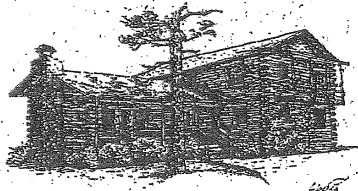


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RECEIVED
MAY 14 2004
LAND USE SERVICES DEPT
ADVANCE PLANNING DIVISION

May 12, 2004

Mr. Matthew W. Slowik
County of San Bernardino
Land Use Services Department, Planning Division
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182
Via Facsimile and US Mail

RE: DRAFT EIR for the Moon Camp Development Project/RCK
Properties Inc.: General Plan Amendment/Official Land Use District
Change; Tentative Tract Map #16136, & conditional use permit for a
boat dock.

Dear Mr. Slowik,

I would like to request that the County extend the May 17th deadline for the public to comment on the Draft EIR for the Moon Camp Development Project. Because of the length and complexity of this document, it will require an equally long amount of time to review and comment upon. In addition, it refers to a lot of documents that should be reviewed as well, but they are not provided in the Draft EIR.

38-1

As a resident and business owner in Fawnskin, I am very concerned about the significant impacts upon our community that a proposed project of this magnitude would have, and feel we should be given adequate time to review this document, and provide our comments.

Thank you for considering our request.

Nancy Walker

Nancy Walker

880 CANYON ROAD ~ POST OFFICE BOX 378 ~ FAWNSKIN, CA 92333 ~ (909) 866-3200
www.fawnskininn.com ~ innatfawnskin@charter.net

Response to Commentor No. 38

Nancy Walker

May 12, 2004

- 38-1 Commentor refers to extending the deadline for providing comments on the Draft EIR. Please refer to Response to Comment No. 9-1, which addresses this concern.

817 Coronado Terrace
 Los Angeles, CA. 90026
 May 13, 2004

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

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

Dear Mr. Slowik,

Thank you for the opportunity to review this document. As homeowners in Fawnskin, we oppose the proposed Moon Camp project as currently designed, because the DEIR fails to adequately evaluate the immense impact that this projected development would have on the region. Our reasons are as follows:

FIRE PROTECTION AND SAFETY

- Sections 5.3-1 of the DEIR evaluated the fire risk as Level 2. All mountain areas in the County have now been upgraded to fire risk Level 1. Therefore, this DEIR level risk statement and the entire fire protection analysis is invalid. 39-1
- Nothing was included in the DEIR in the fire protection section that covered evacuations from the Valley in case of wildfire. We had a few days of warning for the October 2003 evacuation, with minimal tourists in the Valley due to the off-season, mid-week, non-holiday time frame. The addition of more houses is a Significant Impact. The DEIR totally understated the potential for the number of persons that could be in homes built within the proposed Moon Camp development, especially if a fire were to happen on a holiday weekend. The neighboring proposed Marina Point project would add substantially to these numbers, as would several on-going developments on the Big Bear side of the Lake. 39-2
 Even without the panic of fire within the Valley itself during the October exodus, it took over 6 hours to get off the mountain.
- The potential for loss of human life in a fire emergency due to the potential increase in resident population and the much larger increase in weekend population was not addressed in the DEIR. Considering the numbers of dead and dying trees, upwards of 40% presently, this proposed development would create a significant and unavoidable impact on fire protection and safety. 39-3

- Mitigation measures of fire sprinklers, fire-resistant vegetation and homeowner association requirements totally underestimate the danger and potential loss of human life that wildfire create and downplay the significant impact of this proposed development on fire protection and safety.

39-4

ZONING CHANGES

In section 5.1-2, San Bernardino County Development Code, the DEIR states that according to the General Plan, a Land Use District Change requires that each of the following statements be true:

- "Change is in public interest and there will be a community benefit and other existing and permitted uses will not be compromised." This proposed project would not be a community benefit nor would it benefit the public interest, and in fact would harm the community (for reasons detailed in the other sections of this document). Since this is not a benefit to the public, this proposed zoning change would be a significant and unavoidable impact.
- "The proposed zoning change is consistent with the goals and policies of the General Plan and will provide a reasonable and logical extension of the existing land use pattern in the surrounding area." The majority of the property boundaries are National Forest or lakeshore; therefore the change from rural to residential is not a logical extension and poses a very significant adverse impact to these surrounding areas. To go from 1 house per 40 acres (BV/RL40) to a higher density than the city of Los Angeles (BV/RS-7200) is a leap in logic for the area proposed.
- "The proposed land use change will not have a substantial adverse effect on surrounding property." When we purchased our Fawnskin property, we did due diligence and checked the County General Plan to see what the adjacent property was zoned. Knowing that it was zoned RL-40, we felt confident in purchasing our home. The proposed change to the zoning would affect our property value, destroy our view and permanently alter the characteristic small town ambience of Fawnskin.

39-5

39-6

39-7

CUMULATIVE IMPACTS

- In section 5.1-3, the DEIR states that this proposed project, combined with other future development, would increase the intensity of land use, but concludes that the impacts would be less than significant. We consider the proposed Moon Camp Development, the proposed Marina Point Development, the proposed Brookside Project, and the expansion of the Discovery Center and proposed Zoo relocation will exert stresses on the water, electric, sewer, traffic patterns, lake, light and air pollution, plant and animal populations, public services (ie. Sheriff and Fire), loss of lake public access and change of area ambience, to create a sizable negative effect and therefore a significant impact. To analyze the proposed Moon Camp project alone is completely invalid, as cumulative impacts are more than significant.

39-8

RECREATION

- In Section 5.2-1 through 5.2-4, the annual basis of the lake use factor of 9% is very low considering the addition of 275 boats (Moon Camp and Marina Point). As the lake is closed half of the year, the DEIR figures are only half of the potential increase in usage. An annual usage average is not applicable in this circumstance.

39-9

AESTHETICS

- Section 5.4 (Aesthetics) downplays the impact that this proposed project would have on the entire area. The DEIR states that impacts are significant and unavoidable. The DEIR continues with a disclaimer stating that aesthetics is based on a subjective interpretation value. The statements and mitigation options are highly slanted in favor of the proposed development. 39-10
- In the DEIR statements and views in Section 5.4, Density and scale portray smaller, widely spaced homes, not as the proposed development would be in actuality. 39-11
- Roof angles are minimized in the graphics of Section 5.4. Mountain homes require a higher degree of slope for winter conditions. 39-12
- The Section 5.4 graphics do not show the lakeside wall that would make Moon Camp a private gated community. Downplay of this factor in the DEIR falsely understates the loss of views of the lake. 39-13
- The Section 5.4 statement that the proposed buildings would not be anticipated to incorporate reflective glass and also would minimize flat surfaces to reduce glare conditions in completely invalid. This suggests that decks would not be built or would be kept to a minimum. It is a widely known fact that decks are extremely popular on homes in the mountain community affording views. Also, non-reflective glass options would not be a reality due to costs, as windows would be maximized to take advantage of the privatized views. 39-14

All of the above statements and graphic depictions mislead the public as to the total negative visual impact of this proposed project and serve only to downplay the level of the significant and unavoidable impact on aesthetics.

