. HAZEWINKEL-3
- Why wasn't the previous preparer of the report (Raub, Bein & Frost) asked to prepare this report? HAZEWINKEL-4
- Why does the proposed marina indicate 55 slips, rather than 50 (one per lot)? If the docks are to be moved in winter, where will they be relocated, and was the impact on the other location analyzed? HAZEWINKEL-5
- Lot C (parking for the marina) indicates much more land than is needed for parking, therefore the excess should be part of the green belt dedication in Lot B HAZEWINKEL-6
- No launch ramp should be included in the proposed marina, as under our current conditions for the lake, it would have to be manned HAZEWINKEL-7
- 4.1-8 Conservation easements for Lots A & B should be larger HAZEWINKEL-8
- It appears that the EIR makes comparisons with laws in effect for both previous and current General Plan, whichever is in the best interest of the developer HAZEWINKEL-9
- Lakefront access by bicycle is mentioned, therefore bike path development should be part of the potential development, not just part of the highway widening. A provision should be made for connection to the westerly end of the existing pedal path, by going through alley dedication and forest service land, to the subject property and improvements made through the proposed development. HAZEWINKEL-10

- No mention is made in the report about the gradient drop of the existing sewage line as being adequate even for the existing homes that it serves. HAZEWINKEL-11
- 4.7-5 Regarding evacuation; during the last mandatory evacuation, there was a three plus hour period when traffic was completely stopped, and no progress was possible heading east due to a fire westerly of Fawnskin. In the EIR the Fire Marshall only stated directions for evacuation, and did not say if the roads would be adequate to evacuate the population. HAZEWINKEL-12
- Traffic calculations in the EIR were $50 \times 2.31 = 116$ trips; isn't it possible that the lot size and price of the subject parcels might indicate a larger density? HAZEWINKEL-13
- There was no mention in the EIR of well production. i.e. the new northwesterly well produces 5 +/- gallons per minute which would not even serve one parcel. HAZEWINKEL-14
- If approval of this project is considered, a provision should be added that no further lot splits would be possible. HAZEWINKEL-15

Thank you in advance for your consideration of my comments.

Very truly yours,



William C. Hazewinkel
Enc.

PROFESSIONAL QUALIFICATIONS OF WILLIAM C. HAZEWINKEL

BUSINESS BACKGROUND:

Hazewinkel & Co., Fawnskin, CA, Real Estate Appraisers

Lincoln Savings & Loan Association, Los Angeles, CA, Appraiser, Loan Officer, Property Manager

Santa Barbara Savings & Loan Association, Santa Barbara, CA Appraiser

EDUCATION:

Bachelor of Science Degree, Real Estate Major, University of Southern California

Lumblau Real Estate School, Santa Ana, CA

Real Estate Certificate, University of California

Real Estate Certificate, Orange Coast College

Real Estate Institute, Denver, Colorado

Master of Arts Degree in Appraisal Technology, Western States University

Doctor of Philosophy in Valuation Science, Western States University

Classes Include:

Business Mathematics, Math of Finance, Principles of Economics I, Planning the Home, Law of Contracts, Sales & Negotiable Instruments, Principles of Economics II, Business Statistics, Logic, Business Communications and Reports, Problems of City Planning, Money and Banking, Law of Business Organization, Principles of Real Estate, Real Estate Law, Property Management, Introduction to Planning, Real Estate Appraisal, Business Taxation, Physical Geology, Property Development, California Geography, Business Fluctuations and Forecasting, Real Estate Finance, Advanced Real Estate Appraisal, Real Estate Practice, Principles & Techniques of Residential Appraising, Real Estate Appraisal for Investment Purposes, Commercial and Investment Properties, Appraising Apartments, Syndicate Financing, Real Estate Exchanges and Taxation, Real Estate Property Management, Real Estate Economics, Real Estate Taxation, Principles of Income Property Appraising, Appraisal Standards of Practice and Ethics, Business Law Forum, California Real Estate Principles, Federal/State Laws & Regulations.

AFFILIATIONS:

Life Member - Alumni Association, University of Southern California

California Real Estate Broker, 1963-Present

Member of Fee Panel of Appraisers, Federal Housing Administration, 1965-1977

Designated Senior Residential Appraiser (SRA) from the Society of Real Estate Appraisers, 1970-1977

Colorado Real Estate Broker, 1970-1981

Board of Directors, Newport-Irvine Rotary Club 1971-1972

Member of Newport Beach Planning Commission, 1971-1975 (Chairman 1974-1975)

Newport Coast Association of Realtors, 1972-2009

Member South Bay Association of Realtors, 1998-2000

Broker Participant Multiple Listing Service of the Big Bear Association of Realtors 2000-Present

Member Big Bear Association of Realtors, 2003-Present

California Real Estate Association 1972-Present

PROFESSIONAL QUALIFICATIONS OF WILLIAM C. HAZEWINKEL

EXPERT WITNESS:

Los Angeles County Superior Court, Long Beach, CA
U.S. Bankruptcy Court, Santa Ana, CA
Pomona Superior Court, Pomona, CA
U.S. Bankruptcy Court, Las Vegas, NV
Orange County Superior Court, Santa Ana, CA
Judicial Arbitration & Mediation Service, Inc., Anaheim, CA
Ventura Superior Court, Ventura, CA
Conflict Resolution Services, Irvine, CA

CERTIFICATE:

Certified General Real Estate Appraiser, 1992, State of California, Office of Real Estate Appraisers

CLIENTS:

Alevizon, Smith & Lawrence, Santa Ana, CA
Allied Insurance, Fresno, CA
American Charter Mortgage Corporation, Phoenix, AZ
Ancient Mariner Restaurant, Newport Beach, CA
Bank of California, Irvine, CA
Beauchamp, Jim, Corona del Mar, CA
Bren, Donald, Newport Beach, CA
CalFarm Insurance, Clovis, CA
California State University Long Beach, Long Beach, CA
California Trade Tech Schools
Carpenter & Associates, Newport Beach, CA
Chicago Title, Santa Barbara, CA
Church of Christ, Downey, CA
Cigna Property & Casualty, Woodland Hills, CA
CityFed Mortgage Co., Orange, CA
City of Ontario, Ontario, CA
Clausen, Howard & Campbell, Los Angeles, CA
Clayton & Clayton, Santa Ana, CA
Clock, Ralph, Newport Beach, CA
Coastline Community College, Huntington Beach, CA
Coldwell Banker Mortgage, Irvine, CA
Commissioner of Corporations, Los Angeles, CA
Cooksey, Coleman & Howard, Tustin, CA
County of Orange, Orange, CA
Durenberger, Gep, San Juan Capistrano, CA
Earle Ike Imports, Costa Mesa, CA
FDIC, Santa Ana, CA
Feldsott & Lee, Newport Beach, CA

PROFESSIONAL QUALIFICATIONS OF WILLIAM C. HAZEWINKEL

Industrial Indemnity, Orange, CA
Interamerican Builders, Riverside & San Bernardino, CA
Investors Mortgage Insurance Company, Boston, MA
Iverson, Yoakum, Papiano & Hatch, Los Angeles, CA
Jack White Pontiac, Anaheim, CA
Kennedy, Paul, Newport Beach, CA
Kinkle, Rodiger & Spriggs, Santa Ana, CA
L.A. Ladder Company, Huntington Park, CA
Laidlaw Transit, Inc., Van Nuys, CA
Lorber, Greenfield, Poway, CA
Lord, Bissell & Brook, Los Angeles, CA
Stephen Magro, Tustin, CA
Matlock Transportation, San Bernardino, CA
MeraBank Centre, Phoenix, AZ
Merchison, Cumming, Santa Ana, CA
Merrill Lynch Relocation, Newport Beach, CA
Meserve, Mumper & Hughes, Newport Beach, CA
Monteleone & McCrory, Santa Ana, CA
Morris, Polich & Purdy, Orange, CA
Mower, Koeller, Nebeker, Carlson & Haluck, Irvine, CA
Newport Home Loan, Newport Beach, CA
Nixon, Donald, Newport Beach, CA
Norby & Brodeur, Torrance, CA
Ohio Casualty Group, Anaheim, CA
Old Stone Credit Corporation, Jacksonville, Florida
Orion Realty Group, Santa Barbara, CA
Pacific First Mortgage, Irvine, CA
Pepperdine University, Los Angeles, CA
Portland General Electric, Portland, Oregon
Presley Companies, Newport Beach, CA
Riddle, Lynn, Santa Ana, CA
Rosch & Morris, Costa Mesa, CA
Saddleback College, Mission Viejo, CA
San Juan Capistrano Redevelopment Agency, San Juan Capistrano, CA
Schwary, Mitchell L. Jr., Santa Ana, CA
Scottsdale Insurance Company, Scottsdale, AZ
Sedgwick, Detert, Moran & Arnold, Irvine, CA
Shaffer Brothers, Garden Grove, CA
Shearson Lehman Hutton, Irvine, CA
Shick Moving & Storage, Tustin, CA
SPCA, Los Angeles, CA
Soffer, Sid, Costa Mesa, CA
3M Corporation, St. Paul, MN
Ticor Mortgage Insurance Company, Los Angeles, CA
Tobin, Hal, Huntington Beach, CA

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WM Hazewinkel (HAZEWINKEL)

Response to W. HAZEWINKEL-1

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

Response to W. HAZEWINKEL-2

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

Response to W. HAZEWINKEL-3

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

Response to W. HAZEWINKEL-4

Although the opinions of the commenter regarding the merits of the project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific

deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to W. HAZEWINDEL-5

Discussion of groundwater production from the new northwesterly well (Well FP-4) is provided on page 4.9-8 and Appendix G.4 of the RRDEIR No. 1. Well FP-4 is planned to be pumped at a rate of approximately 3 gpm, which will result in an annual production of 5 acre-feet/year. When combined with groundwater pumping from Well FP-2 (9 acre-feet/year), this amount of production is adequate to supply the needs of the development (14 acre-feet/year).

Response to W. HAZEWINDEL-6

Mr. Hazewinkel comment letter was received during the RRDEIR No. 1 45-day public review period. The RRDEIR No. 1 Biological Resources Section was recirculated in 2011 (RRDEIR No. 2). The 2011 RRDEIR No. 2, provided very minor changes from the 2010 Alternative Project, consisting entirely of reconfiguration of residential lots and Open Space Conservation Areas. The changes are summarized below:

- Redesigned Residential Lot Layout. The 2011 Alternative Project still reflects development of 50 residential lots on approximately 62.43 acres. The 2011 Alternate Project does not increase development intensity but merely proposes a revised lot configuration. However, Lots 1-3, which were located north of Street A on the western-most portion of the Project site have been shifted east and will be located in an area previously occupied by a portion of Lot A which was designated as Open Space Conservation Easement. (Please see Exhibit 1-4.)
- Creation of Open Space Lot H. To compensate for the loss of a portion of Lot A, previously designated as Open Space Conservation Easement, and in response to the Supplemental Focused Special Status Plant Species Survey (August 29, 2010) which identified significant occurrences of ashy-grey Indian paintbrush in the area previously designated for development, a 1.98 acre portion of the Project site previously occupied by Lots 1-3 will now become lettered Lot H which, like Lot A, is designated Open Space/Conservation Easement. Lot A and Lot H together comprise 4.84 acres of occupied ashy-grey Indian paintbrush that will be preserved in perpetuity.

Additional comments and responses to the re-configuration of the lots are located within Section 3 of this Response to Comment document. No additional response is necessary.

Response to W. HAZEWINDEL-7

The commenter states to not include the launch ramp as part of the Project.

The proposed launch ramp has been removed from the Project by the developer.

Response to W. HAZEWINDEL-8

The commenter states Lots A and B should be larger.

See Response to W. HAZEWINDEL-6.

Response to W. HAZEWINKEL-9

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

Response to W. HAZEWINKEL-10

The Proposed Alternative Project would provide the right-of-way that would allow a bikeway to follow Northshore Drive (SR-38). Although the opinions of the commenter regarding the merits of the Project expressed in this comment will be taken into consideration by County of San Bernardino decision-makers, no specific deficiencies in the environmental analysis are identified in the comment, and no further response is required (see CEQA Guidelines Section 15088).

Response to W. HAZEWINKE-11

The commenter states there is not mention of a gradient drop and potential impacts to the sewage line.

As outlined within Section 4.9, Utilities of the RRDEIR No. 1, So and Associates Engineers Inc. prepared a wastewater feasibility study for the Proposed Alternative Project (So 2007; Appendix G.1 to RRDEIR No. 1). According to So and Associates, the Project would generate approximately 10,750 gallons of effluent per day, with an estimated peak flow of 43,000 gallons per day. According to the study, the existing sewer system has the capacity to service the Proposed Alternative Project.

Before service can be extended to the site, both on- and off-site improvements would be necessary. The improvements include an extension of 1,200 linear feet along North Shore Drive to connect to the existing 8-inch collector sewer southwest of the property. Other requirements include that (1) all gravity facilities must be minimum 8-inch diameter; (2) all on-site facilities must meet CSA 53B standards and specifications and construction plans must be submitted for plan check and approval by the District Engineer; and (3) the Project Applicant will be required to construct 4,400 lineal feet of on-site collector sewer mainlines as shown in Exhibit 2-7, Proposed Sewer Facilities.

The Proposed Alternative Project would convey part of the wastewater flow via gravity sewer to the existing Pump Station B, southeast of the property (see Exhibit 2-7 of the wastewater feasibility study). However, depending upon where houses are built on each lot, some of the lots may require individual, on-site, household pump stations. This will depend on the individual lot design and will be decided at the time each lot is developed. The future homeowner will fund and install the lot-specific sewer improvements.

In addition, the sewer line design and connection details must be submitted to the County's Special Districts Department (SDD) for plan check and approval. The Project Applicant will pay the sewer line design and inspection fees that are related to the common infrastructure. Individual lot owners/home builders do not pay any of these fees. Individual home builders would pay an inspection fee to CSA 53B for the inspection of their house lateral connection to the common infrastructure. Therefore, impacts are less than significant and no additional response is necessary.

Response to W. HAZEWINKEL-12

The commenter expresses concern regarding forest fire and evacuation route adequacy.

See Response to WINCH (b)-5.

Response to W. HAZEWINKEL-13

The commenter states the traffic trips and lot size might indicate a large density.

The Tentative Tract Map has been designed as an extension of the existing land use pattern (neighboring single-family residential uses), but with much less density (minimum 7,200 square feet for neighboring lots and minimum 20,000 square feet for the Proposed Alternative Project). The Project offers a cohesively planned development which would be subject to compliance with the County's administrative design guidelines and development standards specific to the BV/RS-20M District. The minimum lot size in the Project is 20,000 square feet; however, all of the proposed residential lots are at least 0.5 acre in size, with the average lot size of 0.90 acre, and 12 lots are over 1 acre in size. Therefore, the Project is of a lower density than surrounding residential uses.

Response to W. HAZEWINKEL-14

The commenter expresses concern regarding new northwesterly well and water supply.

See Response to SM&W-45 through 47 for water resource impacts.

Response to W. HAZEWINKEL-15

The commenter requests a provision be added that no lot splits will be applicable.

There will be CC&Rs and deed restrictions prohibiting lot splits.

April 12, 2010

County of San Bernardino
Land Use Services Department; Advance Planning Division
385 N. Arrowhead Avenue, First Floor
San Bernardino, CA 92515-0182
Attn. Matthew Slowik

RECEIVED
APR 14 2010
LAND USE SERVICES OFFICE
ADVANCE PLANNING DIVISION

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

Dear Sir,

I am writing this letter to ask for an extension in time for the review of the Moon Camp Re-circulated DEIR. This project has changed from the original DEIR, and it will take time to review all of the documents. There is much interest in this development in our community and additional time will give more people a chance to review it.

Please take this into consideration and let me of your decision.

Thank You,



James C. McGrew
P O Box 493
39760 Flicker Rd.
Fawnskin, CA 92333

6 April 2010

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

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

Sincerely,



Gölen Olson
PO Box 6379
Big Bear Lake CA 92315

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APR 09 2010
LAND USE SERVICES DEPT
ADVANCE PLANNING DIVISION

6 April 2010

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Land Use Services Dept.; Advance Planning Div.
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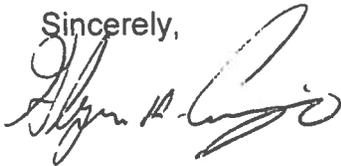
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Sincerely,



PAT MEAGHER
39439 CANYON DR.
FOREST FERS, CA
92339

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Sincerely,



GUY A. TARDIF, JR.
391 MONTCLAIR DR, #80
BIG BEAR CITY, CA 92314

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Sincerely,

Deborah Smith

PO Box 1653

Big Bear Lake

CA 92315

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Sincerely,

Carolyn C. Roberts
PO Box 2970
Big Bear City, CA 92314

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Sincerely,

JoAnn Mark
1161 Good Mt Dr.
Big Bear City, CA 92314

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Sincerely,



SUSAN CHAIDEL
P.O. Box 5015
Sugarloaf, CA 92386

susanchaide2@charter.net

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Matthew Slowik

11504 Gold Mt. dr.

Big Bear City, CA 92314

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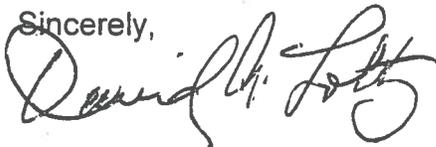
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Sincerely,

Thomas J Brown

P.O. Box 156

BBL 92315

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P.O. Box 5273
Sugarloaf, Ca.
92386

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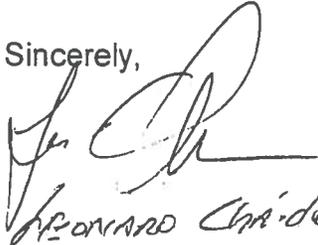
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Leonardo Chandez
P.O. Box 5015
SUGARLOAF, CA. 92386

(909) 585-9733

6 April 2010

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Development Project/RCK Properties Inc (SCH #2002021105)

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I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. The original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since the beginning of this project and since the original DEIR, it will take time simply for re-familiarization with the project. In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for the public to properly review and comment on within only 45 days.

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

Sincerely,

Thomas Wayne, Ph.D.
PO Box 1826
Big Bear Lake CA 92315

6 April 2010

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

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

Dear Mr. Slowik,

I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. The original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since the beginning of this project and since the original DEIR, it will take time simply for re-familiarization with the project. In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for the public to properly review and comment on within only 45 days.

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

Sincerely,

Richard Robinson
46245 Selenium Lane
PO Box 2970
Big Bear City, CA 92314

6 April 2010

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

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

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

Sincerely,

Michael Karp
845 Jeffries Road
P.O. Box 1653
Big Bear Lakes CA 92315
(909) 866-7547

6 April 2010

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

RECEIVED
APR 09 2010
LAND USE SERVICES DEPT
ADVANCE PLANNING DIVISION

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

Dear Mr. Slowik,

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Sincerely,



6 April 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
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Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp
Development Project/RCK Properties Inc (SCH #2002021105)

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

Sincerely,

Rev Gtc Russell
PO Box 7214
Big Bear Lake, CA 92315

RECEIVED

APR 12 2010

LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

6 April 2010

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

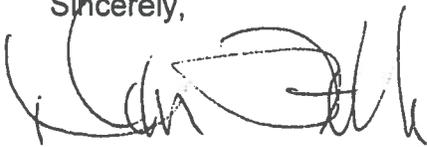
Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp
Development Project/RCK Properties Inc (SCH #2002021105)

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

Sincerely,



Dan Fowlks
Friends of Big Bear Valley

RECEIVED
APR 13 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

6 April 2010

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

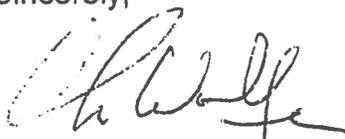
Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp
Development Project/RCK Properties Inc (SCH #2002021105)

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

Sincerely,



861 Cameron Dr

Big Bear Lake CA 92315

12 April 2010

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

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

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

Sincerely,

Jill Helms

Properties at:

39397 North Shore Dr.

40072 North Shore Dr.

Jawnskin 92333

Mailing address:

8221 Mc Groarty Place

Sunland, Ca 91040

*Please send future mailings
to this address.*

12 April 2010

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

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp
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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,

Lorene F. Nelson

12 April 2010

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Anton M. Nelson". The signature is written in dark ink and is positioned below the typed name "Anton M. Nelson".

12 April 2010

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

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

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

Sincerely,

Harold Allen 4-21-10
PO BOX 23
FAUNSKIN CA
92333

12 April 2010

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

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

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

Sincerely,

John + Donna Ash

Mr. Slowik

We bought our home last year Feb, 2009 +
had not received any information about Moon Camp
Development, in the future can you please include us.

Thank you

John + Donna Ash

40018 North Shore Drive
Fawnskin, 92333

Mailing Address P.O. Box 495 Fawnskin CA
92333

12 April 2010

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

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

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

Sincerely,

Lori Gardner
PO Box 258
Lawnskin, Ca. 92333
909-878-4220

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

12 April 2010

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

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

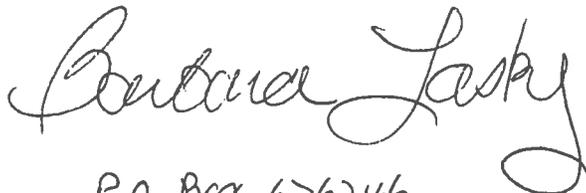
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Thank you for your time in taking this matter into consideration as quickly
as possible. Please notify me of any extensions granted.

Sincerely,



P.O. Box 676246
Rancho Santa Fe, CA 92067

RECEIVED
APR 21 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

12 April 2010

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

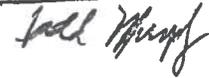
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Sincerely,



RECEIVED
APR 21 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

12 April 2010

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

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

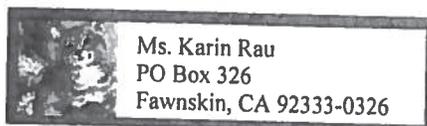
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Sincerely,

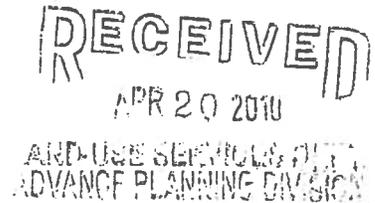
Karin u Rau



RECEIVED
APR 21 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

12 April 2010

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



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

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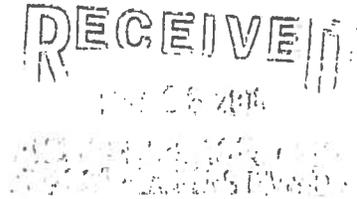
Sincerely,

A handwritten signature in cursive script, appearing to read "Roger Runk".

P.O. Box 439
Lewiston, Ca. 92333

12 April 2010

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



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

Dear Mr. Slowik,

My wife and I are new to Fawnskin, having purchased our home in June, 2008, and we are unfamiliar with the original project plan. I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. The original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since the beginning of this project and since the original DEIR, it will take time simply for re-familiarization with the project. In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for the public to properly review and comment on within only 45 days.

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

Sincerely,

A handwritten signature in black ink that reads "Dayton Gilleland". The signature is fluid and cursive, with the first name "Dayton" and last name "Gilleland" clearly distinguishable.

Dayton Gilleland

Fawnskin Address:

1025 Fawnskin Drive
Fawnskin, CA 92333

Mailing Address:

5509 Glenhaven Avenue
Riverside, CA 92506

12 April 2010

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

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

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

Sincerely,



ALAN SHARP

P.O. BOX 785

BIG BEAR LAKE, CA

92315

12 April 2010

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

RECEIVED
MAY 06 2010

LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

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

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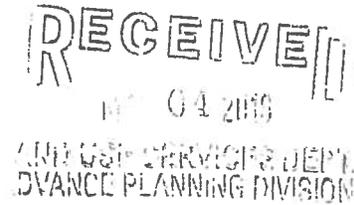
Sincerely,

Marlene Juson
40064 North Shore Dr.
Juson

Mailing: P.O. Box 185
Juson, 92333

12 April 2010

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



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

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

Sincerely,

The Hills Family
39374 Lodge Rd.
Fawnskin, Ca.

12 April 2010

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

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

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

Sincerely,

Mr. & Mrs. E.B. Lawman
P.O. Box 387
Fawnskin, Ca. 92333-0387
909-878-3223

12 April 2010

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

RECEIVED
APR 20 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

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

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

Sincerely,

Carl S. Hughes
Box 574
Lawnskin, Ca 92333

12 April 2010

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

Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp
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Thank you for your time in taking this matter into consideration as quickly
as possible. Please notify me of any extensions granted.

Sincerely,

Paul N. Kost

P.O. Box 676246

Rancho Santa Fe, CA 92067

RECEIVED
APR 21 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

12 April 2010

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

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

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

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

Sincerely,

Kent R Pring
(#S POLIQUÉ CANYON)

4512 VISTA LARGO
TORRANCE, CA
90505

12 April 2010

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

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

Dear Mr. Slowik,

I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. The original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since the beginning of this project and since the original DEIR, it will take time simply for re-familiarization with the project. In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for the public to properly review and comment on within only 45 days.

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

Sincerely,

Paul J. Carter
PO Box 345
Jaworski, CA 92333

12 April 2010

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

RECEIVED
APR 15 2010

LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

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

Dear Mr. Slowik,

I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. The original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since the beginning of this project and since the original DEIR, it will take time simply for re-familiarization with the project. In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for the public to properly review and comment on within only 45 days.

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

Sincerely,



dennis.ruppert@charter.net

12 April 2010

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

RECEIVED
APR 15 2010

LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

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

Dear Mr. Slowik,

I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. The original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since the beginning of this project and since the original DEIR, it will take time simply for re-familiarization with the project. In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for the public to properly review and comment on within only 45 days.

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

Sincerely,

Arthur Vodka

12 April 2010

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

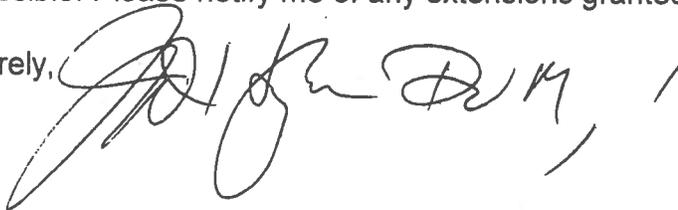
Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp
Development Project/RCK Properties Inc (SCH #2002021105)

Dear Mr. Slowik,

I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. The original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since the beginning of this project and since the original DEIR, it will take time simply for re-familiarization with the project. In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for the public to properly review and comment on within only 45 days.

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

Sincerely,



*Peter & Diane Boss
P.O. Box 330
39030 Rim of the World Dr.
Fawnskin, CA. 92333
(909.866.3585)*

*April 13., 2010
County of San Bernardino
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182*

Attn: Mr. Slowik,

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

*I would like to request an extension on
the public review time period for the Moon
Camp Re-circulated DEIR. There is a huge time
gap since the beginning of this project and
the original DEIR. The DEIR has 438 pages of
material, plus the 940 pages in the appen-
dices. More time than 45 days is needed to
review and comment on.*

*Thank you for your time and consider this
request as soon as possible.*

Sincerely, Diane Boss, Fawnskin resident

817 Coronado Terrace
Los Angeles, CA. 90026
April 15, 2010

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

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

Dear Mr. Slowik,

I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. The original project notice was in the summer of 2001 and the original DEIR went out in 2004. It's been 6 years since the original DEIR, plus there are 438 pages and another 940 pages in the appendices. This is a lot to absorb for my wife and I to properly review and comment on in such a short timeframe.

We appreciate your time in taking this matter into consideration.
Please notify us of your decision.

Thank you in advance,


Joseph Francuz


Barbara Francuz

RECEIVED
APR 16 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

BRADLEY & CATHY WINCH

1050 Canyon Road, PO Box 370, Fawnskin, CA 92333-0370
Voice: 909 866-9479/909 866-5960/909 800-1808(cell) Fax: 909 866-2767
E-mail: blwjalmar@att.net

April 16, 2010

RECEIVED
APR 19 2010

LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

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

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

Dear Mr. Slowik,

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

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Bradley L. Winch". The signature is written in black ink and is positioned below the word "Sincerely,".

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

April 16, 2010

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

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

Attn: Matthew Slowik

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

Dear Mr. Slowik,

I would like to request an extension on the public review time period for the **Moon Camp Re-circulated DEIR**.

The original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since the beginning of this project and since the original DEIR, it will take time simply for re-familiarization with the project.

In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This huge amount of material makes it nearly impossible for me or the public to properly review and comment on within only 45 days.

Thank you for your time in taking this matter into consideration as quickly as possible.

Sincerely,



Rod Mercer

Canyon Road Resident
Fawnskin, CA 92333

949-233-6853

16 April 2010

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

RECEIVED
APR 20 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

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

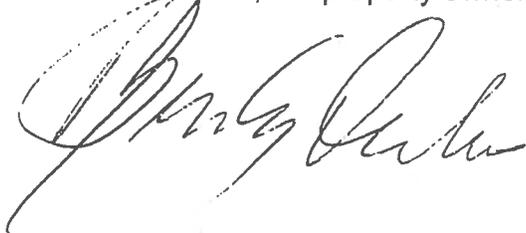
Dear Mr. Slowik,

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

Sincerely,

Beverly Ornelas
Fawnskin, CA property owner



17 April 2010

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

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

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

Dear Mr. Slowik,

I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. The original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since the beginning of this project and since the original DEIR, it will take time simply for re-familiarization with the project. In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for the public to properly review and comment on within only 45 days.

As a homeowner in Fawnskin, this is a very important matter for me and my family. Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,



Dean Strenger
P.O. Box 573
Fawnskin, CA 92333

Strenger12811@earthlink.net

17 April 2010

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

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

Dear Mr. Slowik,

I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. The original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since the beginning of this project and since the original DEIR, it will take time simply for re-familiarization with the project. In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for the public to properly review and comment on within only 45 days.

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

Sincerely,



Donald L. Eads, MD



A. Claudia Eads, MD
38596 North Shore Drive
Fawnskin, CA 92333-0368

2605 E. Chestnut Ave.
Orange, CA 92867

39567 Oak Glen road
Fawnskin, CA

April 19, 2010

County of San Bernardino
Land Use Services Dept.; Advance Planning Div.
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415

Attn: Matthew Slowik

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

Dear Mr. Slowik,

I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. The original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since the beginning of this project and since the original DEIR, it will take time simply for re-familiarization with the project. In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for the public to properly review and comment on within only 45 days.

Thank you for your time in taking this matter into consideration as quickly as possible.

Sincerely,


Diane Shattuck

RECEIVED
APR 20 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

19 April 2010

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

RECEIVED
APR 20 2010
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

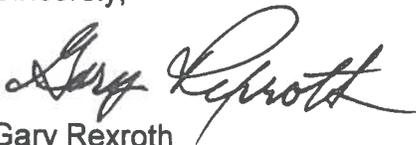
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Thank you for your time in taking this matter into consideration as quickly as possible. Please notify me of any extensions granted.

Sincerely,



Gary Rexroth
P.O. Box 47
Fawnskin, Calif. 92333

LASNIK-BROIDA CONSULTANTS, INC.

COMPENSATION & PERFORMANCE MANAGEMENT

April 19, 2010

RECEIVED
APR 21 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,

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

Sincerely,



Elaine Lasnik-Broida

Hemjö Klein

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

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

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

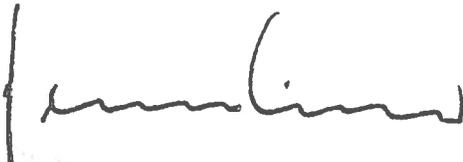
Dec 12, 2009

As resident and owner of the property Fawnskin, 3985 Flicker Road, I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR.

The volume of the documentation does not allow to seriously study and value in the given time of 45 days. As you may recall the original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. With the huge time gap since the beginning of this project and since the original DEIR, re-familiarization with the project will be very time consuming. The current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This makes it nearly impossible for the public to properly review and comment on within only 45 days.

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

With best regards


Hemjö Klein

23 April 2010

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

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

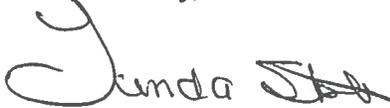
Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp
Development Project/RCK Properties Inc (SCH #2002021105)

Dear Mr. Slowik,

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

Sincerely,



Linda Stoll
73 Old Course Dr.
Newport Beach, Ca. 92660

26 April 2010

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

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

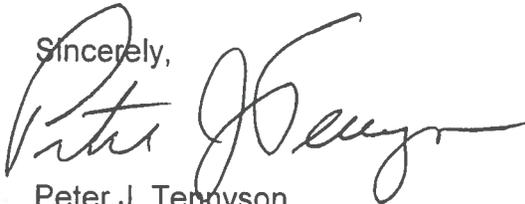
Re: Draft Re-Circulated Environmental Impact Report for the Moon Camp
Development Project/RCK Properties Inc (SCH #2002021105)

Dear Mr. Slowik,

I would like to request an extension on the public review time period for the Moon Camp Re-circulated DEIR. The original project notice was in the summer of 2001 and the original DEIR was circulated in 2004. A preliminary review of this massive document indicates numerous vague references to the original statement which make it necessary to refer to the draft EIR originally circulated. With the huge time gap since the beginning of this project and since the original DEIR, it will take time simply for the public to become familiar with the project and to locate copies of the original document, just to understand the references made to it.. In addition, the current DEIR has 438 pages of material, plus an additional 940 pages in the appendices. This staggering amount of material makes it nearly impossible for the public to properly review and comment on within only 45 days.

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

Sincerely,



Peter J. Tennyson
695 Deer Trail (PO Box 293)
Fawnskin, California 92333

and 19 Monaco
Newport Beach, California, 92660

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2.2.8 - Form Letters

Response to Form Letters

The above comments are in a FORM letter format. The Following response applies to each of the commenting individuals who signed and submitted the FORM letter. The commenters request the County of San Bernardino to extend the close date of the public review period. The County extended the public review ending date for the RRDEIR No. 1 from May 19, 2010, to June 3, 2010. No additional response is necessary.

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SECTION 3: RESPONSES TO COMMENTS ON THE REVISED AND RECIRCULATED DRAFT EIR NO. 2

3.1 - List of Authors

During the 45-day public review period for the Revised and Recirculated Draft Environmental Impact Report No. 2 (RRDEIR No. 2) from December 12, 2012, through February 7, 2012, 32 comment letters were received. A list of public agencies, organizations, and individuals that provided comments on the RRDEIR No. 2 is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author	Author Code
Federal Agencies	
U.S. Department of Agriculture (February 7, 2012)	USDA
State Agencies	
State of California, Office of Planning and Research (January 26, 2012)	OPR
State of California, Department of Fish and Game (January 24, 2012).....	CDFG
State of California, Department of Transportation, District #8 (December 20, 2011)	DOT
Regional agencies	
County of San Bernardino, Department of Public Works (January 18, 2012)	DPW
Native American Heritage Commission (December 19, 2011).....	NAHC
Organizations	
Center for Biological Diversity (Ileene Anderson) (January 23, 2012).....	CBD1
Center for Biological Diversity (Ileene Anderson) (January 23, 2012).....	CBD2
Friends of Fawnskin (January 10, 2012)	FOF
Friends of Fawnskin (January 20, 2011)	FOF2
Local Agency Formation Commission (January 23, 2012)	LAFCO
San Bernardino Valley Audubon Society (February 7, 2012).....	SBVAS1
San Bernardino Valley Audubon Society (January 23, 2012).....	SBVAS2
Sierra Club (Ed Wallace) (February 7, 2012).....	SIERRA CLUB1
Sierra Club (Big Bear Group) (January 10, 2012)	SIERRA CLUB2
Sierra Club (Big Bear Group) (January 22, 2012)	SIERRA CLUB3
Individuals	
Donald and Claudia Eads (February 5, 2012)	EADS
Donald and Claudia Eads (February 5, 2012)	EADS1
Donald and Claudia Eads (February 5, 2012)	EADS2

Drew Feldmann (January 23, 2012) FELDMANN
 Elain Lasnik-Broida (February 6, 2012) LASNIK-BROIDA
 Gary Raskin and Mary Devlin (February 6, 2012) RASKIN
 Glenda Webster (February 6, 2012)..... WEBSTER
 James and Lola McGrew (February 2, 2012)..... MCGREW
 Joseph and Barbara Francuz (February 7, 2012)..... FRANCUZ
 Lee Whitney (February 7, 2012) WHITNEY
 Milton (No Date) MILTON
 Nancy Walker (February 1, 2012) WALKER
 Robin and Scott Eliason (January 22, 2012).....ELIASON
 Ross Humphreys (February 6, 2012)..... HUMPHREYS
 Sandy Ellis (February 6, 2012)..... ELLIS
 Sandi Steers (January 23, 2012)..... STEERS

3.2 - Responses to Comments

3.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the County of San Bernardino, as the lead agency, evaluated the written comments received on the Revised and Recirculated Draft EIR No. 2 (State Clearinghouse No. 2002021105) (RRDEIR No. 2) for the Moon Camp 50-Lot Residential Subdivision, TT No. 16136, and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final EIR for the Project in accordance with CEQA Guidelines Section 15132.

3.2.2 - Comment Letters and Individual Responses

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

Slowik, Matt - LUS

From: Tangenberg, Scott R -FS [stangenberg@fs.fed.us]
Sent: Tuesday, February 07, 2012 4:39 PM
To: Slowik, Matt - LUS
Cc: Hall, Thomas B -FS
Subject: Moon Camp Comment Letter
Attachments: MoonCampRDEIR_letter.docx

Mr. Slowik,
Please consider our attached comment letter.

Scott Tangenberg
Mountaintop District Ranger
San Bernardino National Forest
909-382-2728

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

1



File Code: 1950-3-1
Date: February 7, 2012

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

Dear County Supervisors and Mr. Slowik,

Thank you for the opportunity to comment on the Revised and Re-Circulated Draft Environmental Impact Report for the Moon Camp Development Project. The project is adjacent to the National Forest System lands and could result in un-mitigated and undisclosed impacts on of National Forest System lands.

1 CONT.

I have reviewed the revised DEIR documents and would like to re-iterate the same comments made in our previous letter of June 4, 2010 (attached, and incorporated here by reference).

In spite of the statements in the revised analysis of effects, I still believe that a development of this size may result in impacts to rare plants and their habitat on adjacent National Forest lands (see #2 below). The assumption that the proposed mitigation would avert impacts is not consistent with what we know to occur along developed private property boundaries throughout the National Forest. I have concerns about the effectiveness of the proposed mitigation for threatened and endangered plants.

2

In review of the map, I noticed that the "fuel modification zone" ends farther to the east than it should. We strongly urge the Supervisors to extend that zone along the 10-acre undeveloped lot along the northern edge of the development (Lots 10 – 14).

3

I am also concerned about the impacts to bald eagles and their habitat that would result from the proposed development. I urge the supervisors to consider additional mitigations for those impacts.

4

The DEIR recognizes that impacts cannot be mitigated to a level of non-significance and yet there are no alternatives presented that include reduced levels of development. I ask the Supervisors to consider an alternative that would reduce the scale of development of residential lots and increase the amount of open space. Through a reduced development alternative, the severity and extent of unmitigated impacts could be reduced.

5

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

Sincerely,

/s/ Scott Tangenberg
SCOTT TANGENBERG
Mountaintop District Ranger





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

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

Dear Mr. Slowik,

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

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



measures to reduce these impacts.

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

The mitigations for impacts to bald eagles are based on limiting impacts to wintering bald

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

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

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

Sincerely,

/s/ Scott Tangenberg
SCOTT TANGENBERG
District Ranger

cc: Jeanne Wade

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3.2.4 - Federal Agencies

United States Department of Agriculture (USDA)

Response to USDA-1

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

Response to USDA-2

The commenter is concerned about potential impacts of the Project on rare plants in the habitat on adjacent United States Forest Service (USFS) lands. As indicated in the RRDEIR No. 2, the Project abuts San Bernardino National Forest lands to the north and east of the Project site. The Project does not include any component that would result in the disturbance of USFS lands. The County does not believe that the Project will result in any impacts to rare plants in their habitat on adjacent USFS lands. There are no trails from the Moon Camp property up to the USFS pebble plain. The slope between the proposed lots and the USFS pebble plain are steep and brush-covered. It is very unlikely that residents will work hard to climb up to that pebble plain. If residents are accessing the USFS pebble plain and such access is identified by the Conservation Entity during project monitoring, then remedial actions shall be implemented, such as fencing, laying brush across the access areas, and/or informing the residents of the sensitive resources. These restrictions shall be included in the Project Conditions, Covenants, and Restrictions (CC&Rs).

Response to USDA-3

The Fuel Modification Zone is designed to be directly adjacent to the USFS lands that abut the Moon Camp Subdivision. This is consistent with the County's Fire Safety Overlay Zone, FS1, requirements.

See Response to Sierra Club-16 for a detailed response concerning wildfire hazard.

Response to USDA-4

As discussed in the RRDEIR No. 2, the only state-listed species that may be impacted by the Moon Camp Project is the bald eagle. However, County does not believe that development of the Moon Camp Project will result in a take of bald eagles as defined by the California Endangered Species Act requiring issuance of an Incidental Take Permit by the California Department of Fish and Wildlife (CDFW) prior to Project development. The RRDEIR No. 2 analyzed the potential for the Moon Camp Project to have a significant impact on the American bald eagle. The RRDEIR No. 2 acknowledged that the bald eagles are known to be present and roost on the Project site in the winter (RRDEIR No. 2, page 2-29). Many of the trees located on the Project site have been identified as bald eagle perch trees. Surveys and records searches were conducted for the Project site in the winter of 2002 and 2007, which determined that bald eagles use the site extensively. Bald eagle perch locations were recorded and individual trees were marked with numbered tags (RRDEIR No. 2, page 2-29). However, there are no records showing that bald eagles had historically nested on the Project site and neither the 2002 nor 2007 survey found nesting bald eagles on the Project Site. The proposed mitigation measures prohibit the intentional removal of identified perch trees as a component of Project development, but noted that perch trees may need to be removed in the future if they create a hazardous condition. The potential for future removal of bald eagle perch trees, along with additional light and glare/noise introduced into the area by the Project, is considered a potentially significant CEQA impact. Implementation of Mitigation Measures BR-4, BR-6, and BR-7 (RRDEIR No.