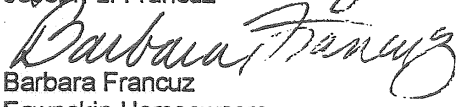
LOSS OF BUSINESS

- At the DEIR scoping meeting held in March 2002, we brought up the loss of business the proposed project would have on the Valley lodge owners. This was not recorded at the meeting, nor was the impact analyzed in the DEIR. Homes purchased as vacation homes are frequently used as vacation rentals. This loss of revenue to lodge owners and restaurateurs needs to be considered in the overall economic well being of the Valley. 39-15

We have only touched on a small sampling of points of concern to us in this letter. Due to the short period of time we were allowed to comment, we were not able to adequately address the other topics we would like to cover. We would appreciate hearing from you and your department on any further action regarding this proposed project.

Sincerely,


Joseph L. Francuz


Barbara Francuz
Fawnskin Homeowners
39787 Flicker Road

Response to Commentor No. 39

Joseph and Barbara Francuz

May 12, 2004

- 39-1 Commentor refers to accuracy of current Fire Risk Level designation. Please refer to Response to Comment No. 13-27, which addresses this concern.
- 39-2 Commentor refers to increased cumulative traffic and affects to evacuation plans. Please refer to Response to Comment No. 13-32, which addresses this concern.
- 39-3 Commentor refers to the urban/forest interface and the increased fire risk associated with project implementation. Please refer to Response to Comment Nos. 4-1, 4-4, and 13-27 to 13-36, which address these concerns.
- 39-4 Commentor refers to completeness of mitigation measures for fire protection services. Please refer to Response to Comment Nos. 4-1, 4-4, 13-39 and 13-31, which address these concerns. The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 39-5 Commentor refers to the Project's consistency with the County's General Plan. Please refer to Response to Comment No. 13-9, which addresses this concern.
- 39-6 Commentor refers to the Project's consistency with the County's General Plan. Please refer to Response to Comment No. 13-10, which addresses this concern.
- 39-7 Commentor refers to the Project's consistency with the County's General Plan. Please refer to Response to Comment No. 13-16, which addresses this concern.
- 39-8 Commentor refers to cumulative impacts associated with other foreseeable projects. Please refer to Response to Comment No. 13-2, which addresses this concern.
- 39-9 Commentor refers to lake usage statistics and affects to recreational activities. Please refer to Response to Comment No. 13-25, which addresses this concern.
- 39-10 The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 39-11 Commentor refers to the visual simulations not being reflective of build-out of the project area. Please refer to Response to Comment Nos. 13-54 and 13-55, which address this concern.
- 39-12 Commentor refers to the visual simulations not being reflective of build-out of the project area. Please refer to Response to Comment Nos. 13-54 and 13-55, which addresses this concern.
- 39-13 Project implementation would not include the construction of a lakeside wall along the project's southern perimeter. Thus, the view simulations appropriately do not illustrate a lakeside wall feature.

- 39-14 Mitigation Measure 5.4-4c recommends the use of “minimally” reflective glass, not “non-reflective” glass, to reduce the potential light and glare impacts associated with the proposed residential uses. This is considered a reasonable and feasible mitigation measure to reduce impacts in this regard. The proposed residential uses are anticipated to include potentially large decks. However, the decks would likely consist of wood or other minimally reflective surface material that parallels the ground. Thus, decking is not anticipated to be a significant source of light and/or glare.
- 39-15 Economic effects are not considered environmental effects under CEQA, and should be considered in an EIR only if they would lead to a physical impact on the environment. Thus, the loss of business as referenced by the Commentor was not addressed in the EIR. Also, refer to Response to Comment No. 13-8.

May 14, 2004

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

RECEIVED
MAY 18 2004
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

RE: DRAFT EIR FOR THE MOON CAMP DEVELOPMENT PROJECT/RKC PROPERTIES INC.:
GENERAL PLAN AMENDMENT/OFFICAL LAND USE DISTRICT CHANGE FROM BV/RL-40 TO
BV/RS-7200 AND AMENDMENT TO COUNTY CIRCULATION ELEMENT FOR REALIGNMENT
OF
NORTH SHORE DRIVE; TENTATIVE TRACT MAP #13136, AND CONDITIONAL USE PERMIT
FOR A BOAT DOCK.

Dear Mr. Slowick,

Thank you for the opportunity to review this letter. I live in Fawnskin where the proposed Moon Camp Development Project is to be built. I'm opposed to this Moon Camp Project as presently designed because the DEIR fails to adequately evaluate the TRUE impact this proposed project would cause to the critical issue of water. As you know, the Big Bear Lake region, including Fawnskin is experiencing the sixth year in a row of drought conditions. These include, but are not limited to: water restrictions being placed on businesses and residences, Big Bear Lake being about 15 feet from being full, the closure of public boat launch ramps especially on the North Shore where Fawnskin is located, not to mention the very real threat of a devastating forest fire like the ones we had last October, and the dead and dying trees due to the drought and beetle infestation. We get our water from wells and when the wells dry up we will have to find other more expensive means to bring water to the customers here. Water does not flow uphill so it would be impossible to pipe water in. I believe the development of this Moon Camp Project would put more strain on an already strained water issue up here.

40-1

State Route 38 runs through the proposed project is designated as a "Scenic Highway" by the county and as a "Scenic Byway" by the U.S. Forest Service. It does conclude that the impact with regards to aesthetics would be significant and unavoidable if this project is approved. That conclusion is drawn even though the ENTIRE section on aesthetics (section 5.4) DOWNPLAYS and UNDERSTATES the impact that this proposed project would have on the entire area. The simulated views DO NOT include the housing density that is proposed, as they are not done to the correct scale. This way is so that they GROSSLY understate the effects on the views. They use views that are photographed and shot between the houses to MISLEAD how it will look from the houses above the proposed project. In addition, the view show an exceptional number of full-grown trees between and near the houses when in ACTUAL construction it would be HIGHLY UNLIKELY that those trees could be worked around rather than cut-therefore the simulated views must be for about 40-100 years in the future when new trees have grown that tall. Also by moving the highway farther back away from the lake, and putting in houses nearer to the lake, you will loose that lake view forever when you drive this "Scenic Highway/Byway" and it won't be scenic anymore. The glare from the lights of this project would block out the ability to get a clear unobstructed view of the stars and celestial formations during the year for those of us in Fawnskin who enjoy looking at the night sky. It would be like viewing the stars at night from a backyard in the Los Angeles area. It is hard to do because of the glare of lights.

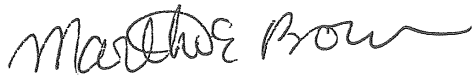
40-2

THE DEIR in section 5.7 concludes that the short-term (construction), long-term, watercraft, and cumulative noise would be less than significant. **when we can hear every car pass from nearly everywhere in Fawnskin, this issue must be evaluated as significant. An example of this is the neighbors who live three blocks away were cutting firewood. I heard them cutting. Also when someone has a powerboat out on the lake, I can hear it from my house.**

40-3

As you can see the resulting impacts on this proposed project would have many negative effects.

Sincerely,

A handwritten signature in cursive script that reads "Martha Brown". The signature is written in dark ink and is positioned above the printed name and address.

Martha Brown
P.O. Box 123
Fawnskin, CA 92333

Response to Commentor No. 40

Martha Brown

May 14, 2004

- 40-1 The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 40-2 Commentor refers to the visual simulations not being reflective of build-out of the project area. Please refer to Response to Comment Nos. 13-54 and 13-55, which address this concern. The Commentor also refers to light and glare affects associated with project implementation. Please refer to Response to Comment Nos. 13-52, which addresses this concern. The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 40-3 Commentor refers to short- and long-term noise impacts associated with project implementation. Please refer to Response to Comment No. 28-2, which addresses this concern.

Robin and Scott Eliason
 PO Box 309
 Fawnskin, California 92333
 May 14, 2004

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

Re: Moon Camp Residential Subdivision TT16136 EIR

Dear Mr. Slowik,

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the proposed Moon Camp residential development project, General Plan amendment, land use district change, circulation amendment, tentative tract map, and conditional use permit for a boat dock (collectively, DEIR). As residents of Fawnskin, California, we are strongly opposed to this proposed project. Development of Moon Camp, as proposed, would not be in the public interest and would have substantial adverse effects on surrounding properties and adjacent communities that rely on the same limited resources. We support the rights of the property owner to utilize the property consistent with current land use zoning, but we urge the County not to allow the significant impacts and dramatic adverse change in the character of the area that would occur should this proposed project be approved. Changing the zoning to allow this density of housing during current conditions in the mountains would be irresponsible.

41-1

As a professional biologist (Robin) and professional botanist (Scott) with recognized expertise on the wildlife and plants of Big Bear Valley, we also believe there would be significant impacts to biological resources not fully addressed in the DEIR. Significant impacts to biological resources are downplayed in the DEIR and many would continue to be significant after mitigation. Our comments focus on the errors, faulty assumptions, and omissions in the DEIR, specifically pertaining to biological resources.

41-2

In general, the DEIR understates the extent and significance of biological resource impacts that the proposed project would cause. Furthermore, the expected effectiveness of the proposed mitigation measures at reducing impacts to below significance is exaggerated and unsupported. Specific issues are as follows:

- Drought-year surveys yielded an incomplete assessment of rare plants. For example, *Ivesia argyrocoma* and *Mimulus purpureus* are widespread throughout the "open Jeffrey pine" type, and are highly visible from Highway 38 and properties along Flicker Road.
- Most of the "open Jeffrey pine" type characterized in the DEIR should have been described as pebble plain habitat, based on soils and species composition; as defined in the Pebble Plain Habitat Management Guide developed by the San Bernardino National Forest in 2002. Therefore, approximately 17 acres of pebble plain habitat, not 0.69, would be destroyed.

41-3

41-4

Impacts to the entire pebble plains habitat area falls within the mandatory finding of significance for special status biological resources.	41-4
• Proposed mitigation for pebble plain habitat and special status plants is vague, speculative, untested, and probably untenable:	
○ Vague: Measures 5.8-1a and g state that a 3:1 ratio is 'typical' but does not specify that this ratio would be required for this project.	41-5
○ Vague: Measures 5.8-1a and g also state that the "project applicant", which presumably includes the proponent as well as subsequent lot owners seeking to build, would pay compensation to fund the purchase and management of off-site habitat. The measure does not specify that this payment must be based on a current appraisal of Big Bear Valley habitat acreage, and an adequate endowment to provide for management in perpetuity.	41-6
○ Vague: It is not clear in the DEIR whether impacts to pebble plains habitat and other special status plants caused by initial construction of roads and infrastructure are subject to mitigation measures 5.8-1a and g.	41-7
○ Speculative: At 3:1, it would be difficult if not impossible to find a willing seller of approximately 50 acres of pebble plains and associated rare plant habitat. This would be about ¼ of the total remaining pebble plain habitat on private land.	41-8
○ Speculative: It would be difficult to find a qualified and willing manager for these conservation lands. The quality of management of private conservation (<i>i.e.</i> , mitigation) lands in Big Bear Valley over the last decade has been dismal.	41-9
○ Untested: The California Wildlife Foundation is willing to receive compensation funds and dispense these funds to parties who wish to purchase and manage conservation lands, but they have never done so at this scale or under these conditions.	41-10
○ Untenable: Because of the vague, speculative, and untested nature of 5.8-1a and g, impacts to pebble plains and other special status plants can not be reduced to below significance, nor can it reduce these significant impacts to any verifiable extent.	41-11
• Mitigation measure 5.8-1g fails to specify that the December 1 to April 1 seasonal restriction for bald eagles includes all vegetation clearing, grading, and exterior construction; following strong precedent from all projects on the shore of Big Bear Lake since at least the early 1980s.	41-12
• It is very confusing and misleading to combine in 5.8-1g the bald eagle seasonal restrictions with measures to mitigate impacts to pebble plains.	41-13
• The document understates the expected impacts to Bald Eagles and overstates the extent to which mitigation measures reduce the level of impacts.	
○ The initial removal of approximately ¼ of the existing trees on the property, an estimated 655 out of 2,772 trees, is not analyzed with respect to bald eagles, and would apparently not be constrained or reduced by mitigation measure 5.8-1c.	41-14
○ The extent to which bald eagle perch trees can be protected under measures 5.8-1b and c are greatly exaggerated. Any trees that may pose a safety hazard to structures, power lines, telephone/cable lines, or roads can not be protected under the County Code or CC&R's. With the proposed density of lots and ultimately of structures, virtually every large tree within Moon Camp would be subject to future hazard tree removal. These would be hazards that do not exist under current land use and zoning.	41-15
○ The impacts to bald eagles that would be caused by the proposed project could harm bald eagles by removing habitat essential to the feeding and sheltering of this protected	41-16