2, page 2-59, as updated in Section 4, Errata, of this FEIR document) will reduce impacts to the bald eagle. These mitigation measures include:

- Replacement of removed perch trees (should that be necessary) either at a ratio of 5:1 with creation of artificial perch trees within the Conservation Areas or by enhancing other trees by trimming and limbing to make suitable for eagle perching (Mitigation Measure BR-4)
- Replacement of identified non-perch trees larger than 24 inches diameter at breast height (dbh), removed as part of Project development, at a ratio of 2:1 (Mitigation Measure BR-4)
- Pre-construction survey of trees to identify existence of active nests. Active nests will be protected and avoided (Mitigation Measure BR-6)
- All vegetation removal, clearing, and grading on the Project site must be performed outside the breeding and nesting season to minimize effects to the bald eagle (Mitigation Measure BR-7)

Despite implementation of these mitigation measures, impacts were determined to be significant unavoidable due to the very strict County of San Bernardino criteria for determining CEQA impacts to bald eagles. Any removal of perch trees or human activity resulting in the introduction of additional light and/or noise impacts is considered a significant impact under CEQA. However, a significant unavoidable impact to the bald eagle does not mean that the Project will result in a take of a bald eagle pursuant to the California Endangered Species Act (CESA), or any other applicable law regulating impacts to the bald eagle. With few exceptions, the Bald and Golden Eagle Protection Act (16 USC 668–668d) prohibits take of bald eagles and golden eagles. Unlike the MBTA, which defines “take” to mean only direct killing or taking of birds or their body parts, eggs, and nests, the Bald and Golden Eagle Protection Act defines take in a manner similar to FESA as including “pursuing, shooting, shooting at, poisoning, wounding, killing, capturing, trapping, collecting, molesting, and disturbing,” with “disturb” further defined (50 CFR 22.3) as “to agitate or bother a Bald or Golden Eagle to a degree that causes, or is likely to cause, based on the best scientific information available; (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.” The requirements for guarding against impacts to eagles generally are far more stringent than those required by the MBTA alone. Therefore, the Project is designed to avoid known perching trees along the shoreline of Big Bear Lake and mitigation measures are in place to replace trees that have to be removed with artificial perches. As explained and referenced in the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting, the bald eagles are becoming more accustomed to human interaction and take of the species is not expected as a result of the Moon Camp Project (Appendix I of this 2020 Final EIR). As indicated above, mitigation measures proposed in the RRDEIR No. 2 (page 2-59) would provide for avoidance of direct impacts to the bald eagle through habitat restoration and avoidance of active nesting locations. Accordingly, the County of San Bernardino does not believe that an Incidental Take Permit or a Bald and Golden Eagle Protection Act permit for the bald eagle is required in connection with development of the Moon Camp Project.

Response to USDA-5

The commenter requests that the RRDEIR No. 2 include analysis of a project alternative that would reduce the scale of the development and increase the amount of open space. CEQA requires an EIR to describe a reasonable range of alternatives to the Project, which would feasibly obtain most of the basic objectives and would avoid or substantially lessen the significant effects of the Project (CEQA Guidelines Section 15126.6). An EIR need not consider and analyze every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation (CEQA Guidelines Section 15126.6(a)). There is no ironclad rule governing the nature and scope of the alternatives to be discussed other than the rule of reason (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553). The RRDEIR No. 2 analyzed four Project Alternatives in addition to the statutory mandated No Project Alternative. These Alternatives included:

- Original proposed Project (92 residential lots, 103 slip marina and realignment of State Route 38 [SR-38])
- No Project-Existing General Plan Land Use Development. Development pursuant to the existing general plan land use designation (40-acre minimum lots, no marina, no SR-38 realignment)
- Reduced Density (62 Lots), Without SR-38 Realignment, without Marina alternatives (as compared to the Original proposed Project)
- Proposed Project Alternative (50 residential lots, 55 slip marina, Open Space)

The RRDEIR No. 2 concluded that, outside of the No Project Alternative, the Proposed Project Alternative was the Environmentally Superior Alternative (RRDEIR No. 2, pages 7-29 and 7-30). The alternatives discussed in the RRDEIR No. 2 represent a reasonable range of Alternatives consistent with CEQA's mandates.

The commenter asserts that the RRDEIR No. 2 should have included a project alternative showing reduced levels of development and an increased amount of open space. As indicated above, CEQA requires discussion of alternatives that avoid or substantially reduce identified significant impacts and meet most of the basic project objectives (CEQA Guidelines Section 15126.6). Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR is the inability to avoid significant environmental impacts (CEQA Guidelines Section 15126.6(c)). As indicated in the RRDEIR No. 2, the only significant unavoidable impact of the Project is the impact to the American bald eagle. The County of San Bernardino General Plan and Mountain Region Community Plan both identify goals to conserve eagle perch trees and protect the wintering population of bald eagles in Southern California. The County of San Bernardino considers potential impacts to any eagle perch trees, as well as human activity resulting in the addition of human activity resulting in noise, light, and glare within bald eagle habitat, to be significant and unavoidable. Accordingly, *any* development on the Project site would result in a significant unavoidable impact to the bald eagle under CEQA. Therefore, aside from the No Project Alternative, there are no feasible Project Alternatives that could avoid or substantially reduce impacts to bald eagles while meeting most of the basic objectives of the Project. Impacts to all other threatened and endangered species are determined to be less than significant with mitigation. Accordingly, CEQA does not require consideration of an additional reduced intensity alternative as asserted by the commenter.

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EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

Memorandum

OPR
Page 1 of 1

Date: January 26, 2012
To: All Reviewing Agencies
From: Scott Morgan, Director
Re: SCH # 2002021105
Moon Camp

Pursuant to the attached letter, the Lead Agency has extended the review period for the above referenced project to February 7, 2012 to accommodate the review process. All other project information remains the same.

1

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

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3.2.5 - State Agencies

Governor's Office of Planning and Research (OPR)

Response to OPR-1

The commenter confirms the County of San Bernardino's extension to close the public review period for the RRDEIR No. 2 to February 7, 2012. The Governor's Office of Planning and Research comment is also noted. No additional response is necessary.

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State of California - The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Eastern Sierra Inland Deserts Region 6
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
http://www.dfg.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



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January 24, 2012

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

RECEIVED
JAN 25 2012
STATE CLEARING HOUSE

Re: Draft Recirculated Environmental Impact Report for the Moon Camp Project
County of San Bernardino - SCH #2002021105

Dear Mr. Slowik:

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

For this project the Department will be acting as a Trustee and Responsible Agency. As per Section 15096 of the California Environmental Quality Act statute, as a Responsible Agency, the Department is obligated to focus its comments on any shortcomings in the CEQA document, the appropriateness of the CEQA document utilized, and additional alternatives or mitigation measures which the CEQA document should include.

The proposed development consists of 50 residential lots, 8 open space lots, a marina (boat dock) with 55 boat slips, conservation easements, and open space on 62.43 acres. The original DEIR project description included 92 residential lots, 3 open space lots, 103 boat slips on a marina/boat dock, 31 lots on the lakefront, and realignment of State Route 38 (SR-38). This redesign incorporates some of the recommendations made by the Department in the review of previous EIRs, including the removal of lakefront lots, and keeping the present alignment of SR-38.

The site is located adjacent to Big Bear Lake in the County of San Bernardino and is bounded on the west by Grout Bay, on the east by open space, on the south by Big Bear Lake, and on the north by open space forest. The site is split by SR-38 and abuts National Forest Service lands on the north and east.

**Draft Recirculated Environmental Impact Report for the Moon Camp Project
County of San Bernardino, SCH #2002021105
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Impacts to Species

The proposed project has the potential to adversely impact foraging habitat for raptors, bald eagle perch trees, habitat for San Bernardino flying squirrel, habitat for southern rubber boa, habitat for California spotted owl, species of bats, and Pebble Plains habitat and plants.

A biological resource assessment was conducted in 2002. Biological Resources Surveys for the project site include the following: Sensitive Plants (2009 and 2010), San Bernardino flying squirrel (2007 and 1998), bald eagle (2002), southwest willow flycatcher (2002 and 2007), spotted owl (2002), and southern rubber boa (2002). The information in the 2002 surveys was updated in 2006.

2

The Department advises that any biological habitat assessments or walkovers be conducted within a year of distribution of the CEQA document. Surveys conducted after 2009 should provide a thorough assessment of rare plants and rare natural communities, following the Department's November 2009 guidance for Protocols for Surveying and Evaluating impacts to Special Status Native Plant Populations and Natural Communities. The guidance document can be found at the following link:

[http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols for Surveying and Evaluating Impacts.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols%20for%20Surveying%20and%20Evaluating%20Impacts.pdf)

California Native Plant Society (CNPS) 1B plants with a moderate or high potential to be found on the site include: Baldwin Lake linanthus, Big Bear Valley sandwort, Big Bear Valley milk-vetch, Palmer's mariposa lily, San Bernardino Mountains owl's clover, San Bernardino Mountains dudleya, leafy buckwheat, San Bernardino Mountains monkey flower, Bear Valley phlox, Bear Valley pyrrocoma, southern jewelflower, Parish's rock cress, Big Bear Valley woollypod and silver-haired ivy. Federally-listed as Threatened plants with a moderate or high potential to be found on the site include: the ash-gray indian paintbrush, Big Bear Valley sandwort, birds foot checkerbloom, California dandelion, and the Federal candidate for Threatened status Parish's checkerbloom. A State-listed as Endangered plant with a moderate or high potential to be found on the site include the bird's foot checkerbloom. California special status plant species associated with Pebble Plains habitat include: Parish's rock cress, Bear Valley sandwort, ash-gray indian paintbrush, Munz's hedgehog cactus, Kennedy's buckwheat, silver-haired ivy, Baldwin Lake linanthus, eyestrain monkey flower and purple monkey flower. Five of these Pebble Plains Indicator plant species are found on the site.

State designated Species of Special Concern animals with a moderate to high potential to occur on the site include: San Bernardino Mountain kingsnake, southern sagebrush lizard, Cooper's hawk, northern goshawk, sharp-shinned hawk, golden eagle, pied-billed grebe, great blue heron, gadwall, ruddy duck, American kestrel, killdeer, long-eared owl, black swift, yellow warbler, California spotted owl (observed in close proximity), small-footed myotis bat, Virginia opossum, deer mouse, western harvest mouse, mule deer, long-tailed weasel, raccoon, bobcat and long-eared myotis bat.

3

The 2007 flying squirrel survey noted that flying squirrels were trapped approximately 0.5 miles to the north. The 2007 assessment also states that the northern one-half of the site supports suitable habitat for flying squirrel. Because of the disturbance, nearby presence of flying squirrel and drought, the consulting biologist recommended that snags with cavities that are removed be replaced with two nest boxes and one aggregate box per snag removed. The peer review recommended that surveys be conducted for San Bernardino flying squirrel, southwest willow flycatcher, and southern rubber boa.

Draft Recirculated Environmental Impact Report for the Moon Camp Project
County of San Bernardino, SCH #2002021105
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The project site is also a known present and historical location for perching bald eagles. The last survey for bald eagle on the site was conducted in 2002. An independent survey (United States Forest Service bald eagle winter count (2009-2010)) was conducted but data regarding perch locations was not provided in the DEIR. The 2007 assessment states that the entire site provides suitable bald eagle perch habitat because the site provides line of sight to the lake. An additional survey should be conducted both to determine present use of the site and to determine whether any of the most used perching trees were removed.

4

The 2002 biological surveys concluded that southern rubber boa was not likely to be found on the site because of the negative results of surveys, the lack of historical records and the lack of stone outcrops. There were, however, many downed trees and several streams traversing the site. Additional surveys are required.

5

The Pebble Plain Habitat Management Guide names nine plant species associated with Pebble Plain habitat: Parish's rock cress, Bear Valley sandwort, ash-gray paintbrush, Munz's hedgehog cactus, Kennedy's buckwheat, Silver-haired ivyella, Baldwin Lake Linanthus, eyestrain monkey flower, and purple monkey flower. There are three habitat types associated with Pebble Plains: shallow clay deposits with cobbles or gravel, vernal wet meadows, and vernal annuals. The Management Plan also states that Pebble Plains plants naturally occur as fragmented patches of habitat and that the actual importance values of species varied between sites. However *Arenaria ursina* (Bear Valley sandwort) and *Eriogonum kennedyi* ssp. *austromontanum* (southern mountain buckwheat) ranked high at all sites. The project site contains five of the nine plant species associated with Pebble Plains habitat and two of the indicator species. The 2008 Krantz supplementary biological assessment reviewed the findings of White in 2007.

6

The 2007 White survey states that there are four plant species endemic to meadow habitat and three species endemic to Pebble Plains. Meadow plants include San Bernardino bluegrass, bird-foot checkerbloom, California dandelion, and slender-petaled thelypodium. Pebble Plains plants include Bear Valley sandwort, Ash-gray Indian paintbrush and Southern mountain buckwheat. White states that Jeffrey Pine sites that have open forest cover and Wright's matting buckwheat are suitable for ash-gray Indian paintbrush. Ash-gray Indian paintbrush is a root parasite on southern mountain buckwheat and mat-forming buckwheat. Parish's rock cress is known to co-occur with Ash-gray Indian paintbrush. Big Bear Valley woollypod is common on Pebble Plains and suitable habitat occurs throughout the site. Wet meadows are found along the shoreline but the locations are not identified on maps. Krantz reports that no special status plants were found in wet meadow habitat adjacent to the lake.

The 2007 survey recommends that a conservation easement be placed over the Pebble Plains habitat, including a 200-foot buffer and active land management to prevent edge effects. The Department concurs with this mitigation proposal and requests it be included in the FEIR.

A supplemental plant survey (post-2007) affirmed the presence of ash-gray Indian paintbrush, Parish's rock-cress, Big Bear Valley woollypod, Heckard's paintbrush and silver-haired ivyella. Two additional special status plants were found in the supplemental survey, purple monkeyflower and Sugarloaf phlox. The supplemental survey states that there are approximately 7.71 acres of ash-gray Indian habitat, not the 13.81 acres reported in the White survey. Letters from the original DEIR state that there are 11.8 acres of Pebble Plain habitat on the site. The DEIR states that there are 0.69 acres of Pebble Plain habitat. The 2007 biological report states that there are 7.71 acres of Pebble Plain habitat. A follow-up plant survey by Krantz found that there were four

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**Draft Recirculated Environmental Impact Report for the Moon Camp Project
County of San Bernardino, SCH #2002021105
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occurrences of ash-gray Indian paintbrush for a total of 7.7 acres of occupied ash-gray Indian paintbrush habitat.

A vegetation and special status plant survey was conducted in 2007. This report concludes the following: 1) surveys were conducted during a drought year and thus may not accurately reflect the presence of sensitive plants; 2) the project would directly impact ash-gray Indian paintbrush plants and habitat, southern mountain buckwheat intergrades and Pebble Plain habitat. This report recommended follow-up botanical surveys for sensitive status meadow species, 3:1 mitigation for removed ash-gray Indian paintbrush, and 1:1 for indirect impacts.

7
CONT

Impacts will also occur to State jurisdictional waters, both stream and on the lake (marina and boat docks). These impacts were neither analyzed nor mitigated for.

8

Proposed Mitigation

Proposed mitigation measures in the 2005 DEIR include the following: surveys prior to vegetation removal, conservation of 4.91 acres of Pebble Plain habitat, mitigation of 35.4 acres for impacts to 11.8 acres of Pebble Plain and open Jeffrey pine forest, preservation of identified eagle perch locations, survey for raptor nests, prohibition on use of the boat dock for motorized boating between December 1 and April 1, and mitigation of indirect impacts from lighting signage, landscaping and impacts to State jurisdictional waters at a minimum 3:1 ratio.

9

Proposed mitigation measures in the latest DEIR include: a conservation easement on the 10-acre Dixie Lee Lane property and a perpetual non-wasting endowment for management, conservation easements on 5.38 acres (including Lots A and H) with a non-wasting endowment for management, measures to protect the resources in the conservation easements, removal of non-native plants in conservation areas, a 50-foot setback on a site ravine, minimization of the removal of downed logs and trees, compensation for the removal of trees with snags containing cavities, pre-construction surveys for bird nests, and surveys of trees prior to construction.

Department Concerns

This document was originally prepared in 2004 and much of the biological survey data are from either 2002 or 2007, with the exception of plant surveys. The jurisdictional delineation of State waters was conducted in 2004 and also needs to be updated. To identify and analyze the project impacts the Department requests:

1. Surveys for the San Bernardino flying squirrel, bald eagle perch trees, California spotted owl, and southern rubber boa (as recommended by the February 7, 2007, biological report). Please focus on an impact analysis and mitigation measures to offset impacts to these species;
2. Mitigation measures to offset the loss of 12 CNPS 1B plants and 12 animal species of special concern;
3. An updated jurisdictional delineation of wetlands, streams and lake jurisdictional waters, impacts and mitigation measures;
4. A fire management plan for the residential areas and for a buffer area between the site and Forest Service lands. All fire clearance should occur on private lands, not National Forest;
5. Placement of flying squirrel nest boxes as recommended by the consultants;

10

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6. Discussion of the conflicting acreage figures of Pebble Plain habitat in 2005, 2007, and 2010, and an acreage figure on observed Pebble Plain habitat and probable Pebble Plain habitat;
7. Replacement of bald eagle perch trees at 5:1 ratio;
8. Provision of a vegetation map showing the locations of special status plants, potential flying squirrel habitat, potential spotted owl habitat, and southern rubber boa habitat;
9. An analysis of the impact of the development on bat species and potential mitigation measures, including placement of bat nests;
10. Submittal of a California Endangered Species Act Incidental Take Permit, for State-listed Threatened or Endangered species;
11. Submittal of a Lake and Streambed Alteration Agreement notification;
12. Preparation of a Habitat Mitigation and Monitoring Plan to encompass the mitigation proposals for this project;
13. Dedication of conservation lands and/or conservation easements to a conservation entity as approved by the Department;
14. Provision of suitable funds to monitor and manage the conservation lands and/or conservation easements in perpetuity;
15. A cumulative impact analysis of the impacts to special status plants and animals in relation to known existing populations, and,
16. An analysis of biological resources on the north and west project boundary.

10
 CONT

California Endangered Species Incidental Take Permit

The criteria defining the requirements for a CESA ITP are found in Title 14 CCR, Sections 783.4(a) and (b). These require that the take is incidental to an otherwise lawful activity, the impacts of the take are minimized and fully mitigated, the measures to minimize and fully mitigate impacts are roughly proportional to the impact on the species to maintain the applicant's objectives to the greatest degree possible, and are capable of successful implementation. This section also requires that adequate funding is provided to implement the mitigation measures and that issuance of an ITP will not jeopardize the continued existence of a State-listed species.

If these requirements regarding State-listed Threatened or Endangered wildlife (plants and animals) are not satisfied prior to approval of the Final Environmental Impact Report (FEIR), then a subsequent CEQA document must be prepared so that it can be reviewed by the public and comply with the Department's duties as a Responsible Agency under CEQA.

11

If the project involves the take of a Federal threatened or endangered species, the project applicant will have to consult with the United States Fish and Wildlife Service (Service). If the impacts and mitigation from the Service are not included in the CEQA document, a subsequent CEQA document will have to be prepared and reviewed by the Department.

Streambed Alteration Agreements and CEQA

A jurisdictional delineation was conducted in 2004. However, this jurisdictional delineation is out-of-date and must be updated prior to the approval of the DEIR or a subsequent CEQA document must be prepared in order for the Department to meet its obligations as a Responsible Agency. In addition, the jurisdictional delineation must include potential impacts to Big Bear Lake caused by the marina and boat slips. The findings associated with jurisdictional determinations of State jurisdictional waters and any mitigation measures are subject to review and determination by the Department during the Lake and Streambed Alteration Agreement notification process.

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**Draft Recirculated Environmental Impact Report for the Moon Camp Project
County of San Bernardino, SCH #2002021105
Page 6 of 6**

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

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CONT

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

We recommend submitting a notification early on, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Streambed Alteration Agreement notification package please go to the Department's website at <http://www.dfg.ca.gov/hapcon/1600/forms.html>.

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

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

Section 15370 of the CEQA guidelines includes a definition of mitigation. In the absence of specific mitigation measures in the CEQA documents, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. Permit negotiations conducted after and outside of the CEQA process deprive the public of its rights to know what project impacts are and how they are being mitigated contrary to CEQA Section 15002. Also, because mitigation to offset the impacts was not identified in the CEQA document, the Department does not believe that the Lead Agency can make the determination that impacts to jurisdictional drainages and/or riparian habitat are "less than significant" without knowing what the specific impacts and mitigation measures are that will reduce those impacts.

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

Sincerely,



Jeff Straker
Senior Environmental Scientist

3.2.6 - State Agencies

California Department of Fish and Game¹

Response to CDFG-1

The commenter provides introductory remarks to preface the letter. As this comment does not raise any issue concerning the adequacy of the RRDEIR No. 2, no formal written response is necessary.

Response to CDFG-2

The commenter asserts that all biological resource surveys should be conducted within 1 year of the release of the EIR for public review. The commenter directs the County of San Bernardino's attention to Department of Fish and Game guidance document regarding protocols for survey and evaluation of impacts to biological resources. As noted by the commenter, the Project site contains sensitive habitat for a number of special-status species, including the San Bernardino flying squirrel, the American bald eagle, southwestern willow flycatcher, spotted owl, and southern rubber boa. Focused surveys for each of these species were conducted prior to the release of the RRDEIR No. 2 for public review. Initially, the County of San Bernardino notes that the Notice of Preparation for this Project was issued by the County in 2002, with the Draft EIR being released for public review in March 2004. Prior to release of the Draft EIR for public review, biological habitat and impact assessments were conducted for sensitive plant species, bald eagle, southwestern willow flycatcher, spotted owl, and southern rubber boa. These studies were then updated in 2007 prior to the recirculation of the RRDEIR No. 2 to confirm the findings of the prior studies. The southwestern willow flycatcher focused surveys concluded that the potential for the species to occur on the Project site for foraging is considered to be high, but its potential to nest on the Project site is considered low. Surveys for the species conducted in spring/summer of 2002 and 2007 show that no breeding or individual southwestern willow flycatchers existed on the Project site and that the lack of Willows or dense-growth Willow thickets favored by the species precluded their existence on-site as a breeding population (RRDEIR No. 2, page 2-29). The lack of individual species on-site and lack of suitable breeding habitat for the southwestern willow flycatcher suggests impacts to this species from Project development are less than significant. Additionally, the focused surveys for the southern rubber boa, conducted in 2002 and again in 2007, concluded that there were no southern rubber boa occupying the site, and it is unlikely that the species would ever be present on-site due to location of the Project site (north-facing slope). Moreover, a review of historical records showed that the species has not been found in the vicinity of the Project site (RRDEIR No 2, page 2-27). There has been no evidence subsequent that would suggest a different conclusion. Accordingly, the focused surveys for the southern rubber boa and southwestern willow flycatcher are adequate and represent substantial evidence that the Project will have a less than significant impact on those species. The bald eagle surveys conducted in 2002 and 2007 indicate that bald eagles utilize portions of the Project to perch and roost. The RRDEIR No. 2 concludes that the Project will have a significant unavoidable impact to bald eagles due to potential removal of known perch trees (that may become hazards in the future), as well as introduction of light and noise by project development that could disturb bald eagle populations. Despite the implementation of mitigation measures that preclude removal of identified perch trees and require replacement of removed perch trees or enhancement of existing trees, in the event they represent a hazardous condition, a 5:1 mitigation ratio and pre-

¹ Please note that the California Department of Fish and Game is now known as the California Department of Fish and Wildlife.

construction surveys to ensure that identified bald eagle nests (should any be found) are not disturbed during the breeding season. Impacts to the bald eagle are considered significant. Accordingly, the County of San Bernardino does not believe that conducting updated bald eagle surveys would provide any additional information regarding Project impacts on the bald eagle. A focused survey for San Bernardino flying squirrels was conducted on the Project site in 2007 and the results were negative. However, an individual of the species was trapped in 1998 by the USFS, approximately 0.5 mile north of the northern boundary of the Project site (RRDEIR No. 2, page 2-33). The analysis concluded that the Project site provided suitable foraging habitat for the species and the potential for occurrence is considered high despite the negative 2007 Focused Survey. Based on the moderate potential for occurrence, the RRDEIR No. 2 proposed Mitigation Measure BR-3 (page 2-58) has been revised to require the following:

BR-3 ~~The project proponent shall have a biologist qualified with San Bernardino flying squirrel (SBFS) as a monitor during tree removal. Minimize the number of trees, snags, and downed wood removed for project implementation. Compensating the removal of snags containing cavities; this would be achieved by constructing and erecting two nest boxes and one aggregate box per snag removed. Appendix A of this Revised and Recirculated Draft EIR No. 2 provides the specifications of the nest and aggregate boxes (Flying Squirrels 2007). These boxes should be located on the adjacent U.S. Forest Service (USFS) land (with their permission) and the locations marked with a global positioning system. The locations of the boxes shall be provided to the USFS so that their biologists could monitor the boxes for occupation by SBFS.~~

~~Provide new homeowners with a flyer that would provide information on the biology of SBFS and how they are susceptible to depredation by cats. The flyer would also outline steps that homeowners could take to reduce their urban edge effects.~~

Given the negative results of on-site surveys, and the available technical and peer reviewed literature, negative effects to the San Bernardino flying squirrel are not expected. However, because marginal foraging habitat was found on-site, the following mitigation measures will be implemented in the lots with densely forested areas and snags. These mitigation measures are to be implemented to avoid and minimize impacts to San Bernardino flying squirrels:

- The Project Applicant shall have a qualified biologist as a monitor just prior to and during all tree removal on-site.
- Minimize the removal of large coarse woody debris (>10cm diameter), which provide microhabitat for the growth of hypogeous fungi.
- Limit removal of standing snags (>25cm dbh) and large trees (>25cm dbh), which provide both structural complexity and potential nesting habitat.
- Prioritize the retention of large trees and snags with visible potential cavity nesting structures, which are associated with higher densities of northern flying squirrels.

- Minimize the loss of continuous canopy closure, especially in the drainages, which provides protection from predators while foraging and may play an important role in maintaining habitat connectivity.
- The Project Applicant must compensate for the removal of suitable habitat through construction and erection of two nest boxes and one aggregate box per snag removed.
- The Project Applicant is required to provide homeowners with information on the biology of the San Bernardino flying squirrel and suggest steps that homeowners can take to reduce their urban-edge effects.
- All subsequent home developers must comply with these provisions, which shall be enforced by the County of San Bernardino through implementation of the Mitigation Monitoring and Reporting Program as mandated by CEQA.

If the monitoring biologist observes a San Bernardino flying squirrel during pre-construction and/or construction monitoring, the biologist will immediately halt work until the occupied tree can be vacated prior to felling the tree; however, if the work is during the nesting season (generally March through May) when baby squirrels could be present, the nest will not be vacated until after the nesting season ends (June 1st), as cleared by the monitoring biologist.

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

Considering the RRDEIR No. 2 already considers impacts to the San Bernardino flying squirrel to be potentially significant requiring mitigation, the County of San Bernardino does not believe another survey for the species would provide additional information affecting the significance determinations in the RRDEIR No. 2. Finally, concerning the sensitive plant species located on-site, there are no fewer than four focused special-status plant species surveys that have been conducted on the Project site since 2002. Surveys were conducted in years where there was less than average precipitation (2002 and 2007), as well as years where there was normal or above-average precipitation (2008 and 2010). The County of San Bernardino believes that four surveys in an 8-year period in both normal and abnormal rainfall conditions adequately document the special-status plant species and habitat occurring on the Project site to allow for a comprehensive and informed impact analysis in the Project EIR. The County of San Bernardino is not aware of, and has not been presented with, any contrary information indicating that wildlife and special-status plant species' impacts are different than identified and analyzed in the Project EIR.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional known and potential special-status species.

Response to CDFG-3

As discussed in detail in Section 3 of the RRDEIR No. 2 (pages 2-2 through 2-10), surveys of the Project site were conducted to determine the presence of all California Native Plant Society (CNPS) 1B plants with a moderate or high potential to be found on the site. As outlined within Table 2-2, 81

special-status plant species are known to occur on the Project region, 30 of which occur or have moderate or high potential to occur on the Project site. In addition, six of these special-status plant species have been observed on the Project site. Additionally, the RRDEIR No. 2 analyzed federally and state listed species of special concern with a moderate to high potential to occur on the Project site. As reflected in Table 2-4, 53 special-status wildlife species are known to occur within the region, 22 of which have a moderate or high potential to occur within the Project site. The RRDEIR No. 2 also includes a detailed analysis of the Project's potential impacts on the San Bernardino flying squirrel. As noted by the commenter, the San Bernardino flying squirrel survey noted that flying squirrels were trapped approximately 0.5 mile to the north and that the northern half of the site supports suitable habitat for San Bernardino flying squirrel. However, the San Bernardino flying squirrel survey did not identify any individuals on the Project site. Because development of the Project would impact suitable habitat for the San Bernardino flying squirrel, the EIR recommended implementation of Mitigation Measure BR-3, which requires compensating for the removal of snags containing cavities by constructing and erecting two nest boxes and one aggregate box per snag removed. This mitigation measure reduces impacts to less than significant levels.

Response to CDFG-4

The commenter notes that the RRDEIR No. 2 concluded that the Project site provides suitable bald eagle perch habitat due to its location and proximity to the lake. The bald eagle survey prepared in connection with the EIR specifically identified all of the existing bald eagle perch trees. Location of these perch trees are identified in Exhibit 2-3. Mitigation Measure BR-4 (RRDEIR No. 2, page 2-59), requires preservation of the existing perch trees to the extent possible and if any should become hazardous and need to be removed, replacement will be at a 5:1 ratio with the creation of artificial perch trees along shoreline designated open space. This mitigation measure is more than adequate to mitigate impacts to the bald eagle. As such, a 2081 is not necessary and the proposed mitigation measures ensure compliance with the Bald and Gold Eagle Act.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including the bald eagle.

Response to CDFG-5

The commenter asserts that additional surveys for the southern rubber boa are required despite the fact that prior surveys showed southern rubber boa did not occupy the Project site. Multiple surveys for the southern rubber boa were conducted on the Project site. Glen Stewart, PhD, Professor Emeritus of Zoology and Environmental Sciences, Cal Poly Pomona, concluded that the Project site was highly unlikely to support the existence of southern rubber boa because of negative results of two independent focused surveys and lack of historical records of individuals in the immediate vicinity of the Project site (Appendix J of this 2020 Final EIR). No further surveys are necessary. Furthermore, Dr. Stewart's habitat assessment showed that the Moon Camp Tract is poor southern rubber boa habitat and outside the area mapped as potential southern rubber boa habitat in the USFS habitat management guide. There have been no southern rubber boa sightings in the area.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species

Response to CDFG-6

The commenter asserts that the Project site contains five of the nine plant species associated with pebble plant habitat and two of the indicator species. As discussed in the RRDEIR No. 2 and the 2010 Supplemental Focused Special Status Plant Survey prepared by Dr. Tim Krantz, no true pebble plain habitat exists on the Project site. A small, 0.69-acre area of pebble plain-like soil condition exists in a small area partially within Conservation Area Lot A. However, all other locations on the Project site that contain plant species generally associated with pebble plain habitat are only weak indicators. (Several weakly associated sensitive plant species are lacking the characteristic clay soils with Saragossa quartzite pebbles on the surface.) Contrary to the commenter's assertions, there are no rare, sensitive, threatened, or endangered meadow plant species on the Project site.

The ashy-grey Indian paintbrush population exhibits no adverse "edge" effects from the adjacent residential lots immediately to the west and north of proposed Lot H, although these lots have been in existence there since the 1960s. Furthermore, the pebble plain-like soils inhibit most other non-native weeds because the clay soils make it difficult for other non-adapted plant species to become established. The only non-native of concern observed on-site is cheat grass, *Bromus tectorum*, which is ubiquitous throughout Big Bear Valley; this despite the fact that the habitats in the vicinity of Lots A and H have had adjacent residential development for decades, and the area was subject to unregulated off-highway vehicle use until the Applicant fenced off the highway access several years ago.

Response to CDFG-7

The survey conducted by Scott White in 2007 was admittedly (by the author) accomplished late in the season and in a drought year, when observations were less than reliable. Hence, subsequent rare plant surveys were completed by Dr. Krantz in 2008, 2010, and 2011, with particular focus on verifying presence/absence of all potential rare, threatened, or endangered plant species on-site. The Krantz surveys delineated the ashy-grey Indian paintbrush occurrences using GPS, rendering a more accurate occupied habitat calculation for the species than was rendered in the White report or in the 2008 Krantz survey. Additionally, an updated survey completed in 2016 by Dr. Krantz notes that there are essentially no changes in the distribution of rare plant species occurring on the Moon Camp property in comparison with previous surveys, and as described in the RRDEIR No. 2 (see also Appendix K of this 2020 Final EIR).

Response to CDFG-8

The commenter asserts that Project development impacts on State jurisdictional waters were not analyzed in the RRDEIR No. 2. The RRDEIR No. 2 includes a discussion of potential impacts to jurisdictional waters. As indicated therein, a delineation of federal and State jurisdictional waters was prepared in connection with the Project EIR. The delineation concluded that there are several unnamed drainages located within the Project site that *may* fall under an agency's jurisdiction. Based on the results of the field observations and data collection, there is approximately 0.15 acre of United States Army Corps of Engineers (USACE) jurisdictional waters of the United States within the

Project site (RRDEIR No. 2, pages 2-35 and 2-36). Utilizing most current development plans, it was determined that roadway improvements would impact approximately 0.04 acre of jurisdictional waters. Moreover, the Project would impact approximately 0.04 acre of California Department of Fish and Wildlife (CDFW) jurisdictional waters. As such, the Project will be required to submit a Notice and Application for Streambed Alteration Permit as part of the Project development process.

Response to CDFG-9

The commenter generally summarizes proposed mitigation measures to mitigate impacts to Biological Resources. No substantive comment as to the adequacy of said mitigation measures is included within this comment, and, therefore, no formal written response is necessary. These comments will be forwarded to the decision makers for consideration prior to Project approval.

Response to CDFG-10

The commenter requests additional surveys for sensitive plant and wildlife species and additional mitigation measures to offset impacts to the Project. A number of the commenter's requests have already been addressed through incorporation of additional analysis in the RRDEIR No. 2. These are, primarily: (1) inclusion of a discussion of the conflicting acreage figures of the pebble plain habitat, (2) requirement of replacement of bald eagle perch trees at a 5:1 ratio, (3) dedication of conservation easements to protect sensitive habitat, and (4) a cumulative impact analysis of impacts to special-status species.

Response to CDFG-11

As requested in the RRDEIR No. 2, the only state-listed species that may be impacted by the Moon Camp Project is the bald eagle. However, the County of San Bernardino does not believe that development of the Moon Camp Project will result in a take of bald eagles as defined by the California Endangered Species Act (CESA) requiring issuance of an Incidental Take Permit by the California Department of Fish and Game prior to Project development. As discussed in detail in the RRDEIR No. 2, surveys conducted in 2002 and 2007 determined that wintering populations of bald eagles utilize trees located on the Project site to perch and roost. The locations of those trees are documented in Exhibit 4.3-2 in the RRDEIR No. 2. The RRDEIR No. 2 acknowledges that part of the Project could impact some of the documented perch trees. Moreover, the County of San Bernardino has developed a stringent threshold of significance for determining impacts to the Project on bald eagles to where removal of any perch trees or initiation of development that will introduce new light and/or noise sources in an area known to be occupied to by bald eagles will be considered a significant impact under CEQA. The RRDEIR No. 2 imposes numerous mitigation measures to reduce impacts to the bald eagle species to the extent feasible. These mitigation measures include replacement of perch trees at a 5:1 ratio or by enhancing other trees to make them suitable for perching, pre-construction surveys and avoidance of eagle nests during construction activities, limiting construction activities to non-breeding seasons, and replacement of non-perch trees that exceed 24 inches in diameter at a 2:1 ratio (RRDEIR No. 2, pages 2-59 and 2-60, as updated in the Errata section of this Final EIR). Implementation of the identified mitigation measures will avoid any take of bald eagles, and therefore ensure compliance with the Bald and Golden Eagle Protection Act (16 USC 668–668d) and CESA. The act specifically prohibits take of bald eagles and golden eagles. Unlike the MBTA, which defines “take” to mean only direct killing or taking of birds or their body parts, eggs, and nests, the Bald and Golden Eagle Protection Act defines take in a manner similar to

FESA as including “pursuing, shooting, shooting at, poisoning, wounding, killing, capturing, trapping, collecting, molesting, and disturbing,” with “disturb” further defined (50 CFR 22.3) as “to agitate or bother a Bald or Golden Eagle to a degree that causes, or is likely to cause, based on the best scientific information available; (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.” Therefore, the requirements for guarding against impacts to eagles generally are far more stringent than those required by the MBTA alone. Therefore, the Project is designed to avoid known perching trees along the shoreline of Big Bear Lake and mitigation measures are in place to replace trees that have to be removed with artificial perches. As explained and referenced in the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting, the bald eagles are becoming more accustomed to human interaction and take of the species is not expected as a result of the Moon Camp Project (Appendix I of this 2020 Final EIR).

Response to CDFG-12 and -13

The commenter expresses a general opposition to elimination of natural drainage and Riparian habitat on-site, and that impacts need to be compensated at a 3:1 ratio. As indicated in the RRDEIR No. 2, the Project’s design minimizes impacts to jurisdictional drainage features located on-site to the maximum extent feasible. The jurisdictional delineation prepared for the Project identified approximately 1.5 acres of potentially jurisdictional drainage features. Of that, only 0.04 acre will be impacted by development of the proposed Project roadways. Outside of these minimal impacts, the natural drainage features will be retained. Additionally, Mitigation Measure BR-13 (RRDEIR No. 2, page 2-61) requires mitigation of direct impacts to jurisdictional drainages on a 3:1 basis through onset restoration, offset restoration, or purchase of credits, as requested by the commenter.

Response to CDFG-14

The commenter asserts that the EIR should have included mitigation measures for impacts to jurisdictional drainages. Contrary to this assertion, Mitigation Measure BR-13 (RRDEIR No. 2, page 2-61) requires the Project Applicant to offset direct impacts to jurisdictional drainage through on-site restoration, off-site restoration, or purchase of credits at an agency-approved mitigation bank in the region at a 3:1 ratio. Indirect impacts must be mitigated at a 1:1 ratio. The County of San Bernardino believes this is adequate mitigation for such impacts.

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DEPARTMENT OF TRANSPORTATION

DISTRICT 8

PLANNING (MS 725)

464 WEST 4th STREET, 6th FLOOR

SAN BERNARDINO, CA 92401-1400

PHONE (909) 383-4557

FAX (909) 383-5936

TTY (909) 383-6300

*Flex your power!
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December 20, 2011

County of San Bernardino
Advance Planning Division
Attention: Matthew Slowik, MURP, MPA
Land Use Services Department
385 North Arrowhead Avenue
San Bernardino, CA 91785

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

DOT
Page 1 of 1

Dear Mr. Slowik:

Subject: Moon Camp 50-Lot Residential Subdivision's, TT No.16136, SCH No#2002021105

The California Department of Transportation (Caltrans) appreciated the opportunity to review the Revised and Recirculated Draft Environmental Impact Report No. 2 for the Moon Camp 50-lot Residential Subdivision in the City of Big Bear Lake. We have completed our review and based on the information provided, our comments of May 11, 2010 stands.

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

If you have any question regarding developmental review procedures or other issues, please contact me at (909) 383-4557 for assistance.

Sincerely,

Handwritten signature of Mark Rhea in cursive, with the text "(for Dan Kopulsky)" written in parentheses to the right of the signature.

DANIEL KOPULSKY

Office Chief

Community Planning

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California Department of Transportation (DOT)

Response to DOT-1

The commenter expresses the DOT's appreciation for the opportunity to review the Traffic Impact Analysis for the Moon Camp Project and states their comments on May 11, 2010, still stand. The County of San Bernardino acknowledges this comment. Responses to the May 11, 2010, comment letter are located within RRDEIR No. 1, Responses to CALTRANS-1 through -7. No additional response is necessary.

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DEPARTMENT OF PUBLIC WORKS

FLOOD CONTROL • LAND DEVELOPMENT & CONSTRUCTION • OPERATIONS
SOLID WASTE MANAGEMENT • SURVEYOR • TRANSPORTATION



COUNTY OF SAN BERNARDINO

825 East Third Street • San Bernardino, CA 92415-0835 • (909) 387-8104
Fax (909) 387-8130

GRANVILLE M. "BOW" BOWMAN, P.E., P.L.S.
Director of Public Works

January 18, 2012

File: 10(ENV)-4.01

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

**RE: NOTICE OF AVAILABILITY OF THE REVISED AND RECIRCULATED DRAFT
ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE MOON CAMP PROJECT**

Dear Mr. Slowik:

Thank you for giving the San Bernardino County Department of Public Works (Department) the opportunity to comment on the above-referenced project. The environmental document was circulated to other Divisions within our Department and we have no comments,

If you have any questions please contact Patrick Egle, Associate Planner at 909-387-1865 or at Patrick.Egle@dpw.sbcounty.gov.

Sincerely,

JOHN SCHATZ, AICP
Supervising Planner
Environmental Management Division

JS:PE:mb/CEQA Comments to DEIR_San Bernardino County_Moon Camp.doc

cc: Patrick Egle

RECEIVED
CURRENT PLANNING
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NEIL DERRY Third District
GARY C. OVITT Fourth District

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3.2.7 - Regional Agencies

County of San Bernardino Department of Public Works (DPW)

Response to DPW-1

The commenter confirms receipt of the RRDEIR No. 2. The commenter states the DPW does not have any comments. The DPW's comment is noted. No additional response is necessary.

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NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net



December 19, 2011

Mr. Matthew W. Slowik, MURP, MPA, Senior Planner

San Bernardino County Land Use Services Department

385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

Re: SCH#2011121105 CEQA Notice of Completion; Recirculated Draft Environmental Impact Report (RDEIR) for the "MOON CAMP Project" located in the Fawnskin Area; San Bernardino County, California

Dear Mr. Slowik:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604). The court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites. The NAHC wishes to comment on the proposed project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect.

The NAHC Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were not identified** within the project area identified. This area of Los Angeles County is know to the NAHC to be culturally sensitive. Also, the absence of archaeological resources does not preclude their existence. . California Public Resources Code §§5097.94 (a) and 5097.96 authorize the NAHC to establish a Sacred Land Inventory to record Native American sacred sites and burial sites. These records are exempt from the provisions of the California Public Records Act pursuant to California Government Code §6254 (r). The purpose of this code is to protect such sites from vandalism, theft and destruction. The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California

Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Special reference is made to the *Tribal Consultation* requirements of the California 2006 Senate Bill 1059: enabling legislation to the federal Energy Policy Act of 2005 (P.L. 109-58), mandates consultation with Native American tribes (both federally recognized and non federally recognized) where electrically transmission lines are proposed. This is codified in the California Public Resources Code, Chapter 4.3 and §25330 to Division 15.