- species, and thereby may constitute "Take" as defined under the federal and state Endangered Species Acts. 41-16
- o While the DEIR concludes that impacts to bald eagles would remain significant with the proposed mitigation, the document understates the level and severity of impacts. 41-17
- The DEIR fails to address impacts to osprey, which frequently perch at Moon Camp in the Spring and Summer, and have similar habitat requirements and sensitivities to those of the bald eagle. 41-18
- Cumulative Effects: The cumulative effects of all of the existing developments, currently approved projects, and proposed developments are significant. It is not possible to mitigate for those significant effects. The cumulative effects analysis in the DEIR is not adequate and does not adequately address the drastic changes that have occurred in the Big Bear Basin especially over the last decade. 41-19
 - o With the limited availability of water resources in the San Bernardino Mountains and the high fire risk (even in non-drought years), it would be unconscionable to allow further large-scale development in this area. This project combined with the proposed Marina Point project would at least double the population of the town of Fawnskin. The DEIR describes many significant impacts that would occur—including traffic, water utilization, etc. Those significant impacts cannot be mitigated. It is the County's responsibility and mandate to recognize this significance and determine that it would NOT be good for the communities of the Big Bear Valley. 41-20

When buying property, we researched the current zoning of property around the house and were comfortable with the R-40 zoning of the Moon Camp property. We never would have considered buying property at this Fawnskin location had we known that the Board of Supervisors would consider changing it, thereby adversely affecting our property. If it were this easy to change zoning, the County General Plan would be useless. Please use it as it was meant to be, as a planning document to guide the future of the County and its residents. Please do the right thing and smart thing for the environment, the residents, and visitors by denying this development proposal. 41-21

In closing, the DEIR presents a weak analysis of biological resources which consistently understates the expected level of impacts, and puts forward a set of mitigation measures that would not be effective in substantially reducing highly significant impacts. 41-22

We again urge the County to fulfill its responsibilities to protect the Public Trust and to meet your obligations to protect the quality of the environment. Please select the "No Project" alternative. 41-23

Sincerely,



ROBIN ELIASON and SCOTT ELIASON
Residents of Fawnskin and Experts on Biological Resources
1098 Canyon Road

Response to Commentor No. 41

Robert and Scott Eliason

May 14, 2004

- 41-1 The County will consider the Commentor's opinion and comments during their deliberation on the project.

- 41-2 The County will consider the Commentor's opinion and comments during their deliberation on the project.

- 41-3 Commentor refers to adequacy of biological resources surveys in drought years. Please refer to Response to Comment Nos. 3-5 and 13-90, which addresses this concern.

- 41-4 Please refer to Response to Comment No. 6-1. According to the 2002 Pebble Plain Habitat Management Guide, National Forest land currently supports approximately 3,473 acres of pebble plain habitat and private land supports approximately 736 acres, for an estimated total of approximately 4,209 acres. If the open Jeffrey pine on the project site is determined to be pebble plain during surveys required by Mitigation Measure 5.8-1a and the extent of pebble plain habitat on the project site equates to approximately 17.38 acres, impacts to this acreage would not be expected to substantially reduce the habitat type, threaten to eliminate a plant community, or result in a cumulatively considerable impact to pebble plain habitat. Therefore, impacts to this habitat type associated with the proposed project would not be expected to trigger the Mandatory Findings of Significance for biological resources.

- 41-5 Commentor refers to specific requirements in the special status plant and vegetation mitigation. Please refer to Response to Comment Nos. 3-5 and 3-6, which addresses this concern.

- 41-6 Commentor refers to specific requirements in the special status plant and vegetation mitigation. Please refer to Response to Comment Nos. 3-5 and 3-6, which addresses this concern.

- 41-7 Commentor refers to the applicability of the special status plant and vegetation mitigation. Please refer to Response to Comment Nos. 3-5, 13-86 and 13-95, which addresses this concern.

- 41-8 Commentor refers to likelihood of finding a property owner to sell land in accordance with the special status plant and vegetation mitigation. Please refer to Response to Comment Nos. 13-92 and 41-4, which address this concern. The County will consider the Commentor's opinion and comments during their deliberation on the project.

- 41-9 Commentor refers to management of conservation lands referenced in the special status plant and habitat mitigation. Please refer to Response to Comment Nos. 3-5 and 13-92, which address this concern. The County will consider the Commentor's opinion and comments during their deliberation on the project.

- 41-10 The Commentor refers to the nature of the special status plant and vegetation mitigation. Please refer to Response to Comment Nos. 3-5 and 13-92, which address this concern. The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 41-11 Please refer to Response to Comment Nos. 41-5 to 41-11. The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 41-12 Mitigation Measure 5.8-1g has been deleted. Please refer to Response to Comment Nos. 3-5 and 3-6.

Page 5.8-66, Mitigation Measure 5.8-2e of the Draft EIR has been revised in the Final EIR as follows:

5.8-2e	<p>Garages with automatic door openers shall be required. No exterior construction shall occur between December 1 and April 1, when bald eagles are present. Garages with automatic door openers shall be required. No exterior construction, grading or vegetation clearing shall be permitted between December 1 and April 1, which is the wintering period for bald eagles (i.e., the season when bald eagles are present in the Big Bear area).</p>
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- 41-13 Commentor refers to Mitigation Measure 5.8-1g including requirements for both bald eagle populations and pebble plain habitat. Please refer to Response to Comment No. 41-12, which addresses this concern.
- 41-14 The impacts to bald eagle are considered significant and unavoidable by the EIR. The EIR does not attempt to quantify the extent to which mitigation measures reduce the levels of impacts; however, the mitigation measures do not reduce the impacts to a level considered less than significant. Removal of trees during clearing for construction would not be conducted while bald eagles are present on the site in accordance with Mitigation Measure 5.8-2e. Therefore, clearing of the trees would not result in a direct impact on bald eagles. However, on page 5.8-51 of the Draft EIR, impacts to bald eagle are addressed and it is indicated that removal of trees or construction of uses in proximity to trees used by the bald eagle such that "a loss of perching or roosting habitat value for wintering bald eagles would be considered a significant impact." This impact is identified as significant and unavoidable in the EIR.

Also, refer to Response to Comment No. 13-88, which addresses cumulative impacts to the bald eagle.