Furthermore, pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq.*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

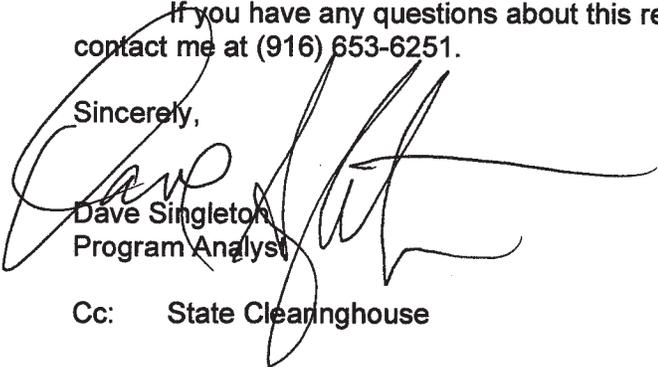
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To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

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CONT

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

Ramona Band of Cahuilla Mission Indians
Joseph Hamilton, Chairman
P.O. Box 391670 Cahuilla
Anza , CA 92539
admin@ramonatribes.com
(951) 763-4105
(951) 763-4325 Fax

San Manuel Band of Mission Indians
Ann Brierty, Policy/Cultural Resources Department
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Highland , CA 92346
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gov
(909) 862-5152 Fax

San Manuel Band of Mission Indians
James Ramos, Chairperson
26569 Community Center Drive Serrano
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(909) 864-3724 - FAX
(909) 864-3370 Fax

Timbisha Shoshone Tribe THPO
Barbara Durham, Tribal Historic Preservation
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(760) 786-2376 FAX

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John Valenzuela, Chairperson
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tsen2u@hotmail.com Serrano
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(760) 885-0955 Cell Kitanemuk
(760) 949-1604 Fax

Serrano Nation of Indians
Goldie Walker
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Patton , CA 92369
(909) 862-9883

Morongo Band of Mission Indians
Michael Contreras, Cultural Heritage Prog.
12700 Pumarra Road Cahuilla
Banning , CA 92220 Serrano
(951) 201-1866 - cell
mcontreras@morongo-nsn.
gov
(951) 922-0105 Fax

Ernest H. Siva
Morongo Band of Mission Indians Tribal Elder
9570 Mias Canyon Road Serrano
Banning , CA 92220 Cahuilla
siva@dishmail.com
(951) 849-4676

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2002021105; CEQA Notice of Completion; Recirculated Draft Environmental Impact Report (RDEIR) for the MOON CAMP Project; located on about 62-acres in the Fawskin area; San Bernardino County, California.

Native American Heritage Commission (NAHC)

Response to NAHC-1

This comment letter is the standard form letter issued by the Native American Heritage Commission (NAHC) to lead agencies in response to a Draft EIR. The letter contains recommendations for a cultural resources record search, an archaeological survey, preparation of archaeological reports, and mitigation measures created as a result of such work. No project-specific comments were provided, except that it was reiterated that the previously conducted NAHC Sacred Lands File search did not identify any Native American cultural resources within the Project area. The comment letter also includes a list of Native American contacts with knowledge of the potential religious and cultural significance of the historic properties in the Project area.

The County of San Bernardino appreciates the NAHC's participation in the environmental assessment process relating to the Moon Camp Project. The RRDEIR No. 2 does not include an additional evaluation of the impacts of the Project in the areas of recreation, cultural resources, and geology and soils. The 2005 Final EIR concluded that the original proposed Project analyzed therein would not result in any potentially significant impacts concerning those specific environmental areas. This finding was confirmed by the Cultural Resources Analysis prepared by McKenna, et al., dated September 17, 2016 (Appendix O).

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Slowik, Matt - LUS

From: lleene Anderson [ianderson@biologicaldiversity.org]
Sent: Monday, January 23, 2012 2:54 PM
To: Slowik, Matt - LUS
Cc: 'Adam Keats'
Subject: RE: Mooncamp: Extension of Time for Notice of Availability of the Revised & Recirculated DEIR No. 2

Thanks Matt,
We might submit additional comments by then...
IA

From: Slowik, Matt - LUS [<mailto:Matt.Slowik@lus.sbcounty.gov>]
Sent: Monday, January 23, 2012 1:55 PM
To: 'ianderson@biologicaldiversity.org'; 'reliason@charter.net'; 'ednjeanne@charter.net'; 'drewf3@verizon.net'; 'akeats@biologicaldiversity.org'; 'karsten33@gmail.com'
Cc: Rahhal, Terri
Subject: Mooncamp: Extension of Time for Notice of Availability of the Revised & Recirculated DEIR No. 2

To all: Please be aware that the Extension of Time for the Notice of Availability of the Revised and Re-circulated DEIR No. 2 for the Moon Camp Project has been granted. Please see the attached Notice of Extension of Time. NOTE: The comment period will now close at **5:00 p.m. on Tuesday, February 7, 2012**. If you have any questions, please let me know. Thank you.

Matthew Slowik, MURP, MPA
Senior Planner
LUSD

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3.2.8 - Organizations

Center of Biological Diversity (CBD1)

Response to CBD1-1

The commenter acknowledges extension of the RRDEIR No. 2 public review close period for adequate review. The commenter states CBD may have comments at that point. The County of San Bernardino acknowledges CBD's comment and no response is necessary.

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Slowik, Matt - LUS

From: Ileene Anderson [ianderson@biologicaldiversity.org]
Sent: Monday, January 23, 2012 12:50 PM
To: Slowik, Matt - LUS
Cc: Geary_Hund@fws.gov; JBrandt@dfg.ca.gov; 'Adam Keats'
Subject: Comments on Moon Camp DEIR
Attachments: Final CBDcommentsRRDEIRMoonCamp1-23-12.pdf

Importance: High

Hi Matt,

Please find attached the Center for Biological Diversity's comments on the Revised and Recirculated Draft Environmental Impact Report No.2 Section ES, Executive Summary, Section 1, Project Description and Section 2, Biological Resources for the Moon Camp Project: General Plan Amendment and Tentative Tract Map (TTM#16136) SCH #2002021105. I will also be sending a hard copy of our comments along with a CD that contains the references cited in our comments.

Sincerely

Ileene

Ileene Anderson

Biologist/Public Lands Desert Director

Center for Biological Diversity

323-654-5943 (W)

323-490-0223 (C)

www.BiologicalDiversity.org



CENTER for BIOLOGICAL DIVERSITY

Because life is good.

*protecting and restoring natural ecosystems and imperiled species through
science, education, policy, and environmental law
via electronic mail and USPS*

1/23/2012

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

Re: Revised and Recirculated Draft Environmental Impact Report No.2 Section ES, Executive Summary, Section 1, Project Description and Section 2, Biological Resources for the Moon Camp Project: General Plan Amendment and Tentative Tract Map (TTM#16136) SCH #2002021105

Dear Mr. Slowik:

The Center for Biological Diversity is pleased to have the opportunity to comment on the above-entitled Draft EIR for the proposed Moon Camp Development Project. The Center is a nonprofit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 320,000 members and supporters, including members in San Bernardino County and the Big Bear Lake area who will be directly affected by the Moon Camp project.

The impacts of this major project will be severe, particularly given the size and scope of the proposed development as well as the location of the project within an internationally recognized biodiversity hotspot. Unfortunately, the DEIR's analyses of direct, indirect, and cumulative impacts to biological resources are woefully inadequate, as described in further detail below.

The DEIR Fails to Meet the Requirements of the California Environmental Quality Act.

An EIR is a detailed statement, prepared under the California Environmental Quality Act, Public Resources Code §§ 21000-21178 ("CEQA"), describing and analyzing all significant impacts on the environment of a proposed project and discussing ways of mitigating or avoiding those effects. Pub. Res. Code §21100; 14 CCR § 15362. The purpose of an EIR "is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made." *Laurel Heights Improvement Association v. Regents of University of California*, 6 Cal. 4th 1112, 1123 (1993) (emphasis in original) (citations omitted). An EIR should provide decision-making bodies and the public with detailed information about the effect a proposed project is likely to have on the environment, to list ways in which the significant

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

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effects of a project might be avoided or minimized, and to indicate alternatives to the project. Pub. Res. Code § 21061; 14 Cal. Code Regs. (“CCR”) § 15002. California courts have emphasized that an EIR should: disclose all relevant facts; provide a balancing mechanism whereby decision makers and the public can weigh the costs and benefits of a project; provide a means for public participation; provide increased public awareness of environmental issues; provide for agency accountability; and provide substantive environmental protection. Because the Revised and Recirculated Draft Environmental Impact Report No.2 for the Moon Camp Project (DEIR) obscures, rather than illuminates, the environmental impacts of the proposed project, the DEIR is inadequate to meet both the procedural and substantive mandates of CEQA.

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The project area encompasses ecologically sensitive and increasingly rare habitats in southern California, and is thus critically important for our region’s threatened, endangered, and sensitive species. The Center believes the failure to present all of the mitigation measures in the DEIR violates the intent of CEQA by piecemealing the mitigation measures. In order to evaluate the impacts and the proposed mitigation measures, decision-makers and the public must reference at least two different versions of EIR in order to evaluate the overall impacts and proposed mitigations. We strongly urge San Bernardino County to require re-drafting and re-circulating another EIR that takes into account these comments and simplifies, streamlines and collects in one place all of the impact analysis and proposed mitigations.

The DEIR Fails to Adequately and Appropriately Analyze Impacts to Biological Resources,

The currently proposed Moon Camp project fails to identify all of the pebble plains habitat. In fact, the DEIR tries to obfuscate the pebble plains resources that occur on the site by referring to pebble plains habitat as “pebble plain like soil condition” and actually wrongly states that “no pebble plain habitat exists on the 2011 Alternative Project site.” (DEIR at 2-4). It bases this determination on the incorrect premise that the project site “is not a true pebble plain habitat due to the lack of two key indicator species (*Arenaria ursina* and *Eriogonum kennedyi austromontanum*).” (DEIR at ES-3).

The U.S. Forest Service, which manages most of the pebble plains on public lands in the area, developed the Pebble Plains Management Guide¹ that lays out clear criteria for identification of pebble plains:

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“In 2002, Forest botanists developed a point system to qualify pebble plain habitat. To qualify as a pebble plain, the area must possess at least four points, based on characteristics indicative of pebble plain habitat. Strong indicators, each worth two points, often occur on pebble plains and rarely occur off pebble plains. Weak indicators, each worth one point, often occur on pebble plains and frequently occur off pebble plains. Points are accumulated based on the following characteristics:

Strong Indicators (2 points each)

Clay soils

Presence of *Eriogonum kennedyi* var. *kennedyi*

Presence of *Eriogonum kennedyi* var. *austromontanum*

1 USFS 2002

Presence of *Ivesia argyrocoma*
Presence of *Arenaria ursina*
Weak Indicators (1 point each)
Presence of *Allium parryi*
Presence of *Antennaria dimorpha*
Presence of *Arabis parishii*
Presence of *Astragalus purshii* var. *lectulus*
Presence of *Castilleja cinerea*
Presence of *Dudleya abramsii* ssp. *affinis*
Presence of *Echinocereus engelmannii*
Presence of *Erigeron aphanactis* var. *congestus*
Presence of *Eriogonum wrightii* var. *subscaposum*
Presence of *Lewisia rediviva* var. *minor*
Presence of *Mimulus purpureus*

At pg. 14-15.

Eight of these indicator species, including two “strong indicators” and six “weak indicators” appear on the plant list in Appendix A.8, and clay soils indicating that the site does indeed support pebble plains (not just “pebble plains like soils”) and likely in areas outside of the 0.69 acres of “pebble plain like soils” that are identified (DEIR at 2-3). The failure to use the best available scientific protocols to accurately assess resources including pebble plains, to accurately map the full extent of the resources including pebble plains, and fully disclose the extent of the pebble plains on project site violates CEQA.

The Project Must Comply with the Endangered Species Act

The project is subject to the Endangered Species Act (“Act”), and must fully comply with the Act’s provisions. Section 9 of the Endangered Species Act of 1973, and Federal regulations issued pursuant to section 4(d) of the Act, prohibit take of endangered and threatened species without a special exemption. 16 U.S.C. 1531 et seq. Section 7 of the Act requires Federal agencies to consult with the United States Fish and Wildlife Service (“USFWS”) should it be determined that their actions may affect federally listed threatened or endangered species. Take is defined as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct. Harm is further defined by USFWS to include significant habitat modification or degradation that actually kills or injures a listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by USFWS as an action that creates the likelihood of injury to a listed species by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering.

Approval of the proposed project will result in destruction to the ash-grey paintbrush and possibly the southern mountains buckwheat by direct destruction of occupied habitat.

Private landowners, corporations, state or local governments, or other non-Federal landowners who wish to conduct activities on their land that might harm species that are listed as

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endangered or threatened should develop a Habitat Conservation Plan (HCP), designed to offset any harmful effects the proposed activity might have on the species.

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The DEIR Fails to Appropriately Analyze Documented Rare Plant Locations

The DEIR fails to adequately analyze impacts from the proposed project to the federally listed threatened ash-grey paintbrush (*Castilleja cinerea*) and the federally threatened southern mountain buckwheat (*Eriogonum kennedyi* var. *austromontanum*) which were identified as occurring on the project site (DEIR at Appendix A.8, Appendix 3).

A number of documented locations of the federally listed threatened ash-grey paintbrush were documented on site in 2007, but not relocated in 2008 or 2010. The ash-grey paintbrush is a semi-parasitic herbaceous perennial that may not always show above-ground phenology.² While the ash-grey paintbrush is usually found on pebble plain habitat, it can be found in other areas including upper montane coniferous forest, meadows, and pinyon/juniper woodlands.³ The absence of a previously documented species location does not prove that the species no longer occurs there for herbaceous perennials, unless some significant disturbance has occurred on the site (i.e. vegetation clearance). The subsequent surveys in 2008 and 2010 failed to document the ash-grey paintbrush at some of the identified locations in 2007, but do not note if any disturbance had occurred on site. Therefore, the actual number and locations of the ash-grey paintbrush on the site and analyzed in the DEIR (based on 5 days of surveys over 2 years) is a snapshot in time, not an evaluation of the actual ash-grey resources on the site.

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The DEIR proposes to “protect” 88% of the ash-grey plants occurring on site. (DEIR at 2-19) However, it fails to analyze indirect effects to the “conserved areas” over the long-term from the proposed project, provides no justification on why total avoidance of the species and its habitat are not feasible in the DEIR, and does not evaluate that alternative (see section on Alternatives). Because the ash-grey paintbrush occurrences to date have been documented on the western part of the site, a feasible alternative to avoid impacts to federally listed plants including the ash-grey paintbrush and many of the other rare plants documented on site (the next DEIR should provide a map of the locations of the on-site rare plants) would be to set aside that portion of the project site for conservation of these irreplaceable resources.

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Furthermore, the DEIR never actually states how much habitat for the ash-grey paintbrush is present on the project site, nor does it analyze the impacts from the proposed project. From Exhibit 2-2 in the DEIR it appears that close to half of the existing occupied habitat of the ash-grey paintbrush will be developed, but the DEIR fails to actually discuss this issue. Protecting only the higher density habitat for the federally threatened species is important but developing habitat that is occupied at lower densities or is currently unoccupied, as the project proposes to do, permanently precludes any possibility of the ash-grey paintbrush from recovering in this part of its range. The DEIR must provide an analysis of this essential issue in order to fully evaluate the impacts of the project under CEQA.

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² http://ecos.fws.gov/docs/five_year_review/doc1891.pdf

³ Ibid.

The DEIR simply dismisses the documented occurrence of the federally threatened southern mountain buckwheat on the site. While the 2007 surveys recognized some potential introgression in the population occurring on site, the 2008 and 2010 surveys and the DEIR do not even mention the species as occurring on the site and fails to evaluate the impact to the species from the proposed development. The DEIR must provide an analysis of this essential issue in order to fully evaluate the impacts of the project under CEQA.

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The DEIR completely fails to address the issue that the federally threatened and state candidate for listing Big Bear Valley sandwort (*Arenaria ursina*) has been historically documented on the project site (NDDDB 2012).

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In addition, climate change will affect these (and other) rare species, resulting in their movement on the landscape in efforts to adapt to the changing climate. The DEIR only circumscribes a portion of the existing rare plant occurrences on the project site and proposes that area to be off-limits to development, but fails to evaluate or provide connectivity for the species under climate change. The DEIR must provide an analysis of this essential issue in order to fully evaluate the impacts of the project under CEQA.

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The DEIR Fails to Adequately Identify or Analyze Direct and Indirect Impacts

The DEIR fails to evaluate indirect impacts to sensitive habitats, including impacts associated with the establishment of fuel modification zones, unpermitted recreational activities, the introduction of non-native plants, the introduction of pets, and the loss and disruption of essential habitat due to edge effects.

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The DEIR's "analysis" is inadequate and fails to quantify the effects and to adequately demonstrate how the design features will minimize impacts. The DEIR fails to identify and properly evaluate impacts to species and ecosystems from invasive exotics species. Many exotic plant species invade disturbed areas and then spread into wildlands, carried by wind, fire, vehicle tires, etc.⁴ Moreover, landscaping with exotic species within the housing units can easily be a vector for introducing invasive exotics into adjacent habitats, regardless of whether the slopes directly adjacent to natural areas are planted with natives.

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The proposed project provides no buffers for the conservation set-aside areas and fails to address the essential fact fuel modification, which could affect and degrade the biological resources in these areas. Maintaining appropriate, fully protected buffer strips between drainages and upland soil-disturbing activities is critical to sustaining these important ecosystems.⁵ Most of the current literature about estimating appropriate widths of buffer strips takes into account the complexity of landscapes. The U.S. Forest Service and U.S. BLM have provided a width-adjustment method based on measured distances of sediment plumes from roads and landings: for a 50 percent slope adjacent to an ephemeral channel, the protection width distance would be about 550 feet from either side of the stream edge. The DEIR fails to address buffers at all or

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4 Bossard et al 2000

5 Reid and Hilton 1998

provide any available scientific literature about appropriate buffer widths. Both the on-site drainages and Big Bear Lake are at serious risk of degradation from the proposed project.

The DEIR fails to provide for reasonable, feasible mitigation measures to avoid and minimize adverse impacts to biological resources. For affected sensitive habitat and vegetation types, the EIR should have prioritized avoidance, followed by onsite habitat replacement at a mitigation ratio calculated to ensure success, followed by onsite restoration and enhancement, followed by off-site mitigation.

Specific, feasible, and enforceable mitigation measures for impacts associated with fuel modification zones, unpermitted recreational activities, the introduction of non-native plants, the introduction of pets, and the loss and disruption of essential habitat due to edge effects are available but were not incorporated in the EIR, including but not limited to the following:

- minimum 300-foot setbacks between developed areas, including roads and fuel modification and sensitive habitat areas
- conditions prohibiting non-leashed outdoor pets
- techniques to control non-native invasive species
- prohibiting the use of pesticides and other toxic chemicals around homes
- requiring the use of native vegetation in landscaping
- providing public education regarding rare, threatened and endangered species and how local communities can help protect them
- requiring gates to restrict access to lands aside for habitat preservation

The DEIR Fails To Use Agency Protocols for the Southern Rubber Boa

Regarding compliance with Department of Fish and Game's survey protocols for the state-listed threatened southern rubber boa, the DEIR states that "three years of repeated intensive active searches before determination of absence can be made" and that "the draft guidelines allow for negative finding in less than 3 years (2 years) if trapping is conducted. Trapping consists of the use of a system of pitfall traps connected to drift fences, known as arrays, to capture SRB" (DEIR at Appendix A.5). However, those protocols were not followed. The County must require protocol level surveys for this state-listed threatened species.

The Project Must Comply with the Bald/Golden Eagle Protection Act

On September 11, 2009, the U.S. Fish and Wildlife Service published a final rule on Bald and Golden eagles which now requires a take permit be acquired in order to authorize limited take of Bald Eagles and Golden Eagles where take is associated with otherwise lawful activities.⁶ The DEIR fails to address this important new permit and must analyze the issue in a new DEIR.

⁶ <http://www.fws.gov/migratorybirds/baldeagle.htm>

The DEIR Fails to Propose Adequate Mitigation for Environmental Impacts

The DEIR fails to clearly state the proposed mitigation for many of the impacts associated with the proposed Moon Camp development. It is very hard to figure out what is actually being proposed.

With regards to the impact to the rare plants and pebble plains, off-site mitigation is proposed. While we support conserving pebble plains habitat in perpetuity because of its very rare occurrence on the landscape in general and previous development impacts that have impacted and degraded it which made it even more rare on the landscape, we question the actual proposed mitigation scenario with regards to impacts from this project. As the DEIR points out, Dixie Lee Lane pebble plain is already partially mitigation land for impacts related to the development of a high school (DEIR at Appendix A.11). However, the DEIR fails to identify the proximity of the Dixie Lee Lane area, or other issues regarding current management or other factors (for example is it surrounded by development?). Additionally, while it supports pebble plains, and could mitigate for impact to the pebble plains on the project site, the DEIR notes that only 21 ash-grey paintbrush plants (no acreage area is documented) occur on the Dixie Lee Lane proposed mitigation site. Clearly this proposal does not offset impacts to the ash-grey paintbrush, which would require additional mitigation.

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Furthermore, the failure of the County to enforce the mitigation requirements for the high school project bodes ill for enforcing mitigation for this project. Therefore, we request that in the next DEIR, the County require mitigation be in place prior to any project construction.

Even with this more reasonable mitigation scenario, we note that the project will cause a net loss to the rare plants and animals.⁷

The DEIR Improperly Defers CEQA Mandated Environmental Review

Many of the inadequacies of the DEIR identified in these comments can be attributed to the fact that the DEIR improperly defers identification and analysis of Moon Camp Development impacts, as well as formulation of specific mitigation measures, to later stages of project development. This deferral frustrates informed decision-making and violates CEQA. "An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences." CEQA Guidelines § 15151. *See Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Association*, 42 Cal. 3d 929 (1986) ("the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions."); *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners*, 91 Cal.App.4th 1344 (2001); *Stanislaus Natural Heritage Project v. County of Stanislaus*, 48 Cal. App. 4th 182 (1996).

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⁷ Moilanen et al. 2008

The DEIR also fails to adequately analyze the interface with adjacent Forest Service land area. No impact on illegal trails or other impacts to adjacent Forest Service land is fully disclosed.

Failure to include information resulting from the Moon Camp project frustrates informed decision making regarding the project and denies the public's an ability to comment on impacts resulting from the project.

The DEIR Fails to Analyze a Meaningful Range of Feasible Alternatives.

A DEIR is required to describe a range of reasonable alternatives to the project, which would feasibly attain most of its basic objectives but would avoid or substantially lessen its significant effects. 14 CCR § 15126.6(a). The City has a substantive duty to adopt feasible, environmentally superior alternatives. Pub. Res. Code § 21002; 14 CCR §§ 15002(a)(3), 15021(a)(2). A lead agency cannot abdicate this duty unless substantial evidence supports a finding that the alternative is infeasible. See, e.g., *Citizens of Goleta Valley v. Board of Supervisors*, 197 Cal. App. 3d 1167, 1181 (1988).

The DEIR fails to describe a reasonable range of alternatives to the Moon Camp development. The lack of a reasonable range of alternatives is tied to both the failure to properly identify and analyze environmental impacts of the project, particularly impacts to biological resources, and the overly narrow "project objectives" which the County has imposed on the project. The DEIR fails to provide an environmentally superior alternative, and instead provides only 3 alternatives that s include the same "development envelope" and grading limits.

The DEIR also fails to include any alternative based on preservation of all parts of the site that are habitat for federally threatened species in ongoing efforts to maintain and restore these species already teetering on the brink of extinction. The alternatives analysis in the DEIR must be revised to include a meaningful range of alternatives that avoid the environmental impacts of the Moon Camp development once those impacts are properly identified and analyzed.

Conclusion

A lead agency must recirculate an EIR for further public comment under any of four circumstances:

- (1) When the new information shows a new, substantial environmental impact resulting either from the project or from a mitigation measure;
- (2) When the new information shows a substantial increase in the severity of an environmental impact, except that recirculation would not be required if mitigation that reduces the impact to insignificance is adopted;
- (3) When the new information shows a feasible alternative or mitigation measure that clearly would lessen the environmental impacts of a project and the project proponent declines to adopt the mitigation measure; or

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(4) When the draft EIR was “so fundamentally and basically inadequate and conclusory in nature” that public comment on the draft EIR was essentially meaningless. Guidelines §15088.5.

Based on the comments above, it is clear that the DEIR must be re-drafted again and Conditions (3) and (4) above will be met by meaningful and adequate discussion of the project description, impacts, mitigation measures, and cumulative impacts. .

The above-described defects must be corrected before the County can lawfully approve the project. The DEIR for the Moon Camp fails to adequately disclose, analyze, avoid, minimize, and mitigate the environmental impacts of the proposed project. As detailed above, the DEIR fails to comply with CEQA and fails to provide necessary information about the impacts of the project in many areas including biological resources, air quality, and water resources, and did not consider in adequate detail new information.

Neither decision-makers nor the public can make informed decisions about the costs to the environment of the proposed project based on this fundamentally flawed and cursory environmental review. The Center looks forward to reviewing a third revised EIR that takes into account the issues raised in this comment letter and in letters provided by others. Thank you for keeping the Center notified of developments regarding this project, and to that end please keep the Center on the list of interested persons for this project.

Sincerely,



Heene Anderson
Biologist
Center for Biological Diversity

cc via email:

Geary Hund, USFWS, Geary_Hund@fws.gov
Jeffrey Brandt, CDFG, JBrandt@dfg.ca.gov

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CONT

References (submitted on CD)

Bossard, C.C., J.M. Randall and M.C. Hoshovsky. 2000. Invasive Plants of California's Wildlands. University of California Press. Berkeley, CA. Pgs. 360. (not included on CD)

Moilanen, A., A.J.A. van Teeffelen, Y. Ben-Haim, and S. Ferrier 2008. How Much Compensation is Enough? A Framework for Incorporating Uncertainty and Time Discounting When Calculating Offset Ratios for Impacted Habitat. *Restoration Ecology* 17(4):470-478.

Reid, L M. and S. Hilton. 1998. Buffering the buffer. USDA Forest Service Gen Tech. Rep. PSW-GTR-168.

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Center of Biological Diversity (CBD2)

Response to CBD2-1

The commenter expresses their appreciation for the opportunity to review the RRDEIR No. 2 for the Moon Camp Project and states their comments replace comments made on January 22, 2012. The County of San Bernardino acknowledges the comment. No additional response is necessary.

Response to CBD2-2

The commenter is concerned that by recirculating a portion of the DEIR, the County of San Bernardino is forcing reviewers to review multiple versions of the DEIR in order to evaluate the overall impacts and proposed mitigations, and urges the County to require recirculation of one comprehensive EIR for public review. Portions of the DEIR for the Moon Camp Project have been recirculated for public review on several occasions. In 2010, because of significant Project revisions which resulted in the down-sizing of the Project, the County of San Bernardino recirculated the majority of EIR sections for public review (RRDEIR No. 1). Thereafter, based on the results of additional focused special-status plant species studies, the County of San Bernardino recirculated the Executive Summary, Project Description, and Biological Resource section of the DEIR to address new information related to potential Project impacts to threatened, endangered and sensitive plant and animal species and a resulting project design modification that redistributed developable lots to avoid occurrences of ashy-grey Indian paintbrush, a Federally Threatened species, and create additional Conservation Areas (RRDEIR No. 2). Although it is true that the reviewing public must refer to several documents circulated for public review, CEQA not only authorizes but also encourages this approach. CEQA Guidelines Section 15088.5(c) provides that if revisions are limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that were modified. Because the most recent Project revisions (addition of Lot H for an Open Space Conservation Easement, and redistribution of buildable lots to avoid sensitive plant habitats), only required revisions to the Executive Summary, Project Description, and Biological Resources sections of the DEIR, the County of San Bernardino appropriately only recirculated those sections of the DEIR. The RRDEIR No. 2 is combined with previously circulated versions of the DEIR, and the County's response to written comments thereon to comprise the Final EIR that will be presented to the County of San Bernardino decision-makers for consideration prior to Project approval.

Response to CBD2-3

The commenter asserts that the RRDEIR No. 2 incorrectly assessed and analyzed the existence of, and project impacts to, pebble plain habitat on the Project site. The commenter suggests that the RRDEIR No. 2 and Supplement Focused Special Status Plant Survey conducted by Dr. Krantz in 2010 utilized the incorrect definition of pebble plain in determining the extent of pebble plain habitat on the Project site. The author of the 2010 Supplement Focused Special Status Plant Survey, Dr. Krantz, the preeminent authority on pebble plain habitat and related plant species, concluded that true pebble plain habitat is characterized by the existence of clay soils with a vestiture of Saragossa quartzite pebbles and presence of indicator plant species (presence of *Eriogonum kennedyi* ssp. and *Arenaria ursina* together, as originally mapped by the author in 1983). The "pebble plain soil conditions" identified on the central knoll on-site was identified as such and has been included and preserved in large part by Letter Lot A. The 2010 Supplement Focused Special Status Plant Survey

concluded that the 0.69-acre area that had been previously characterized as true pebble plain habitat was in fact not true pebble plain habitat due to the lack of the existence of the two (2) primary indicator species, *Eriogonum kennedyi* ssp. and *Arenaria ursine*. The clay soils with a vestiture of Saragossa quartzite pebbles are the signature characteristic of the unique plant community that is called “pebble plains.” In fact, Dr. Krantz was the first to actually apply the term to this plant community (Krantz 1983). To suggest that all other areas “occupied by *Castilleja cinerea*, *Ivesia argyrocoma*, and *Arabis parishii* are, by definition, pebble plains” is inappropriate and would greatly expand the definition to include much of Big Bear Valley, including all of Sugarloaf Ridge, which has *Arabis parishii* and *Castilleja cinerea*, but is in fact a lodgepole pine forest without any similar soils. Ashy-grey Indian paintbrush or *Ivesia argyrocoma* are also known to occur in meadows; *Arabis parishii* is found on limestone, and *Ivesia argyrocoma* is also found in Baja California, none of which are even remotely considered pebble plain habitats.

The comment cites the USFS Pebble Plain Habitat Management Guide (2002). Although the USFS Pebble Plain Habitat Management Guide purports to provide a points system for determining the existence of pebble plain habitat, according to Dr. Krantz, application of the Guide’s point system results in overly inclusive results and would lead to characterization of lands that are not truly pebble plains as pebble plain habitat, even those areas that do not have clay soils. Even by these standards, the on-site occurrence of pebble plain-like soils on the Moon Camp property would be limited to the 0.69-acre Knoll area, largely contained within Lot A. It should be noted that the USFS definition of pebble plains describes five “strong indicators” (given 2 points each): clay soils (marginal on the Knoll), presence of *Eriogonum kennedyi* ssp. *Kennedyi* or ssp. *austromontanum* (neither on-site), *Arenaria ursina* (not on-site), and *Ivesia argyrocoma* (on-site). The only good “strong indicator” on-site is the presence of pebble plain-like soils. The presence of *Ivesia argyrocoma*, which occurs on many non-pebble plain habitats in the San Bernardino Mountains and in Baja California, is not considered a “strong indicator” by Dr. Krantz. The other “weak indicators” are truly only weak indicators—all occurring in a wide range of non-pebble plain habitats throughout the Big Bear-Holcomb Valley areas.

Response to CBD2-4

The County of San Bernardino acknowledges that this Project is subject to the Federal Endangered Species Act (FESA), as well as CESA. However, contrary to the commenter’s assertions, activities adversely impacting federally listed plant species, such as the ashy-grey Indian paintbrush, are not subject to Section 9’s prohibition. Section 9(a)(1)(B) prohibits the take of any threatened or endangered species of fish or wildlife anywhere within the United States or the territorial seas of the United States. With regard to wildlife species, Section 9 prohibits the “take” of any such species, whether on private, State, or federal lands, without issuance of an Incidental Take Permit. This restriction is not applicable to impacts to threatened or endangered *plant* species. Section 9(a)(2)(B) makes it unlawful to remove and reduce to possession any [plant] species from areas under federal jurisdiction or to maliciously damage or destroy any species on federal lands. Section 9 of the FESA does not regulate impacts to threatened or endangered plant species on private lands. Accordingly, Section 9(a)(2)(b) does not regulate actions that harm the listed plant species on private property, unless that action occurs in knowing violation of a State law or regulation or in the course of a violation of a State criminal trespass law. The Moon Camp Project is located entirely on private

property, and, therefore, the FESA does not prohibit or regulate actions involving the take of threatened or endangered plant species incidental to otherwise lawful activities.

Response to CBD2-5

The ashy-grey Indian paintbrush is a perennial plant and is readily visible during the flowering season where it occurs, even in years with substandard rainfall. Furthermore, as a hemi-parasite on its host plants, ashy-grey Indian paintbrush does not readily disperse, dropping its seeds in the immediate vicinity of the host plants themselves. Thus, the actual occupied habitat for ashy-grey Indian paintbrush does not generally change from year to year. The Supplement Focused Special Status Plant Survey conducted by Dr. Krantz in 2010 revealed that there were no ashy-grey Indian paintbrush occurrences on the southeastern portions of the Project site, as indicated by Mr. White in 2007. Mr. White's survey was conducted in late July, during a drought year, when reliable plant identifications would be questionable for someone unfamiliar with the target species. Mr. White identified the existence of Wright's matting buckwheat in portions of the Project site and assumed that, because Wright's matting buckwheat is often a host species, the ashy-grey Indian paintbrush would otherwise occur in this area during years of normal or above-average precipitation. However, as mentioned, ashy-grey Indian paintbrush does not spread to areas just because the host plant species is found there. Changes in the dimensions and extent of occurrences are very limited in scope from year to year, and, therefore, the assumptions regarding potential occurrences of ashy-grey Indian paintbrush on the southeastern portion of the Project site were incorrect.

Contrary to the commenter's assertions, there is no Southern mountain buckwheat on-site. Mr. White misidentified Wright's matting buckwheat, which resembles the Southern mountain buckwheat that has highly branched inflorescences. Occasional intergrades between the two taxa have been identified by Dr. Krantz across a line between open pebble plain (with all Southern mountain buckwheat) in Jeffrey Pine Forest (with all Wright's matting buckwheat), but this is not the case on the Project site.

An updated survey completed in 2016 by Dr. Krantz notes that there are essentially no changes in the distributions of rare plant species occurring on the Moon Camp property in comparison with previous surveys and as described in the RRDEIR No. 2 (see Appendix K of this 2020 Final EIR).

Response to CBD2-6

The commenter asserts that the RRDEIR No. 2 fails to adequately analyze the Project's potential long-term impacts to the identified Conservation Areas or analyze an alternative that resulted in total avoidance of ashy-grey Indian paintbrush occurrences on the Project site. Initially, the Project will not result in a long-term adverse impact on the pebble plain habitat and ashy-grey Indian paintbrush occurrences within the identified Conservation Areas. As required by Mitigation Measure BR-1c (RRDEIR No. 2, page 2-57, as updated/revised in Section 4, Errata, of this FEIR), Conservation Areas shall be appropriately fenced with signage placed indicating the sensitive nature of the Conservation Areas and prohibiting access thereto. The Project consists of 50 residential lots, the majority of which will be utilized as second-home/vacation homes and will therefore only be occupied during limited times of the year. The fencing and limited traffic through the Project area will limit impacts on the identified Conservation Areas. Moreover, the Conservation Entity responsible for managing the Conservation Areas will be responsible for taking necessary steps to

reduce long-term impacts to the Conservation Areas. As further evidence of the lack of long-term impacts to the Conservation Areas, sensitive plant habitats on the Project site have been subject to “edge-effects” from adjacent development to the west and north of the proposed Conservation Areas for decades. The Conservation Areas have existed without protection of fencing or signage, but have continued to represent exceptionally high-quality habitat for the ashy-grey Indian paintbrush.

Response to CBD2-7

The commenter refers to calculation of the mitigation ratio for ashy-grey Indian paintbrush. The Project proposes to establish permanent Conservation Easements over Lots A and H, comprising 4.84 acres of occupied ashy-grey Indian paintbrush habitat that will be preserved in perpetuity. Altogether, the affected areas of ashy-grey Indian paintbrush habitat outside of the conserved Letter Lots comprise a total of 2.87 acres of occupied habitat. However, Lots A and H contain 4,895 individual ashy-grey Indian paintbrush plants in the 4.84-acre occupied by the species, while the 2.87 acres outside of Lots A and H contain 672 plants. This results in a mitigation ratio of 7:1 for ashy-grey Indian paintbrush plant occurrences; and 1.68:1 for actual occupied ashy-grey Indian paintbrush habitat on the site, but does not take in to consideration the 10-acre Dixie Lee Lane pebble plain habitat conservation mitigation of “pebble plains soils” and other rare plant species. The Project will not result in significant adverse impacts to the ashy-grey Indian paintbrush or other sensitive species, and, therefore, deletion or relocation of Lots 1-5, 47-50, and Lot F is not necessary. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species.

Response to CBD2-8

Scott White’s 2007 report identified some “potential” introgression of Southern mountain buckwheat in the more ubiquitous Wright’s matting buckwheat on the Project site. The two taxa are differentiated by the branched inflorescences of the latter, as opposed to unbranched, capitate inflorescences of the former. During Dr. Krantz’s 2010 Survey, Krantz observed no unbranched specimens on-site, whatsoever. For there to be genetic introgression into Wright’s matting buckwheat population on-site, one would have to have an area of entirely unbranched specimens with intergrades between the two populations. Dr. Krantz has documented introgressions between the two taxa in populations in Holcomb Valley, but the Moon Camp property Wright’s matting buckwheat is not an example of this phenomenon. Therefore, there is no Southern mountain buckwheat on the Project site.

Response to CBD2-9

Biological surveys conducted by Tim Krantz in 2010 did not identify any Big Bear Valley Sandwort on-site. This is a perennial species that is narrowly restricted to actual pebble plain plant communities. Although the RRDEIR No. 2 does identify that it could be located on-site, no actual occurrences were identified.

Response to CBD2-10

The RRDEIR No. 1 included a comprehensive discussion of the Project’s potential to result in a significant global climate change impact (RRDEIR No. 1, pages 4.2-42 through 4.2-49). As indicated in

Section 4.2 of the RRDEIR No. 1 (page 4.2-1), the Moon Camp Project will result in a less than significant global climate change impact through the incorporation of Project energy-efficient and site design features that would reduce greenhouse gas emissions. As reflected in Table 4.2-13, the vast majority of greenhouse gas emissions will result from motor vehicle emissions generated by the Project. However, total greenhouse gas emissions from the Project are extremely small when compared to annual emissions worldwide. The Moon Camp Project is consistent with, and will not inhibit reaching the statewide emission reduction goals identified in, AB-32. Because of the extremely small amount of greenhouse gas emissions resulting from the Project, there is no evidence that the greenhouse gas emissions from the Project would contribute to a potentially significant impact to threatened or endangered plant species on-site. Accordingly, the RRDEIR No. 2 did not include analysis of such impacts.

Response to CBD2-11

The rare plant habitats to be conserved on-site will be subjected to some indirect impacts as a result of residential development. Potential indirect impacts could result from fuel modification programs, unpermitted recreational activities, introduction of non-native plants, and loss/disruption of essential habitat due to “edge” effects. To eliminate or reduce such indirect impacts, the following measures should be incorporated into the conditions of approval for the Project.

- Fuel modification zones and programs shall not be implemented in Lots A or H (because of the brush-free nature of the rare plant habitat on-site, these areas are not subject to fuel modification in any case, and represent naturally occurring low-fuel open space areas);
- Letter Lots A and H shall be fenced, signed, and monitored by the Conservation Entity to enforce restrictions on unauthorized recreational activities in sensitive areas;
- The Conservation Entity shall conduct routine monitoring of rare plant resources on Lots A and H. The occurrence of non-native species outbreaks, or other examples of ecological disturbance as a result of indirect impacts of development in and around Lots A and H shall be reported in the annual biological monitoring reports and remedial actions shall be implemented by the Preserve Management Committee.
- Lots A and H are configured to encompass a continuous area from the top of the “knoll pebble plain” to the ashy-grey Indian paintbrush habitat along the west side of the access road. Aside from the road crossing itself, there are no new “edge” effects created by the proposed subdivision of the Moon Camp property. Biological monitoring shall be focused on the road crossing, with particular attention to potential impacts as a result of erosion, non-native plant species, or other results of creating an ecological “edge” along the road. Other “edge” effects have already been mitigated by the Project Applicant voluntarily fencing the highway frontage, where off-highway vehicle recreational use was a problem until the present landowners constructed the barbed wire fence along the north side of SR-38.

Response to CBD2-12

Fortunately, the “pebble plains-like” soils on-site inhibit most non-native plant species from becoming established in such habitats in the Big Bear area. There are, nonetheless, several non-native taxa that occur widely on pebble plains, most notably *Bromus tectorum* and *Erodium*

cicutarium. As long as there is no surface disturbance of the clay-quartzite soils that comprise Lots A and H, these two ubiquitous, non-native annuals are not expected to become a serious problem on the rare plant Conservation Areas. The botanical monitoring program shall identify any non-native species issues and propose remedial actions if deemed necessary.

Response to CBD2-13

This comment refers to provision of buffers to the Conservation Areas proposed for Lots A and H. The conservation lots have been delineated to conserve everything north of the highway, from the western property boundary to the drainage swale bounding the eastern side of Lot A. The ashy-grey Indian paintbrush population exhibits no adverse “edge” effects from the adjacent residential lots immediately to the west and north of proposed Lot H, although these lots have been in existence there since the 1960s. Furthermore, the pebble plain-like soils inhibit most other non-native weeds because the clay soils are difficult for other non-adapted plant species to become established. The only non-native taxon of concern observed on-site is cheat grass, *Bromus tectorum*, which is ubiquitous throughout Big Bear Valley; this despite the fact that the habitats in the vicinity of Lots A and H have had adjacent residential development for decades, and the area was subject to unregulated off-highway vehicle use until the Applicant fenced off the highway access several years ago.

The Project Applicant proposes to establish a Conservation Entity to conduct on-going biological monitoring and maintenance of the conservation letter lots, providing on-site mitigation and protection of sensitive resources in perpetuity. The Project Applicant has already experienced substantial restoration of rare plant resource values by fencing and excluding off-highway vehicle traffic from SR-38 on to sensitive plant habitats; and the Project Applicant proposes to establish a permanent rare plant Conservation Area of the Dixie Lee Lane pebble plain off-site.

Response to CBD2-14 and -15

Appropriate mitigation measures addressing all of the concerns summarized in this comment have been drafted, adopted, and enforced upon recordation, construction, and buildout of the Project. The sensitive botanical resources on the Moon Camp property are largely protected within Lots A and H. There is no need for a 200- to 300-foot setback, as exemplified by Lot H, which has thrived immediately adjacent to existing residential lots to the west and north of the parcel for 40 to 50 years when those tracts were first constructed. These resources are not hydrologically dependent on upstream flows, as are some other sensitive plant resources in Big Bear Valley; and these resources are less subject to indirect impacts from adjacent land uses other than trampling or unauthorized pedestrian or OHV use that was uncontrolled until the Applicant fenced the highway frontage and exterior property lines to the west and northwest.