- 41-15 Commentor refers to impacts to bald eagles. Please refer to Response to Comment No. 41-14, which addresses this concern. The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 41-16 The term "Take" means to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" under the State and

Federal Endangered Species Acts. Mitigation Measure 5.8-2e (as revised) would insure that no vegetation removal or construction would occur on the project site while bald eagles are present. Removal of unoccupied habitat is not considered "Take" under the Federal and State Endangered Species Acts.

- 41-17 The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 41-18 Commentor refers to impacts to Osprey. Please refer to Response to Comment No. 13-87, which addresses this concern.
- 41-19 Cumulative impacts to biological resources are discussed in Impact Statement 5.6-6 of the Draft EIR. The cumulative impact analysis has been modified to indicate that project implementation would result in significant and unavoidable impacts to the wintering bald eagle population. Please refer to Response to Comment No. 13-88. Also, Response to Comment No. 13-2 addresses the cumulative project analysis throughout the EIR. The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 41-20 The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 41-21 The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 41-22 The County will consider the Commentor's opinion and comments during their deliberation on the project.

MARLA J HENRICH
P.O. BOX 282
FAWNSKIN, CA 92333
Phone 909-866-3300
Fax 909-866-4222
E-mail: marlajean@hotmail.com

Friday, May 14, 2004

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

RE: DRAFT EIR FOR THE MOON CAMP DEVELOPMENT PROJECT/RCK PROPERTIES INC., GENERAL PLAN AMENDMENT/OFFICIAL LAND USE DISTRICT CHANGE FROM BV/r1-40 TO BVRS-7200 AND AMENDMENT TO COUNTY CIRCULATION ELEMENT FOR REALIGNMENT OF NORTH SHORE DRIVE; TENTATIVE TRACT MAP #1636, AND CONDITIONAL USE PERMIT FOR A BOAT DOCK.

Dear Mr. Slowik:

Thank you for the opportunity to review the document and provide comments. I oppose this Moon Camp project as presently designed, because the DEIR fails to adequately evaluate the true impact on the Fawnskin area. The following are examples of my concerns:

Section 5.3. 1 – Fire Protection

The evaluations for this section were based on Fire Risk level 2. This is invalid because all mountain areas in the County have now been upgraded to Fire Risk level 1.

42-1

Nothing was included in the EIR in this Fire Protection section regarding evacuations from the valley in case of wild fire and the impact adding more house would have on that. Since the last evacuation took 6 hours to get off the mountain when we had a few days warning and minimal tourists in the area, **the impact of more houses is VERY SIGNIFICANT.** The "Old Fire" last fall really was a wakeup call. With only 3 exits out of this valley and the possibility that all 3 may not be available for an evacuation is of great concern. It will be several years before we have a healthy forest and the threat of fire is a real danger.

42-2

The mitigations listed on page 5.3.22 for fire protection are completely inadequate. 5.3-1b says fires sprinklers will be added in each residence in lieu of additional manpower. 5.3-1e and 5.3-1f says the fire-resistant vegetation required in the project will be managed and enforced by the Homeowners Association for the project. Who will monitor the Homeowners Association to make certain they are enforcing the rules? These mitigations will have zero impact on improving the situation. We are in a high fire alert area.

42-2

Section 5.7 – Noise

The DEIR Section 5.7 concludes that the short-term (construction), long term, watercraft and cumulative noise would be less than significant. This is not the case. As of this time, highway noise can be heard in Fawnskin. The Marina Point project, the moving of the Moonridge Zoo to the North Shore, and this project would certainly increase the highway usage and create more noise. This project also includes a marina. This would impact the highway use noise as well the noise level from boat engines, people's voices, etc. The general noise associated with a marina would definitely impact the noise level in our homes. **The homes and marina in the Moon Camp proposal along with the proposed Marina Point development (which also includes a proposed marina) would have a significant negative impact in regards to the noise level in this area.**

42-3

Thank you for the opportunity to respond to the Draft EIR.

Sincerely,



Marla J. Henrich

cc: Supervisor Dennis Hansberger
Congressman Jerry Lewis
Senator Jim Brulte
Assemblyman Russ Bogh
Senator Nell Soto

Response to Commentor No. 42

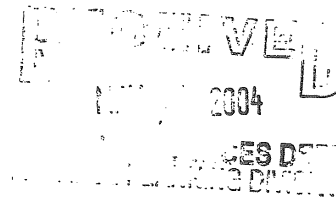
Marla J. Henrich

May 12, 2004

- 42-1 Commentor refers to the current accuracy of the Fire Risk Level designation. Please refer to Response to Comment No. 13-27, which addresses this concern.
- 42-2 Commentor refers to traffic impacts and affects to evacuation plans, as well as completeness of fire protection services mitigation measures. Please refer to Response to Comment Nos. 4-1, 4-4, and 13-27 to 13-34, which address these concerns.
- 42-3 Commentor refers to the short- and long-term cumulative noise impacts associated with proposed project and the adjacent Marina Point development. Please refer to Response to Comment Nos. 13-80, 13-83, 26-15 and 28-2, which address these concerns. The County will consider the Commentor's opinion and comments during their deliberation on the project.

May 14, 2004

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



Attn: Matthew W. Slowik

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

Dear Mr. Slowik,

We appreciate the opportunity to review this document. We are opposed to the Moon Camp project as presently designed because the DEIR has failed to evaluate adequately the true impact the project would cause for the home owners of Fawnskin. Although there are many issues we are in opposition, we will only list a few.

WATER- 5.3.6

It is stated that the proposed changes will not have an adverse effect on our community- In reality, the impact will be significant. Our lake is extremely low, we already have a water shortage. We face constant fire danger and the lack of water to fight it. Water measurement was done in 1987- DEIR does not evaluate the water supply in draught conditions. The water supply must be proven prior to changing zoning before allowing more than one house per 40 acres. We are already on odd/even watering days for the existing houses and these restrictions do not work.

43-1

FIRE PROTECTION - 5.3.1

Last evacuation, it took over 6 hours to get Big Bear residents off the mountain. This was not a weekend or holiday which would have had a serious impact on the safety of the residents, tourists. The Discovery center is now being expanded which will bring up more tourists and create more congestion. The fire department already has limited access to some of the areas and increased population due to the new proposed projects is going to be a real disaster.

43-2

ELECTRICITY-5.3.9

We will be receiving higher electricity rates due to the new generator Bear Valley Electric is building and it is designed to handle peak period overloads for the current residents and businesses. No more electricity can be brought up the mountain and we are already facing shortages. A power source on the proposed project would create additional pollution, additional noise, and a threat to wildlife.

43-3

NOISE-5.7

We already have a significant rise in noise through Fawnskin . We hear every car that passes and the proposed new construction has plans to move the highway closer to the homes creating increased noise, and pollution. The new project also plans to add nearly 100 boat slips which will increase the noise level to Fawnskin homeowners. We already hear every boat on the lake and we believe that many will decide to leave because our peace and tranquility will be destroyed. We live in Fawnskin because it is quiet, peaceful and this new proposed project is taking away everything we came here to enjoy.

43-4

Thank you for allowing us to express our feelings.

Dr. Gerald and Natalie Marks
Dr. Gerald and Natalie Marks
39739 Flicker Road
Fawnskin, CA 92333/0229

Response to Commentor No. 43

Dr. Gerald and Natalie Marks

May 14, 2004

- 43-1 Commentor refers to water supply and affects to groundwater. Please refer to Response to Comment Nos. 1-3 to 1-6, 13-42, 13-43, 13-44, 13-47, 18-1 and 21-3, which address these concerns.
- 43-2 Commentor refers to increased traffic and affects to evacuation plans. Please refer to Response to Comment No. 13-32, which addresses this concern. The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 43-3 Commentor refers to the potential impacts as a result of constructing an alternative electrical power source on the project site. Please refer to Response to Comment Nos. 13-49, which addresses these concerns. The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 43-4 Commentor refers to long-term noise impacts associated with project implementation. Please refer to Response to Comment Nos. 13-80, 13-83, 26-15 and 28-2, which address this concern. The County will consider the Commentor's opinion and comments during their deliberation on the project.

May 15, 2004

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

RE: DRAFT EIR for the Moon Camp Development Project/RCK
Properties Inc.: General Plan Amendment/Official Land Use District
Change; Tentative Tract Map #16136, & conditional use permit for a
boat dock.

Dear Mr. Slowik,

Thank you for allowing us to review the above referenced document. We believe that the resulting impacts of this proposed project would be very significant. Namely:

- 1) **Zoning change:** In section 5.1-2, San Bernardino County Development Code, the DEIR states that according to the General Plan, a Land Use District Change requires that each of the following statements be true:
 - a. "The proposed land use District change is in the public interest, there will be a community benefit, and other existing and permitted uses will not be compromised." This is not true! 44-1
 - b. "The proposed land use District change is consistent with the goals and policies of the General Plan, and will provide a reasonable and logical extension of the existing land use pattern in the surrounding area." This parcel has been one for one single family residence for years, and serves as a buffer between existing single family residences and the National Forest and the lake. 44-2
 - c. "The proposed land use District change does not conflict with provisions of this Code, or any applicable specific code." This is doubtful, when one reads the first 100+ pages of the DEIR, statement after statement is made as to the negative impacts. 44-3
 - d. "The proposed land use District change will not have a substantial adverse effect on surrounding property." It would have significant impacts in terms of traffic, air and noise pollution. 44-4
- 2) **Cumulative Impact:** In section 5.1-3 of the DEIR it states that combined with other future development, the proposed project would increase the intensity of land uses in the area. The cumulative effects of this proposed project, plus the proposed Marina Point development, plus the proposed Brookside project, plus the expansion of the Discovery Center to handle more visitors, plus all the developments on the south shore, given the water shortage, electricity shortage, fire danger, lack of evacuation abilities, all go together to create an 44-5

extremely significant impact. It is invalid, misleading, and understated to analyze this project alone.

44-5

- 3) **Recreation:** In section 5.2-1, the DEIR states that the proposed construction of marina facilities may have an adverse impact on the physical environment.

44-6

- 4) **Fire Protection:** All the evaluations in Section 5.3-1 were based on Fire Risk level 2, but all mountain areas in the County have now been upgraded to Fire Risk level 1, so all the comments here are invalid. Nothing was addressed in the document about evacuations from the valley, and how additional homes and residents will impact the already difficult evacuation plans. It would have a *significant impact!* The mitigations listed on page 5.3-22 for fire protection are completely inadequate. Our valley has unprecedented building, with a higher wildfire risk than anywhere else in the country, and questionable ability to evacuate the people who already live here. The view that the South shore residents and visitors enjoy would be irreparable damaged if two massive projects replace trees with walls, windows and marinas, as well as increasing boat and car traffic!

44-7

The Old Fire demonstrated that we can't defend what already exists in the mountains. Denial and complacency of the mountain fire danger has already placed too many people in jeopardy. Disasters will only get worse, if we ignore the lessons of the Old Fire and lapse again into forgetfulness and denial, further underestimating this dire problem.

44-8

Anyone who was in the Big Bear evacuation knows that it is highly irresponsible to add more people to these dangerous mountains. There comes a time when public safety and taxpayer protection must override high zoning densities and excessive profiteering on private lands in the mountains. The Old Fire indicates we've reached that point.

44-9

- 5) **Police Protection:** The DEIR says in section 5.3-2 that the project implementation could result in significant physical impacts but has concluded these would be less than significant. Additional rental properties would only increase the already significant problem that exists with owners not being held accountable for following rules, and the rules not being enforced. Fawnskin residents have had problems with slow response times and adding more residents would only add to the problem.

44-10

We, as residents of Fawnskin, respectfully request that you look at these and other significant impacts that this proposed project would have. Residents and visitors to Fawnskin are here precisely BECAUSE of the peaceful, quiet nature of the area. They are here because it IS mostly forest service land, because it IS NOT like the South shore. Let's not let yet another developer try to change the zoning in order to build more homes that are not needed or wanted.

Very truly yours,

William C. Hazel
Nancy Walker

William Hazewinkel

Nancy Walker

PO Box 378, Fawnskin, CA 92333

Response to Commentor No. 44

William Hazewinkel and Nancy Walker

May 15, 2004

- 44-1 Commentor refers to the Project's consistency with the County's General Plan. Please refer to Response to Comment No. 13-9, which addresses this concern.
- 44-2 Commentor refers to the Project's consistency with the County's General Plan. Please refer to Response to Comment No. 13-10, which addresses this concern.
- 44-3 The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 44-4 Commentor refers to the Project's consistency with the County's General Plan. Please refer to Response to Comment No. 13-16, which addresses this concern.
- 44-5 Commentor refers to cumulative impacts associated with other foreseeable projects. Please refer to Response to Comment No. 13-2, which addresses this concern.
- 44-6 Commentor refers to the proposed marina facility and potential impacts to the environment from recreational facilities. Please refer to Response to Comment No. 13-24, which addresses this concern.
- 44-7 Commentor refers to impacts to fire protections services as a result of project implementation. Please refer to Response to Comment Nos. 4-1, 4-4, and 13-27 to 13-34, which address these concerns. The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 44-8 The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 44-9 Commentor refers to traffic impacts and affects to evacuation plans. Please refer to Response to Comment No. 13-32, which addresses this concern. The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 44-10 Commentor refers to current police protection services and the Project's impact to police services. Please refer to Response to Comment Nos. 13-38 to 13-40, which address these concerns.