Response to CBD2-16

The County of San Bernardino acknowledges that this Project is subject to FESA and CESA. However, contrary to the commenter’s assertions, activities adversely impacting federally listed plant species, such as the ashy-grey Indian paintbrush, are not subject to the Section 9 prohibition. Section 9(a)(1)(B) prohibits the take of any threatened or endangered species of fish or wildlife anywhere within the United States or the territorial seas of the United States. With regard to wildlife species, Section 9 prohibits the “take” of any such species, whether on private, State, or federal lands,

without issuance of an Incidental Take Permit. This restriction is not applicable to impacts to threatened or endangered *plant* species. Section 9(a)(2)(B) makes it unlawful to remove and reduce to possession any [plant] species from areas under federal jurisdiction or to maliciously damage or destroy any species on federal lands. Section 9 of the FESA does not regulate impacts to threatened or endangered plant species on private lands. Accordingly, Section 9(a)(2)(b) does not regulate actions that harm the listed plant species on private property, unless that action occurs in knowing violation of a State law or regulation or in the course of a violation of a state criminal trespass law. The Moon Camp Project is located entirely on private property, and, therefore, the FESA does not prohibit or regulate actions involving the take of threatened or endangered plant species incidental to otherwise lawful activities. Additionally, the Project will not require an Incidental Take Permit pursuant to CESA. The CESA similarly prohibits any person from “taking” any species that the state determines to be an endangered or threatened species without first obtaining authorization through the issuance of an Incidental Take Permit (California Fish and Game Code §§ 2080 and 2081). There are no California-listed threatened or endangered species present on the Project site. The ashy-grey Indian paintbrush is *not* a State-listed species. Accordingly, the Project will not require an Incidental Take Permit pursuant to the CESA.

In addition, the RRDEIR No. 2 analyzed the potential for the Moon Camp Project to have a significant impact on the American bald eagle. Although the American bald eagle was removed as a federal-listed endangered species in August 2007, it remains endangered in California, and remains a special-status wildlife species. The RRDEIR No. 2 acknowledged that bald eagles were known to be present and roost on the Project site in the winter (RRDEIR No. 2, page 2-29). Many of the trees located on the Project site have been identified as bald eagle perch trees. Surveys and records searches were conducted for the Project site in the winter of 2002 and 2007, which determined that bald eagles use the site extensively. Bald eagle perch locations were recorded and individual trees were marked with numbered tags (RRDEIR No. 2, page 2-29). However, there are no records showing that bald eagles had historically nested on the Project site and neither the 2002 nor 2007 survey found nesting bald eagles on the Project Site. The proposed mitigation measures prohibit the intentional removal of identified perch trees as a component of Project development, but noted that perch trees may need to be removed in the future if they create a hazardous condition. The potential for future removal of bald eagle perch trees, along with additional light and glare/noise introduced into the area by the Project, is considered a potentially significant CEQA impact. Mitigation Measures BR-4, BR-6, and BR-7 (RRDEIR No. 2, page 2-59 and 2-60, as revised in Section 4, Errata, of this FEIR document) will reduce impacts to the bald eagle. These mitigation measures include:

- Replacement of removed perch trees (should that be necessary) either at a ratio of 5:1 with creation of artificial perch trees within the Conservation Areas or by enhancing other trees by trimming and limbing to make suitable for eagle perching. The exact method of perch tree replacement shall be made after consultation with a certified arborist. Prior to commencement of construction activity, the applicant shall have a qualified consultant survey all trees on-site to determine the location of all perch trees to be preserved. (Mitigation Measure BR-4)
- Replacement of identified non-perch trees larger than 24 inches dbh, removed as part of project development, at a ratio of 2:1. Replacement of identified non-perch trees larger than

24 inches dbh, removed as part of project development, at a ratio of 2:1. Whenever an eagle perch tree or other non-perch tree larger than 24 inches dbh is removed, the Homeowners Association shall retain a qualified consultant to oversee removal and compliance with the replacement requirement. (Mitigation Measure BR-4)

- Pre-construction survey of trees to identify existence of active nests. Active nests will be protected and avoided (Mitigation Measure BR-6)
- All vegetation removal, clearing, and grading on the Project site must be performed outside the breeding and nesting season to minimize effects to the bald eagle (Mitigation Measure BR-7)

Despite implementation of these mitigation measures, impacts were determined to be significant and unavoidable due to the very strict County of San Bernardino criteria for determining CEQA impacts to bald eagles. Any removal of perch trees or human activity resulting in the introduction of additional light and/or noise impacts is considered a significant impact under CEQA. However, a significant unavoidable impact to the bald eagle does not mean that the Project will result in a take of a bald eagle pursuant to CESA, the Bald and Golden Eagle Protection Act (16 USC 668–668d), or any other applicable law regulating impacts to the bald eagle. As indicated above, mitigation measures proposed in the RRDEIR No. 2 would provide for avoidance of direct impacts to the bald eagle through habitat restoration and avoidance of active nesting locations. Accordingly, the County of San Bernardino does not believe that an Incidental Take Permit for the bald eagle is required in connection with development of the Moon Camp Project.

Response to CBD2-17

The Dixie Lee Lane pebble plain is one of the most discrete pebble plain occurrences existing in the Big Bear Valley. It sits on an isolated bench-top surrounded by undeveloped forest covered privately owned property, with the exception of a couple residences at the northern terminus of Dixie Lee Lane. This privately owned property is currently fenced and has been fenced for approximately 25 years. Unauthorized access to the Dixie Lee Lane property is regularly monitored by neighbors in the area. However, as proposed by the Project, the 10-acre property would be placed under a formal conservation easement that would provide formal legal protection for the property, thereby enhancing its continued values as sensitive habitat for the pebble plain and pebble plain-related plant species. Contrary to the commenter's assertions, the RRDEIR No. 2 does not indicate that the Dixie Lee Lane property is already partial mitigation lands for impacts related to the development of the high school. The revised Supplemental Focus Special Status Plant Species Survey prepared by Dr. Krantz in August of 2010, and included as Appendix A.11 of the RRDEIR No. 2, summarized the current status of the Dixie Lee Lane pebble plain property. The plant study stated, "The Dixie Lee Lane pebble plain was originally proposed as a mitigation bank for the partial offset of impacts of development of the Big Bear High School on Maple Lane, which was formerly the site of a large pebble plain of the Sugarloaf series. The development of the high school required a minor subdivision of the parent parcel, including the Dixie Lee Lane pebble plain. At the time, pebble plains and their associated species were not formally listed nor protected as endangered or threatened species; any establishment of an off-site mitigation bank for the high school was considered adequate mitigation for the impacts of the high school project. The complete 10-acre pebble plain was surveyed by Hicks & Hartwick Engineering, with the idea that 2 acres of the 10-acre pebble plain

would be used to mitigate for the high school, and the remainder would be available for mitigation on other projects with pebble plain-related impacts. However, the 10-acre mitigation bank and 2-acre subdivisions of it were never actually recorded” (emphasis added). As indicated by the above passage from the Krantz Report, although a portion of the Dixie Lee Lane property was originally proposed as mitigation of impacts from development of a high school, there is no evidence that any portion of the property was actually pledged as mitigation. The CBD itself admits the protection of the Dixie Lee Lane pebble plain “could mitigate for impacts to the pebble plains on the [Moon Camp] project site.” The CBD goes on to comment, however, that “this proposal does not offset impacts to the ashy-grey Indian paintbrush, which would require additional mitigation.” Thus, the Moon Camp project will establish the first of its kind rare plant preserve dedicated to ashy-grey Indian paintbrush, protecting nearly 90 percent of the threatened plant species on-site, and the preservation of Dixie Lee Lane pebble plain, though not containing an abundance of ashy-grey Indian paintbrush occurrences, will add to the incremental value of such a preserve. Refer to Table 1 in the Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of this species and the Dixie Lee conservation site (see Appendix I of this 2020 Final EIR).

Response to CBD2-18

The commenter asserts that the RRDEIR No. 2 improperly defers identification and analysis of impacts to the Project, as well as formulation of specific mitigation measures to a later stage of Project development in violation of CEQA. However, the commenter does not indicate what portion of the analysis and formulation of mitigation measures is deferred. Generally, CEQA requires that an EIR be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences (CEQA Guidelines Section 15151). The RRDEIR No. 2 includes comprehensive analysis of all potential impact areas based on information currently known about the project consistent with CEQA requirements. The RRDEIR No. 2 does not defer analysis of potential impacts to an undetermined point in the future nor does it defer formulation of mitigation measures in violation of CEQA. The commenter also asserts that the RRDEIR No. 2 failed to analyze the Project’s interface with the adjacent USFS lands and that impacts to adjacent USFS land are not fully disclosed. The RRDEIR No. 2 discusses the interface between the Project site and USFS administered land. The RRDEIR No. 2 includes an analysis of whether the Project would conflict with the San Bernardino National Forest Land Use Management Plan, which regulates activities on the adjacent USFS lands. The RRDEIR No. 2 discusses the Project’s consistency with the 100-foot fuel modification zone requirement for any development project that abuts USFS land. Residential lots that abut the USFS lands will be required to comply with the 100-foot fuel modification requirement (RRDEIR No. 2, page 4.5-12). The document also analyzes whether the Project would adversely impact the scenic values of the site and be inconsistent with the classification of the Project site as a high scenic integrity objective area in the Forest Land Use Management Plan (RRDEIR No. 2, page 4.5-11). The RRDEIR No. 2 concludes that the Project will result in a less than significant impact on aesthetics, and, therefore, the Project would be consistent with the Forest Land Use Management Plan. The commenter is correct that there is no discussion concerning impacts on illegal trails on Forest Service lands. There is no evidence that development of the Moon Camp Project would have any impacts on

any illegal trails and as such, no discussion of this impact was included in the RRDEIR No. 2. An EIR need not analyze impacts that are too speculative (CEQA Guidelines Section 15145).

Response to CBD2-19

The commenter asserts that the RRDEIR No. 2 failed to describe a reasonable range of Alternatives to the Moon Camp Project. Contrary to the commenter's assertions, the RRDEIR No. 2 is consistent with CEQA's mandate to analyze a reasonable range of Alternatives in the DEIR. CEQA requires an EIR to describe a reasonable range of alternatives to the Project, which would feasibly obtain most of the basic objectives and would avoid or substantially lessen the significant effects of the Project (CEQA Guidelines Section 15126.6). An EIR need not consider and analyze every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation (CEQA Guidelines Section 15126.6(a)). There is no ironclad rule governing the nature and scope of the alternatives to be discussed other than the rule of reason (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553). The RRDEIR No. 2 analyzed four Project Alternatives in addition to the statutory mandated No Project Alternative. These Alternatives included:

- Original proposed Project. (92 residential lots, 103 slip marina and realignment of SR-38)
- No Project-Existing General Plan Land Use Development. Development pursuant to the existing general plan land use designation (40-acre minimum lots, no marina, no SR-38 realignment)
- Reduced Density (62 Lots), Without SR-38 Realignment, without Marina alternatives (compared with the Original proposed Project)
- Proposed Project Alternative (50 residential lots, 55 slip marina, Open Space)

The RRDEIR No. 2 concluded that, outside of the No Project Alternative, the proposed Project Alternative was the Environmentally Superior Alternative (RRDEIR No. 2, pages 7-29 and 7-30). The alternatives discussed in the RRDEIR No. 2 represent a reasonable range of Alternatives consistent with CEQA's mandates.

The commenter asserts that the RRDEIR No. 2 should have included a project alternative based on preservation of all portions of the site that are habitat for federally threatened plant species. As indicated above, CEQA requires discussion of alternatives that avoid or substantially reduce identified significant impacts and meet most of the basic project objectives (CEQA Guidelines Section 15126.6). Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR is the inability to avoid significant environmental impacts (CEQA Guidelines Section 15126.6(c)). As indicated in the RRDEIR No. 2, the only significant unavoidable impact of the Project is the impact to the American bald eagle. (Please refer to Response to CBD2-16 above). The County of San Bernardino General Plan and Mountain Region Community Plan both identify goals to conserve eagle perch trees and protect the wintering population of bald eagles in Southern California. The County considers potential impacts to any eagle perch trees, as well as human activity resulting in the addition of human activity resulting in noise, light, and glare within bald eagle habitat, to be significant and unavoidable. Accordingly, *any* development on the Project site would result in a significant unavoidable impact to the bald eagle under CEQA. Therefore, aside from the No Project Alternative, there are no feasible Project Alternatives that could avoid or substantially reduce impacts to bald eagles while meeting most of the basic objectives of the Project. Impacts to

all other threatened and endangered species are determined to be less than significant with mitigation. Accordingly, CEQA does not require consideration of an alternative based on preservation of all parts of the site or habitat for federally threatened species, as asserted by the commenter.

Response to CBD2-20

The County of San Bernardino acknowledges the commenter’s statements concerning the legal requirements for recirculation of an EIR (see CEQA Guidelines Section 15088.5). The County of San Bernardino respectfully disagrees with the commenter that statements and information included in the commenter’s letter require recirculation of the DEIR.

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Slowik, Matt - LUS

From: Friends of Fawnskin [friendsoffawnskin@gmail.com]
Sent: Tuesday, January 10, 2012 2:53 AM
To: Slowik, Matt - LUS
Cc: Supervisor Derry; Watson, George
Subject: Moon Camp DEIR extension request
Attachments: mc deir fof extension request0112.pdf

Dear Mr. Slowik,
Please see attached letter.
thank you,
Sandy Steers

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FRIENDS OF FAWNSKIN

P.O. Box 422, Fawnskin, California 92333

www.friendsoffawnskin.org friendsoffawnskin@gmail.net

909-878-3091

9 January 2012

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

Re: PUBLIC COMMENT PERIOD EXTENSION REQUEST—Revised and Recirculated
DEIR No. 2 for the Moon Camp Development Project/RCK Properties Inc (SCH
#2002021105)

Dear Mr. Slowik,

With this DEIR released shortly prior to the December holiday season, we found it impossible to reach the necessary experts for proper research and review of this document since they were on vacation until after the new year. Because this section of the DEIR is highly technical in nature, it is essential that the public have the opportunity to confer with proper experts in the field. Due to this holiday review period, Friends of Fawnskin, which represents over 400 mountain residents and visitors, is requesting a two-week extension to the public review period which currently ends on 23 January 2012.

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

Sincerely,

Sandy Steers, for the Friends of Fawnskin Advisory Board

cc: Supervisor Neil Derry
George Watson, Chief of Staff for Supervisor Derry

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Friends of Fawnskin (FOF)

Response to FOF-1

The commenter requests the County of San Bernardino to extend the close of the public review period for adequate review. The County of San Bernardino extended the public review period to February 7, 2012, for additional review of the RRDEIR No. 2. No additional response is necessary.

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FRIENDS OF FAWNSKIN- SANDY STEERS
COMMENT LETTER



FRIENDS OF FAWNSKIN

Protecting Big Bear Valley—Environmental Education & Monitoring

P.O. Box 422, Fawnskin, California 92333

www.friendsoffawnskin.org friendsoffawnskin@gmail.com

909-878-3091

20 January 2011

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

Attn: Matthew Slowik

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

RE: "REVISED AND RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT NO. 2 FOR THE MOON CAMP 50-LOT RESIDENTIAL SUBDIVISION, TT NO. 16136 (BASED ON REVISED SITE PLAN) BIG BEAR LAKE, SAN BERNARDINO COUNTY, CALIFORNIA SCH #2002021105."

On behalf of the membership of Friends Of Fawnskin (FOF) we would like to thank the San Bernardino County Land Use Services Department Planning Division for the opportunity to comment on the Revised and Recirculated Draft Environmental Impact Report No. 2 (RDEIR) for the proposed Moon Camp 50-Lot Residential Subdivision. FOF represents a membership of over 500 local residents and visitors of Fawnskin and the Big Bear Valley, all of whom would be directly and detrimentally affected by the development of the proposed Moon Camp project.

FOF is strongly opposed to the proposed Moon Camp development project due to the extensive adverse effects on sensitive environmental treasures, on surrounding properties, on the community of Fawnskin and the Big Bear Valley as a whole, as well as on the neighboring National Forest and the Big Bear Lake. This latest proposed version of the project offers minimal changes to allegedly decrease the significant impacts the project would cause to the environment, while making other changes that increase impacts. Unfortunately, despite these project modifications, the Project would still have profound and significant impacts on the site's and surrounding area's extraordinarily rich environmental resources.

This RDEIR, like its predecessors, completely underestimates the significance of the potential impacts and, in nearly all areas, provides insufficient analysis and presentation of evidence to draw the conclusions it contains. The RDEIR often utilizes data that is out of date, estimated from out of date information or worse, irrelevant data, presented in a way to purposely

mislead. In every category, it fails to adequately evaluate the severe adverse effects and grossly downplays and glosses over the significant and unavoidable impacts of the proposed project. In some areas it seems to go so far as to purposely obfuscate and confuse. The RDEIR also fails to identify feasible mitigation measures or alternatives capable of minimizing the project's significant environmental impacts. For the reasons discussed below, the current RDEIR remains inadequate and, consequently, the document must again be revised and recirculated for public review and comment.¹

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Finally, in order to approve the proposed project, the County must make a series of findings pursuant to the San Bernardino County Code. As we explain below, the County lacks the evidentiary basis to make these findings. Perhaps most importantly, the County must find that the proposed Project would provide a public benefit. This project does not benefit the public; instead, it seeks to meet the needs of the applicant to the detriment of the public. For this reason alone, it is our opinion that the proposed project should be denied.

General comments

- Even though this RDEIR is analyzing a project alternative, it must evaluate the impacts compared with the current conditions on the site, rather than just with the previous version of the project as is done throughout the RDEIR. Moreover, simply changing the location of the impacts is not the same as mitigating the impacts. The revised project alternative, like the prior project, would result in significant environmental impacts, above and beyond those to the Bald Eagle already acknowledged by the RDEIR. As it now stands, the RDEIR does not properly evaluate impacts to appropriately inform the public or the officials representing them.
- Many of the mitigations proposed throughout the RDEIR are still only 'paper' mitigations and would have little to no value in actually mitigating or reducing the significance of the specified impact. For example, mitigation measure MM BR-1c would require the inclusion of enforcement provisions in the CC&Rs that would "allow" a homeowners' association to enforce provisions intended to protect sensitive resources. This measure is written in a manner that is vague, voluntary and unenforceable and, therefore, would be ineffective at protecting the site's extensive sensitive resources. Historically, the County has repeatedly required similar mitigation measures for development projects with the result being no reduction in the significant impacts. Consequently, ample evidence exists demonstrating the inadequacy of such measures in protecting environmental resources:
 - The Eagle Point development (by the same developers as the proposed Moon Camp project) attempted some of the same techniques to mitigate for its impacts to eagles. In spite of the mitigation measures, one eagle perch designated area is now a tennis court because the developer requested and was granted a change a full year after the final approval of the FEIR with insufficient analysis and no public review. (Attachment A). The other 'replacement' perches that were installed have long since fallen down and have not been replaced.

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¹ FOF and other members of the public submitted extensive comments on the prior versions of this EIR. This revised EIR fails to resolve the issues raised in these other comment letters and therefore those public comments remain valid. For this reason, we incorporate those letters, in their entirety, by reference into this letter. We request that the County respond to all of those prior comments in addition to the comments raised in this letter.

- Because CC&R's can expire and because there is no way to assure their continued use through changes in ownership, they have proven to be completely ineffective at protecting environmental resources in several instances in Big Bear Valley development projects:
 - The development from the late 1960's along Flicker Rd. immediately adjacent to the Moon Camp property has CC&Rs. When asked, most current residents do not know what the rules are and could not locate a copy of the CC&R's. No one enforces these CC&Rs and, according to original residents in the development, many provisions are not being complied with.
 - The website of Arrowhead Woods (in Lake Arrowhead) in June 2010 stated: "Unfortunately a majority of the CC&Rs found within Arrowhead Woods will expire on December 31, 2010 unless an aggregate of 55% of property owners within each expiring tract vote to renew the CC&Rs...If the CC&Rs expire our community will be held to County of San Bernardino standards only."
- This author participated when Dr. Timothy Krantz, survey biologist for the proposed Moon Camp project, took Michael Perry, the then City Manager of Big Bear Lake, the enforcement agency, on a tour of sites where development mitigations were not being enforced, including Eagle Point Estates. The endangered plant habitats along the shoreline in Eagle Point Estates that were part of the designated lots but with restrictions noted as mitigation, have now been covered with lawns, decks and decorative bark. Mr. Perry said he was unaware of the details of the required mitigations, but would have a City staff member search the archive files and check if there were violations. To my knowledge, no investigation was done, nor was any enforcement implemented. It is important to note that Mr. Perry, since his retirement from the City, now serves as the applicant's representative on the Moon Camp project.
- With the exception of doing nothing, it is hard to imagine a mitigation less effective than putting flyers in the homes, as proposed by mitigation measure MM BR-1c. Since the homes would be built over the next 10-20 years, the RDEIR provides no assurance that these flyers would be placed in each new home. Nor does the RDEIR identify any method for informing future homeowners or residents as properties change hands. Homes in Big Bear Valley turn over on average every three years. This type of "mitigation" measure is clearly meaningless since the project applicant has no way of ensuring that each resident in a home has read the flyer nor that they would take the course of action necessary to ensure that the environmental resources are protected. In addition, the RDEIR provides no evidence that the County, or any other entity, would enforce these mitigations measures in perpetuity. Consequently, the EIR lacks the evidentiary basis to conclude that the Project's impacts to special status biological resources would be mitigated to a less than significant level.
- The questions and comments from the public scoping meeting and additional scoping letters that were not properly addressed in the 2010 DEIR are still not addressed in this RDEIR. Since this RDEIR's purpose is to inform the public, this skimming over of the issues makes the RDEIR evaluations insufficient. Please provide specific answers to each of the scoping questions and for those that are addressed in the text of the 2010 DEIR, state the page and paragraph in which the issue is addressed.

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- Portions of the project site have slopes that exceed 40% and some of the proposed lots would be developed on slopes that exceed 30%. Although the County code requires that slopes over 30% have a three acre minimum lot size, the proposed project contains only lots that are less than three acres. The RDEIR fails to identify this noncompliance with the County Code as a significant impact. In addition, the EIR fails to examine the environmental impacts that would accompany development on steep slopes. These impacts include but are not limited to geotechnical, erosion, drainage, water quality, fire hazard impacts and impacts to the adjacent National Forest. 10

- Certain sections of the original EIR were declared to have insignificant impacts and therefore not reanalyzed in the 2010 DEIR nor in this 2011 RDEIR. For some of these areas, this is an invalid assumption since conditions have changes since the original EIR. For example:
 - In 2007, the Big Bear Lake Municipal Water District identified the invasive quagga mussel as a threat to Big Bear Lake and passed an ordinance in May 2008, requiring all boats to be inspected prior to entry into the lake. There is a launch ramp proposed for this project, but the Recreation section of the original EIR that discussed the ramp has not been updated to discuss if or how inspections would be done at this ramp, whether a full-time inspector would be hired or what potential impacts this ramp could cause without proper inspection. Since this mussel has the potential to create extremely detrimental and significant impacts to Big Bear Lake, the EIR must analyze the environmental impacts associated with the construction and operation of this launch ramp based on this new information. 11

- Neither the 2010 DEIR nor this 2011 RDEIR evaluated the air quality degradation, the noise pollution, the impacts to traffic and parking or the severe impacts to aesthetics and to biological resources that would result from the construction of project infrastructure (e.g., water and sewer pipelines and other equipment). The 2010 DEIR identifies these impacts as “temporary” but fails to provide any analysis to support this assertion. CEQA does not distinguish between temporary and permanent impacts; impacts must be analyzed regardless of their duration. Furthermore, the project applicant is now proposing to change the route of pipelines and therefore the location of impacts but the RDEIR fails to identify or analyze any of these new impacts. Clearly, given the biological resources on the site and the proximity of the site to surrounding neighborhoods, the impacts associated with project-related infrastructure would be extensive. The EIR must, again, be recirculated to analyze these impacts and identify feasible mitigation measures for those impacts that are determined to be significant. 12

- This RDEIR, as with the 2010 DEIR, still fails to properly analyze Project alternatives. It does not identify any alternatives with less than 50 homes thereby allowing for the preservation of those portions of the site that contain the most environmentally rich resources. Nor does the document identify any off-site alternatives. An off-site alternative is particularly important because, even with mitigation, impacts to the eagle would remain significant and unavoidable. Inasmuch as the project site is used extensively by the eagle, the EIR must identify and evaluate alternative locations for the proposed Project. 13

"Executive Summary" Section Comments

- On page ES-2, the statement that there are no additional significant impacts besides to the bald eagle is erroneous. The project would result in significant impacts to the Ashy-Gray Indian Paintbrush (a Federally-Listed Threatened Species) and numerous other species; the RDEIR must analyze these impacts appropriately and be recirculated. 14
- On page ES-3, under the description of the 2011 Alternative Project, the RDEIR states that "impacts to the Ashy-Gray Indian Paintbrush are less than significant." This statement is erroneous. Since the analysis of this species is insufficient, the impacts have been understated and the mitigations are inadequate to reduce impacts. In addition, the overall discussion in the RDEIR regarding this Federally-listed Threatened species is presented in a manner to obscure the facts and confuse the issues and mislead the focus away from the true significance of the impacts. 15
- The conclusion on page ES-3, as well as in the Biological Resources section and in Krantz, 2010, that the area thought to be pebble plain is not a true pebble pain habitat due to the lack of two key indicator species is erroneous according to: 1) the U.S. Fish & Wildlife Service definition of a pebble plain habitat, 2) the U.S. Forest Service habitat determination rules and 3) previous publications by Dr. Krantz. Based on the following authoritative definitions, the Moon Camp site contains Pebble Plain habitat, so potential impacts must be properly analyzed and appropriate mitigations offered. These countering authoritative definitions are:

The "U.S. Fish & Wildlife Service Bear Valley Sandwort 5-year Review" in discussing pebble plain habitat on page 5, states:

"However, since the listing of the species, USFS botanists have documented several new occurrences of habitat that have only one or none of these indicator species (USFS 2002)."

This document is incorporated by reference into this letter. It is available at:
http://www.fws.gov/ecos/ajax/docs/five_year_review/doc1892.pdf.

The "U.S. Fish & Wildlife Service 50 CFR Part 17 Endangered and Threatened Wildlife Plants; Designation of Critical Habitat for *Arenaria ursine* (Bear Valley sandwort), *Castilleja cinerea* (ash-gray Indian paintbrush), and *Eriogonum kennedyi* var. *austromontanum* (southern mountain wild-buckwheat); Proposed Rules" on page 3 states: 16

"Each of the pebble plain complexes identified by the Forest Service supports all three of the pebble plain species with five exceptions: Coxey Meadow, Rattlesnake, Grinnell Ridge, Snow Valley, and Sugarloaf Ridge (USFS 2002). Coxey Meadow and Rattlesnake complexes do not support any of the three listed species and are not proposed as critical habitat. Grinnell Ridge and Snow Valley complexes support only *C. cinerea*."

This document is incorporated by reference into this letter. It is available at:
<http://www.gpo.gov/fdsys/pkg/FR-2006-11-22/pdf/06-9194.pdf>.

The "Pebble Plain Habitat Maintenance Guide" (Attachment D) published by the U.S.D.A. Forest Service in 2002 in specifying how to make habitat determination, directly contradicts the statements made by Dr. Krantz in the 2010 Krantz Survey (RDER Appendix A.11) with his own previous work:

"B. HABITAT DETERMINATION

Derby (1979) provided the first habitat determination for pebble plains. Her quantitative studies revealed that pebble plain habitat was characterized by the presence of two indicator species, *Arenaria ursina* and *Eriogonum kennedyi* var. *austromontanum*. These species were chosen because they occurred on all pebble

plains sampled and because they are both endemic to the San Bernardino Mountains. Derby further defined pebble plain habitat by the presence of oxidized clay soils with a saragosa quartzite component.

Subsequent work by Krantz (1983a, 1983b) revealed that pebble plains at the east and west ends of the habitat range fit the general soil description of pebble plains but did not always support both *Arenaria ursina* and *Eriogonum kennedyi* var. *austromontanum*. At the time of this discovery, conservation was focused on the more centrally located habitat occurrences that supported the highest densities of endemic species and/or the most "classic" examples of pebble plain. Consequently, little attention has historically been given to these atypical outlying occurrences. However, recent work by Forest botanists supports Krantz's findings, where several new occurrences of pebble plain habitat have been found that possess only one or neither of the indicator species.

These discoveries strongly suggest that a broader definition for pebble plain habitat is necessary to encompass the range of habitat characteristics present on the SBNF. In 2002, Forest botanists developed a point system to qualify pebble plain habitat. To qualify as a pebble plain, the area must possess at least four points, based on characteristics indicative of pebble plain habitat. Strong indicators, each worth two points, often occur on pebble plains and rarely occur off pebble plains. Weak indicators, each worth one point, often occur on pebble plains and frequently occur off pebble plains. Points are accumulated based on the following characteristics:

Strong Indicators (2 points each)

Clay soils
 Presence of *Eriogonum kennedyi* var. *kennedyi*
 Presence of *Eriogonum kennedyi* var. *austromontanum*
 Presence of *Ivesia argyrocoma*
 Presence of *Arenaria ursina*

Weak Indicators (1 point each)

Presence of *Allium parryi*
 Presence of *Antennaria dimorpha*
 Presence of *Arabis parishii*
 Presence of *Astragalus purshii* var. *lectulus*
 Presence of *Castilleja cinerea*
 Presence of *Dudleya abramsii* ssp. *affinis*
 Presence of *Echinocereus engelmannii*
 Presence of *Erigeron aphanactis* var. *congestus*
 Presence of *Eriogonum wrightii* var. *subscaposum*
 Presence of *Lewisia rediviva* var. *minor*
 Presence of *Mimulus purpureus*

Note: According to all the biological surveys in Appendix A of the RDEIR, the sensitive plant habitat on Moon Camp contains: Clay soils (2 points); *Ivesia argyrocoma* (2 points); *Castilleja cinerea* (1 point) and *arabis parishii* (1 point), for a total of 6 points, more than sufficient to qualify as Pebble Plain habitat under the U.S. Forest Service definition, which requires 4 points. Also, earlier surveys and documentation show additional indicator species being present on the site, as specified in Appendix A.8, which would further increase the already definitive point score.

The publication "A Guide to the Rare and Unusual Wildflowers of the Big Bear Valley Preserve" by Tim Krantz, a reference document cited in Biological Surveys in RDEIR Appendices A.7 and A.8, states on page 9:

"The clay soils covered with relict alpine plants are called "pebble plains" due to the layer of orange and white quartzite pebbles pushed to the surface of the clay by front heaving."

In summary, there is no question that this site contains Pebble Plain habitat. The premise that it is not true Pebble Plain appears to be nothing less than an ill-conceived attempt to obscure the truth and mislead the public and deciding officials.

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- Page ES-6 states that this RDEIR determines the short-term and long-term effects of this project and that it discusses both the direct and indirect impacts of the revisions, but that information is either missing from the RDEIR or insufficient in both the analysis and the discussion presented. Proper analysis and discussion of the short-term and long-term effects of this project must be presented in a revised DEIR and recirculated.

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- Page ES-6 discusses the creation of Open Space Lot H as a measure to compensate for the loss of a portion of Lot A. This new lot creation does not in any way compensate for the loss of a portion of Lot A since the habitat for the Ashy-Gray Indian Paintbrush continues to be reduced in size and in numbers and the pebble plain habitat—occupied habitat for several special status species—continues to be reduced in size. This information must be presented in its stark truth rather than being used to mislead and confuse.

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- The RDEIR does not analyze the environmental impacts that would result from the construction and operation of a new roadway between Lot A and Lot H, including the devastating impacts to sensitive plant habitat. Moreover, given the severity of these impacts, the RDEIR must present, with full analysis, alternative alignments that reduce or eliminate altogether these impacts.

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- Page ES-7 provides no evidence to support its conclusion that the redistribution of the developable lots “minimizes” impacts to the Ashy-Gray Indian Paintbrush. Other mitigation and/or project alternatives must be identified and analyzed to further reduce these significant impacts.

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- The mitigations offered on pages ES-8 through ES-14 do not reduce the impacts on the relevant species below the level of significance. (See detailed discussion in the Biological Resources section comments.)

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- The RDEIR fails to accurately identify key project components. For example, the total acreage specifications for the conservation easements varies in different parts of the document. Until these inconsistencies are resolved, it is not possible to verify whether these proposed conservation easements would protect the site's resources.

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- The RDEIR fails to include any explanation as to how mitigation compliance will be monitored and measured, as required under CEQA. Compliance and monitoring measures must be specified.

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- Page 1 of the 2007 Survey for Southwestern Willow Flycatchers states that the nesting season for various types of birds that utilize the site is March through July (underline added), but the mitigations for activities that could disturb the nesting restrict the activities only through June, creating a significant gap in the effectiveness of such mitigations.

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“Section 1: Project Description” Comments

- The RDEIR points out on page 1-2 that future development proposals must be considered on a demonstrated ability to provide adequate infrastructure and maintain consistency with the goals and policies of the 2007 Community Plan. The RDEIR fails to adequately analyze the Project's consistency with the Community Plan. Moreover, as

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the prior EIR makes clear, the Project applicant has not demonstrated that adequate infrastructure -- especially in the areas of water availability and fire protection services, including evacuation plans -- is available to serve the project. In addition, the proposed project fails to meet the following goals and policies of the 2007 Community Plan:

- "BV/LU 1.3 A. Residential density: the density of development for any tentative parcel map or tentative tract map in sloping hillside areas shall be in accordance with the following criteria: iii. One (1) dwelling unit per three (3) gross acres on slopes of greater than thirty percent (30%) gradient."

Note: None of the lots are three (3) acres even though the slopes in some areas are over 30%.

- "BV/CI 1.4 Preservation and protection of sensitive habitats shall have priority over road location, relocation or realignment, when other practical alternatives are available."

Note: The road proposed to exit on the east end of the proposed development bisects sensitive plant habitat and unnecessarily separates two conservation lots.

- "BV/CI 1.6 Minimize the traffic load on mountain major highways and mountain secondary highways by requiring projects to minimize direct access to these main circulation roads."

Note: The proposed development proposes four (!) new direct access points to Highway 38, over a very short distance.

- "BV/CI 5.1 Through the development review process, permit new development only when adequate water supply exists or can be assured."

Note: As prior comment letters make clear, there is no evidence that adequate water supplies exist to serve the proposed development. Certain alternatives for supplying water have the potential to adversely impact groundwater supplies and potentially adversely impact private wells in the project vicinity. In addition, as noted on the Big Bear DWP website, even with significant conservation efforts, there is insufficient water supply to serve build-out in the valley.

"Since 2001, the annual water demand has been reduced 30% through an aggressive water conservation effort by the community. While the DWP does not currently have adequate water supply on hand to meet the community's projected demand at build-out, its Board and staff are diligently working to secure additional supply to meet these needs in the future."

- "BV/CO 4.5 Natural drainage courses shall not be occupied or obstructed."

Note: The proposed project would completely occupy and obstruct the natural drainage course on the east end of the property and offers mitigations wholly inadequate to offer any assurance that the other drainage courses on the proposed project site would not be occupied or obstructed.

- As with the prior EIR's, this RDEIR fails to properly analyze or discuss the impacts of the requested zoning change from Rural Living with a minimum lot size of 40 acres to Residential zoning with a minimum lot size of 20,000 square feet. In fact, this proposed zoning change does not in any way meet the findings required by County Development Code 86.12.060 and therefore cannot be approved. At a minimum, the following qualifications are not and cannot be met by this proposed project:

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- “The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County.”
 - 1. By the EIR’s own admission, this proposed project would have a significant and unavoidable impact to the treasured bald eagle. The bald eagle is a prominent symbol of Big Bear and has become a major attraction. Clearly, a project that would significantly impact the eagle, and result in the eagles’ potential abandonment of the project site altogether, would be detrimental to the public interest. In addition, the project would impact other important resources such as the pebble plain habitat and would adversely impact National Forest public lands, as well as the Big Bear Lake, both located immediately adjacent to the site. These impacts would also be clearly detrimental to the public interest.
 - 2. The Project site is situated in a location with high potential for wildfire. The Forest Service, the agency responsible for fire protection in the area, has informed the County that the EIR has not evaluated the project’s proposed water alternatives with regard to its hydraulic effects on the existing Fawnskin water system. No evidence exists that fire flow rates are sufficient to protect the health, safety and welfare of the community.
- “The proposed land use zoning district change will provide a reasonable and logical extension of the existing land use pattern in the surrounding area;”
 - 1. The proposed development site is bounded on a majority percentage of its borders by National Forest and scenic shoreline. Compatibility to the National Forest is a key reason to maintain the status quo and not change the existing rural zoning.
- “The proposed land use zoning district change is in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised;”
 - 1. There would be no community benefits from the development of this proposed project. Instead, for the reasons set forth in this and other letters, existing uses would be compromised and the project would actually be detrimental to public interest.
- “The proposed land use zoning district change will not have a substantial adverse effect on surrounding property.”
 - 1. The project has the potential to adversely impact the ability of the Forest Service to manage its lands. As the Service explained in their 2010 comment letter, any impacts to plants in and adjacent to the proposed project site would increase the value and sensitivity of pebble plain habitat on National Forest lands. This would then reduce the flexibility and ability of the Service to conduct management actions such as hazardous fuel reduction on its other lands.
 - 2. Substantial uncertainty exists regarding water service to the proposed site. Certain alternatives for supplying water have the potential to adversely impact groundwater supplies and potentially draw down private wells in the project vicinity.
 - 3. Analyses of the Moon Camp wells presented in previous DEIRs show the likelihood that water in the low-lying well is being drawn from the Big Bear Lake, a surrounding property. In confirmation of this, in a TRT meeting for the Big Bear Lake DWP in April, 2010, it was discussed that Bear Valley Mutual wanted to meet with the DWP to discuss the DWP lower wells regarding the interconnect between the wells and the lake water. It was further discussed at that meeting how lake water could be going into the

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wells and Steve Foulkes, DWP Board President, stated that he agreed that probably water from the lake could be infiltrating the low lying wells. (See Attachment G.)