May 15, 2004

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

Attn: Matthew W Slowik

Subject: Draft EIR for the Moon Camp Development Project/RCK Properties, Inc.: General Plan Amendment/Official Lane Use District change from BV/RL-40 to BV/RS-7200 and amendment to county circulation element for realignment of North Shore Drive; Tentative tract map #16136, and conditional use permit for a boat dock.

Thank you for the opportunity to review this document and give my thoughts on the problems that I see would be a result of this development. I oppose the Moon Camp project as presently designed because the DEIR fails to adequately evaluate the true impact this proposed project would cause to the critical issues of water and biological resources.

Water:

- | | | |
|----|--|------|
| 1. | The DEIR in Section 5.3-6 states that this project is exempt from SB221 (which states adequacy of water supplies for the proposed project must be determined). It also says that SB221 applies to any subdivision that increases connections by 10% or more, if the water service has few than 5,000 connections. The Fawnskin water service is completely separate from the system that serves the rest of the Valley. Since there are currently 673 connections in Fawnskin, 92 additional connections is a 14% increase, so this law applies. | 45-1 |
| 2. | The DEIR in Section 5.3-6 bases potential water supply on two wells on the property drilled in 1987. It does not evaluate the well production based on extensive drought conditions much different from when the productions were measured in 1987. | 45-2 |
| 3. | Mitigation number 5.3-6 a, states that water supply has to be proven prior to building permits. Given the current drought conditions, the rate increases and water restrictions already in place, the water supply must be proven prior to changing the zoning to allow more than 1 house per 40 acres. | 45-3 |
| 4. | Mitigation number 5.3-6d states that all the current water restrictions for outdoor watering will continue, such as limited hours every other day, no run-off, etc. These restrictions already do not work effectively for the existing house, and pretending this mitigation would have any effect is completely misleading. | 45-4 |


5. Section 5.3-6 states that the groundwater basin is already in overdraft conditions, but the overall analysis grossly understates the problem and current water shortages. | 45-5

Biological

1. Loss of trees was not considered as part of the biological resources evaluation (section 5.8). | 45-6
2. While a mitigation for eagles states that all trees over 20 inches in diameter will be protected, it does that only on the individual lots and does not hold the developer to that standard for cutting roads and other structural changes required for the proposed project. Therefore, the analysis is misleading in pretending that this mitigation will actually protect the eagle perch trees. | 45-7
3. The analysis does not include ospreys, common visitors to the site. | 45-8

Thank you for your attention to these items. I respectfully request that the Moon Camp project not be approved in its current form.

Sincerely,


Beverly Ornelas
Fawnskin Property Owner
1076 Fawnskin Drive
Fawnskin, CA 92333

Response to Commentor No. 45

Beverly Ornelas

May 15, 2004

- 45-1 Commentor refers to the applicability of SB 221. Please refer to Response to Comment No. 13-42, which addresses this concern.
- 45-2 Commentor refers the historical well data utilized in the analysis of groundwater. Please refer to Response to Comment Nos. 1-3, 1-4, 1-5 and 13-98, which address this concern.
- 45-3 The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 45-4 Commentor refers to existing and proposed water conservation measures in place and their effectiveness. Please refer to Response to Comment No. 13-47, which addresses this concern. The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 45-5 Commentor refers to water supply and the affects to groundwater supply. Please refer to Response to Comment No. 1-5, which addresses this concern.
- 45-6 Commentor refers to the loss of trees and the affects to biological resources. Please refer to Response to Comment No. 13-86, which addresses this concern.
- 45-7 Commentor refers to impacts to bald eagles. Please refer to Response to Comment Nos. 3-7, 13-86, 13-88, 13-95 and 41-14, which address this concern.
- 45-8 Commentor refers to impacts to osprey. Please refer to Response to Comment No. 13-87, which addresses this concern.

Sandy Steers
P.O. Box 423
Fawnskin, CA 92333
(909) 878-3091

May 16, 2004

HAND DELIVERED

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

Attn: Matthew Slowik, Sr. Assoc. Planner

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

Dear Mr. Slowik,

Thank you for this opportunity to comment on the Draft Environmental Impact Report for the proposed Moon Camp residential development project, General Plan amendment, land use district change, circulation amendment, tentative tract map and conditional use permit for a boat dock (collectively DEIR). As a resident and homeowner in Fawnskin, California, I am strongly opposed to this proposed project. This Moon Camp project, as proposed, is completely contrary to the County's obligation to safeguard the public interests. Changing the zoning to allow for more dense housing in the midst of an emergency crisis in the mountains, and thereby increasing the public safety risks and public health risks, would be irresponsible on the part of the County.

46-1

This DEIR omits much essential information and analyses and downplays the extent and the significance of the impacts that would be caused by the development of this proposed project. Most importantly, it completely ignores how extensively the proposed zoning change goes against the County's General Plan ordinances, it downplays and misstates the importance of the current water shortage in the mountains and the lack of a proven water supply for this proposed project, and it fails to mention the key issue of fire evacuations from the

46-2

mountains in a time when the mountain communities have been declared by both the State and the County to be in a State of Emergency. 46-2

- There is nothing in the DEIR, not even in the Fire Protection analysis, Section 5.3, that discusses or analyzes the effect this proposed project would have on the already controversial and questionable ability to safely evacuate all residents and visitors from the mountains. With two days notice and a fire still a few miles from the Big Bear Valley, it took over 6 hours to get off the mountain during the October evacuations. The DEIR must include an evaluation of the impact on evacuations for similar circumstances, as well as for the possibility of a fire starting near Fawnskin. 46-3
- The DEIR states in Section 5.1-2 that according to the General Plan, a Land Use District Change requires that four statement be true – basically, that it is in the public interest and to the community benefit, that it does not conflict with any County codes, that it does not have an adverse effect on surrounding properties and that it provides a logical extension of the surrounding properties. As described in detail in the response letter to the County from the Friends of Fawnskin, **this zoning change does not meet even one of those requirements!** And yet, this DEIR concludes that the impact of this zoning change would be less than significant. 46-4
- The DEIR, in Section 5.3-6, seriously downplays the importance of the current water crisis in the Big Bear Valley and fails to mention that the area is currently on Stage 2 water restriction, with Stage 3 a possibility by the end of summer. The DEIR does not fully address nor adequately analyze the impacts this proposed project would have on this issue that is critical to the health and well-being of the entire Valley population. (again, reference the response letter from Friends of Fawnskin.) 46-5

In summary, this DEIR is incomplete and inaccurate and must be rejected. The many significant impacts are downplayed, sugar-coated or completely ignored. This proposed project, as presented, is totally contrary to the guidelines set forth in the County's General Plan and totally contrary to the best interest of the community. It threatens to further endanger the public safety and public health and warrants a denial. I strongly urge the County to select the No Project Alternative.