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- "The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvement in the vicinity in which the property is located."
 1. The proposed project site is located in an extreme fire hazard area. The site's steep slopes and highly flammable natural vegetation pose a tremendous threat of wildfire disaster. Allowing the development of subdivision on this site increases the risk of wildfire and also adversely impacts the ability of existing fire fighting agencies to meet current service demand. In this regard, the Project would adversely impact the Forest Service' ability to meet its current fire-fighting responsibilities because it would (1) stretch the Service's limited personnel, and (2) reduce the already limited water supplies in the Moon Camp and Fawnskin area. For these reasons, the site is not suitable for development.
 2. The proposed project site lies outside of the Big Bear DWP water service area and would require either an approval from LAFCO or the use of a currently unused County Service District, and since the actual water service plan has not been definitively specified nor proven, the site does not meet this code criteria.
- Since additional housing could be the only potential public benefit of this proposed project, there is, in fact, no public benefit for the following reasons:
 - There is already an over-abundance of available housing in the Big Bear Valley. With a many-year average of over 600 homes on the market in any given time period, this large surplus is more than sufficient to meet the area's housing needs. Adding a 50-unit subdivision cannot be considered a public need or benefit.
 - There is already an over-abundance of vacant buildable lots throughout Big Bear Valley and in Fawnskin, so there would be no public benefit from this increase in vacant lots.
 - Given the oversupply of housing in the area, approving a 50-unit subdivision does not override the loss of sensitive habitat and the extensive significant impacts to special-status species.
 - While a subdivision might be beneficial in an urban setting, it has no public benefit on a site adjacent to a National Forest and a scenic mountain lake.
 - The San Bernardino National Forest already stands out as having the highest percentage of development inside its boundaries of any National Forest in the country.
 - The history of real estate in the mountain area is one of steady turnover where opportunity always exists for new home buyers in this resort economy. With an average home ownership turnover rate of only three years in Big Bear Valley,

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- more housing cannot be considered as a public benefit in this predominantly wildland context.
- There is already substantial development on the south shore of Big Bear Lake and the north shore is regarded by residents and visitors throughout the valley as the quiet respite from the frenetic energy of the visitor resorts and population density on the south shore. 30 CONT
 - The original DEIR (2004) identified four major jurisdictional drainages (Exhibit 5.8-2), yet the 2010 DEIR omitted the western-most drainage (Exhibit 2-5). We question whether acknowledgement of this drainage may have been eliminated in the initial RDEIR because of the proposed road alignment. The current RDEIR continues to omit the western-most drainage (Exhibit 1-4). If this jurisdictional drainage no longer exists on the project site, please provide the revised Army Corp of Engineers or the California Department of Fish and Game jurisdictional delineations documenting this change in the Project site's wetlands. If, however, the drainage still exists on site and the proposed Project would impact it, these impacts must be identified, analyzed and mitigated. 31
 - Jurisdictional waters must be determined now as part of this RDEIR analysis. The current discussion is vague in stating that offsite mitigation will be done in the future if needed, but there is no analysis that there is offsite mitigation areas available that would actually reduce the impacts that would be result from the proposed project. 32
 - Keeping the jurisdictional drainages as part of the residential lots does not offer any mitigation for the species, including but not limited to the Southern Rubber Boa, the southern sagebrush lizard and other reptile species, that this RDEIR states will not be impacted because a setback from the drainage will be designated as unbuildable. There is no long-term enforcement that the drainage areas would not be blocked or otherwise destroyed by the eventual residents. (In fact, in the Castle Glen project, where drainages were actually fenced off as a species-protecting conservation easement, several residents have removed the fences to utilize the drainage as a continuation of their individual yards and there has been no enforcement initiated to remedy this situation.) In addition, this setback is only designated for the eastern most drainage, leaving the impacts for the others unmitigated. The conclusions in the RDEIR are drawn from inadequate information and insufficient analysis has been done to demonstrate impacts would be reduced to below significance with the suggested measures. 33
 - The 2011 Alternative Project Characteristics description downplays the continuing significant impacts this proposed development would have even with the changes and does not mention the increased impacts, such as loss of much of the sensitive habitat on Lot A, that had previously been planned for conservation. 34
 - With the new project design proposed, Lot A would now become the back yard of three housing lots. Placing these lots immediately adjacent to the conservation area greatly increases the potential for this area to be utilized as an extension of a back yard by children and pets, increases the edge effects (as defined in RDEIR Appendix A.7) that would be suffered by the habitat in Lot A and therefore, greatly increases the significance of the impacts to this area. The RDEIR provides no evidence to support its assumption that Paintbrush plants will be protected on Lot A and therefore cannot include the Lot A acreage as mitigation for the loss of this sensitive habitat. 35

- As with prior DEIR's, this RDEIR fails to define which water alternative would be selected and fails to analyze or discuss the impacts of said alternative on the surrounding homes, especially including those on private wells along North Shore Drive. 36
- While defining changes in the piping route for some water alternatives, the RDEIR fails to analyze or discuss the impacts to residents and wildlife of this construction which would take place throughout Fawnskin. At a minimum, there would be impacts in the areas of traffic, noise, air quality, aesthetics and biological resources. These impacts must be identified and analyzed. 37
- The Wastewater Service section on page 1-19 fails to analyze or discuss the impacts of the sewer line construction on North Shore Drive, which at a minimum would create impacts to traffic, aesthetics, noise and air quality. These impacts must be identified and analyzed. 38
- The proposed project plans call for the sewer lines to be dug and installed right through the middle of the sensitive plant habitat. The RDEIR provides no indication whether the calculation of loss of sensitive habitat includes impacts from the proposed realignment of the sewer lines. Having construction equipment traipsing across this habitat would result in severe impacts to the area. The EIR must quantify the loss of habitat that would result from the proposed sewer alignment. Analysis of these impacts must be presented, along with mitigations and possible alternative sewer line routes and their associated impacts. 39
- The presentation of Roadway Facilities on page 1-19 completely fails to mention the plans to construct a roadway that bisects the sensitive plant habitat, nor does it present any analysis on the impacts of this design compared with choosing another location for the roadway. This is in direct contradiction to the Bear Valley Community Plan policy (BV/CI 1.4) that "Preservation and protection of sensitive habitats shall have priority over road location..." The EIR must quantify the loss of habitat from the proposed roadway and identify feasible mitigation measures and/or alternatives capable of minimizing or eliminating these impacts. 40
- Page 2-55 of the RDEIR states that determination will be made as to the impacts of this project to the native plants and compliance with the provision of Division 9 of the County Development Code based on this RDEIR and the Forester's Report. No Forester's Report is presented; yet, conclusions regarding the significance of the impacts are drawn by this RDEIR. These conclusions cannot be drawn from incomplete or missing information. 41
- The proposed development project fails to meet several County General Plan goals and policies, including at a minimum:
 - "CO 1.2 The preservation of some natural resources requires the establishment of a buffer area between the resource and developed areas. The County will continue the review of the Land Use Designations for unincorporated areas within one mile of any state or federally designated scenic area, national forest, national monument, or similar area, to ensure that sufficiently low development densities and building controls are applied to protect the visual and natural qualities of these areas." 42

1. The current zoning of BV/RL-40 in fact meets this goal by providing the buffer area needed between existing development and the National Forest. There is no buffer offered by the proposed project. There is only a 100-foot building set-back, but since the actual lots run right to the forest boundary, this area would be considered 'back yard' area by residents and would do nothing to create a buffer. Also, except for the location of the initial house, there is no enforceability regarding placement of storage sheds, recreational areas, dog houses, etc. Increasing the zoning density would be in direct contradiction to this General Plan goal.
 2. A designated scenic highway, Highway 38, runs right through the middle of this proposed project site. This proposed project would not in any way protect the visual and natural qualities of this scenic area and thus would be in direct contradiction to this General Plan goal.
- **"M/LU 1.20** Closely review development projects on private land adjacent to National Forest lands to ensure that development projects are capable of meeting all development requirements within the project boundaries or other non-federal land. Provide opportunities for the U.S. Forest Service to consult with the County on development of private land that may have an adverse effect on adjoining National Forest land."
 1. The U.S. Forest Service submitted a letter commenting on the 2010 RDEIR. This letter identified the Project's extensive impacts on the Service, its lands and its sensitive environmental resources. This EIR ignores the majority of these comments. Examples include, but are not limited to:
 - The Forest Service requested that the project eliminate the plan for street lighting due to the severe potential impact on National Forest lands and because no other residential area in Fawnskin has street lamps, yet the plan continues to call for street lamps
 - The Forest Service pointed out that without a detailed soils erosion and sedimentation plan and geotechnical investigation of slope stability, it is impossible to determine whether significant impacts may affect the National Forest and Big Bear Lake, yet no new information has been presented.
 - The Forest Service states specifically that signing and CC&Rs would not be effective in preventing an increase in dispersed recreation and impacts on adjacent Forest Service land, but those continue to be the only mitigation measures offered.No changes have been made, mitigations offered or analyses done to address any of these or the other Forest Service comments. Completely ignoring these specific requests not only violates goal M/LU 1.20, but makes a mockery of its statement about providing opportunities for the Forest Service to consult on such projects. The Forest Service's June 4, 2010 letter is incorporated by reference into this letter.
 - **"GOAL M/OS 1.** Ensure the preservation and proper management of National Forest lands within the Mountain Region to maintain the alpine character of the region"
 1. The same comments as those made for the previous goal apply here. This goal is not met by this project as it is currently proposed.
 - **"GOAL CO 2.** The County will maintain and enhance biological diversity and healthy ecosystems throughout the County."

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- 1. A project that would significantly impact a very unique and rare pebble plain habitat, containing Federally-listed Threatened plant species and which would cause significant unmitigable impacts to bald eagles, as well as direct and indirect impacts to numerous other species is in clear violation of this goal. 45
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- **“CO 2.1** The County will coordinate with state and federal agencies and departments to ensure that their programs to preserve rare and endangered species and protect areas of special habitat value, as well as conserve populations and habitats of commonly occurring species, are reflected in reviews and approvals of development programs.” 46
 - 1. Rather than preserve rare and endangered species, the Project would result in significant unmitigable impacts to multiple species.
- **“M/CO 1.4** Designate and protect unique habitats supporting rare and endangered species.” 47
 - 1. As per comments above, this proposed project in no way meets this goal.
- **“M/CO 1.6** Prepare guidelines for the protection of eagle perch trees and spotted owl nest trees.” 48
 - 1. As pointed out by the Forest Service, the plans for the eagle perch trees are inadequate to effectively mitigate the impacts, and there are no mitigations offered for spotted owls (again as specifically requested by the Forest Service.)
- **“GOAL M/OS 2.** Improve and preserve open space corridors throughout the Mountain Region.” 49
 - 1. The proposed project would only serve to degrade and destroy open space corridors in this area.
- **“LU 1.2** The design and siting of new development will meet locational and development standards to ensure compatibility of the new development with adjacent land uses and community character.” 50
 - 1. The proposed project would be incompatible with both the adjacent National Forest and the character of Fawnskin and the North Shore.
- **“GOAL M/CO 1.** Preserve the unique environmental features of the Mountain Region including native wildlife, vegetation and scenic vistas.” 51
 - 1. Since this project, at the very least, would a) have significant and unavoidable impacts to the Bald Eagle, b) decrease the size and extent of sensitive plant habitat, especially for the Federally listed Threatened species Ashy-Gray Indian Paintbrush, c) severely impact several other unique and sensitive plant species, d) cause detrimental impact to several wildlife species, and e) destroy scenic vistas, it would not in any way meet this goal. In addition, no analysis has been presented in the RDEIR as to how this goal would be met.
- **“M/CO 1.2** Protect scenic vistas by minimizing ridgeline development that would substantially detract from the scenic quality of major ridgeline viewsheds.” 52
 - 1. The proposed project design calls for homes along the ridgeline completely ignoring this goal, and no analysis has been presented showing how this goal could be met.
- **“M/CO 1.7** Encourage conservation and sound management of the mountain forest character and natural resources, including water, streams, vegetation, soils and wildlife. Require the planting of native or drought-tolerant cultivar species, capable of surviving the mountain environment and climate.” 53
 - 1. Compared with the major destruction of streams, soils, special status vegetation and rare, protected wildlife, the minor and unenforceable

mitigation offered regarding native plants in no way brings the proposed project into alignment with this goal.	53
○ "GOAL M/CO 2. Maintain the health and vigor of the forest environment." 1. Approving this proposed project set immediately adjacent to the National Forest would be directly contrary to this goal.	54
○ "GOAL M/CO 3. Conserve and protect surface and groundwater resources to meet the needs of a growing mountain population, to support the mountain environment and forest watershed and to preserve the quality of life for mountain residents and visitors." 1. Even though a surface and groundwater resources analysis was requested by the Forest Service, the EIR does not include this analysis. In addition, as the Forest Service explains, the water extraction associated with the project would result in potentially significant impacts on riparian and wetland habitats. Consequently, the project is inconsistent with these goals.	55
○ "M/CO 3.1 Utilize open space and drainage easements as well as clustering of new development as stream preservation tools." 1. The currently proposed project ignores some drainage areas, does not offer easements for any of the drainage areas (only supposed non-buildable areas) and offers no clustering to assist in stream preservation, this goal remains unmet. In addition, no analysis is presented to show how the goal will be met.	56
○ "GOAL M/CO 5. Preserve the dark night sky as a natural resource in the Mountain Region communities." 1. The street lighting contemplated by the Project would result in significant impacts to community's treasured dark skies and, therefore, the project would be in violation of this County goal.	57
○ "M/CO 5.4 All outdoor lighting, including street lighting, shall be provided in accordance with the Night Sky Protection Ordinance and shall only be provided as necessary to meet safety standards." 1. No analysis or data is presented in the RDEIR to demonstrate that the street lighting being proposed currently is provided only "as necessary to meet safety standards," as would be required to meet this goal.	58
○ "M/CO 5.5 Allow for mountain communities' input on the need for, and placement of, new street lights." 1. Public comment has also requested no street lights be included in this project, but these comments have been ignored, thus violating this goal of community input.	59
A project that fails to meet such an extensive list of the County's General Plan goals cannot be approved. The RDEIR must present alternatives that would meet these goals.	60

"Section 2: Biological Resources" Comments

Although the RDEIR concludes that impacts to the bald eagle would be significant, it substantially understates these impacts. It has also greatly underestimated the impacts to the Ashy-Gray Indian Paintbrush, other Pebble Plain special status plants, and other biological resources, fails to provide proper data and analysis of any of the potentially impacted species, and fails to mitigate the impacts of these species to below significance. The following notes detail the inadequacies and inaccuracies in the RDEIR:

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- The discussion regarding the Ashy-Gray Indian Paintbrush on pages 2-45 and 2-46 is presented in a manner that obscures and confuses the information with the intent of leading to false conclusions that seem justified. The presentation switches between discussing the number of plants and the size of the habitat depending on which is most convenient to the desired conclusion, presents non-standard, misleading ratios and makes statements without supporting evidence or discussion as to how those conclusions were drawn or calculations made. The following points offer some examples:
 - Onsite mitigation can serve only as mitigation for the habitat and plants that are already located within the specified conservation area. It serves as mitigation for itself (that habitat and those plants already in the conservation area) since they would otherwise be lost if the proposed project was developed without setting aside that conservation area. The conservation area, therefore, cannot be counted a second time as mitigation for plants or habitat that are outside of that area. Those plants and habitat that would still be destroyed by the currently proposed project plans must be mitigated offsite. (Note: It is illegal under CEQA to utilize again an area previously used for mitigation. That would be "double-dipping." As a demonstration example: if a site had 10 acres of habitat that needed to be preserved, and 5 acres of it was preserved onsite, that would leave 5 acres that must still be mitigated. If the same 5 acres that was being preserved onsite could be used again as mitigation for the 5 acres not being preserved, then it would mean that the habitat could be cut in half with no further mitigation. That situation is completely contrary to the purposes of CEQA mitigation, yet is what is being attempted in this RDEIR.)
 - The onsite mitigation ratio calculated as 7:1 erroneously uses conservation area onsite a second time as mitigation for plants outside that area. The project has the potential to impact 5567 plants in total. The proposed project plans to set aside the area occupied by 4895 of those plants, so that set-aside or onsite conservation area serves as mitigation for those 4895 plants that would otherwise be impacted by the project. These 4895 plants are, therefore, being mitigated onsite in a 1:1 ratio of plants conserved compared with plants that would be impacted. That leaves 672 plants that must be mitigated offsite. (For the standardly defined mitigation ratio to actually be 7:1, there would have to be seven (7) times the original number of plants being conserved and since there are not 38,969 plants on the site, that is not possible.
 - When discussing the offsite mitigation for plants lost, the RDEIR suddenly switches from discussing the number of plants to discussing the size of the habitat. It can only be assumed that this switch is to obscure the fact that the offsite mitigation site contains only 21 plants (2010 Krantz survey, Appendix A). In continuing with the analysis based on the number of plants, since there are 672 plants located outside the conservation area and only 21 mitigated for offsite, that leaves 651 plants without mitigation. The resulting offsite mitigation ratio in terms of individual plant numbers would be 0.032:1. This offsite mitigation is inadequate, and the potential impacts to Ashy-Gray Indian Paintbrush remain significant.
 - There is no substantiating information documenting how the 10:1 ratio on page 2-46 was calculated or exactly what it is a ratio of.
 - The total mitigation ratio calculated as 10:1 on page 2-46 is wholly inaccurate, erroneous and misleading. The RDEIR states on page 2-44 that there is 18.01 acres of occupied habitat of the Ashy-Gray Indian Paintbrush. This entire 18.01 acres has the potential to be impacted by the project. Of that total habitat, 5.38

acres are being mitigated onsite (in a 1:1 ratio,) with the conservation areas being set aside. Beginning with 18.01 acres of habitat and conserving 5.38 acres, leaves 12.63 acres that must be mitigated offsite. (Note: Once again, the onsite 5.38 acre area cannot be used a second time to mitigate for the 12.63 acres because it is already mitigation for that 5.38 acres that would otherwise be destroyed by the proposed project without the conservation area.) The offsite area being offered is only 10 acres. Since that leaves 2.63 acres unmitigated, the offsite mitigation is inadequate, and the potential impacts to Ashy-Gray Indian Paintbrush remain significant.

To view it from the perspective of the overall ratio, and in terms of habitat acreage, onsite and offsite mitigation combined would be 15.38 of mitigation area for 18.01 acres of potentially impacted area, resulting in a mitigation ratio of 0.85:1. Again, this mitigation is inadequate, and the potential impacts to Ashy-Gray Indian Paintbrush remain significant. (Note: For the overall mitigation ration to be 10:1, the total onsite and offsite mitigation area would have to be 10 times the size of the original potentially impacted area, which would be 10 times 18.01 acres or 180.1 acres.)

- The offsite mitigation alone is 10 acres of mitigation habitat for 12.63 acres of impacted habitat, a ratio of 0.79:1. However, the offsite ratio for mitigation recommendation in the 2007 Biological Survey is 3:1, which is commensurate with the standard for offsite mitigation of plant habitat. That would require the offsite mitigation for the 12.63 acres to be 37.89 acres. Again, the mitigation is inadequate and the potential impacts to Ashy-Gray Indian Paintbrush remain significant.
- It is extremely misleading to calculate the onsite mitigation ration in terms of individual plant numbers but then calculate the total overall average in terms of occupied area. It would appear that this is a tactic to downplay the actual potential impacts. When discussed in terms of the number of plants, the onsite mitigation of conserving 4895 plants out of a total of 5567 sounds better than the fact that only 5.38 acres of the total 18.01 acres of occupied habitat is being conserved. But then for the total mitigation calculation, it looks better on paper to express it in terms of area size since the offsite mitigation only includes 21 plants even though its size is 10 acres. This purposeful disguising of the information verges on being fraudulent.
- It is standard in plant habitat mitigation to mitigate based on occupied habitat size, not plant numbers since the accurate counts are impossible in a single survey. In fact, in the 2010 Krantz Survey (in Appendix A), he states that his count numbers were reached by estimation.
- The RDEIR does not discuss how the 1.55 acres of impacted habitat was arrived at. From the appearance of the map in Exhibit 2-2, the lost habitat appears to be about the same size as the overall conservation area, or much larger than 1.55 acres. Was this measurement determined by measuring small patches around specific plants as opposed to taking the whole occupied area as habitat?
- According to the map in Exhibit 2-2, at a minimum nearly half the Ashy-Gray Indian Paintbrush would be lost, but rather than point this out, the discussion focuses on presenting the information in ways that attempt to obscure the facts.

Notwithstanding the egregious mathematical errors and deceptive presentation methods, the RDEIR provides no evidence to support the conclusion that impacts to the Ashy-Gray Indian Paintbrush would be mitigated to a less than significant level. The impacts to the Ashy-Gray Indian Paintbrush remain significant.

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- Equally, if not more important, the RDEIR may not rely on the Dixie Lee parcel as mitigation (MM BR-1a) for Ashy-Gray Indian Paintbrush. This parcel is already protected and conserved; it was set aside at least 20 years ago as mitigation for previous development. This parcel is fenced off. Independent conservation groups have repaired the fences and improved the signage to further protect this conserved pebble plain habitat.

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

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

(Note: This document is included in the hard copy version of these comments as Attachment H, but the electronic version is too large to send with the email submission.)

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In addition, the publication "A Guide to the Rare and Unusual Wildflowers of the Big Bear Valley Preserve" by Tim Krantz (referenced in the 2007 Biological Survey in RDEIR Appendix A.7) refers to this parcel on page 4 with the associated map marking the Dixie Lee site on page 5:

"Another short-and-easy walk is through the Sugarloaf Preserve, with an open, park-like pebble plain."

This Dixie Lee parcel has very high value and conservation importance, however, since it is already conserved, it cannot be used as mitigation for the Moon Camp pebble plain habitat. (The fact that the Dixie Lee parcel was not recorded is a failure in compliance with the mitigation requirements of that previous project and should be handled as such.) The EIR must identify an alternative mitigation site (i.e., one that otherwise might be developed) at a minimum ratio of 3:1 for the actual habitat that would be lost from project development. This alternative site(s) must be set aside in perpetuity with a conservation easement. However, since it is most improbable that available parcels compromising that amount of Ashy-Gray Indian Paintbrush can be even found, let alone obtained, this mitigation option is likely infeasible. Consequently, Ashy-Gray Indian Paintbrush remain significant and unavoidable. The EIR must be revised once again to identify an alternative that would minimize or eliminate altogether the project's significant impact on this rare plant species.

- The size of the actual pebble plain habitat on the Dixie Lee parcel in mitigation MM BR-1a is only about 5 acres. The ten (10) acres is the size of the parcel that is fenced. So, even if it could be used for mitigation, only the occupied pebble plain habitat could be counted. Also, according to the Krantz 2010 survey document (In Appendix A), at least 2 acres of this 5 has already been used as mitigation for Big Bear High School. The actual acreage must be surveyed and the details of availability specified accurately in the EIR. This mitigation does not contribute the stated amount of conservation area, thus, the potential impacts to Ashy-Gray Indian Paintbrush cannot be reduced to below significance.

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- The accepted protection mechanism for Ashy-Gray Indian Paintbrush includes mapping and protecting the entire host plant habitat rather than just where the actual paintbrush plants are located during any given survey. This technique is documented in the U.S. Forest Service Land Management Plan as stated:
 “**SBNF S1** - Avoid or minimize any activity that causes long-term damage to ashy-gray paintbrush host plants or host plant habitat in occupied paintbrush habitats (Arrowhead, Big Bear, Big Bear Back Country, Desert Rim, and San Geronio Places).”
 This same level of protection must be used in mapping and calculating the Ashy-Gray Indian Paintbrush habitat size and potential impact analysis rather than minimizing the size as has been done in the RDEIR. The Forest Service Land Management Plan -- San Bernardino National Forest Strategy is incorporated by reference into this letter. It is available at: <http://www.fs.fed.us/r5/scfpr/projects/lmp/docs/sanbernardino-part2.pdf>.
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- The statement in the 2010 Krantz survey document (RDEIR Appendix A.11,) that CACI (Ashy-Gray Indian Paintbrush) is a perennial plant, and therefore, should be identifiable in the appropriate season year after year, is misleading and inaccurate. Ashy-Gray Indian Paintbrush is a short-lived perennial and short-lived perennial plants act a lot like annuals, with population numbers fluctuating with climate. First, even with average rainfall, population numbers can vary depending upon, among other things, when that rainfall occurred and moisture absorption levels during that time period. In turn, the moisture absorption levels vary with rainfall heaviness, frequency, duration, season, both air and ground temperatures, previous rainfall, and much more. In addition, no one has been able to verify what percentage of a short-lived perennial's population actually grows above the surface in any given year or based on specifically what climatic conditions; for example, amount of rainfall or number of consecutive years with above or below average rainfall, the average air and ground temperatures during the rainfalls and average temperatures overall, etc. Therefore, the conclusions on page 2-4 are drawn from an erroneous initial statement and are, as such, invalid themselves. There has been no over-calculation of species present on the project site. In fact, since it is well-accepted among botanists that the entire population does not come above the surface in any given year, with some estimates that as little as 10% of a population may grow above the surface in any given year, the population has most likely been under-calculated and perhaps even severely under-calculated. The potential impacts to this species are more significant than have been stated and remain significant after all currently-offered mitigations.
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- First, the RDEIR has not adequately analyzed the impact to the Paintbrush because it does not disclose the severity and extent of the impact. The EIR should have evaluated the total loss of habitat and the loss of independent plants. Second, the EIR must avoid these impacts to the extent feasible. To this end, the EIR should have identified an alternative – other than the no-project – that avoids the impact to pebble-plain and the Paintbrush altogether. It did not provide such an alternative. Third, the EIR provides no evidence that the proposed mitigation would reduce impacts to the Paintbrush to a less than significant level. In this regard, the EIR identifies as its threshold of significance that a project would have a significant impact if it would “[h]ave an adverse effect on existing riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS.” Here, the RDEIR identifies the impact to paintbrush as significant. To mitigate for this impact, the RDEIR proposes the “conservation” of 4895 individual plants. While this mitigation measure purports to protect individual plants via a conservation easement, the project would nonetheless
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result in a net loss of individual Paintbrush (and pebble plain habitat). Consequently, by the EIR's own significance criteria, the Project – even with mitigation – would adversely affect a sensitive natural community. We attach the detailed policy prepared by the California Native Plant Society setting forth its mitigation guidelines regarding rare, threatened, and endangered plants. (Attachment E.) These CNPS Guidelines fully document the RDEIR's deficient approach to impact analysis and mitigation.

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- The statement in the Krantz surveys (in RDEIR Appendices A.9 and A.11) that plants observed during the 2007 White study do not actually exist is erroneous. Since, as stated above, the entire population of this short-lived perennial species does not rise above the surface in any given year, there is no way for Dr. Krantz to know, or even assert, that those plants previously observed on the southeast corner or in the middle section of the project site do not exist. These statements are inaccurate and misleading and these eastern occurrences must also be accounted for in measuring impacts and mitigations. In addition, the author of Appendix A.9 points out that there was Wright's matting buckwheat, as well as silver rat-tails, which s sometimes associated with pebble plains and according to the Forest Service guidelines that all host plant habitat be conserved, this eastern area must be acknowledged and addressed in mitigations.
- Though none of the Federally-listed Endangered Kennedy Buckwheat was observed on the site, there was an intergraded species observed (White, 2007) that included aspects of both the endangered species and the more common Wright's matting buckwheat. The RDEIR fails to mention this or discuss the meaning of this with regard to the potential for the site as Kennedy Buckwheat habitat.
- The mitigation of restricting construction to the rear of Lots 47, 48, 49 and 50 to prevent construction on the pebble plain habitat on ⁶⁴ sites, is ineffective (as can be shown by similar circumstances at Eagle Point Estates, Castle Glen and other developments in the valley), and even with the changes offered in the new language with this RDEIR, remains completely unenforceable. The pebble plain and Ashy-Gray Indian Paintbrush habitat in those lots must be set aside as conservation area or mitigated with an off-site parcel in a 3-to-1 ratio.
- Mitigation measures BR-1b and 1-c are vague and undefined and it is therefore impossible to evaluate their effectiveness. MM BR-1b states that a conservation easement will be recorded and that it "shall provide for the continued protection and preservation of the property." Yet, because the terms of the proposed easement have not been identified, it is not possible to determine whether the easement would sufficiently protect the Ashy-Gray Indian Paintbrush. For example, the EIR fails to include the following critical information: (1) identification of a conservation group that would manage these parcels; or (2) a description of the habitat management endowment (mentioned in BR-1a and 1b), including the dollar amount that would be set aside to ensure the protection of this sensitive habitat in perpetuity. These are not trivial details. In the absence of specific mitigation measures that are fully enforceable through permit conditions, agreements or other legally binding instruments, the EIR lacks the evidentiary support necessary to conclude that impacts to the Ashy-Gray Indian Paintbrush and pebble plain habitat would be mitigated to a less than significant level.
- Mitigation measures similar to the ones presented in this RDEIR for protected Bald Eagles and sensitive plant habitats have been proven ineffective in another local

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development (built by some of the same developers as the proposed Moon Camp project.) The Castle Glen/Eagle Mountain development approvals included mitigations/conditions of approval that were reviewed in 1989. (See Attachment B.) The recommendations in this review show the original mitigations to be considered ineffective in their protections. In addition, if these recommendations were never implemented, it shows that the purpose of the original mitigations/conditions of approval were meant only as a method for getting through the approval process rather than as actual ways to protect the biological resources on the site. Key concerns in this review were that, 1) eagle perch trees were located on actual development lots and 2) development areas were in direct line-of-sight of eagle perch trees. Yet, even though these are issues known to decrease the effectiveness of mitigations, the mitigations suggested for the proposed Moon Camp project create the same inadequate conditions—perch trees on development lots and development allowed in direct line-of-sight of eagle perch trees. These proposed mitigation measure have already proven to be inadequate and ineffective.

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In addition (and even if the additional recommendations from 1989 were implemented), the overall, medium-term result of the mitigations/conditions of approval was proven to be inadequate, based on conditions review documents since that time. A 2001 Review of Biological Conditions of Approval (Attachment F) states on page 3 that a total of 6 of the original eagle perch trees were identified as requiring replacement. It is unclear whether that replacement was ever done or what enforcement measures could require it to be. This document also states on page 5-6 that installation of a sewer main resulted in the loss of occupied Federally listed plant habitat and “eliminated some high quality pebble plain habitat with all three threatened species.”

A subsequent 2005 Conservation Easement Documentation Report (see Attachment C) serves to demonstrate that if eagle perch trees were replaced, that measure have proven to be inadequate (and if they were not replaced, the measure proves to be unenforceable.) The mitigations/conditions of approval established to protect the biological resources on the Castle Glen/Eagle Mountain development project did not do so, especially for the Bald Eagle, as stated on page 5 (Attachment C) of this attachment:

“Since 1983, the wintering population of Bald Eagles in the Big Bear Valley has significantly declined from numbers greater than 30 to only rare sitings on the Property.

In recent years, the Owner has reported that no eagles have been sited on the Property.”

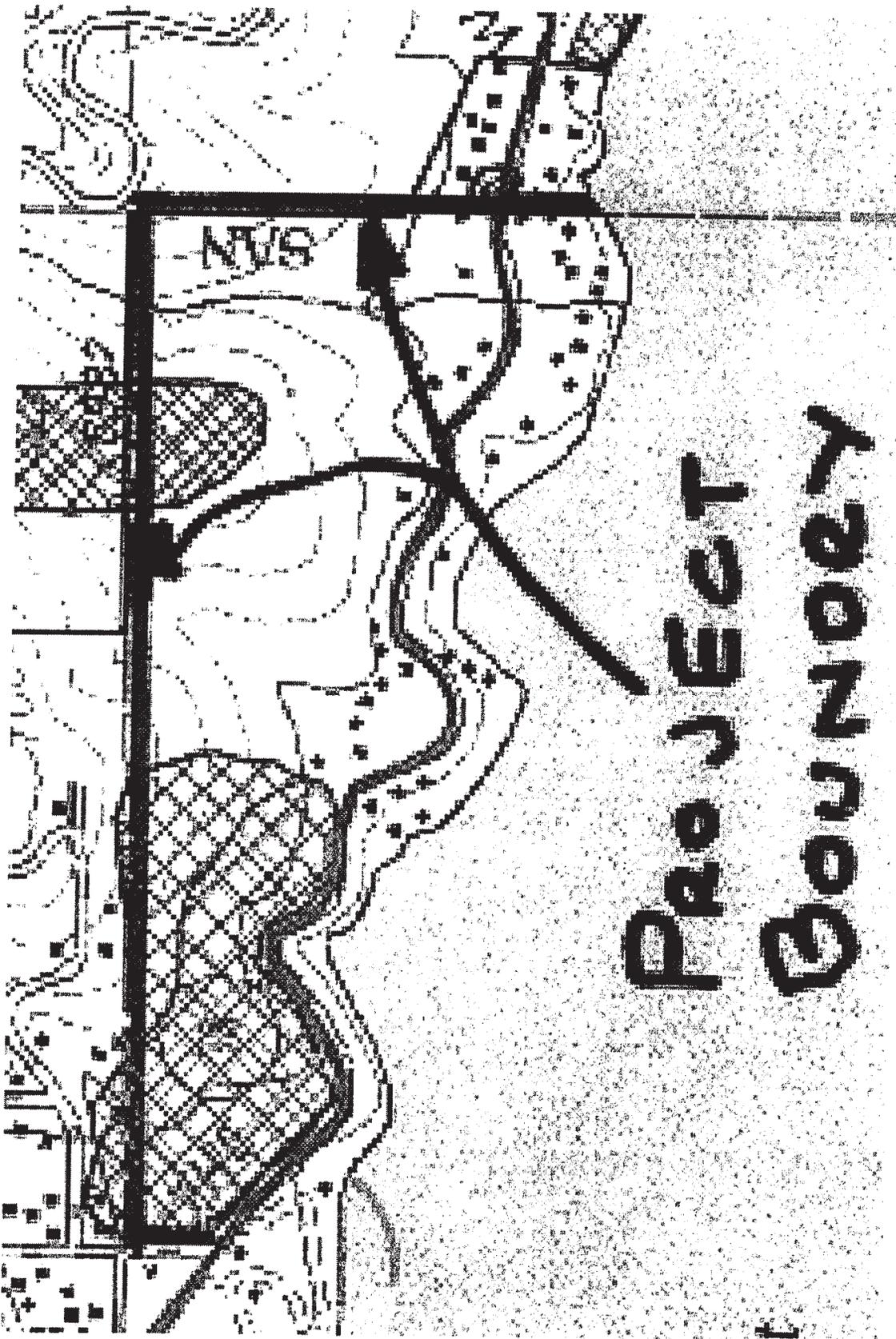
It is also noted in Attachment C on page 6 that “Several **trails** (footpaths) can be found on the Property.” and “Possible **encroachment** on the Property may have occurred by a neighbor who has dumped construction materials outside of his fence.”

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Beyond this, it should be noted, that the owner is now in the process of changing the terms of the conditions of approval on this Castle Glen/Eagle Mountain project, proving in yet another way, that these mitigations are wholly and completely inadequate and ineffective for reducing the significance of the impacts to biological resources.

Based upon this past concrete evidence for similar projects with similar (and in some cases identical) biological resources, the proposed Moon Camp project mitigations offered for Bald Eagles, for all sensitive plant habitats, and for all other species must be presented with data and analysis that demonstrates they would actually reduce the significance of the potential impacts in perpetuity. Without this accompanying data and analysis, the proposed mitigations in this RDEIR remain inadequate.

- The potential edge effects have not been accounted for in determining the appropriate size of parcels meant to mitigate for impacts to ashy-gray paintbrush or for impacts to the other pebble plains plants and habitat. This makes the proposed mitigations insufficient in mitigating the impacts to a level less than significant. 74
- The RDEIR fails to adequately evaluate the impacts on the pebble plain habitat on nearby National Forest just north of the proposed project site. The statements in the 2010 Krantz survey that no trails currently exist is irrelevant to evaluating the potential impacts and demonstrates the EIR consultant's profound misunderstanding of this issue. There are no trails because there is no development along the forest boundary. The proposed project would introduce human activity into the area and therefore threaten the ecological integrity of the pebble plain habitat on Forest Service land. In light of examples throughout the valley, the impacts from foot traffic and other intrusions into the nearby forest that would result from the increased proximity of homes would be potentially extreme. Moreover, the RDEIR ignores altogether the Forest Service' comment that the proposed mitigation calling for signing and CC&Rs would be ineffective in preventing an increase in dispersed recreation and associated impacts on these sensitive habitats. The EIR must be revised once again to (1) calculate the loss of pebble plain habitat on the Forest Service lands that would result from the proposed project and (2) identify feasible mitigation measures for this impact. 75
- The extent of the pebble plain/special status species plant distribution continues to be underestimated in the RDEIR mapping. The Forest Service mapping of that area, shown in the Exhibit 1 map below (marked in red cross-hatch), shows the area significantly larger and extending to the east, plus another area extending into the site from the pebble plain located on National Forest. It is highly probable that the recent decrease in mapping size is due to the combination of disturbed habitat from years of off-road vehicles crossing it and from the extended drought in recent years. It has been a relatively short recovery time since the area was fenced. According to Dr. Timothy Krantz, in statements made to this author regarding other pebble plain habitats in the Big Bear Valley, if the habitat once existed it will return if left undisturbed. His estimated timeframe for this return was a minimum of 10 years. Therefore the revised EIR must assume the largest historical extent of the pebble plain/special status species plant habitat for conservation purposes and for calculations of mitigation. 76



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Exhibit 1 – Pebble Plain mapping by the U.S. Forest Service.

- The RDEIR confirms that the Moon Camp site is a highly significant roosting and perching habitat for the remaining bald eagle population in the area. In fact, the report stresses that the “proposed project contains some of the most utilized bald eagle roosting and perching habitat in the Big Bear Valley.” But the revised assessment also points out that the proposed project, which is entirely dependent upon a discretionary approval by the County of a preferential zoning change, would have an extremely adverse effect on the Bald Eagle, which could not be mitigated. Given the importance of the Bald Eagle in the Big Bear Valley both biologically and economically, this is tantamount to saying that the project would be an extremely bad idea and is completely detrimental to public interest. 77

- Recent increased development in the Big Bear Valley has corresponded with the simultaneous decline in the population of wintering bald eagles, as shown by the Forest Service Bald Eagle count statistics shown in RDEIR Appendix A.2, that inhabit the area. In addition to being the national bird, the bald eagle has also come to symbolize the unique wildlife values of the Big Bear Lake area in the San Bernardino National Forest. Beyond its importance as a threatened species, the presence of the bald eagle in Big Bear is a popular attraction for the visiting public, widely featured in media publications. Such attention is a considerable benefit to the tourist economy that thrives on a major destination like the National Forest. The Forest Service Discovery Center on the north shore is the main visitor center for the local mountains. Eagle tours are the primary attraction in winter. The health and sustainability of the bald eagle is a critical indicator of the overall natural resource values of the National Forest in the Big Bear Lake area. This proposed project is an unwarranted commercial venture that would actively confer special advantages to the applicant at public expense and stands clearly as a detriment to the public interest in direct contradiction to the goals of both the County General Plan and the Big Bear Community Plan. 78

- The RDEIR states that perch trees are to be saved, however it does not assure that all of them will be preserved, (only that they preserved whenever possible), nor does it offer effective mitigations for guaranteeing that preservation long term. This mitigation does not reduce the significant impact to the Bald Eagle in any way. 79

- The proposed project design includes many of the eagle perch trees in developable lots, thus nearly assuring that these perch trees will not be protected either due to removal during building construction or because the tree has become a safety hazard. CEQA requires that all feasible mitigation be identified to reduce a project’s impacts. The EIR fails to include a mitigation measure or a project alternative that would place all perch trees, and especially the “most utilized perch tree on the North Shore’ (according to the Bald Eagle survey in Appendix A) in conservation lots. The EIR must be revised to include a mitigation measure that ensures: (1) these perches would remain standing, barring natural events; and (2) that each designated perch tree is maintained in a conservation lot large enough to guarantee that the tree would not be considered a hazard to individual lots. 80

- The EIR calls for the use of artificial perch trees (MM BR-4) to mitigate the project’s impact to the Bald Eagle, yet the document lacks fundamental details to ensure the effectiveness of this measure. First, the EIR does not identify the monitoring protocol for these perches. As discussed above, other developments in the valley, specifically Eagle Point Estates and Castle Glen (both by the same developers as Moon Camp) used artificial perches. When these perches fell down after a few years, they were not 81

replaced. Which agency would be responsible for monitoring the artificial perches associate with the proposed project? Who would be responsible to fund the replacement perches, should they be damaged or destroyed? What would be the replacement timeframes? How would placement of the artificial perches be determined so as to guarantee equal advantages to the Bald Eagle as the original perch tree, etc.? These are not trivial details. The EIR must be revised to address these serious flaws in the EIR's proposed mitigation measures.

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- Although the RDEIR acknowledges, on page 2-29, 2-30, that the Bald Eagle could potentially nest on the project site, the document does not identify, analyze or mitigate impacts to nesting eagles. This is a serious violation of CEQA sufficient, in and of itself, to warrant recirculation of the EIR. Moreover, since the EIR proposes no mitigation for impacts to nesting eagles (e.g., pre-construction surveys, buffer zones, construction during non-nesting season), the project could result in a "take" pursuant to the Bald and Golden Eagle Protection Act. In addition, inasmuch as human activity that is within close proximity to eagles' nests interferes with nesting, perch trees on developable lots are ineffective for mitigating impacts to the eagle.

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- The RDEIR acknowledges the site is used extensively by bald eagles and numerous other sensitive wildlife species. Although the project would cause both direct and indirect impacts to the habitat on this site, the EIR fails to even quantify the total loss of habitat, or analyze how specifically the loss of this habitat would effect the bald eagle and each of the other sensitive wildlife species that would result from this habitat loss. The closest the EIR comes to an analysis are a few vague, non-descriptive conclusory sentences: First, the EIR asserts, "the loss of habitat, loss of wildlife, wildlife displacement, and habitat fragmentation that would result from construction of the 2011 Alternative Project would not be considered significant because these impacts would not substantially diminish habitat for wildlife in the region nor reduce any specific wildlife populations in the region to below self-sustaining numbers." This conclusion, however, is pure speculation; there is no data or analysis accompanying it. CEQA requires that a project's conclusions be supported with evidence and analysis. What are, for example, the "self-sustaining numbers" for each of the impacted species? At what point would habitat fragmentation be considered to significantly effect an individual species? Would the loss of habitat on the project site cause the current eagle population, for example, to completely abandon the site? At what point would the site's habitat become so marginal that other sensitive wildlife species would no longer find it to be suitable and abandon the site? What are the specific impacts to the eagle and other species from some of the specific project components, such as the proposed marina? None of this information is provided. The EIR attempts to further evade its obligation to conduct a species-specific evaluation when it asserts that the "loss of foraging habitat [for many species] would be considered adverse, but less than significant due to the limited amount of habitat loss relative to the availability of foraging habitat for [species]." Again, the EIR provides no analysis or evidence to support this conclusion. Without an actual species-by-species analysis, how can the EIR authors be apprised of the "amount of habitat loss relative to habitat availability?" The Project site's invaluable biological resources mandate a clear and thorough evaluation of impacts to affected species. In the absence of a detailed evaluation of the Project's impact on each of the wildlife species that rely on the habitat found on the project site, the EIR has no basis to conclude that impacts on sensitive wildlife species would be less than significant. Because the EIR fails to conduct this necessary analysis, it inappropriately concludes that the impacts would be less than significant. Inasmuch as the duty to mitigate follows

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the identification of a significant impact, the EIR fails to provide any mitigation for impacts to numerous sensitive wildlife species. Nor does the EIR identify cumulative loss of habitat (e.g., the loss of habitat from the project and other past, present and foreseeable future projects) or analyze how this loss of habitat would impact each of the affected species. These fundamental project-specific and cumulative impacts must be disclosed so that decision-makers and the public are provided the opportunity to understand the environmental repercussions of the Project.

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- The Marina Point development project, also known locally as "Cluster Pines," immediately adjacent to the proposed Moon Camp project, is now proceeding forward, yet has not been considered in the RDEIR with regard to the severe cumulative impacts to the bald eagle. The following statement from a 2002 Forest Service BAER (Burn Area Emergency Response) document shows the significance of the cumulative impacts:
"Two parcels on the north shore of Big Bear Lake (Cluster Pines and Moon Camp) are the last large area of undeveloped private land along the lake... Both sites are part of the "Fawnskin pair's" territory that is centered at Grout Bay. Development of the two parcels would substantially reduce the suitable foraging/perch habitat available for eagles. On any given day during the fall and winter, the greatest concentration of waterfowl on Big Bear Lake is usually found along the shoreline of Moon Camp and Cluster Pines in and around the Cluster Pines jetties and in the bays to the east of the jetties. These shoreline areas provide shelter and foraging sites relatively free of disturbance and sheltered from wind and waves. If the two areas are developed, significant foraging habitat will be lost along with important perching areas. As the other parts of Big Bear Lake's shoreline have been developed, the Moon Camp/Cluster Pines area has become more important for waterfowl and for bald eagles. Sometimes during the winter as many as 8-9 eagles concentrate in that area."

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These cumulative impacts must be fully analyzed in the EIR and more effective mitigations offered to reduce the significance of this cumulative impact.

- Several important perch trees on the proposed project site, including at least two of the perch trees designated on the map in the RDEIR, have already been lost recently due to cutting by the electric company, road maintenance or other tree-cutting on the site. This information has been omitted from the RDEIR analysis as part of the discussion regarding the already fragile nature of these perch trees. This makes the remaining perches even more key to the foraging Bald Eagles and requires additional mitigations to assure the safety of those trees for as long as natural circumstances will allow. The current mitigations (MM BR-4) are inadequate and unenforceable and do not reduce the significance of the impact to the Bald Eagle.
- There is at least one significant Bald Eagle perch tree that has been omitted from the mapping presented. On the lake side of the Highway 38, immediately adjacent to the proposed marina parking entrance, there are currently two trees used extensively for foraging by Bald Eagles. These maps must be updated and made accurate to properly evaluate potential impacts and appropriate mitigations.
- There is no discussion in the RDEIR regarding the impact to foraging habits of the Bald Eagle when houses are built on the slopes above the perch sites. Bald Eagles were known to frequently utilize the lakeside slopes below the Castle Glen development prior to that development and in fact, the foraging area was set aside as conservation for the

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Bald Eagle. However, since homes have been built above those eagle perches, Forest Service eagle count data at the individual location sites shows that eagles using that area for foraging much less frequently. Building and human activity in the line of sight of perch trees was also discussed in the Castle Glen conditions review (Attachment B) and the decrease in numbers was documented in the conservation review (Attachment C) Since this Moon Camp proposed project would have homes on the slopes above and in direct line of sight of the perch trees that are being preserved as mitigation, this information must be analyzed and mitigations offered to reduce any increased impacts from this situation.

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- Activity below and near Bald Eagle perch trees have an impact on the frequency that the tree is used by the eagles. This additional impact, even for perch trees that would remain, still has not been included in the analysis of the impact on eagles, nor has any mitigation been offered to reduce the activity below and near these trees. This is especially significant for the perch trees immediately adjacent to the proposed marina and marina parking area. Additional mitigations must be offered to reduce the significance of this impact as much as possible.
- Requiring 24-inch replacement trees for trees larger than 24-inch dbh does not reduce the significant impacts to the bald eagle. The cut trees could be many times larger than these replacement trees and ready to serve now or in the near future as Bald Eagle perch trees, whereas these tiny-by-comparison trees would take decades to grow to a size to actually serve as replacements. The only way to effectively mitigate is to require that no trees over 24-inch dbh be cut, in other words, for this development project to not be built.
- The project description continues to use site descriptions that were created for earlier drafts of the DEIR, including an average density of 44.4 trees per acre, plus the relative sizes of open Jeffrey pine forest and pebble plain. Since many trees on the property have died and been cut since those descriptions were created, these are no longer valid and must be updated and made accurate.
- There are wetlands on the proposed project site below the highway. While a small portion of this wetlands has been set aside on the west end as public lake access, no mitigation has been specified for the impacts to the remaining portions of the wetlands that would be destroyed by the marina parking, marina and launch ramp.
- As stated in comments under the Executive Summary section, the conclusions drawn in this RDEIR that no pebble plain exists on this project site are erroneous. As per the cited definitions stated above, pebble plain habitat does exist on this proposed project site and mitigations must be identified accordingly. Rather than offering sufficient mitigations for this Pebble Plain habitat, this new proposed project design promises to increase the significant impacts over the previous design by planning developable lots (Lots 1, 2 and 3) on portions of the habitat. This information has been obscured with unsubstantiated claims that the new design would reduce impacts.
- The map of Occupied Ashy-Gray Indian Paintbrush and Pebble Plain Soil Conditions in Exhibit 2-2, inaccurately leaves portions of the proposed road unmarked in designating the areas that would be impacted. This area, though it may have been damaged through vehicle use across it in the past, would recover given sufficient time

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undisturbed, as per statements made by Dr. Tim Krantz to this author regarding other similar areas in the valley. Since the area is not marked on this map, it most likely was also not included in the calculations regarding the size of the area that would be impacted by this proposed development. This omission must be remedied and proper impact area size must be calculated and included in determining the significance of the impacts and the appropriate size of mitigation areas.

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- It has been shown throughout the valley during fire hazard abatement operations that disturbing the ground opens the doorway for highly invasive plant species, especially including cheat grass and as a result, abatement operations now lay down a layer of wood chips on disturbed ground to minimize this impact. The RDEIR fails to take into consideration and fully analyze the additional impacts on the special status plant habitat and individual species that would result from land disturbance of the surrounding area and the introduction of these invasive species. To properly evaluate and consider potential long term impacts of this proposed project, this information and analysis must be presented. 94
- The shoreline of the site has been identified as habitat for the southwestern willow flycatcher, but no mitigation has been specified for the impacts to that habitat for the portions that would be destroyed by the marina parking, marina and launch ramp. 95
- The mitigation offered for the destruction of flying squirrel habitat, a flyer telling people that their cats might harm them, has absolutely no chance of creating any reduction in the impacts to the flying squirrel. No data or analysis of the actual impacts to the flying squirrel has been presented in the RDEIR. Accurate and sufficient analysis must be done and serious mitigations that have been proven to be effective must be proposed. 96
- The San Bernardino County Native Plant Protection policy regulates removal of trees greater than 6 inches at breast height and recommends an arborist survey regarding the Jeffrey pines and other native forest trees on the site. No arborist survey has been done. The mitigations discuss only trees over 20 inches. 97
- Mitigation MM BR-5 on tree removal has no long term enforceability and is therefore ineffective as mitigation. Who will be checking if individual property owners call an arborist and ask for trees to be removed? 98
- The analysis and evaluation of the Southern Rubber Boa habitat in the RDEIR is inadequate to determine that the impact would not be significant. The surveys stop short of following recommended DFG protocol. The analysis does not take into account that it is a secretive species, difficult to find in surveys. The discussion and conclusions are based on out of date information, especially regarding the statement that the habitat primarily runs in a 10-mile strip near Crestline. Current Forest Service species habitat mapping includes the proposed project site as being within the habitat of this species. This species was found at the Big Bear dam construction site and has now been recorded near the dump on the east end of the valley, thus demonstrating that the habitat spans this project site. Since the site does offer suitable habitat and is within the area mapped as habitat, offsite mitigation must be offered at a minimum of a 2:1 ratio, meaning the mitigation site must be 2 times the size of the size of the habitat that would be lost. 99

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- The mitigation for the state-listed Threatened species southern rubber boa is inadequate at actually preserving habitat since the set-backs from the drainage would be on private lots and there are no enforcement options provided that would assure its effectiveness. What agency will be monitoring that no clearing takes place after the lot is sold? The habitat should not be included in private lots and mitigations proven effective at reducing impacts must be proposed. 100
- The RDEIR is incomplete in its analysis of the impact on current wildlife movement and local travel routes through the proposed project site. It makes a blanket conclusion that there is sufficient access to the east, but does not consider the great distance that eastern route would entail for some species that in general do not travel that far. The analysis of the impacts on all aspects of wildlife movement must be broken down by species with data presented to demonstrate any conclusions that are drawn. The information in the RDEIR is inadequate to determine the impact would be less than significant. Proper and complete data and analysis must be presented. 101
- The RDEIR misleads on page 2-55 by stating that the travel route for this site is diminished due to the dangers associated with crossing Highway 38. Since Highway 38 runs the full length of the north shore of Big Bear Lake, the same conditions exist everywhere equally and are irrelevant to the discussion of the impacts that would be caused by this proposed project. These impacts to wildlife movement and travel routes must be reanalyzed and presented with full disclosure. 102
- Mitigation MM BR-11 has already been proven to not be effective in other areas of the forest, according to the Forest Service comment letter on the 2010 DEIR. There are no reasons given nor data presented to demonstrate why this measure could be expected to be effective at this site. 103
- There is no agency that could conceivably be expected to follow through on checking to be certain that homeowners are not planting invasive or non-native species. This mitigation remains unenforceable and therefore would not reduce potential impacts. Unless the developer plans to have a round-the-clock staff-member permanently assigned to the site in perpetuity to check, verify and approve all homeowner plant purchases and plantings, this mitigation is ineffective. 104
- There are no mitigations offered for the impact of the 100-foot fuel modification set back that would be required along the boundary of the National Forest. In addition, the Forest Service comment letter on the 2010 DEIR points out that in some cases the set back must be 300 feet, but there is no analysis in the RDEIR taking this into consideration even with a new proposed project design. 105
- The discussion and statements on page 2-56 that the impacts “on special status plant species are less than significant” is erroneous. At a minimum, this discussion completely omits any mention of special status plant species such as the Ashy-Gray Indian Paintbrush and other pebble plains plants that were, in fact, found on the site and would be impacted to a greater than significant level. 106
- Though Parish’s Rock-Cress, a special status species plant, was found during all biological surveys to be “in scattered patches throughout the pebble plain and open 107

Jeffrey pine forest on the project site," no analysis is presented regarding the potential impacts to this species or how those impacts would be mitigated.

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- No information or analysis has been presented in the DEIR regarding this site being a 50-year or 100-year flood plain, yet historic photographs (Exhibit 2) show that to be the case. (Though the quality here has been difficult to reproduce, the original photograph, on file with the Forest Service Fawnskin offices, clearly shows the flood plain.)

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Exhibit 2--



- With regard to all of the special status plant species, no analysis is presented regarding the overall ecology of the habitats, including but not limited to the full cycle of the plants, seed banks present, seed dispersal and block pollination and what impacts would result from this proposed project. In addition, there is no data presented regarding how a reduction in size of the occupied habitat would impact this overall ecology. Without this complete analysis and discussion of the whole picture for these species, no conclusions can be drawn regarding the full significance of the impact on the habitats and their associated species. 109
- Even though portions of this site have been mapped by the Forest Service as suitable spotted owl habitat, and it is acknowledged that the site is used for foraging and that at least one nesting area is nearby, no actual analysis of the impacts to this species has been offered to draw the conclusion that the impacts would be less than significant and no mitigations have been offered for the loss of suitable habitat. 110
- The evaluation of the impacts to spotted owl does not take into consideration that this site is also flying squirrel habitat and that impacts to the flying squirrel would also increase the impacts to the spotted owl since this squirrel is its primary food source. Since the mitigations for impacts to the flying squirrel remain inadequate and unenforceable, the impacts to the spotted owl also remain more significant than has been presented in this RDEIR. There is no proof that these impacts would or could be mitigated to a less than significant level. 111
- By focusing on a tiny portion of the County General Plan on page 2-56, the RDEIR misleads the discussion away from the fact that there are many other goals within the plan that are not being met by the proposed project. All the Goals from the County General Plan regarding natural resources must be taken fully into consideration by the RDEIR in the evaluation of the biological resources and the potential impacts that could be created from this proposed project. The discussion in the RDEIR does not cover the individual goals or how the proposed project will meet them. The goals that would not be met, as stated in the 1989 General Plan, include, but are not limited to the following list. The RDEIR must present data and discussion demonstrating how each of these goals would be met by the proposed project. 112

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

C-1 Natural Resources are a necessity to the quality of life within San Bernardino County and it is desirable to maintain them to the greatest extent possible.

C-2 Certain scarce natural resources are best managed for preservation. These include biological resources, cultural resources, air quality, groundwater supply and quality, and open space.

C-4 Maintenance of the natural resource base of the County requires prudent stewardship in coordination with appropriate agencies and interested groups.

C-6 Preserve rare and endangered species and protect areas of special habitat value.

C-7 Conserve populations and habitats of commonly occurring species.

C-8 Establish plans for long term preservation and conservation of biological resources.

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

C-34 Conserve as many of the County's natural resources as possible and ensure the protection and preservation of traditional regional park values for the benefit of future generations.

C-35 Provide and preserve large open-space areas for both active and passive resource values.

C-36 Include, protect and manage areas having natural values of regional significance.

C-38 Protect the alpine character and environment.

C-39 Protect the forest watersheds.

C-41 Throughout the County, protect natural slopes and topography.

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

Summary and Conclusions

Protecting the interests of the public – both today's as well as tomorrow's, is of the highest calling for government officials in the political arena. Private individual financial concerns should never be placed ahead of the public interest, and indeed, San Bernardino County Development Code forbids it in its findings requirements necessary for changing existing zoning. The proposed Moon Camp development project would be, in all aspects, severely detrimental to the public interest.

Maintaining the current zoning for Moon Camp is essential. The Moon Camp site is a facet in the North Shore jewel – one square on the grid, and most radiant in its natural state. Construction would deface this natural beauty and obliterate its radiance by destroying critical portions of the County's environmental richness. Public interest, and indeed, the County's own General Plan, dictates that this richness be guarded and preserved, not only for the short-term enjoyment of the current population and visitors, but as a legacy for future generations to enjoy and appreciate.

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The open land of the North Shore, with its proximity and availability to millions 'down the hill' is truly an irreplaceable treasure of southern California. There is no other place quite like it with regard to beauty, accessibility and open forestland. This area must be viewed as a County and California asset. Residential development at this site is completely inconsistent with County General Plan goals and policies, County Development Code regulations, state and federal laws governing sensitive and listed wildlife and plant species, clean water and clean air, and the goals of "Scenic Highway" designation. Changing the zoning to allow for development here would be unconscionable.

Certainly, the County should not consider this Project any further in the absence of a legally adequate EIR. We strongly disagree with the analysis in the RDEIR that changing the existing land use designation to accommodate a major development would result in a less than significant impact to the surrounding community, the San Bernardino National Forest, environmental quality, public resources, public values and public rights. The impacts on all biological resources are much more significant than has been identified, analyzed or mitigated for by the RDEIR. Sufficient and true analysis of the impacts on these biological resources is

obscured or missing in every case. The actual potential impacts, rather than the downplayed, under-estimated or omitted impacts, must be presented to the public and to public officials for them to have proper understanding and make informed decisions.

More than sufficient current housing exists for sale in the Big Bear Valley and in the Fawnskin area. Many residents are 'part-time' dwellers and/or own undeveloped lots within existing zoning. Given this excess, rezoning Moon Camp cannot be considered to be in the public interest. On the contrary, it is squarely in the interest of the developer. The fabric of the forest is not in buildings; it is the quiet solitude of open space. Fawnskin is saturated. To maintain its character and beauty as the County treasure that it is, it needs to retain its open spaces, not be forced to absorb unsustainable development.

The proposed project requires a General Plan Amendment to offset the existing conflict and, with that, would actively confer special advantages to the applicant. These special advantages can only be granted at significant expense and detriment to the public. In addition, even in the omission and underestimation of impacts, the RDEIR conclusions state a finding of 'significant and unavoidable impacts.' With that, the County must site overriding circumstances for this project to be legally approved.

With such detriment to the public interest, there are no justifiable 'overriding circumstances' that could possibly be cited to warrant the approval of this Project. For all of the above reasons the proposed General Plan Amendment should be denied.

We appreciate the opportunity to comment on this Revised and Recirculated Draft Environmental Impact Report No. 2 and thank you for your consideration of our comments.

Sincerely,



Sandy Steers
Executive Director, Friends of Fawnskin

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Friends of Fawnskin (FOF2)

Response to FOF2-1

The County of San Bernardino acknowledges the commenter's general concerns and objections about the Project. The commenter's concerns will be forwarded to the County of San Bernardino decision-makers prior to consideration of the Project for approval.

Response to FOF2-2

Contrary to the commenter's assertions, the RRDEIR No. 2 analyzes the impacts of the Project on current existing environmental conditions. The commenter is correct that the Executive Summary portion of the RRDEIR No. 2 does contain a discussion and summary of the evolution of the Project since the release of the original Notice of Preparation in 2002. However, this discussion is for informational purposes only and does not form the basis for the analysis and significance determinations included in the RRDEIR No. 2. The analysis included in the RRDEIR No. 2 is based on impacts of the 2011 Alternative Project as designed and discussed in Section 1 of the RRDEIR No. 2, page 1-9 to 1-11, on the existing environment.

Response to FOF2-3

The commenter is concerned that Mitigation Measure BR-1c (RRDEIR No. 2, page 2-57) is ineffective in that it is written in a manner that is vague, voluntary, and unenforceable and therefore would be ineffective at protecting the site's sensitive plant species. Mitigation Measure BR-1c (RRDEIR No. 2, page 2-57) is intended to provide protection for the Open Space/Conservation Areas identified on-site. The specific provision at issue includes provisions to be included in the Project's CC&Rs restricting access to the Conservation Areas, including provisions allowing the Homeowner's Association, individual residents within the Project, and/or the County of San Bernardino the ability to enforce any violations of the prohibitions intended for the protection of sensitive plant species located within Lot A and Lot H (RRDEIR No. 2, pages 2-57, 2-58). In order for a mitigation measure to be legally adequate pursuant to CEQA, the measure must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4(a)(2)). Mitigation Measure BR-1c (RRDEIR No. 2, page 2-57) is fully enforceable by requiring provisions to be inserted in the Project CC&Rs prohibiting access to the restricted Open Space/Conservation Areas and providing multiple entities (the Homeowner's Association, individual residents, and County of San Bernardino) with the ability to enforce these restrictions. CEQA does not require conclusive evidence that the restrictions will be enforced, only that the mitigation measures are accompanied by enforcement mechanisms that make the measures enforceable. Accordingly, the mitigation measure is fully enforceable and therefore legally adequate pursuant to CEQA. However, to clarify and strengthen Mitigation Measure BR-1c, it has been revised as follows:

BR-1c

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

- Except for access by residents to Lot B & C between April 1 and December 1, restrict access by pedestrians and motor vehicles to the Conservation Areas. The Conservation Areas shall be secured through installation of fencing or other barriers to prevent access to Conservation Areas. Barriers shall be installed prior to commencement of any construction activities on-site. The Project Applicant

shall also include provisions in the CC&Rs for the Project instituting penalties to residents who violate the restrictions and cause any damage to the protected plant habitat and Bald Eagle perch trees.

- Include enforcement provisions in the CCR's ~~allowing~~ requiring the Homeowner's Association, individual resident within the project, the Conservation Entity, and/or County of San Bernardino to enforce any violation of the provisions intended for the protection of sensitive plant species located within Lot A and Lot H.
- Install appropriate signage identifying Conservation Areas and the sensitive nature of such areas on the Project site and that access is prohibited. The Conservation Areas shall be monitored on a regular basis by the Conservation Entity.
- Prohibit use of invasive plant species in landscaping. Each lot owner shall be given a list of prohibited invasive plant species upon purchase of lot with the parcel. Landscape plans for individual parcels shall be approved by the County prior to development to ensure no inappropriate plant material is incorporated into the design of any individual lot or common area which may compromise the quality of the Conservation Areas.
- Development may not change the natural hydrologic conditions of the Conservation Areas. All grading plans shall be reviewed by the County to ensure hydrologic conditions of the conservation lands are not adversely changed by development.
- ~~The Project Applicant or appointed conservation entity~~ Appointed Conservation Entity shall monitor Conservation Areas on a periodic basis to ensure invasive, non-native species are not present. All non-native invasive plant species shall be removed from Conservation Areas.
- Fuel modification zones and programs shall not be implemented in Lots A and H.
- The Conservation Entity shall prepare an annual biological monitoring report identifying the current status of the rare plant species and any necessary actions to further enhance and protect the habitat.
- The Conservation Entity shall conduct routine monitoring of rare plant resources on Lot A and H. The occurrence of non-native species outbreaks, or other examples of ecological disturbance as a result of indirect impacts of development in and around Lots A and H shall be reported in the annual biological monitoring reports and remedial action shall be recommended and implemented by the Conservation Entity.

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

Response to FOF2-4

For the reasons cited by FOF concerning other instances of lack of enforcement by homeowner associations in Big Bear, the Moon Camp Project proposes to establish an independent non-profit Conservation Entity to monitor and maintain the sensitive biological resources on- and off-site. The make-up of the board of directors of the Conservation Entity shall be comprised of members of concerned environmental groups, resource, and municipal agencies, as well as members of the

public. The Conservation Entity shall be sufficiently endowed to provide adequate funding to maintain fencing, signs, and other resource management provisions in the long term.

Response to FOF2-5

The commenter is concerned that including restrictions in Project CC&Rs prohibiting access to and disturbance of Open Space/Conservation Areas would be ineffective to protect the sensitive plant habitat. As evidence of this concern, the commenter cites two examples of perceived ineffectiveness of CC&Rs and apparent routine violations of CC&Rs governing activities at other residential developments in the mountain areas. The County of San Bernardino does not have specific knowledge of circumstances surrounding the effectiveness of CC&Rs governing other residential developments. The County of San Bernardino does not believe that violation of CC&Rs and failure of enforcement mechanisms included therein in those instances are substantial evidence that the restrictions and enforcement mechanisms included in Mitigation Measure BR-1c (RRDEIR No. 2, page 2-57) will be ineffective in mitigating the Project's impacts to sensitive plant species on-site. Moreover, unlike the vast majority of CC&Rs, Mitigation Measure BR-1c includes the County of San Bernardino as an entity able to enforce violations of restrictions intended to protect the sensitive plant species within Open Space/Conservation Areas. Additionally, the restrictions included in the CC&Rs are not the sole mechanism by which the Project proposes to restrict access to the Open Space/Conservation Areas. Mitigation Measure BR-1c requires Conservation Areas to be secured through installation of fencing or other barriers to prevent access, as well as installation of appropriate signage identifying location of Conservation Areas, the sensitive nature of such areas, and the fact that access is prohibited. Therefore, contrary to the commenter's assertions, the addition of restrictive fencing and appropriate signage indicating the prohibition against access to the Open Space/Conservation Areas will be apparent to all residents and guests of residents throughout the Project and will not merely be a paper restriction that becomes forgotten over time.

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

Response to FOF2-6

Please refer to Response to FOF2-4 and FOF2-5.

Response to FOF2-7

Please refer to Response to FOF2-4 and FOF2-5.

Response to FOF2-8

Please see Response to FOF2-3. The commenter asserts that there is no evidence that the County of San Bernardino, or any other entity, would enforce Project mitigation measures in perpetuity. To be legally adequate pursuant to CEQA, a mitigation measure must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4). By setting up a regulatory scheme whereby the prohibitions identified in Mitigation Measure BR-1c (RRDEIR No. 2, page 2-57) may be enforced by the Homeowner's Association, individual residents, or the County of San Bernardino, the lead and approving agency for this project, the mitigation measure is "fully enforceable through permit conditions, agreements, or other legally binding instruments."

Response to FOF2-9

CEQA does not require a lead agency to prepare specific written responses to comments received from members of the public during public-scoping meetings conducted on a Project prior to release of a Draft EIR for public review. The County of San Bernardino is only obligated to prepare written responses to comments received during the designated Draft EIR review period. Therefore, the County of San Bernardino has prepared responses to all written comment letters received, commenting on the RRDEIR No. 2 between December 12, 2011, and February 7, 2012, consistent with CEQA's mandate. Additionally, CEQA requires the County of San Bernardino to prepare formal written response to comment letters received on prior versions of the Draft EIR, received during the public review period, with the exception of comments concerning those portions of the Draft EIR recirculated as part of the RRDEIR No. 2. CEQA Guidelines Section 15088.5 allows the County of San Bernardino to request that review is limited to comments to the revised chapters or portions of a Recirculated EIR (CEQA Guidelines Section 15088.5(f)(2)) In that instance, the lead agency need only respond to (1) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised or recirculated, and (2) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. Ultimately, each version of the Draft EIR prepared and circulated for public review to date, as well as written comment letters and responses thereto, consistent with the provisions of CEQA Guidelines Section 15088.5, will comprise the 2020 Final EIR for the Project that will be considered by the County of San Bernardino decision-makers prior to making any decision on the Project.

Response to FOF2-10

The commenter is incorrect that the Project is inconsistent with County of San Bernardino code requirements related to minimum lot size in relation to slopes. The Project does not violate the County of San Bernardino code in that way. Please see Responses to FOF2-9 and -10.

Response to FOF2-11

The Project will comply with all applicable County and Water District regulations related to use of the proposed marina. Initially, it must be pointed out that a proposed marina is for use of homeowners within the Project only and not for general public use. Additionally, the launch ramp has been removed as a project component. Therefore, this significantly reduces the potential impact of introduction of foreign species, including the quagga muscle, into Big Bear Lake because of the relatively consistent presence of motor craft using the marina. Accordingly, there will be a less than significant impact.

Response to FOF2-12

The RRDEIR No. 2 analyzed all potential indirect impacts to sensitive plant and animal species located on the Project site. The commenter does not assert any specific impact that was not analyzed in the EIR. However, the RRDEIR No. 2 specifically analyzed impacts to human habitation, as well as light intrusion on sensitive plant and animal species, primarily the American bald eagle, and suggested mitigation measures to reduce those impacts to less than significant levels. For instance, Mitigation Measure BR-6 (RRDEIR No. 2, page 2-59) restricts construction activity on-site between February 1 and July 31, due to the potential of active bird nesting on-site, recognizing that activities on-site during this period could result in a significant impact to nesting birds. Additionally, Mitigation

Measure BR-8 (RRDEIR No. 2, page 2-60) restricts motorized boating from December 1 to April 1, coinciding with occupation of site by bald eagle and other nesting raptors. Finally, Mitigation Measure BR-9 (RRDEIR No. 2, page 2-60) restricts street lamp height to 20 feet and requires lights to be fully shielded to focus light onto the street surface avoiding light spillover that could impact sensitive animal species.

Response to FOF2-13

The commenter asserts that the RRDEIR No. 2 failed to describe a reasonable range of Alternatives to the Moon Camp Project. Contrary to the commenter's assertions, the RRDEIR No. 2 is consistent with CEQA's mandate to analyze a reasonable range of Alternatives in the RRDEIR No. 2. CEQA requires an EIR to describe a reasonable range of alternatives to the Project, which would feasibly obtain most of the basic objectives and would avoid or substantially lessen the significant effects of the Project (CEQA Guidelines Section 15126.6). An EIR need not consider and analyze every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation (CEQA Guidelines Section 15126.6(a)). There is no ironclad rule governing the nature and scope of the alternatives to be discussed other than the rule of reason (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553). The RRDEIR No. 2 analyzed four (4) Project Alternatives in addition to the statutory mandated No Project Alternative. These Alternatives included:

- Original proposed Project (92 residential lots, 103 slip marina and realignment of SR-38)
- No Project-Existing General Plan Land Use Development. Development pursuant to the existing general plan land use designation (40-acre minimum lots, no marina, no SR-38 realignment)
- Reduced Density (62 Lots), Without SR-38 Realignment, without Marina, alternatives (compared with the Original proposed Project)
- Proposed Project Alternative (50 residential lots, 55 slip marina, Open Space)

The RRDEIR No. 2 concluded that, outside of the No Project Alternative, the Project Alternative was the Environmentally Superior Alternative (RRDEIR No. 2, pages 7-29, 7-30). The alternatives discussed in the RRDEIR No. 2 represent a reasonable range of Alternatives consistent with CEQA's mandates.

The commenter asserts that the RRDEIR No. 2 should have included a project alternative with less than 50 homes. As indicated above, CEQA requires discussion of alternatives that avoid or substantially reduce identified significant impacts and meet most of the basic project objectives (CEQA Guidelines Section 15126.6). Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR is the inability to avoid significant environmental impacts (CEQA Guidelines Section 15126.6(c)). As indicated in the RRDEIR No. 2, the only significant unavoidable impact of the Project is the impact to the American bald eagle. (Please refer to Response to FOF2-12, above). The County of San Bernardino General Plan and Mountain Region Community Plan both identify goals to conserve eagle perch trees and protect the wintering population of bald eagles in Southern California. The County considers potential impacts to any eagle

perch trees, as well as human activity resulting in the addition of human activity resulting in noise, light, and glare within bald eagle habitat, to be significant unavoidable. Accordingly, **any** development on the Project site would result in a significant unavoidable impact to the bald eagle under CEQA. Therefore, aside from the No Project Alternative, there are no feasible Project Alternatives that could avoid or substantially reduce impacts to bald eagles while meeting most of the basic objectives of the Project. Impacts to all other threatened and endangered species are determined to be less than significant with mitigation. Accordingly, CEQA does not require analysis of a further reduced intensity alternative. An alternative site was not analyzed as a potentially feasible alternative because there are no other potential project sites of the size necessary to develop the Project, in private ownership and suitable for development along the shoreline of Big Bear Lake.

Response to FOF2-14 and -15

Please see Response to SBVAS-43.

Response to FOF2-16

The commenter asserts that the RRDEIR No. 2 incorrectly assessed and analyzed the existence of, and project impacts to, pebble plain habitat on the Project site. The commenter suggests that the RRDEIR No. 2 and Supplement Focused Special Status Plant Survey, conducted by Dr. Krantz in 2010, utilized the incorrect definition of pebble plain in determining the extent of pebble plain habitat on the Project site. The author of the 2010 Supplement Focused Special Status Plant Survey, Dr. Krantz, the preeminent authority on pebble plain habitat and related plant species, concluded that true pebble plain habitat is characterized by the existence of clay soils with a vestiture of Saragossa quartzite pebbles and presence of indicator plant species (presence of *Eriogonum kennedyi* ssp. and *Arenaria ursina* together, as originally mapped by the author in 1983). The “pebble plain like soil conditions” identified on the central knoll on-site was identified as such and has been included and preserved in large part by Letter Lot A. The 2010 Supplement Focused Special Status Plant Survey concluded that the .69-acre area that had been previously characterized as true pebble plain habitat, was in fact not true pebble plain habitat due to the lack of the existence of the two primary indicator species, *Eriogonum kennedyi* ssp. and *Arenaria ursine*. The clay soils with a vestiture of Saragossa quartzite pebbles are the signature characteristic of the unique plant community that is called “pebble plains.” In fact, Dr. Krantz was the first to actually apply the term to this plant community (Krantz 1983). To suggest that all other areas “occupied by *Castilleja cinerea*, *Ivesia argyrocoma*, and *Arabis parishii* are, by definition, pebble plains” is inappropriate and would greatly expand the definition to include much of Big Bear Valley, including all of Sugarloaf Ridge, which has *Arabis parishii* and *Castilleja cinerea*, but is in fact a lodgepole pine forest without any similar soils. Ashy-grey Indian paintbrush or *Ivesia argyrocoma* are also known to occur in meadows; *Arabis parishii* is found on limestone, and *Ivesia argyrocoma* is also found in Baja California, none of which are even remotely considered pebble plain habitats.

The commenter cites the USFS Pebble Plain Habitat Management Guide (2002). Although the USFS Pebble Plain Habitat Management Guide purports to provide a points system for determining the existence of pebble plain habitat, according to Dr. Krantz, application of the Guide’s point system results in overly inclusive results and would lead to characterization of lands that are not truly pebble plain, as pebble plain habitat, even those areas that do not have clay soils. Even by these

standards, the on-site occurrence of pebble plain-like soils on the Moon Camp property would be limited to the 0.69-acre Knoll area, largely contained within Lot A. It should be noted that the USFS definition of pebble plains describes five “strong indicators” (given 2 points each): clay soils (marginal on the Knoll), presence of *Eriogonum kennedyi* ssp. *Kennedyi* or ssp. *austromontanum* (neither on-site), *Arenaria ursina* (not on-site), and *Ivesia argyrocoma* (on-site). The only good “strong indicator” on-site is the presence of pebble plain-like soils. The presence of *Ivesia argyrocoma*, which occurs on many non-pebble plain habitats in the San Bernardino Mountains and in Baja California, is not considered to be a “strong indicator” by Dr. Krantz. The other “weak indicators” are truly only weak indicators—all occurring in a wide range of non-pebble plain habitats throughout the Big Bear-Holcomb Valley areas.

The commenter goes on to mention that the Dixie Lee Lane Conservation Area is high-quality pebble plain habitat that would adequately offset project-related impacts to pebble plain habitat on-site, but would not be adequate mitigation for impacts to ashy-grey Indian paintbrush or other rare plants. The County of San Bernardino agrees that to the extent the Project has any impacts to pebble plain habitat, preservation of the Dixie Lee Lane parcel would be adequate to offset such impacts.

Response to FOF2-17

The commenter asserts that the significance determinations regarding impacts to wildlife species included in the RRDEIR No. 2 are not supported by substantial evidence. Section 2 of the RRDEIR No. 2, pages 2-43 through 2-56, provides comprehensive analysis of the Project’s potential impacts to threatened, endangered, and sensitive plant and wildlife species occurring or potentially occurring on the Project site. The RRDEIR No. 2, pages 2-46 and 2-47, includes a detailed analysis of the Project’s potential impacts to 27 special-status plant species and 22 special-status wildlife species. The RRDEIR No. 2, page 2-62, concluded that the Project would have a less than significant impact, with incorporation of mitigation, to all special-status plant and wildlife species with the exception of the American bald eagle. With regard to special-status wildlife species, except for the American bald eagle, the RRDEIR No. 2 concluded that “the loss of habitat, loss of wildlife, wildlife displacement, and habitat fragmentation that would result from construction of the 2011 Alternative Project would not be considered significant because these impacts would substantially diminish habitat from wildlife in the region nor reduce any specific wildlife populations in the region to below self-sustaining numbers” (RRDEIR No. 2, page 2-50). Initially, this conclusion is supported by the limited development footprint of the Project. The Project proposes development of 50 single-family residents upon approximately 62 acres. Of those 62 acres, approximately 10 acres on-site will be maintained as Open Space. Additionally, as mitigation for impacts to sensitive plant species, an additional 10-acre off-site parcel will be permanently preserved and burdened by creation of a conservation easement. Project lot layout and location of the Open Space areas was strategically developed to maximize conservation of sensitive plant and wildlife species. The Project also involves the development of a 55-slip marina. However, as indicated in the RRDEIR No. 2, the lake shoreline adjacent to the Project site contains approximately 4 acres of ruderal lake shoreline plant species that would be impacted by the Project (RRDEIR No. 2, page 2-50). The 2008 and 2010 Supplemental Focused Special Status Plant Surveys concluded that the shoreline portion of the Project site does not support any sensitive plant species. Additionally, focused surveys conducted for the southwestern willow flycatcher concluded that, although this species may visit the Project site, the quality and quantity of the habitat along the shoreline is not sufficient to support breeding

populations of the species (RRDEIR No. 2, page 2-29). Accordingly, development of the marina portion of the Project will not result in a significant impact to sensitive wildlife species. With regard to the southern rubber boa and San Bernardino flying squirrel, multiple Focused Surveys analyzing the Project's impact to these species concluded that implementation of the Project would not result in a significant impact. With regard to the southern rubber boa, Focused Surveys conducted in 2002 and 2007 confirm the absence of the species on-site. The surveys also concluded that the southern rubber boa was not likely to occupy the Project site due to Project's location and other habitat characteristics absent from Project site (RRDEIR No. 2, page 2-27). A focused survey for San Bernardino flying squirrels was conducted on the Project site in 2007 and the results were negative. However, an individual of the species was trapped in 1998, by the USFS, approximately 0.5-mile north of the northern boundary of the Project site (RRDEIR No. 2, page 2-33). The analysis concluded that the Project site provided suitable foraging habitat for the species and the potential for occurrence is considered high despite the negative 2007 Focused Survey. Based on the moderate potential for occurrence, the RRDEIR No. 2 proposed Mitigation Measure BR-3 (RRDEIR No. 2, page 2-58) has been revised to require the following:

BR-3 ~~The project proponent shall have a biologist qualified with San Bernardino flying squirrel (SBFS) as a monitor during tree removal. Minimize the number of trees, snags, and downed wood removed for project implementation. Compensating the removal of snags containing cavities; this would be achieved by constructing and erecting two nest boxes and one aggregate box per snag removed. Appendix A of this Revised and Recirculated Draft EIR No. 2 provides the specifications of the nest and aggregate boxes (Flying Squirrels 2007). These boxes should be located on the adjacent U.S. Forest Service (USFS) land (with their permission) and the locations marked with a global positioning system. The locations of the boxes shall be provided to the USFS so that their biologists could monitor the boxes for occupation by SBFS.~~

~~Provide new homeowners with a flyer that would provide information on the biology of SBFS and how they are susceptible to depredation by cats. The flyer would also outline steps that homeowners could take to reduce their urban edge effects.~~

Given the negative results of on-site surveys and the available technical and peer reviewed literature, negative effects to the San Bernardino flying squirrel are not expected. However, because marginal foraging habitat was found on-site, the following mitigation measures will be implemented in the lots with densely forested areas and snags. These mitigation measures are to be implemented to avoid and minimize impacts to San Bernardino flying squirrels:

- The Project Applicant shall have a qualified biologist as a monitor just prior to and during all tree removal on-site.
- Minimize the removal of large coarse woody debris (>10cm diameter), which provide microhabitat for the growth of hypogeous fungi.
- Limit removal of standing snags (>25cm dbh) and large trees (>25cm dbh), which provide both structural complexity and potential nesting habitat.

- Prioritize the retention of large trees and snags with visible potential cavity nesting structures, which are associated with higher densities of northern flying squirrels.
- Minimize the loss of continuous canopy closure, especially in the drainages, which provides protection from predators while foraging and may play an important role in maintaining habitat connectivity.
- The Project Applicant must compensate for the removal of suitable habitat through construction and erection of two nest boxes and one aggregate box per snag removed.
- The Project Applicant is required to provide homeowners with information on the biology of the San Bernardino flying squirrel and suggest steps that homeowners can take to reduce their urban-edge effects.
- All subsequent home developers must comply with these provisions which shall be enforced by the County of San Bernardino through implementation of the Mitigation Monitoring and Reporting Program as mandated by CEQA.

If the monitoring biologist observes a San Bernardino flying squirrel during pre-construction and/or construction monitoring, the biologist will immediately halt work until the occupied tree can be vacated prior to felling the tree; however, if the work is during the nesting season (generally March through May), when baby squirrels could be present, the nest will not be vacated until after the nesting season ends (June 1st), as cleared by the monitoring biologist.

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

With limited habitat disturbance and implementation of mitigation measures, the RRDEIR No. 2 includes substantial evidence that impacts to the San Bernardino flying squirrel will be less than significant. The RRDEIR No. 2 does identify potentially significant impacts to the American bald eagle. The Project will be developed consistent with the County of San Bernardino Plant Protection and Management Ordinance (County Code Section 89.0110(b)), which prohibits the removal of bald eagle perch trees within an identified American bald eagle habitat unless the perch tree creates a hazardous condition. The RRDEIR No. 2 imposed multiple mitigation measures to reduce the impact to the bald eagle, including requirements to replace perch trees (should they become hazardous and require removal) at a ratio of 5:1 or enhance existing trees to make them suitable for purchasing, as well as the replacement of trees 24 inches dbh and larger that are removed during construction activities at a ratio of 2:1. Therefore, even if perch trees or other large trees that may be used by the bald eagle are removed, they will be replaced to sufficiently mitigate the impacts. Based on this analysis, there is no evidence that the Project, as designed, will directly reduce the number of any sensitive wildlife species.

Similarly, the RRDEIR No. 2 concluded that the Project would have a less than significant indirect impact to wildlife species due to loss of habitat or habitat fragmentation. Initially, the Project site is adjacent to the community of Fawnskin on the north, northwest, and west side of the Project site. The community of Fawnskin is developed with single-family residential uses primarily with little

preserved Open Space providing connective habitat to the Project site. After Project development, the northeast and eastern portions of the Project site will remain undisturbed San Bernardino National Forest land under the management of the USFS. Accordingly, the Project is not fragmenting any special-status wildlife species habitat, since the Project is the extension of development in Fawnskin to the south and southeast. Therefore, the RRDEIR No. 2 concluded that the Project site did not consist of any wildlife crossings or corridors (RRDEIR No. 2, page 2-55). Additionally, the Project site is dominated by Jeffrey Pine Forest habitat totaling approximately 54.92 acres (RRDEIR No. 2, pages 2-3 and 2-4). Approximately 50 acres of Jeffrey Pine Forest, including 13.81 acres of open Jeffrey Pine Forest. As indicated in the RRDEIR No. 2, approximately 58,526 acres of Jeffrey Pine Forest occurs in the San Bernardino National Forest (RRDEIR No. 2, page 2-49). Accordingly, development of the Project within approximately 50 acres of Jeffrey Pine Forest does not result in a significant impact to the Jeffrey Pine Forest habitat, and the special-status wildlife species that occupy such habitat, considering the amounts of similar habitat that continues to exist in the Project area, including those portions of the USFS-managed lands adjacent to the Project site. In conclusion, the RRDEIR No. 2 does contain an adequate analysis of direct and indirect impacts of the Project.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species.

Response to FOF2-18

Please see Response to FOF2-17. The commenter asserts that creation of Open Space Lot H does not compensate for the loss of a portion of Open Space Lot A (due to lot layout redesign), since the habitat for the ashy-grey Indian paintbrush continues to be reduced in size and in number. Section 2 of the RRDEIR No. 2, page 2-57, includes a comprehensive analysis of the potential impacts to the Project on special-status plant and wildlife species and focuses on the impacts of the Project to ashy-grey Indian paintbrush. The 2011 Alternative Project design was influenced by prior concerns raised in comments received on the RRDEIR No. 1 and Supplemental Focused Special Status Plant Species Survey conducted in August of 2010 (RRDEIR No. 2, page ES-3). Based on the prior comments and Supplemental Focused Special Status Plant Survey, the Project Applicant redesigned the Project to avoid impacts to areas on-site containing highest density of ashy-grey Indian paintbrush. The commenter is correct that the redesign Project impacts 1.5 acres of the area previously designated as Lot A Open Space. However, the Project redesign also preserves, in perpetuity, 1.9 acres of habitat containing high densities of ashy-grey Indian paintbrush, in an area previously slated for development. The Supplemental Focused Special Status Plant Survey showed that Lot A Conservation Area contained minimal amounts of ashy-grey Indian paintbrush, only approximately 230 individual occurrences (RRDEIR No. 2, page 2-18). By comparison, the 1.9 acres of Lot H contained approximately 4,665 occurrences. The revised Project design, which impacts approximately 1.4 acres of previously identified Lot A Conservation Area, will impact only a portion of the limited occurrences ashy-grey Indian paintbrush in Lot A. Moreover, the Supplemental Focused Special Status Plant Survey discovered the area within Lot A, previously identified as pebble plain habitat, is not true pebble plain habitat, and, therefore, the Project redesign does not impact that identified sensitive habitat (RRDEIR No. 2, page 2-43 and 2-44). Finally, Mitigation Measure BR-1a (RRDEIR No. 2, page 2-57) requires permanent conservation of a 10-acre parcel, known as the Dixie Lee Lane parcel that contains high-quality pebble plain habitat. Although the Focused Special

Status Plant Survey did not identify significant occurrences of ashy-grey Indian paintbrush on the Dixie Lee Lane mitigation parcel, the 10-acre parcel does comprise suitable habitat for the ashy-grey Indian paintbrush. The creation of Lot A and Lot H Conservation Areas, along with the revised Project developable lot layout, will preserve eight-eight percent (88 percent) of the ashy-grey Indian paintbrush occurrences on-site. This permanent conservation of existing occurrences combined with the conservation of the 10-acre Dixie Lee Lane parcel adequately mitigates both the short- and long-term impacts of the Project to sensitive plant species occurring on-site.

Refer to Appendix I of this 2020 Final EIR, Table 1 in the Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting.

Response to FOF2-19

Impacts of the road alignment between Lots A and H have been calculated in terms of acreage (0.2 acre and numbers of ashy-grey Indian paintbrush plants (40 plants). The road alignment was purposefully designed to keep to the original dirt road track that traversed the property at that location, and was delineated to keep to a densely vegetated draw without sensitive resources between the two lots, so as to minimize impacts to rare plants and their habitat. Refer to Appendix I of this 2020 Final EIR, Table 1 in the Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting.

Response to FOF2-20

The commenter asserts that there is no evidence that the redistribution of buildable lots as shown on the site plan included as Exhibit 1-4 in the RRDEIR No. 2 minimizes impacts to the ashy-grey Indian paintbrush. As discussed in length in the RRDEIR No. 2, the results of the 2010 Supplemental Focused Sensitive Plant Survey, conducted by Dr. Krantz, revealed significant occurrences of ashy-grey Indian paintbrush on the westernmost portion of the property (RRDEIR No. 2, page 2-17). Approximately 4,665 individuals of ashy-grey Indian paintbrush were located within an area previously designate for residential development. Based on the results of the survey, the Project Applicant revised the developable lot layout to move Lots 1 through 3 (which encompassed the area of dense ashy-grey Indian paintbrush occurrences) to an area to the east where the survey showed significantly fewer plant occurrences (within the northern portion of Lot A). Based on the Project redesign the Project will conserve approximately 88 percent of the ashy-grey Indian paintbrush occurrences. Accordingly, the County of San Bernardino believes that there is substantial evidence to support the RRDEIR No. 2's conclusion that impacts to ashy-grey Indian paintbrush are less than significant. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species. Specifically, pages 2 through 4, and Table 1 address this species.

Essentially, the conservation Letter Lots were re-designed to include the substantial ashy-grey Indian paintbrush resources that were previously included within residential Lots 1-3. The new Lots 1-3, while still representing a "take" of ashy-grey Indian paintbrush plants, will result in taking of only several hundred plants, as opposed to several thousand plants.

Response to FOF2-21

The commenter asserts that the mitigation measures included in the RRDEIR No. 2 to reduce impacts to biological resources do not in fact reduce impacts to less than significant levels.

Section 2 of the RRDEIR No. 2, page 2-1, provides comprehensive analysis of the Project's potential impacts to threatened, endangered and sensitive plant and wildlife species occurring or potentially occurring on the Project site. The RRDEIR No. 2, pages 2-46 through 2-49, includes a detailed analysis of the Project's potential impacts to 27 special-status plant species and 22 special-status wildlife species. The RRDEIR No. 2 concluded that the Project would have a less than significant impact, with incorporation of mitigation, to all special-status plant and wildlife species with the exception of the American bald eagle. With regard to special-status wildlife species, except for the American bald eagle, the RRDEIR No. 2 concluded that "the loss of habitat, loss of wildlife, wildlife displacement, and habitat fragmentation that would result from construction of the 2011 Alternative Project would not be considered significant because these impacts would substantially diminish habitat from wildlife in the region nor reduce any specific wildlife populations in the region to below self-sustaining numbers" (RRDEIR No. 2, page 2-50). Initially, this conclusion is supported by the limited development footprint of the Project. The Project Applicant proposes development of 50 single-family residents upon approximately 62 acres. Of those 62 acres, approximately 10 acres on-site will be maintained as Open Space. Additionally, as mitigation for impacts to sensitive plant species, an additional 10-acre off-site parcel will be permanently preserved and burdened by creation of a conservation easement. Project lot layout and location of the Open Space areas was strategically developed to maximize conservation of sensitive plant and wildlife species. The Project also involves the development of a 55-slip marina. However, as indicated in the RRDEIR No. 2, the lake shoreline adjacent to the Project site contains approximately 4 acres of ruderal lake shoreline plant species that would be impacted by the Project (RRDEIR No. 2, page 2-50). The 2008 and 2010 Supplemental Focused Special Status Plant Surveys concluded that the shoreline portion of the Project site does not support any sensitive plant species. Additionally, focused surveys conducted for the southwestern willow flycatcher concluded that, although this species may visit the Project site, the quality and quantity of the habitat along the shoreline is not sufficient to support breeding populations of the species (RRDEIR No. 2, page 2-29). Accordingly, development of the marina portion of the Project will not result in a significant impact to sensitive wildlife species. With regard to the southern rubber boa and San Bernardino flying squirrel, multiple Focused Surveys analyzing the Project's impact to these species concluded that implementation of the Project would not result in a significant impact. With regard to the southern rubber boa, Focused Surveys conducted in 2002 and 2007 confirmed the absence of the species on-site. The surveys also concluded that the southern rubber boa was not likely to occupy the Project site due to Project's location and other habitat characteristics absent from Project site (RRDEIR No. 2, page 2-27). A focused survey for the San Bernardino flying squirrel was conducted on the Project site in 2007 and the results were negative. However, an individual of the species was trapped in 1998, by the USFS, approximately 0.5 mile north of the northern boundary of the Project site (RRDEIR No. 2, page 2-33). The analysis concluded that the Project site provided suitable foraging habitat for the species and the potential for occurrence is considered high despite the negative 2007 Focused Survey. Based on the moderate potential for occurrence, the RRDEIR No. 2 proposed Mitigation Measure BR-3 (RRDEIR No. 2, page 2-58) has been revised to require the following:

BR-3

The project proponent shall have a biologist qualified with San Bernardino flying squirrel (SBFS) as a monitor during tree removal. Minimize the number of trees, snags, and downed wood removed for project implementation. Compensating the removal of snags containing cavities; this would be achieved by constructing and erecting two nest boxes and one aggregate box per snag removed. Appendix A of this Revised and Recirculated Draft EIR No. 2 provides the specifications of the nest and aggregate boxes (Flying Squirrels 2007). These boxes should be located on the adjacent U.S. Forest Service (USFS) land (with their permission) and the locations marked with a global positioning system. The locations of the boxes shall be provided to the USFS so that their biologists could monitor the boxes for occupation by SBFS.

Provide new homeowners with a flyer that would provide information on the biology of SBFS and how they are susceptible to depredation by cats. The flyer would also outline steps that homeowners could take to reduce their urban edge effects.

Given the negative results of on-site surveys and the available technical and peer reviewed literature, negative effects to the San Bernardino flying squirrel are not expected. However, because marginal foraging habitat was found on-site, the following mitigation measures will be implemented in the lots with densely forested areas and snags. These mitigation measures are to be implemented to avoid and minimize impacts to San Bernardino flying squirrels:

- The Project Applicant shall have a qualified biologist as a monitor just prior to and during all tree removal on-site.
- Minimize the removal of large coarse woody debris (>10cm diameter), which provide microhabitat for the growth of hypogeous fungi.
- Limit removal of standing snags (>25cm dbh) and large trees (>25cm dbh), which provide both structural complexity and potential nesting habitat.
- Prioritize the retention of large trees and snags with visible potential cavity nesting structures, which are associated with higher densities of northern flying squirrels.
- Minimize the loss of continuous canopy closure, especially in the drainages, which provides protection from predators while foraging and may play an important role in maintaining habitat connectivity.
- The Project Applicant must compensate for the removal of suitable habitat through construction and erection of two nest boxes and one aggregate box per snag removed.
- The Project Applicant is required to provide homeowners with information on the biology of the San Bernardino flying squirrel and suggest steps that homeowners can take to reduce their urban-edge effects.
- All subsequent home developers must comply with these provisions which shall be enforced by the County of San Bernardino through implementation of the Mitigation Monitoring and Reporting Program as mandated by CEQA.

If the monitoring biologist observes a San Bernardino flying squirrel during pre-construction and/or construction monitoring, the biologist will immediately halt work until the occupied tree can be vacated prior to felling the tree; however, if the work is during the nesting season (generally March through May), when baby squirrels could be present, the nest will not be vacated until after the nesting season ends (June 1st), as cleared by the monitoring biologist.

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

With limited habitat disturbance and implementation of mitigation measures, the RRDEIR No. 2 includes substantial evidence that impacts to the San Bernardino flying squirrel will be less than significant. The RRDEIR No. 2 does identify potentially significant impacts to the American bald eagle. The Project will be developed consistent with the County of San Bernardino Plant Protection and Management Ordinance (County Code § 89.0110(b)), which prohibits the removal of bald eagle perch trees within an identified American bald eagle habitat unless the perch tree creates a hazardous condition. The RRDEIR No. 2 imposed multiple mitigation measures to reduce the impact to the bald eagle, including requirements to replace perch trees (should they become hazardous and require removal) at a ratio of 5:1, replacement of trees 24 inches dbh and larger that are removed during construction activities at a ratio of 2:1. Therefore, even if perch trees or other large trees that may be used by the bald eagle are removed, they will be replaced to sufficiently mitigate the impacts. Based on this analysis, there is no evidence that the Project, as designed, will directly reduce the number of any sensitive wildlife species.

Similarly, the RRDEIR No. 2 concluded that the Project would have a less than significant indirect impact to wildlife species due to loss of habitat or habitat fragmentation. Initially, the Project site is adjacent to the community of Fawnskin on the north, northwest, and west side of the Project site. The community of Fawnskin is developed with single-family residential uses primarily with little preserved Open Space providing connective habitat to the Project site. After Project development, the northeast and eastern portions of the Project site will remain undisturbed San Bernardino National Forest land under the management of the USFS. Accordingly, the Project is not fragmenting any special-status wildlife species habitat as the Project is the extension of development in Fawnskin to the south and southeast. Therefore, the RRDEIR No. 2 concluded that the Project site did not consist of any wildlife crossings or corridors (RRDEIR No. 2, page 2-55). Additionally, the Project site is dominated by Jeffrey Pine Forest habitat totaling approximately 54.92 acres (RRDEIR No. 2, page 2-3 and 2-4). Approximately 50 acres of Jeffrey Pine Forest, including 13.81 acres of open Jeffrey Pine Forest. As indicated in the RRDEIR No. 2, approximately 58,526 acres of Jeffrey Pine Forest occurs in the San Bernardino National Forest (RRDEIR No. 2, page 2-49). Accordingly, development of the Project within approximately 50 acres of Jeffrey Pine Forest does not result in a significant impact to the Jeffrey Pine Forest habitat, and the special-status wildlife species that occupy such habitat, considering the amounts of similar habitat that continues to exist in the Project area, including those portions of the USFS-managed lands adjacent to the Project site.

With regard to the Federally Threatened ashy-grey Indian paintbrush, Project design and Mitigation Measures BR-1a-BR-1d (RRDEIR No. 2, page 2-57 and 2-58) do in fact reduce impacts to less than

significant levels. Based on the prior comments and 2010 Supplemental Focused Special Status Plant Survey, the Project Applicant redesigned the Project to avoid impacts to areas on-site containing highest density of ashy-grey Indian paintbrush. The Project redesign preserves, in perpetuity, 1.9 acres of habitat containing high densities of ashy-grey Indian paintbrush, in an area previously slated for development. The Supplemental Focused Special Status Plant Survey showed that Lot A Conservation Area contained minimal amounts of ashy-grey Indian paintbrush, only approximately 230 individual plants (RRDEIR, page 2-18). By comparison, the 1.9 acres of Lot H contained approximately 4,665 plants. The revised Project design, which impacts approximately 1.4 acres of previously identified Lot A Conservation Area, will impact only a portion of the limited occurrences of ashy-grey Indian paintbrush in Lot A. Moreover, the 2010 Supplemental Focused Special Status Plant Survey discovered the area within Lot A, previously identified as pebble plain habitat, is not true pebble plain habitat, and, therefore, the Project redesign does not impact that identified sensitive habitat (RRDEIR No. 2, pages 2-43 and 2-44). Finally, Mitigation Measure BR-1a requires permanent conservation of a 10-acre parcel, known as the Dixie Lee Lane parcel that contains high-quality pebble plain habitat. Although the Focused Special Status Plant Survey did not identify significant occurrences of ashy-grey Indian paintbrush on the Dixie Lee Lane mitigation parcel, the 10-acre parcel does comprise suitable habitat for the ashy-grey Indian paintbrush. The creation of Lot A and Lot H Conservation Areas, along with the revised Project developable lot layout, will preserve 88 percent of the ashy-grey Indian paintbrush occurrences on-site. This permanent conservation of existing occurrences combined with the conservation of the 10-acre Dixie Lee Lane parcel adequately mitigates both the short and long-term impacts of the Project to sensitive plant species occurring on-site.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special status species.

Response to FOF2-22

The total conserved area of the on-site conservation easements equals 4.849.1 acres covering Lots A and Lot B, C, D, and H. The commenter is directed to review Mitigation Measure BR-1b (RRDEIR No. 2, page 2-57), which states, in pertinent part “[p]rior to the initiation of clearing or grading activities on the Project site, the 4.849.1-acre on-site conservation easements (including Lot A and Lot H) covering Lots A, B, C, D, and H shall be established.” Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, and refer to Section 4.0: Errata of this FEIR document for the detailed revisions made to the modified mitigation measure.

Response to FOF2-23

The commenter suggests that there is no explanation as to how mitigation compliance will be monitored and measured. As part of the enforcement process, mitigation measures are subject to monitoring and reporting to ensure the measures will be implemented: “The reporting or monitoring program shall be designed to ensure compliance during project implementation” (Pub. Resources Code § 21081.6, subd. (a)). The purpose of these monitoring requirements is to ensure that feasible mitigation measure will actually be implemented as a condition of development, and

not merely adopted and then neglected or disregarded. The adequacy of a mitigation monitoring program is evaluated with the “rule of reason,” a rule that requires that the mitigation measures be “reasonably feasible.” The commenter appears to confuse the difference between the mitigation measures discussed in the RRDEIR No. 2 and the mitigation monitoring and reporting program, both which comply with CEQA. A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. All mitigation measures for the Project meet this standard. A broad statement that the “RDEIR fails to include any explanation as how to mitigation compliance will be monitored and measured” is vague and not sufficiently specific so that the agency has the opportunity to evaluate and adequately respond. No specific mitigation measure is identified.

Response to FOF2-24

The potential for the southwestern willow flycatcher is considered low. Surveys for this species were conducted in the spring and summer of 2002 and again in 2007. No breeding or individual southwestern willow flycatchers were detected during the surveys. Willows along the shoreline are patchy and lack the dense growth or willow thicket favored by this species as territorial or breeding habitat. Therefore, breeding southwestern willow flycatchers are not expected to occur on the Project site. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species.

Response to FOF2-25 through -30

CEQA requires four mandatory items to be included in a Project Description: (1) a detailed map with the precise location and boundaries of the Project, (2) a statement of Project objectives, (3) a general description of the Project’s technical, economic, and environmental characteristics, and (4) a statement briefly describing the intended uses of the EIR and listing the agencies involved with, and the approvals required for, implementation (CEQA Guidelines Section 15124). The Guidelines also advise that the Project Description should not “supply extensive detail beyond that needed for evaluation and review of the [project’s] environmental impact” (CEQA Guidelines Section 15124). The comments on the Project Description far exceed this scope. The commenter is advised to note that sections have been modified only related to the revised biological resources and to reflect the minor changes to the site plan that have been made to accommodate the mitigation provided for the ashy-grey Indian paintbrush. Because of the limited scope of revisions to the 2010 Alternative Project, the analysis included in the original EIR (2005), as modified by RRDEIR No. 1, for all other impact areas besides biological resources is still applicable to the 2011 Alternative project, and, therefore, those sections will not be recirculated. The commenter may wish to revisit responses to comments, including responses to comments on its prior comment letter with respect to the RRDEIR No. 1, with respect to its land use comments which exceed the scope of this EIR.

Response to FOF2-31

The westernmost drainage originally identified in the 2005 Draft EIR was omitted from Exhibit 2-4 of the RRDEIR No. 2 because it was determined not to be jurisdictional. Additionally, that area is now entirely within Lot H, is a Conservation Area, and, therefore, would not be impacted by development of the Project. FirstCarbon Solutions (FCS) biologist Dennis Peterson visited the site on May 18, 2018, to verify that the Jurisdictional Determination boundaries have not changed. Please see the

memorandum dated May 28, 2018, describing the site conditions during the updated jurisdictional delineation, including a description of the abandoned driveway that is not a jurisdictional feature by State or federal definitions (see Appendix E of this 2020 Final EIR).

Response to FOF2-32

The RRDEIR No. 2 acknowledges that development of the Project will impact drainages that have been identified as jurisdictional on both the federal and State level. Based on the jurisdictional delineation, impacts to jurisdictional drainages are approximately 0.04 acre. Mitigation Measure BR-13 (RRDEIR No. 2, page 2-61) requires impacts be mitigated on a 3-to-1 basis through on-site restoration, off-site restoration, or purchase of credits and an agency-approved mitigation bank. The mitigation measures provide a range of potential options with the understanding that by the time Project is approved, and appropriate permit applications are submitted to the California Department of Fish and Wildlife and USACE, the specific type of mitigation will be determined.

Response to FOF2-33

The commenter is correct that Mitigation Measure BR-2 (RRDEIR No. 2, page 2-58) requires that a 50-foot setback be maintained along the deepest ravine at the eastern edge of the property to manage the drainage and, therefore, provide additional habitat preservation for sensitive wildlife species. In addition to preservation on-site of jurisdictional drainages, Mitigation Measure BR-13 (RRDEIR No. 2, page 2-61) requires either on-site restoration, or off-site acquisition of additional mitigation for any disturbance to jurisdictional drainages. These two mitigation measures together adequately mitigate impacts to sensitive plant and animal species, due to development within the jurisdictional areas. The commenter asserts that there is no guarantee that future residents will respect the 50-foot setback area. Any violation of that setback will be enforceable through the CC&Rs for the Project site, which provides the Homeowner's Association, individual residents, and the County of San Bernardino the ability to enforce them up to and including initiation of legal action to remove/correct any violation.

Response to FOF2-34

The Project is being analyzed pursuant to CEQA. The commenter appears to request analysis of the Project versus a prior Proposed Project. CEQA does not require such an analysis. In determining whether environmental impacts of a project are significant, an EIR is required to compare potential impacts of the Project with pre-project environmental conditions, or the "environmental baseline" (CEQA Guidelines Section 15125(a)). The environmental baseline against which the Proposed Alternative Project's potential environmental impacts are determined is the current, vacant condition of the property.

Response to FOF2-35

The commenter is correct that with the new revised Project design, conservation Lot A would be directly behind the developable lots. However, this fact alone will not result in additional impacts to the continued preservation and quality of the habitat within Lot A. Based on project design requirements, as enforced through the adoption and recordation of CC&Rs, the rear yards of Lots 1 through 3 would be required to be fenced and all access from those lots will be prohibited. Mitigation Measure BR-1c (RRDEIR No. 2, page 2-57) requires that appropriate signage be placed around the Conservation Areas alerting residents and their guests to the prohibition against

accessing the Conservation Areas. The Homeowner’s Association, individual owners, the County of San Bernardino, and the qualified Conservation Entity who manages the Conservation Areas will have the authority to enforce these prohibitions. Accordingly, with the implementation of these mitigation measures, the County of San Bernardino does not anticipate additional adverse impacts to Conservation Areas due to the proximity of the developable lots to the Conservation Areas.

Response to FOF2-36

Subsequent to preparation of the RRDEIR No. 2, the County of San Bernardino and the Project Applicant have determined what entity will provide potable water service to the project. Water service will be provided by the City of Big Bear Lake Department of Water and Power (DWP). However, the Project site will not be annexed into the DWP service area. Rather, DWP and County Service Area (CSA) 53C entered into an Outside Service Agreement for Potable Water Services, whereby DWP will own and operate the water service facilities constructed by the Project Applicant. Water for the project will still be provided by the on-site wells as discussed in detail in the RRDEIR No. 2.

Response to FOF2-37

See FOF2-36.

Response to FOF2-38

The purpose of the Project Description is not to “analyze or discuss impacts.” The project description is merely the basis for analyzing impacts. Thus, an accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity. Impacts of the Project to traffic, aesthetics, noise, and air quality were discussed in detail in the RRDEIR No. 1 and therefore are beyond the scope of this document. However, for informational purposes, the sewer lines in Northshore Drive already exist. The Project will merely connect to these lines. See also the Response to FOF2-36.

Response to FOF2-39

Contrary to the commenter’s assertion, the development of the proposed sewer lines for the Project will not disturb sensitive plant habitat that was not already considered impacted in the Biological Resource Analysis portion of the RRDEIR No. 2. Exhibit 2-2 and Table 2-3 show that sensitive plant habitat and individual occurrences of the ashy-grey Indian paintbrush will be disturbed and impacted by construction of the roadway facilities (see revised Table 2-3 in Section 4.0: Errata of this FEIR document). As indicated in Exhibit 2-7 of the RRDEIR No. 2, all new sewer lines developed as part of the Project will be placed within project roadway right-of-way. All sewer, water, and other utility lines will be installed within the right-of-way. Accordingly, impacts associated with construction of new sewer facilities were adequately analyzed in the EIR.

Response to FOF2-40

The purpose of the Project Description is not to “analyze or discuss impacts.” The project description is merely the basis for analyzing impacts. Thus, an accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.

See Response to FOF-19 for a specific response to the bisecting roadway.

Response to FOF2-41

The Forester Report is contained within RBF's Final EIR, Appendix 15.6.

Response to FOF2-42 through -60

See Response to FOF2-25 through -30.

Response to FOF2-61

The County of San Bernardino acknowledges the commenter's general concerns regarding the inadequacy of the analysis included in the RRDEIR No. 2 regarding impacts to bald eagle, ashy-grey Indian paintbrush, pebble plains special-status plants, and other biological resources. The commenter also asserts that the RRDEIR No. 2 fails to impose mitigation measures adequate to reduce impacts to these species to below levels of significance. The County of San Bernardino believes that the RRDEIR No. 2 and its analysis of the Project's potential impacts to special-status plant wildlife species is sufficient and supported by substantial evidence. The RRDEIR No. 2 concluded that impacts to American bald eagle would be significant unavoidable despite implementation of numerous mitigation measures. The RRDEIR No. 2 concluded that impacts to all other special-status plant and wildlife species can be mitigated to less than significant levels, this analysis is supported by the analysis, including Section 2 of the RRDEIR No. 2 and imposition of Mitigation Measures BR-1 through BR-13 (RRDEIR No. 2, pages 2-57 through 2-62, as revised in Section 4.0: Errata of this FEIR document). The commenter has not identified any specific deficiency in the RRDEIR No. 2's analysis. Therefore, the County of San Bernardino is unable to provide a more detailed response to this comment. A general response is sufficient when a comment is relatively general and non-specific. See *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal. App. 4th 859, 874.

Response to FOF2-62

The commenter asserts that the RRDEIR No. 2 improperly characterizes the extent of mitigation for impacts to the ashy-grey Indian paintbrush and that application of the appropriate mitigation standards under CEQA show that the impacts cannot be mitigated to less than significant levels, and, therefore, the analysis in the RRDEIR No. 2 is misleading and inaccurate. The County of San Bernardino respectfully disagrees with the commenter's characterization of the legal standard for mitigating impacts to special-status plant species. The Project as designed will result in a creation of two conservation easements (Lot A, a 3.4-acre Open Space/Conservation Area and Lot H, a 1.9-acre Open Space/Conservation Area, which contain 4.84 total acres of occupied ashy-grey Indian paintbrush habitat) for preservation of ashy-grey Indian paintbrush, as well as preservation of a 10-acre parcel off-site, the Dixie Lee Lane property, which is comprised of pebble plain habitat. The commenter asserts that avoidance of impacts to ashy-grey Indian paintbrush and permanent preservation of on-site habitat may not be utilized as "mitigation" for a species otherwise impacted by the proposed development. Instead, the commenter asserts species impacted by the Project only can be mitigated through preservation of off-site habitat. This is not a correct statement of the law. Initially, CEQA does not require imposition of mitigation measures where there is no identified significant impact (Public Resource Code § 21100(b)(3), § 21150; CEQA Guidelines Section 15126.4(a)—discussion of mitigation measure is required only for significant environmental impacts). Therefore, if an impact is avoided in its entirety, no mitigation is required. As a result, contrary to the commenter's assertions, preservation of the ashy-grey Indian paintbrush occurrences

in the identified Open Space/Conservation Areas is not “mitigation” for the plant occurrences within those designated areas. CEQA authorizes preservation of special-status plant species occurring on-site as mitigation for impacts to those species. See *Miramar Mobile Community v. City of Oceanside (2004)* 119 Cal. App. 4th 477. Accordingly, the RRDEIR No. 2 appropriately characterized preservation of an on-site occurrence of ashy-grey Indian paintbrush as mitigation for impacts to that species occurring elsewhere on the Project site. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including extensive discussion of the proposed paintbrush conservation measures.

Response to FOF2-63

Contrary to the commenter’s assertions, the 10-acre Dixie Lee Lane property is approximately 10 acres of actual pebble plain habitat. The Dixie Lee Lane property was originally surveyed by Hicks and Hartwick Engineering as a 10-acre pebble plain, the exterior lines of the parcel conforming to the bench top opening of the pebble plain, including Pinon Pines and Jeffrey Pines within the general distribution of the pebble plain habitat. Hence, the delineation of the 10-acre parcel generally conforms to the actual pebble plain configuration such that the proposed 10-acre parcel conforms very closely to the distribution of pebble plains species found on the ground. Additionally, the Dixie Lee Lane property has not been previously pledged as mitigation for another development project in the Big Bear area as mentioned by the commenter. First, the RRDEIR No. 2 did not identify potentially significant impact to pebble plain habitat. The Supplemental Focused Sensitive Plant Survey, conducted by Dr. Krantz, identified an area of approximately 0.69 acre where pebble plain like soil conditions occur. However, Dr. Krantz concluded that prior biological surveys had mischaracterized the 0.69-acre portion of the project site as true pebble plain due to lack of two indicator plant species. Therefore, the Dixie Lee Lane parcel is not technically mitigation for any impacts to pebble plain habitat. However, even if the 0.69-acre area were determined to be true pebble plain habitat, the Dixie Lee Lane parcel would adequately mitigate for those impacts. The Dixie Lee Lane parcel was previously proposed for mitigation, but that proposal was not completed. The Dixie Lee Lane parcel is still available for mitigation purposes. This parcel, as well as other Conservation Areas identified and set aside as part of the project development, will be placed under a conservation easement that will be held by a legitimate Conservation Entity that will be supported by a non-wasting endowment that will support the continued maintenance and conservation of the Conservation Areas consistent with Mitigation Measure BR-1a (RRDEIR No. 2, page 2-57). This comment is also addressed throughout the responses to Sierra Club1, including Sierra Club1-1, Sierra Club1-2 and Sierra Club1-15.

Response to FOF2-64

Contrary to the commenter’s assertions, the 10-acre Dixie Lee Lane property is approximately 10 acres of actual pebble plain habitat. The Dixie Lee Lane property was originally surveyed by Hicks and Hartwick Engineering as a 10-acre pebble plain, the exterior lines of the parcel conforming to the bench top opening of the pebble plain, including Pinyon Pines and Jeffrey Pines within the general distribution of the pebble plain habitat. Hence, the delineation of the 10-acre parcel generally conforms to the actual pebble plain configuration such that the proposed 10-acre parcel conforms very closely to the distribution of pebble plains species found on the ground. In any event, as reflected in the RRDEIR No. 2, the Project will not have a significant impact on pebble plain

habitat; hence, no mitigation is required (RRDEIR No. 2, pages 2-43 and 2-44). Therefore, the Dixie Lee Lane parcel is not technically mitigation for any impacts to pebble plain habitat. However, even if the 0.69-acre area were determined to be true pebble plain habitat, the Dixie Lee Lane parcel would adequately mitigate for those impacts. Additionally, the Dixie Lee Lane property has not been previously pledged as mitigation for another development project in the Big Bear area as mentioned by the commenter. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species.

Response to FOF2-65

The commenter asserts that the methodology used in mapping occurrences and habitat of the ashy-grey Indian paintbrush and determining appropriate mitigation for impacts thereto is unsupported. Contrary to the commenter's assertions, the extent of the ashy-grey Indian paintbrush occurrences and their host plants were carefully delineated and recorded as part of the 2010 Supplemental Focused Special Status Plant Survey conducted by Dr. Krantz. It is important to note that ashy-grey Indian paintbrush is a hemi-parasite on its host plants and therefore does not readily disperse, dropping its seeds in the immediate vicinity of host plants themselves. Thus, the actual occupied habitat for ashy-grey Indian paintbrush does not generally change from year to year. Therefore, although other portions of the Project site that will be developed do contain "host plants" for ashy-grey Indian paintbrush such as the Wright's matting buckwheat, the current lack of ashy-grey Indian paintbrush occurrences in these areas of the Project site provide a strong indication that ashy-grey Indian paintbrush will never occur in those locations. This phenomenon is exhibited on the Dixie Lee Lane property. The Dixie Lee Lane property consists of 10 acres of high-quality pebble plain habitat and supports ashy-grey Indian paintbrush host plants. Despite this, recent surveys show only 27 plant occurrences, over the entire 10-acre property. In conclusion, appropriate mitigation includes protection of the host plants *and* ashy-grey Indian paintbrush occurrences. This is the most effective way to protect the continued existence of high-quality habitat supporting ashy-grey Indian paintbrush. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species.

Response to FOF2-66

As a short-lived perennial, ashy-grey Indian paintbrush is typically visible in any given year. The White survey in 2007 illustrates this fact, that, although the valley experienced only about half of normal precipitation in that year, ashy-grey Indian paintbrush plants were still visible and identifiable to the trained observer. That said, the survey years of 2008 and 2010 were average and above-average precipitation years, with ashy-grey Indian paintbrush plants not only present but with showy and long-lasting above-ground flowering stems. In such years, all plants, including non-flowering seedlings, are assumed to be aboveground and biologically active. This was certainly the case on the Moon Camp property, with large, showy patches of mature flowering plants and the presence of many seedlings, rendering a more accurate delineation of the actual occupied habitat than the drought year of 2007.

Response to FOF2-67

Contrary to the commenter's assertions, the RRDEIR No. 2 did analyze the project's impact to the federally threatened ashy-grey Indian paintbrush both on an individual occurrence basis *and* occupied habitat basis. As discussed on page 2-45 of the RRDEIR No. 2, the Project, with its redesigned lot configuration and additional Conservation Areas, will preserve 4,895 of the 5,567 individual plants on the Project site. This represents 88 percent of the total number of plants of ashy-grey Indian paintbrush within the Project site (RRDEIR No. 2, page 2-19). Additionally, Appendix I of this 2020 Final EIR provides an updated analysis prepared by Dr. Krantz (May 23, 2018) of the ashy-grey Indian paintbrush habitat and concluded that the Project includes approximately 7.71 acres of occupied ashy-grey Indian paintbrush habitat, of which a total of 4.84 acres of the occupied ashy-grey Indian paintbrush habitat is included within Lot A and Lot H Conservation Areas. The remaining 2.87 acres of ashy-grey Indian paintbrush habitat will be disturbed by development of the Project. The 2.87 acres that will be disturbed are located within Lots 1 through 45, Lots 47 through 50, portions of Lot F, and road right-of-ways (RRDEIR, page 2-45). Accordingly, the analysis does analyze impacts to the ashy-grey Indian paintbrush on both an occurrence basis and a habitat basis. Contrary to the commenter's assertions, the RRDEIR No. 2 was not required to analyze a project alternative that avoided all impacts to the ashy-grey Indian paintbrush. CEQA requires an EIR to describe a reasonable range of alternatives to the Project, which would feasibly obtain most of the basic objectives and would avoid or substantially lessen the significant effects of the Project (CEQA Guidelines Section 15126.6). An EIR not need consider and analyze every conceivable alternative to a Project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation (CEQA Guidelines Section 15126.6(a)). Here, the RRDEIR No. 2 did not identify a significant impact to the ashy-grey Indian paintbrush (RRDEIR No. 2, page 2-62). Accordingly, the EIR's range of alternatives did not need to include an alternative that avoided all ashy-grey Indian paintbrush occurrences on-site. Moreover, the commenter misrepresents the stated threshold of significance utilized in the RRDEIR No. 2 for impacts to sensitive plant species. The threshold of significance is whether the project "has a *substantial* adverse effect, through either direct, or indirect, modification of potential or suitable or occupied habitat, or direct take, to any species identified as a candidate, sensitive, or special-status species, in local or regional plans, policies, or regulations, or by the CDFG or USFWS" (RRDEIR No. 2, page 2-43). Pursuant to this threshold of significance, the Project will not have a significant impact on a sensitive plant species just because it has *any effect*. Effect needs to be substantial and adverse. Mere net reduction in number of species is not, in and of itself, a significant impact. Based on the design of the Project, the creation of Conservation Areas (Lot A, Lot H, and Dixie Lee Lane property), as well as other identifiable mitigation included in the RRDEIR No. 2 (Mitigation Measures BR-1a through BR-1d, RRDEIR No. 2, page 2-57 and 2-58), there is substantial evidence to support the determination that the Project will not have a significant unavoidable impact on the ashy-grey Indian paintbrush.

The permanent protection of the vast majority of the ashy-grey Indian paintbrush plants on-site in Letter Lots A and H, together with the protection of the Dixie Lee Lane pebble plain with its full suite of Threatened and Endangered plant species, comprise a mitigation program that more than compensates for the loss of some habitat/plants as a result of development. The County of San Bernardino believes that the permanent protection of ashy-grey Indian paintbrush occurrences and

habitat on-site and at Dixie Lee Lane represents adequate mitigation for potential adverse impacts to rare plants on-site.

Response to FOF2-68

The ashy-grey Indian paintbrush is a perennial plant, and is readily visible during the flowering season where it occurs, even in years with substandard rainfall. Furthermore, as a hemi-parasite on its host plants, ashy-grey Indian paintbrush does not readily disperse, dropping its seeds in the immediate vicinity of the host plants themselves. Thus, the actual occupied habitat for ashy-grey Indian paintbrush does not generally change from year to year. The Supplement Focused Special Status Plant Survey conducted by Dr. Krantz in 2010, revealed that there were no ashy-grey Indian paintbrush occurrences on the southeastern portions of the Project site, as indicated by White in 2007. Mr. White's survey was conducted in late July, during a drought year, when reliable plant identifications would be questionable for someone unfamiliar with the target species. Mr. White identified the existence of Wright's matting buckwheat in portions of the Project site and assumed that, because Wright's matting buckwheat is often a host species, the ashy-grey Indian paintbrush would otherwise occur in this area during years of normal or above-average precipitation. However, as mentioned, ashy-grey Indian paintbrush does not spread to areas just because the host plant species is found there. Changes in the occupied habitat are very limited from year to year, and, therefore, the assumptions regarding potential occurrences of ashy-grey Indian paintbrush on the southeastern portion of the Project site are incorrect. Refer to pages 1-4 of the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including a discussion of ashy-grey paintbrush conservation measures (see Appendix I of this 2020 Final EIR).

Response to FOF2-69

Scott White's 2007 report identified some "potential" introgression of Southern mountain buckwheat in the more ubiquitous Wright's matting buckwheat on the Project site. The two taxa are differentiated by the branched inflorescences of the latter, as opposed to unbranched, capitate inflorescences of the former. During Dr. Krantz's 2010 Survey, Krantz observed no unbranched specimens on-site, whatsoever. For there to be genetic introgression into Wright's matting buckwheat population on-site, one would have to have an area of entirely unbranched specimens with intergrades between the two populations. Dr. Krantz has documented introgressions between the two taxa in populations in Holcomb Valley, but the Moon Camp property Wright's matting buckwheat is not an example of this phenomenon.

Response to FOF2-70

The ashy-grey Indian paintbrush occurrences on these Lots are all situated at the very bottom of the sloping lots, immediately above the highway roadcuts. Occupied rare plant habitats within these lots fall naturally within the highway buffer and rear building setback areas on the lots, effectively precluding any construction within the sensitive habitat areas. However, although the ashy-grey Indian paintbrush occurrences and habitat within these lots are located in areas that are unlikely to be disturbed, the RRDEIR No. 2, taking a very conservative approach, assumed for purposes of a significance determination, that these occurrences would be disturbed because of the lack of formal conservation easements protecting them. These occurrences were included within the 2.87 acres of ashy-grey Indian paintbrush habitat disturbed by the project. However, with the preservation of the

most valuable 4.84 acres of ashy-grey Indian paintbrush habitat within conservation Lots A and H, as well as protection of the Dixie Lee Lane property, which supports modest population of ashy-grey Indian paintbrush, the loss of the 2.87 acres is not a significant unavoidable impact. Accordingly, no further mitigation is required. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including a discussion of ashy-grey paintbrush conservation measures.

Response to FOF2-71

The commenter is concerned that Mitigation Measures BR-1b and BR-1c (RRDEIR No. 2, page 2-57) are vague and therefore ineffective as mitigation measures. Mitigation Measure BR-1b obligates the Project Applicant to place the 9.1-acre open space areas (including Lot-A and Lot-H) within the boundaries of a recorded conservation easement. The conservation easement shall be in favor of a qualified Conservation Entity and shall provide for the continued protection and preservation of the property. The management entity is required to be approved by the CDFW. Mitigation measure BR-1C requires creation or recordation of CC&Rs further protecting the Conservation Areas and providing enforcement mechanisms for violation of the terms of the CC&Rs. In order for any mitigation measure to be legally adequate pursuant to CEQA, the measure must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4(a)(2)). Mitigation Measure BR-1b is legally adequate in that the creation of the conservation easement will restrict, at a minimum, all access to the Conservation Areas, as well as provide for ongoing management and protection of the Conservation Areas by a CDFW approved management entity. The protection of the Conservation Areas and the sensitive habitat contained therein are further enhanced through Mitigation Measure BR-1c which specifically requires project CC&Rs to include provisions restricting access to the Conservation Areas and providing enforcement mechanisms for violation of the terms. The commenter's opinion that it is likely that the terms of the CC&Rs and conservation easement will not be enforced, based on violation of CC&Rs by other housing projects in the Big Bear area, is not substantial evidence of the inadequacy of the mitigation measures. The commenter cites two examples of perceived ineffectiveness of CC&Rs in an apparent routine violation of the CC&Rs governing the activities of other residential developments. The County does not have specific knowledge of circumstances surrounding the effectiveness of CC&Rs governing other residential developments. The County of San Bernardino does not believe that violation of CC&Rs and failure of enforcement mechanisms included therein in those instances are substantial evidence that the restrictions and enforcement mechanisms included in Mitigation Measure BR-1c will be ineffective in mitigating the Project's impacts to sensitive plant species on-site. Moreover, unlike the vast majority of CC&Rs, Mitigation Measure BR-1c includes the County of San Bernardino as an entity able to enforce violations of restrictions intended to protect the sensitive plant species within Open Space/Conservation Areas. Additionally, the restrictions included in the CC&Rs are not the sole mechanism by which the Project proposes to restrict access to the Open Space/Conservation Areas. Mitigation Measure BR-1c requires Conservation Areas to be secured through installation of fencing or other barriers to prevent access, as well as installation of appropriate signage identifying location of Conservation Areas, the sensitive nature of such areas, and the fact that access is prohibited. Therefore, contrary to the commenter's assertions, the addition of restrictive fencing and appropriate signage indicating the prohibition against access to

the Open Space/Conservation Areas will be apparent to all residents and guests of residents throughout the Project and will not merely be a paper restriction that becomes forgotten over time. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including a discussion of ashy-grey paintbrush conservation measures and the Dixie Lee site.

Response to FOF2-72

See Response to FOF2-71.

Response to FOF2-73

See Response to FOF2-71.

Response to FOF2-74

The rare plant habitats to be conserved on-site will be subjected to minor indirect impacts as a result of residential development. Potential indirect impacts could result from fuel modification programs, unpermitted recreational activities, introduction of non-native plants, and loss/disruption of essential habitat due to “edge” effects. To eliminate or reduce such indirect impacts, the following measures should be incorporated into project conditions of approval.

- Fuel modification zones and programs shall not be implemented in Lots A or H (because of the brush-free nature of “pebble plains,” these areas are not subject to fuel modification in any case, and represent naturally occurring low-fuel open space areas);
- Letter Lots A and H shall be fenced, signed, and monitored by the Conservation Entity to enforce restrictions on unauthorized recreational activities in sensitive areas;
- The Conservation Entity shall conduct routine monitoring of rare plant resources on Lot A and H. The occurrence of non-native species outbreaks, or other examples of ecological disturbance as a result of indirect impacts of development in and around Lots A and H shall be reported in the annual biological monitoring reports and remedial actions shall be implemented by the Preserve Management Committee.
- Lots A and H are configured to encompass a continuous area from the top of the “knoll pebble plain” to the ashy-grey Indian paintbrush habitat along the west side of the access road. Aside from the road crossing itself, there are no new “edge” effects created by the proposed subdivision of the Moon Camp property. Biological monitoring shall be focused on the road crossing, with particular attention to potential impacts as a result of erosion, non-native plant species, or other results of creating an ecological “edge” along the road. Other “edge” effects have already been mitigated by the Project Applicant voluntarily fencing the highway frontage, where off-highway vehicle recreational use was a problem until the present landowners constructed the barbed wire fence along the north side of SR-38.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including extensive discussion of the proposed paintbrush conservation measures.

Response to FOF2-75

There are no trails from the Moon Camp property to the USFS pebble plain. The slope between the proposed lots and the USFS pebble plain are steep and brush-covered. These topographic barriers will discourage residents and their guests from climbing through the Project site to reach the pebble plain. Impacts to the USFS pebble plain today are from uncontrolled off-highway vehicle use by motorcycles and vehicles coming off Polique Canyon Road, and a designated USFS roadway, northeast of the pebble plain. It is much more likely that residents, should they desire to access the pebble plain habitat on the USFS property, would utilize these previously created accessways. Because of the location of these accessways, the County of San Bernardino does not have the legal capability to restrict such access. Finally, any impacts to the USFS pebble plain habitat resulting from residents on the Project accessing USFS property are entirely speculative. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including extensive discussion of the proposed paintbrush conservation measures. Further, baseline conditions were established with the release of the NOP; the Applicant is not responsible to return the property to a speculative or unknown future or historic condition.

Response to FOF2-76

The USFS rare plant maps on private property are very generic, and are based on non-site specific historical collection records and uncorroborated anecdotal “sightings.” The site-specific surveys replace such generic maps with more precise location data. The commenter asserts that the areas where pebble plain species were disturbed by unauthorized off-highway activities will recover if appropriate restrictive measures are taken. This is true, as has been seen on the Moon Camp property after the Knoll pebble plain was fenced, and on the Dixie Lee Lane pebble plain after that property was fenced and off-highway vehicles were excluded. This does not mean, however, that such pebble plains species will recolonize areas with inappropriate soil conditions; and in the case of Moon Camp, these “pebble plains”-like soil conditions are limited to the Knoll, which is largely included within Lot A. Therefore, even if there was unauthorized activities on the Project site that may have disturbed sensitive plant species in the past, restriction of such activities will not lead to new pebble plain species due to the lack of appropriate soil conditions.

Response to FOF2-77

The RRDEIR No. 2 analyzed the potential for the Project to have a significant impact on the American bald eagle. Although the American bald eagle was removed as a federal-listed endangered species in August 2007, it remains endangered in California, and remains a special-status wildlife species. The RRDEIR No. 2 acknowledged that the bald eagles were known to be present and roost on the Project site in the winter (RRDEIR No. 2, page 2-29). Many of the trees located on the Project site have been identified as bald eagle perch trees. Surveys and records searches were conducted for the Project site in the winter of 2002 and 2007, which determined that bald eagles use the site extensively. Bald eagle perch locations were recorded and individual trees were marked with numbered tags (RRDEIR No. 2, page 2-29). However, there are no records showing that bald eagles had historically nested on the Project site and neither the 2002 nor 2007 survey found nesting bald eagles on the Project Site. The proposed mitigation measures prohibit the intentional removal of identified perch trees as a component of Project development, but noted that perch trees may need to be removed in the future if they create a hazardous condition. The potential for future removal of bald eagle perch

trees, along with additional light and glare/noise introduced into the area by the project, is considered a potentially significant CEQA impact. Mitigation Measures BR-4, BR-6, and BR-7 (RRDEIR No. 2, page 2-59 and 2-60) will reduce impacts to the bald eagle. These mitigation measures include:

- Replacement of removed perch trees (should that be necessary) at a ratio of 5:1 with creation of artificial perch trees within the Conservation Areas or by enhancing other trees by trimming and limbing to make suitable for eagle perching. The exact method of perch tree replacement shall be made after consultation with a certified arborist. Prior to commencement of construction activity, the applicant shall have a qualified consultant survey all trees on-site to determine the location of all perch trees to be preserved. (Mitigation Measure BR-4)
- Replacement of identified non-perch trees larger than 24 inches dbh, removed as part of project development, at a ratio of 2:1. Whenever an eagle perch tree or other non-perch tree larger than 24 inches dbh is removed, the Homeowners Association shall retain a qualified consultant to oversee removal and compliance with the replacement requirement. (Mitigation Measure BR-4)
- Pre-construction survey of trees to identify existence of active nests. Active nests will be protected and avoided (Mitigation Measure BR-6)
- All vegetation removal, clearing, and grading on the Project site must be performed outside the breeding and nesting season to minimize effects to the bald eagle (Mitigation Measure BR-7)

Despite implementation of these mitigation measures, impacts were determined to be significant and unavoidable due to the very strict County of San Bernardino criteria for determining CEQA impacts to bald eagles. Any removal of perch trees or human activity resulting in the introduction of additional light and/or noise impacts is considered a significant impact under CEQA. Based on the County of San Bernardino's strict threshold of significance, any development activity is considered to result in a significant impact to the bald eagle. However, as indicated above, the Project is not likely to directly impact the eagle. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including discussion of the bald eagle. The Project would not result in take, as defined in California Fish and Game Code and the Bald and Gold Eagle Protection Act, so the Project is in compliance with both.

Response to FOF2-78

Please see Response to FOF2-77.

Response to FOF2-79

Mitigation Measure BR-4 (RRDEIR No. 2, page 2-59) provides for the preservation of eagle perch trees that were identified in the 2002 Bonterra Consulting Bald Eagle Survey prepared for the Project to be preserved in place upon Project completion. The **only** way that the perch trees will not be protected is if their condition deteriorates and they become hazards to human safety. In that instance, and only in that instance, will the existing bald eagle perch tree be removed. Upon removal of a hazardous perch tree, the Project is obligated to replace the lost perch tree with artificial perch trees on a 5:1 basis or the enhancement of trees by trimming and limbing to make

them suitable for eagle perching. The County of San Bernardino believes that this mitigation measure is effective to reduce potential impacts to the bald eagle though impact is still recognized as significant and unavoidable according to CEQA, but would not be considered take according to the federal and state definitions. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including discussion of the bald eagle on pages 1 and 2. The Project would not result in take, as defined in California Fish and Game Code and the Bald and Gold Eagle Protection Act, so the Project is in compliance with both.

Response to FOF2-80

The Project is specifically designed to ensure that the majority of bald eagle perch trees are located within designated Conservation Areas and open space lots. Only three of the identified bald eagle perch trees are located within the boundaries of a proposed developable lot. However, as indicated in Mitigation Measure BR-4 (RRDEIR No. 2, page 2-59), such trees must be preserved in place upon Project completion. They may be removed only if they become a hazard to human health. If such perch trees are removed due to their hazardous nature, the Project Applicant must replace the perch trees with artificial perch trees on a 5:1 basis or enhance other trees by limbing and trimming them to make them suitable for eagle perching. Contrary to the commenter's assertions, just because a perch tree is located within a developable lot, does not automatically assure that the perch tree will not be protected. The perch trees that are within the developable lot are located near the boundaries of the lot allowing for development of the specific lots without interfering with the continued existence of the perch tree. The commenter requests that the County of San Bernardino evaluate a mitigation measure requiring each perch tree to be located within a conservation lot and preclude them from being removed other than on the occurrence of a natural event. As indicated above, Mitigation Measure BR-4 precludes removal of the perch trees unless, due to a natural event, they become a hazard to human health. The County of San Bernardino believes the Mitigation Measure BR-4 adequately addresses preservation of existing bald eagle perch trees and no further mitigation measure is required.

Response to FOF2-81

See Response to FOF2-77 through -80.

Response to FOF2-82

The commenter is correct that the RRDEIR No. 2 does identify potentially significant impacts to the American bald eagle. The Project will be developed consistent with the County of San Bernardino Plant Protection and Management Ordinance (County Code Section 89.0110(b)), which prohibits the removal of bald eagle perch trees within an identified American bald eagle habitat, unless the perch tree creates a hazardous condition. The RRDEIR No. 2 imposes multiple mitigation measures to reduce the impact to the bald eagle, including requirements to replace perch trees (should they become hazardous and require removal) at a ratio of 5:1 or enhancement of trees by limbing and trimming, as well as the replacement of trees 24 inches dbh and larger that are removed during construction activities at a ratio of 2:1. Contrary to the commenter's assertions, the EIR does require preconstruction surveys for active eagle and raptor nests prior to construction activity as part of the Project mitigation. Mitigation Measure BR-6 requires that a qualified biologist shall survey within the limits of project disturbance for the presence of any active raptor nests seven days prior to the onset

of construction activities. Furthermore, Mitigation Measure BR-6 requires preservation of active nests until nesting activities have ended. Additionally, Mitigation Measure BR-6 (RRDEIR No. 2, page 2-59) implements restrictions on construction activity between February 1 and July 31, the nesting season for raptors and bald eagles in the region. Additionally, Mitigation Measure BR-8 (RRDEIR No. 2, page 2-60) prohibits the use of the boat dock for motorized boating during the bald eagle nesting season. Accordingly, the EIR has implemented all feasible and reasonable mitigation measures to mitigate impacts to the bald eagle. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including discussion of the bald eagle on pages 1 and 2. The Project would not result in take, as defined in the California Fish and Game Code and the Bald and Gold Eagle Protection Act, so the Project is in compliance with both.

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

Response to FOF2-83

See Response to FOF2-82. The RRDEIR No. 2 contains comprehensive analysis of potential impacts to sensitive species, including the American bald eagle from the loss of habitat due to development of the Project site. As discussed, the Project site consists of approximately 62 acres bounded by SR-38 and Big Bear Lake to the south, the community of Fawnskin to the west and northwest, existing residential development to the southeast and USFS-managed land to the north and northeast. The RRDEIR No. 2 noted the Project's potential impacts to sensitive species and applied all feasible mitigation to reduce impacts to less than significant levels, and where impacts cannot be reduced to less than significant levels (American bald eagle) all feasible mitigation was identified. For example, the RRDEIR No. 2 identified the scope of bald eagle habitat on the Project site and the potential for the species to use the site for nesting activities. The RRDEIR No. 2 noted that the bald eagle has been present on the Project site and that it could potentially nest on the Project site (RRDEIR No. 2, page 2-29). The bald eagle perch and roost locations were recorded and individual trees were marked with numbered tags. Exhibit 2-3 in the RRDEIR No. 2 notes the location of the perch trees. The RRDEIR No. 2 also concludes that the development of the Project could impact the bald eagle and, therefore, proposes a number of mitigation measures to lessen those impacts to the extent feasible. The bald eagle habitat is required to be preserved on-site to the extent feasible and any perch trees removed due to hazardous conditions must be replaced by artificial perch trees or existing trees must be enhanced at a 5:1 ratio. Accordingly, through implementation of the Project and compliance with the mitigation measures, the bald eagle habitat will be preserved and/or enhanced. The RRDEIR No. 2 did a similar analysis for other sensitive species in the area. The RRDEIR No. 2 also concluded that, because of the limited size of the Project site and its proximity to existing development and human habitation, development of the Project would not result in a significant impact due to incremental loss of habitat for some species. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including a summary table for impacts and conservation of special-status plant species.

Response to FOF2-84

The commenter notes statement from at 2002 Forest Service Burned Area Emergency Response team (BAER) reporting to show the significance of cumulative impacts to the bald eagle from

development of the Project site. It is noted that the BAER identified the Project site as important forging/perch habitat available for bald eagles. The RRDEIR No. 2 does not disagree with this conclusion and in fact concludes that the Project may have a significant impact on bald eagles. However, the assumption in the 2002 Forest Service BAER is that development of the site would result in the loss of suitable perch/nesting trees. Contrary to that conclusion, implementation of the mitigation measures identified in the RRDEIR No. 2 will preserve perch trees and/or enhance perch/nesting locations on the Project site. There will be no loss of perch trees from the Project. Therefore, there is no expected cumulative impacts to bald eagle from the Project.

Response to FOF2-85

The commenter concludes that Mitigation Measure BR-4 (RRDEIR No. 2, page 2-59) is inadequate and unenforceable and does not reduce the significance of the impacts to the bald eagle. The commenter provides no further support for this conclusion. Contrary, the County of San Bernardino believes that preservation of the perch trees and/or replacement with artificial perch trees within the Conservation Areas or enhancement of existing trees at a 5:1 ratio should any existing perch tree be removed because of hazardous condition does provide mitigation for the bald eagle. Any development that may occur within the Project site and in the individual lots must avoid impacts to trees larger than 24 inches dbh and their root structures to the maximum extent feasible. If any additional non-perch trees on-site larger than 24 inches dbh are removed, then a replacement ratio of 2:1 shall be required and replacement trees shall be 24-inch box trees or larger. However, the RRDEIR No. 2 duly notes that impacts will remain significant and unavoidable even after implementation of mitigation.

Response to FOF2-86

The commenter asserts that there are two trees currently used for forging by bald eagles that are omitted from Exhibit 3-2 in the RRDEIR No. 2. Although the commenter provides no evidence of the exact location of the subject tree or that it is used by bald eagles for perching/nesting, Mitigation Measure BR-4 (RRDEIR No. 2, page 2-59) is amended to require confirmation of perch trees prior to commencement of construction activity.

Response to FOF2-87

The commenter asserts that the RRDEIR No. 2 failed to analyze the Project's impacts on forging habitats of the bald eagle due to Project development. The RRDEIR No. 2 does conclude that the Project has a significant unavoidable impact on the bald eagle primarily due to the existence of human habitation and proximity to bald eagle forging habitat. The RRDEIR No. 2 concludes that despite imposition of mitigation measures regarding preservation of perch trees, replacing of perch trees, restriction of construction activity during nesting periods and restriction on the use of the marina during bald eagle nesting periods, the Project would still have a significant unavoidable impact to the bald eagle. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species, including discussion of the bald eagle. The Project would not result in take, as defined in California Fish and Game Code and the Bald and Gold Eagle Protection Act, so the Project is in compliance with both.

Response to FOF2-88

Please see Response to FOF2-87.

Response to FOF2-89

Please see Response to FOF2-87. The commenter asserts that Mitigation Measure BR-4 (RRDEIR No. 2, page 2-59) requiring placement of trees that are larger than 24 inches dbh with 24-inch box trees is inadequate as mitigation for impacts to the bald eagle. Mitigation Measure BR-4 requires development of the Project to conserve existing non-perch trees that are 24 inches dbh or larger, but if any such trees are lost during Project development, they must be replaced by 24-inch box trees or larger at a 2:1 ratio. The commenter does not provide any evidence supporting the conclusion that mitigation would not assist in reducing impacts to the bald eagle. As stated previously, impacts will remain significant and unavoidable irrespective of implementation of such mitigation.

Response to FOF2-90

The commenter asserts that the environmental baseline discussion of the Project Description is inadequate and inaccurate because some of the trees on the property have recently died or have been cut since the RRDEIR No. 2 was released from public review. Even assuming the commenter is correct and a number of pine trees have been removed from the Project site, the existing project description remains valid and legally adequate for CEQA purposes. The general description of the environmental setting and resources existing on-site is general in nature and intended to give the reviewing public an understanding of the environmental baseline against which the impacts to the Project are analyzed. The loss of a few trees does not alter the informational value presented by the existing project description, nor does it invalidate the environmental analysis on which it is based.

Response to FOF2-91

Contrary to the commenter's assertions, the Project will not impact any identified wetlands on the part of the Project site located south of SR-38. The supplemental focused rare plant survey prepared by Dr. Krantz (June 2008), included as an Appendix A.11 to the RRDEIR No. 2 confirmed, through Project site visit, that the area located south of SR-38 does not contain any wetlands. The shoreline habitat consists of ruderal shoreline plant species that does not support any sensitive plant or wildlife species.

Response to FOF2-92

See Response to FOF2-16. As indicated in the RRDEIR No. 2 and accompanying Supplemental Focused Rare Plant Survey prepared by Dr. Krantz (August 2010) and included as an Appendix A.11 to the RRDEIR No. 2, there are no pebble plain soils located on the Project site. The "pebble plain habitat" previously mapped within Lot A—as well as Lots 1, 2, and 3 as identified in previous botanical reports—has some of the soil characteristics of a true pebble plain but lacks the two indicator threatened plant species that accompany true pebble plain habitat. Therefore, there is technically no pebble plain on the property but merely pebble plain like soil conditions. Accordingly, the Project redesign to shift Lots 1, 2, and 3 into the area previously designated as the northern portion of Lot A and does not result in an increase in impacts resulting from the Project. On the contrary, the redesign to shift Lots 1, 2, and 3 results in a significant preservation of ashy-grey Indian paintbrush occurrences and habitat. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT

Consulting for additional analysis of known and potential special-status species and further explanation of the on-site rare plant habitat and soil types.

Response to FOF2-93

Exhibit 2-2 accurately reflects the area of potential impacts to ashy-grey Indian paintbrush occurrences and habitat. The area of the road not shown as within the area of impacts to ashy-grey Indian paintbrush is so designated because Focused Plant Surveys conducted by Dr. Krantz did not show any ashy-grey Indian paintbrush occurrences within the boundaries of the future roadway at those points.

Response to FOF2-94

Please see Response to CBD2-11 and -12. Fortunately, the “pebble plains-like” soils on-site inhibit most non-native plant species from becoming established in such habitats in the Big Bear area. There are, nonetheless, several non-native taxa that occur widely on pebble plains, most notably *Bromus tectorum* and *Erodium cicutarium*. As long as there is no surface disturbance of the clay-quartzite soils that comprise Lots A and H, these two ubiquitous, non-native annuals are not expected to become a serious problem on the rare plant Conservation Areas. The botanical monitoring program shall identify any non-native species issues and propose remedial actions if deemed necessary.

Response to FOF2-95

The southwestern willow flycatcher is a federal and State-listed endangered species. The analysis in the RRDEIR No. 2 and supporting Biological Resource Analysis concluded that although the potential for the species to occur on Project site as a forging migrant is high, its potential to nest on the Project site is considered low. Surveys for the species concluded that no breeding or individual southwestern willow flycatchers were detected on the Project site. Habitat along the shoreline is considered to be of low quality, lacking the dense growth or willow thickets favored by the species (RRDEIR No. 2, page 2-29). Therefore, impacts to this habitat is not considered a substantially significant impact requiring mitigation

Response to FOF2-96

Contrary to the commenter’s assertions, the RRDEIR No. 2 did include a substantive analysis of potential impacts of the Project on the San Bernardino flying squirrel. A focused survey for San Bernardino flying squirrel was conducted on the Project site and results were negative. However, an individual of the species was trapped in 1998 by the USFS. The analysis concluded that the Project site provided suitable forging habitat for the species and a potential for the occurrence is considered high despite the negative focused survey. Based on the moderate potential for occurrence, the RRDEIR No. 2 proposed Mitigation Measure BR-3 (RRDEIR No. 2, page 2-58) has been revised to require the following:

BR-3 ~~The project proponent shall have a biologist qualified with San Bernardino flying squirrel (SBFS) as a monitor during tree removal. Minimize the number of trees, snags, and downed wood removed for project implementation. Compensating the removal of snags containing cavities; this would be achieved by constructing and erecting two nest boxes and one aggregate box per snag removed. Appendix A of this Revised and Recirculated Draft EIR No. 2 provides the specifications of the nest and aggregate~~

boxes (Flying Squirrels 2007). These boxes should be located on the adjacent U.S. Forest Service (USFS) land (with their permission) and the locations marked with a global positioning system. The locations of the boxes shall be provided to the USFS so that their biologists could monitor the boxes for occupation by SBFS.

Provide new homeowners with a flyer that would provide information on the biology of SBFS and how they are susceptible to depredation by cats. The flyer would also outline steps that homeowners could take to reduce their urban edge effects.

Given the negative results of on-site surveys and the available technical and peer reviewed literature, negative effects to the San Bernardino flying squirrel are not expected. However, because marginal foraging habitat was found on-site, the following mitigation measures will be implemented in the lots with densely forested areas and snags. These mitigation measures are to be implemented to avoid and minimize impacts to San Bernardino flying squirrels:

- The Project Applicant shall have a qualified biologist as a monitor just prior to and during all tree removal on-site.
- Minimize the removal of large coarse woody debris (>10cm diameter), which provide microhabitat for the growth of hypogeous fungi.
- Limit removal of standing snags (>25cm dbh) and large trees (>25cm dbh), which provide both structural complexity and potential nesting habitat.
- Prioritize the retention of large trees and snags with visible potential cavity nesting structures, which are associated with higher densities of northern flying squirrels.
- Minimize the loss of continuous canopy closure, especially in the drainages, which provides protection from predators while foraging and may play an important role in maintaining habitat connectivity.
- The Project Applicant must compensate for the removal of suitable habitat through construction and erection of two nest boxes and one aggregate box per snag removed.
- The Project Applicant is required to provide homeowners with information on the biology of the San Bernardino flying squirrel and suggest steps that homeowners can take to reduce their urban-edge effects.
- All subsequent home developers must comply with these provisions which shall be enforced by the County of San Bernardino through implementation of the Mitigation Monitoring and Reporting Program as mandated by CEQA.

If the monitoring biologist observes a San Bernardino flying squirrel during pre-construction and/or construction monitoring, the biologist will immediately halt work until the occupied tree can be vacated prior to felling the tree; however, if the work is during the nesting season (generally March through May), when baby squirrels could be present, the nest will not be vacated until after the nesting season ends (June 1st), as cleared by the monitoring biologist.

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

With limited habitat disturbance and implementation of mitigation measures, the RRDEIR No. 2 includes substantial evidence that impacts the San Bernardino flying squirrel will be less than significant.

Response to FOF2-97

The commenter asserts that the Project EIR did not include an arborous survey regarding Jeffrey Pines and other native forest trees on the site. The commenter also asserts that such survey is recommended by the County of San Bernardino Native Plant Protection and Management Policies. The County of San Bernardino Code Chapter 88.01 does regulate management of plant resources in unincorporated areas of the County. This Code provision requires a tree or plant removal permit under certain circumstances. Section 88.01.050 provides that the County of San Bernardino *may* require certification from an appropriate arborous, registered professional forester, or a desert native plant expert to support the issuance of removal permit. Such arborous analysis is only required, if at all, through the tree removal permit process. Should a tree removal permit be required as part of implementation of the Project, appropriate conditions thereto shall be determined at the time of permit application.

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

Response to FOF2-98

The commenter asserts that Mitigation Measure BR-5 (RRDEIR No. 2, page 2-59) has no “long term enforceability and therefore ineffective as mitigation.” The commenter also ask who will be checking if individual property owners call an arborist and ask for trees to be removed.

The first comment simply makes a naked conclusion that there is no long-term enforceability without any discussion. As identified in the mitigation measure, the enforceability is perpetual and there is no distinction between short-term and long-term enforceability.

With regards to the second comment, the answer is that no individual or entity will be checking to see if an individual property owners call an arborist and ask for trees to be removed. The reason for that answer is that no mitigation measure has been proposed regarding calls to an arborist. Such a mitigation measure would be infeasible, and if it could be implemented, that measure would be less effective compared to the proposed mitigation measures that mitigate any potential impact to a level that is less than significant. Prior to vegetation clearing, grading, or other disturbance, the Project site shall be surveyed to identify all large trees (i.e., greater than 20 inches in diameter at 4.5 feet from the ground) within 600 feet from the high water line. Trees identified on the Project site as having a diameter in excess of 20 inches at 4.5 feet from the ground within 600 feet of the shoreline shall be documented and tagged. Any development that may occur within the Project site and in the individual lots shall avoid impacts to tagged trees and their root structures. If such trees cannot be avoided, their removal shall be coordinated with the County of San Bernardino to minimize impacts to the extent feasible. All construction or landscaping improvements, including irrigation, will be prohibited on or around the exposed root structures or within the dripline of these trees. These restrictions on development of individual lots must be clearly presented and explained to any

potential prospective developers and/or homeowners prior to assumption of title and close of escrow. This measure shall be identified as a Note on the Composite Development Plan.

Response to FOF2-99

The RRDEIR No. 2 included a substantive discussion about the Project potential impacts to the southern rubber boa, a species of concern on the federal level and the State-listed threatened species. The analysis is supported by multiple focused surveys conducted to determine whether the southern rubber boa occupies the Project site. Both focused surveys confirm the absence of this species on-site. The focused surveys noted that the species usually occurs in moist woodlands and conifer forests with deep, well-developed soils. Surveys noted that there is a lack of historical records indicating southern rubber boa occurrences in the immediate vicinity of the Project site, and the negative results of two independent focused surveys, the EIR concluded that the southern rubber boa had a low potential to occur on the Projects site. The commenter asserts that “the survey stops short of following recommended DFG protocol.” However, the commenter does not indicate what component of the surveys failed to comply with CDFW protocol. To the contrary, the 2007 Focused Survey was conducted by Glenn Stewart, PhD, Professor of Zoology and Environmental Sciences, Cal Poly Pomona, a noted authority on the southern rubber boa. Based on his survey of the Project site and his vast and extensive knowledge of the southern rubber boa, the EIR concluded that the Project would not result in impacts to the southern rubber boa (see Appendix J of this 2020 Final EIR). Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species. Furthermore, Dr. Stewart’s habitat assessment showed that the Moon Camp Tract is poor southern rubber boa habitat and is outside the area mapped as potential southern rubber boa habitat in the Forest Service habitat management guide. There have been no southern rubber boa sightings in the area; therefore, there is no suitable habitat to map.

Response to FOF2-100

The commenter asserts that the mitigation for southern rubber boa “Mitigation Measure BR-2” (RRDEIR No. 2, page 2-58) is inadequate since the required setbacks would be on private lots and there are no enforcement options provided that would assure its effectiveness. Mitigation Measure BR-2 requires that trees and downed-logs remain in place and that a 50-foot setback “measured on each side of the center line” must be maintained along the deepest ravine at the eastern edge of the property. Although it may be true that the setbacks would extend into private developable lots, the County of San Bernardino, as approving agency will enforce compliance with this mitigation measure. Accordingly, the County of San Bernardino believes that Mitigation Measure BR-2 is sufficient to mitigate potential impacts to the southern rubber boa. Refer to the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species (see Appendix I of this 2020 Final EIR). Furthermore, Dr. Stewart’s habitat assessment (February 2007) showed that the Moon Camp Tract is poor southern rubber boa habitat and is outside the area mapped as potential southern rubber boa habitat in the Forest Service habitat management guide. There have been no southern rubber boa sightings in the area; therefore, there is no suitable habitat to map.

Response to FOF2-101

The RRDEIR No. 2 includes a discussion of whether the Project would impact existing wildlife corridors and wildlife movement.

The Project site is identified on the County of San Bernardino Land Use Plan—General Plan—Open Space Element map as a Major Open Space Area. Specifically, it is listed as Major Open Space Area Number 42, Big Bear Lake Watershed, with the following description: “Big Bear Lake Watershed-This area includes the entire watershed of Big Bear Lake, and contains a number of specialized habitat area, which support a large number of endangered plants and animals (as well as commonly occurring mountain species). Habitat values here should be maintained, potentially by controlling development to prevent damage to important habitat areas.” While the San County of Bernardino Land Use Plan—General Plan—Open Space Element map does identify “Wildlife Corridors” within the county, according to the map, the Project site does not fall within a Wildlife Corridor. The Project site is located within what is designated as a “Policy Area.” This designation is not defined on the map or within the General Plan documents. The Project area is not located within any other designation listed on the map. The map is available at <http://cms.sbcounty.gov/Portals/5/Planning/ZoningOverlaymaps/OpenSpaceCountywide.pdf>

Contrary to the commenter’s assertions, the Project would not result in a substantially significant impact due to the destruction or impairment of wildlife corridor. The Project represents continuation of residential development to the east, along the north shore of Big Bear Lake. The Project site is bounded on the west and northwest by existing residential development in the community of Fawnskin. The Project is further bordered by Big Bear Lake and SR-38 to the south of the Project site with further existing residential development to the south and southeast of the Project site. As such, wildlife movement and use of the Project site as a wildlife corridor is currently constrained by existing development and other features restricting wildlife movement.

As such, development of the Project will not result in the destruction or impairment of existing wildlife corridors.

Response to FOF2-102

The commenter asserts that the RRDEIR No. 2 improperly characterizes SR-38 as a barrier to wildlife movement along the Project site. The commenter’s opinion is noted and will be presented to the decision-makers prior to certification of the 2020 Final EIR.

Response to FOF2-103

The commenter asserts that Mitigation Measure BR-11 (RRDEIR No. 2, page 2-61) has been shown to be ineffective and therefore is not valid, or legally enforceable mitigation. Mitigation Measure BR-11 requires the Project Applicant to post signs along the northern and eastern perimeter of the Project site, where the property boundary abuts the USFS open space, indicating the existence of sensitive plant and wildlife habitat on federal lands and to request that people utilize existing trails on such federal lands to limit the amount of human disturbance on the adjacent natural open space areas. The analysis included in the RRDEIR No. 2 acknowledged that the Project could result in an indirect impact to the adjacent Forest Service open space natural habitat areas (RRDEIR No. 2, pages 2-51 and 2-52). Of note, the RRDEIR No. 2 noted that the Polique Canyon pebble plains are situated on

the USFS land approximately 1,056 feet northeast of the Moon Camp Project site at an elevation of about 200 feet above the Project site. The County believes that Mitigation Measure BR-11 is sufficient to mitigate any potential impacts to the extent feasible. First, there is no evidence to suggest that future residents of the Project site, as a matter of course, will hike into the USFS open space areas where no designated trails exist. This is particularly true considering the severe increase in grade moving north into USFS lands. Additionally, neither the Project Applicant nor the County of San Bernardino has a legal authority to preclude public access to federal lands which are not otherwise closed to public access. Accordingly, requiring the signage to be placed on the northern and eastern boundaries of the Project site adjacent to the USFS lands is sufficient to mitigate any potential impact that may be caused by development of the Project.

Response to FOF2-104

The commenter asserts that Mitigation Measure BR-12 (RRDEIR No. 2, page 2-61) is ineffective and unenforceable as a mitigation measure because “there is no agency that could conceivably be expected to follow through on checking to be certain that homeowners are not planting invasive or non-native species.” Mitigation Measure BR-12 requires a landscaping plan to be submitted for the entire tract prior to recordation of the final subdivision map. The County of San Bernardino, prior to recordation of the final subdivision map, shall review and approve the landscaping plan for the Project. A note will be placed on the Composite Development Plan indicating that all future landscaping plans submitted for approval by individual lot owners shall conform to the landscaping plan for the entire tract. The requirement that each individual lots landscaping plan be consistent with the overall landscaping plan approved for the Project shall also be included as a requirement in the Project CC&Rs. To be legally adequate mitigation, the mitigation measure needs to be enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Sections 15126.4(A)(2)). Here, mitigation measure is enforceable through multiple mechanisms, including a County-approved landscape plan, as well as provisions of the Project CC&Rs. Such enforcement mechanisms are appropriate and render the mitigation legally adequate. The commenter’s opinion that the County of San Bernardino will not enforce such mitigation measures will be forwarded to County of San Bernardino decision-makers prior to certification of the EIR.

Response to FOF2-105

The noted 100-foot fuel modification setback discussed in the RRDEIR No. 2 is mandated by the County of San Bernardino Fire Department pursuant to County ordinance. The Project will comply with all existing County of San Bernardino and USFS fuel modifications and requirements. As discussed in the RRDEIR No. 2, there are multiple mitigation measures proposed that will result in the preservation of sensitive plant and wildlife habitat. Implementation of fuel modification requirements consistent with County ordinance will not result in additional potentially significant impacts not identified in the RRDEIR No. 2 and mitigated through implementation of Mitigations Measures BR-1 through BR-2 (RRDEIR No. 2, page 2-57 and 2-58). Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species. Specifically, see pages 2 through 4 for discussion of this species.

Response to FOF2-106

Please see Response to FOF2-67. Contrary to the commenter's assertions, the RRDEIR No. 2 did analyze the Project's impact to the federally threatened ashy-grey Indian paintbrush both on an individual occurrence basis *and* occupied habitat basis. As discussed on page 2-45 of the RRDEIR No. 2, the Project, with its redesigned lot configuration and additional Conservation Areas, will preserve 4,895 of the 5,567 occurrences on the Project site. This represents 88 percent of the total occurrences of ashy-grey Indian paintbrush within the Project site (RRDEIR No. 2, page 2-19). Additionally, Appendix I of this 2020 Final EIR, dated May 23, 2018 provides an updated analysis of the ashy-grey Indian paintbrush habitat; the analysis concluded that the Project included approximately 7.17 acres of ashy-grey Indian paintbrush habitat. A total of 4.84 acres of the occupied ashy-grey Indian paintbrush habitat is included within Lot A and Lot H Conservation Areas. The remaining 2.87 acres of ashy-grey Indian paintbrush habitat will be disturbed by development of the Project. That 2.87 acres is located within Lots 1 through 45, Lots 47 through 50 and portions of Lot F, and road right-of-ways (RRDEIR No. 2, page 2-45). Accordingly, the analysis does analyze impacts to the ashy-grey Indian paintbrush both on an occurrence basis, as well as a habitat basis. Contrary to the commenter's assertions, the RRDEIR No. 2 was not required to analyze a project alternative that avoided all impacts to the ashy-grey Indian paintbrush. CEQA requires an EIR to describe a reasonable range of alternatives to the Project, which would feasibly obtain most of the basic objectives and would avoid or substantially lessen the significant effects of the Project (CEQA Guidelines Section 15126.6). An EIR not need consider and analyze every conceivable alternative to a Project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation (CEQA Guidelines Section 15126.6(a)). Here, the RRDEIR No. 2 did not identify a significant impact to the ashy-grey Indian paintbrush (RRDEIR No. 2, page 2-62). Accordingly, the EIR's range of alternatives did not need to include an alternative that avoided all ashy-grey Indian paintbrush occurrences on-site. Moreover, the commenter misrepresents the stated threshold of significance utilized in the RRDEIR No. 2 for impacts to sensitive plant species. The threshold of significance is whether the project "has a *substantial* adverse effect, through either direct, or indirect, modification of potential or suitable or occupied habitat, or direct take, to any species identified as a candidate, sensitive, or special-status species, in local or regional plans, policies, or regulations, or by the CDFG or USFWS." (RRDEIR No. 2, page 2-43). Pursuant to this threshold of significance, the Project will not have a significant impact on a sensitive plant species just because it has *any effect*. Effect needs to be substantial and adverse. Mere net reduction in number of species is not, in and of itself, a significant impact. Based on the design of the Project, the creation of Conservation Areas (Lot A, Lot H, and Dixie Lee Lane property), as well as other identifiable mitigation included in the RRDEIR, (Mitigation measures BR-1a through BR-1d there is substantial evidence to support the determination that the Project will not have a significant unavoidable impact on the ashy-grey Indian paintbrush.

The permanent protection of the vast majority of the ashy-grey Indian paintbrush plants on-site in Letter Lots A and H, together with the protection of the Dixie Lee Lane pebble plain with its full suite of Threatened and Endangered plant species, comprise a mitigation program that more than compensates for the loss of some habitat/plants as a result of development. The County of San Bernardino believes that the permanent protection of ashy-grey Indian paintbrush occurrences and

habitat on-site and at Dixie Lee Lane represents adequate mitigation for potential adverse impacts to rare plants on-site.

Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species. Specifically, see pages 2 through 4 for discussion of this species.

Response to FOF2-107

Please see Response to ELIASON-18 and Response to FOF2-62. Four other list 1B rare plants occur on-site: *Arabis parishii*, *Ivesia argyrocoma*, *Mimulus purpureus*, and *Phlox dolichantha*. All four of these species, although restricted or nearly restricted to the Big Bear area (the *Mimulus* and *Ivesia* both also occur in Baja California), are distributed rather widely throughout the area, occurring in a wide range of habitats other than pebble plains. All four of these species are found on the Dixie Lee Lane pebble plain and adjacent black oak woodland (*Phlox dolichantha*). The *Arabis parishii*, *Ivesia argyrocoma*, and *Mimulus purpureus* all occur on Lots A and H as well. *Arabis parishii* occurs primarily on the knoll pebble plain-like soils and several plants on the small openings on Lots 32 and 34. *Ivesia argyrocoma* occurs primarily on the knoll and rear swale of Lot 50. *Mimulus purpureus* occurs rather widely in forest openings, occurring in openings in the Jeffrey pine forest and on Lots A and H. *Phlox dolichantha* occurs widely on steeper, black oak-wooded slopes, as below the USFS Polique Canyon pebble plain, and also under black oaks on edges of the Dixie Lee Lane pebble plain. All four occur on and around the Dixie Lee Lane pebble plain in greater densities than here. See also Response CBD2-3 and CBD2-4 concerning distribution of these four List 1B species. “Mandatory Findings of Significance,” as cited under the CEQA, require that an Environmental Impact Report must be prepared to address these potential impacts to the environment. This has been done not once, but twice in the case of the Moon Camp Project—once for the initial 100-lot proposal and again, in response to the findings of the first DEIR, for the 50-lot proposal; and then the DEIR has been recirculated yet again concerning the revised Lot configurations and Letter Lots proposed with the current revised Application.

Response to FOF2-108

The commenter claims that the EIR does not contain any analysis regarding the Project site being located in a 50-year or 100-year flood plain, though historic photographs tend to suggest that the Project site is vulnerable to flooding. The analysis of the Project site’s potential to be subject to flooding is not a topic of the RRDEIR No. 2 and therefore is beyond the scope of this document. However, as discussed in the RRDEIR No. 1, the Project area is located in flood control district zone number 6, which is a low-flood potential zone. This is because the upstream watershed is relatively small and run-off is incapable of producing floods with huge amounts of water (RRDEIR No. 1, page 4.4-7). Despite the low probability of significant flooding on the Project site, RRDEIR No. 1 applied Mitigation Measures HYD-1 through HYD-3 (RRDEIR No. 1, page 4.4-15) to reduce the potential of flooding on-site to less than significant levels.

Response to FOF2-109

The RRDEIR No. 2 includes comprehensive discussion of potential impacts to special-status plant species from the loss of habitat due to construction of the Project. For instance, the RRDEIR No. 2 indicates that approximately 50 acres of Jeffrey Pine Forest, including 13.818 acres of open Jeffrey

Pine Forest are present on the Project site and will be impacted by development of the Project. However, the RRDEIR No. 2 also indicates that there are approximately 58,526 acres of Jeffrey Pine Forest within the San Bernardino National Forest (RRDEIR No. 2, page 2-49). Therefore, development of the Project resulting in the loss or disturbance of 50 acres of Jeffrey Pine Forest does not result in a significant impact to the Jeffrey Pine Forest habitat, and the special-status wildlife species that occupies such habitat considering the amount of similar habitat that continues to exist in proximity to the Project site, including those portions of the USFS-managed land adjacent to the Project site. Moreover, the RRDEIR No. 2 analyzed impacts to federally listed ashy-grey Indian paintbrush due to development of the Project. The RRDEIR No. 2 noted that development of the Project will disturb suitable habitat for the ashy-grey Indian paintbrush but that the loss of this habitat will not result in a significant impact to the ashy-grey Indian paintbrush because of the creation of Lot A and Lot H Conservation Areas along with the revised Project design that limits impacts to ashy-grey Indian paintbrush occurrences and habitat, as well as implementation of Mitigation Measure BR-1A (RRDEIR No. 2, page 2-57), which requires permanent conservation of a 10-acre parcel that contains high-quality pebble plain habitat and ashy-grey Indian paintbrush occurrences. Accordingly, the County of San Bernardino believes that the RRDEIR No. 2 does in fact contain inadequate analysis regarding impacts to sensitive species through loss of habitat. Refer to Appendix I of this 2020 Final EIR for the recent Technical Review of the Biological Database for the Moon Camp Project Site prepared by ELMT Consulting for additional analysis of known and potential special-status species. Specifically, see pages 2 through 4 for discussion of this species.

Response to FOF2-110

The commenter asserts that the RRDEIR No. 2 should have included an analysis regarding the Project potential impacts to the spotted owl. The California spotted owl is a federal species of concern and a State species of special concern. This species occurs in all of the major mountain ranges in southern California. Focused surveys were conducted for the California spotted owl on the Project site. The surveys concluded that one male spotted owl was detected approximately 1 mile to the northwest of the Project site but no nesting pairs or individuals were observed on the Project site. The San Bernardino National Forest has been conducting focused spotted owl surveys for several years, and is monitoring the non-breeding owls, which are located in territories several miles north of the Project site in the dense conifer forest. Although the spotted owl could use the Project site for foraging, the loss of the foraging habitat has less than significant impact. The Project site makes up only approximately 62 acres of open Jeffrey Pine Forest located close to existing development in the community of Fawnskin. The loss of 62 acres of potential foraging habitat is not a potentially significant impact to the California spotted owl considering the thousands of acres of similar habitat remaining throughout the Big Bear Valley, the majority of which remains under the control of the USFS. Accordingly, the County of San Bernardino believes that the analysis in the RRDEIR No. 2 regarding impacts to the California spotted owl is adequate.

Response to FOF2-111

Please see Response to FOF2-110. Contrary to the commenter's assertions, the County of San Bernardino believes that the mitigation measures incorporated into the RRDEIR No. 2 to reduce impacts to the San Bernardino flying squirrel are adequate to reduce impacts to less than significant levels. The RRDEIR No. 2 proposes Mitigation Measure BR-3 (RRDEIR No. 2, page 2-58), revised to require the following:

BR-3

The project proponent shall have a biologist qualified with San Bernardino flying squirrel (SBFS) as a monitor during tree removal. Minimize the number of trees, snags, and downed wood removed for project implementation. Compensating the removal of snags containing cavities; this would be achieved by constructing and erecting two nest boxes and one aggregate box per snag removed. Appendix A of this Revised and Recirculated Draft EIR No. 2 provides the specifications of the nest and aggregate boxes (Flying Squirrels 2007). These boxes should be located on the adjacent U.S. Forest Service (USFS) land (with their permission) and the locations marked with a global positioning system. The locations of the boxes shall be provided to the USFS so that their biologists could monitor the boxes for occupation by SBFS.

Provide new homeowners with a flyer that would provide information on the biology of SBFS and how they are susceptible to depredation by cats. The flyer would also outline steps that homeowners could take to reduce their urban edge effects.

Given the negative results of on-site surveys and the available technical and peer reviewed literature, negative effects to the San Bernardino flying squirrel are not expected. However, because marginal foraging habitat was found on-site, the following mitigation measures will be implemented in the lots with densely forested areas and snags. These mitigation measures are to be implemented to avoid and minimize impacts to San Bernardino flying squirrels:

- The Project Applicant shall have a qualified biologist as a monitor just prior to and during all tree removal on-site.
- Minimize the removal of large coarse woody debris (>10cm diameter), which provide microhabitat for the growth of hypogeous fungi.
- Limit removal of standing snags (>25cm dbh) and large trees (>25cm dbh), which provide both structural complexity and potential nesting habitat.
- Prioritize the retention of large trees and snags with visible potential cavity nesting structures, which are associated with higher densities of northern flying squirrels.
- Minimize the loss of continuous canopy closure, especially in the drainages, which provides protection from predators while foraging and may play an important role in maintaining habitat connectivity.
- The Project Applicant must compensate for the removal of suitable habitat through construction and erection of two nest boxes and one aggregate box per snag removed.
- The Project Applicant is required to provide homeowners with information on the biology of the San Bernardino flying squirrel and suggest steps that homeowners can take to reduce their urban-edge effects.
- All subsequent home developers must comply with these provisions which shall be enforced by the County of San Bernardino through implementation of the Mitigation Monitoring and Reporting Program as mandated by CEQA.

If the monitoring biologist observes a San Bernardino flying squirrel during pre-construction and/or construction monitoring, the biologist will immediately halt work until the occupied tree can be vacated prior to felling the tree; however, if the work is during the nesting season (generally March through May), when baby squirrels could be present, the nest will not be vacated until after the nesting season ends (June 1st), as cleared by the monitoring biologist.

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

With limited habitat disturbance and implementation of mitigation measures, the RRDEIR No. 2 includes substantial evidence that impacts the San Bernardino flying squirrel will be less than significant.

The commenter has provided no evidence that suggests any residual impacts to the San Bernardino flying squirrel from development of the Project that will result in a potentially significant impact to the California spotted owl. The commenter's opinion will be forwarded to the decision-maker for consideration prior to certification of the EIR.

Response to FOF2-112

The commenter asserts that the Project is inconsistent with certain goals for the County of San Bernardino General Plan related to managing natural resources. The County of San Bernardino respectfully disagrees with the commenter that the Project is in fact inconsistent with the General Plan goals listed by the commenter. The commenter's opinion will be forwarded to the decision-maker for consideration prior to certification of the EIR.

Response to FOF2-113

This summary comment is noted. The comment is a summary and conclusion of the comment letter and does not address any specific issues regarding the RRDEIR No. 2.

Slowik, Matt - LUS

From: Martinez, Samuel
Sent: Monday, January 23, 2012 4:24 PM
To: Slowik, Matt - LUS
Subject: NOA Revised and Re-circulated Draft EIR No. 2 for the Moon Camp Project
Attachments: LAFCO Response to Mooncamp DEIR 1-23-12.pdf

Matt,

Attached is LAFCO's response to the Notice of Availability of the revised/re-circulated Draft EIR. Hard-copy is in the mail.

Thank you,

Sam

Samuel Martinez

San Bernardino Local Agency Formation Commission
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215 North D Street, Suite 204
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CLARK H. ALSOP

January 23, 2012

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

RE: Notice of Availability of the Revised and Re-circulated Draft
EIR No. 2 for the Moon Camp Project: General Plan
Amendment and Tentative Tract Map (TTM #16136)

Dear Mr. Slowik:

The Local Agency Formation Commission (LAFCO) received the Notice of Availability (NOA) of the Moon Camp Project identified above. The NOA specifically limits the comments to the three revised sections of the Draft EIR – Executive Summary (Section ES), Project Description (Section 1), and Biological Resources (Section 2). After reviewing the documents, LAFCO has the following comments and/or concerns:

Water Service Options and Infrastructure, beginning on Page 1-15
(Section 1, Project Description)

This section identifies three water service options. The first option, identified as Alternative #1, make statements that are either incorrect or confusing to the reader.

- First, it discusses annexation of the project area to the DWP's service area. Annexation, in the context of the LAFCO process, is construed to mean adding an area to the boundaries of an agency. In this scenario, since the DWP is a department of the City, annexation would mean that the project site will have to be annexed into the City of Big Bear Lake, which is not what this alternative is envisioning.
- Secondly, this section also identifies that the "DWP cannot provide water service without first complying with the provisions of Government Code (GC) Section 56133, which pertains to the Local Agency (not Area) Formation Commission **annexation** process."