Sincerely,



Sandy Steers
Fawnskin resident and homeowner

Response to Commentor No. 46

Sandy Steers

May 16, 2004

- 46-1 The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 46-2 The Draft EIR includes a comprehensive analysis for each subject area and fully complies with the requirements of CEQA, including Sections 15120 to 15132 of the CEQA Guidelines, which outline the "Contents of and Environmental Impact Report." The Commentor refers to the Project's consistency with the County's General Plan. Please refer to Response to Comment Nos. 13-9 to 13-20, which address this concern. Also, the Commentor refers to the Project's potential to impact evacuation plans. Please refer to Response to Comment No. 13-32, which addresses this concern. The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 46-3 Commentor refers to traffic impacts and affects to evacuation plans. Please refer to Response to Comment No. 13-32, which addresses this concern.
- 46-4 The Commentor refers to the Project's consistency with the County's General Plan. Please refer to Response to Comment Nos. 13-9 to 13-16, and 13-20, which address this concern.
- 46-5 Commentor refers to water supply and the impacts to groundwater. Please refer to Response to Comment Nos. 1-3, 1-4, 1-5 and 13-47, which address this concern.

R. Lee Whitney
 Marilyn Whitney
 P.O. Box 37
 Fawnskin, CA 92333
 (909) 866-3818

May 16, 2004

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

RE: DRAFT EIR FOR THE MOON CAMP DEVELOPMENT PROJECT/RCK PROPERTIES INC.:
 GENERAL PLAN AMENDMENT/OFFICAL LAND USE DISTRICT CHANGE FROM BV/RL-40 TO
 BV/RS-7200 AND AMENDMENT TO COUNTRY CIRCULATION ELEMENT FOR REALIGNMENT
 OF NORTH SHORE DRIVE; TENTATIVE TRACT MAP #16136, AND CONDITIONAL USE PERMIT
 FOR A BOAT DOCK.

Dear Mr. Slowik:

We appreciate the opportunity to review this document. We oppose this Moon Camp project as presently proposed because the DEIR fails to adequately address the total impact of the zoning change.

Section 5.1-2 of the DEIR states that the proposed project "conflicts with the land use plan, policies and regulations of the San Bernardino County Development Code." Their highly subjective analysis concludes that the proposed project would have an insignificant impact on the General Plan Land Use policies. We strongly disagree with these assumptions.

47-1

In section 5.1-2, San Bernardino County Development Code, the DEIR states that according to the General Plan, a Land Use District Change requires that each of the following statements be true:

1. The proposed land use District change is in the public interest, there will be a community benefit, and other existing and permitted uses will not be comprised.
2. The proposed land use District change is consistent ...
3. The proposed land use District change does not conflict
4. The proposed land use District change will not have a substantial adverse effect on the surrounding property.

Item #1 is not true because the proposed project is not in the public interest of the residents of Fawnskin, and would not be a benefit to the existing community. The existing infrastructure cannot support the current population. Changing demographics, without any zone changes, will increase full-time occupancy rates because of the substantial increase in retirees in the next twenty years.

47-2

- Roads – All of the DEIR analyses are based on "average" traffic volumes. We have experienced peak volumes (evacuation for fire in October 2003) and the roads were jammed. It took seven hours to evacuate in "bumper-to-bumper" traffic conditions on a weekday. On summer weekends, Stanfield Cutoff has extremely long lines waiting to turn onto Big Bear Blvd. Adding additional housing units will only increase this problem.
- Water – We are currently experiencing a drought condition that has been going on for five to six years. Experts question whether the past 100 wet years might have been an anomaly, and that the coming years might continue to be much drier. If this dry condition continues, we believe that it is reckless to change zoning to provide for any additional residential units. The DEIR in Section 5.3-6 states, "Based upon the inability for providers to confirm services, coupled with potentially significant overdraft conditions cited in Section 5.11 of the EIR, impacts are concluded to be significant

47-3

47-4

May 16, 2004

and adverse." Given the current drought conditions, the rate increases, water restrictions for outdoor watering for existing houses, we believe that zoning must not be changed to allow more than 1 house per 40 acres.

47-4

Item #4 is not true because the proposed project will have a substantial adverse effect on surrounding property.

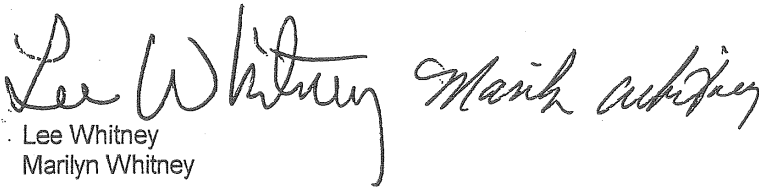
47-5

- Fire Protection – Section 5.3-1 of the DEIR based their analysis on Fire Risk level 2. All mountain areas in the County have been declared Fire Risk level 1. A new analysis is needed to address this situation.
- Aesthetics of the existing Scenic Byway - State Route 38 that runs through the proposed project is designated as a "Scenic Highway" by the County and as a "Scenic Byway" by the United States Federal Government. We, as residents of Fawnskin, are particularly appreciative of the natural beauty of that Highway. The proposed project would completely alter the natural setting/character and forever change scenic nature of the area. Simulated views shown in the DEIR (Section 5.4) are over-simplified in that they do not show potential effects of the new homeowner's probable tree plantings. From our experience, new trees will become a larger problem in changing/destroying lake views. Homeowners typically plant trees that will grow fast, like Poplars, Maples, and Flowering Crabapples (none native to the San Bernardino Mountains) that quickly grow and block views. Therefore the simulated highway views are likely to become nonexistent. (These trees will also contribute to the water shortage problem.)

47-6

Thank you for your consideration in this matter. We have been residents of Fawnskin for almost twenty-five years and believe that the proposed project would adversely affect our community.

Sincerely,


Lee Whitney
Marilyn Whitney

Response to Commentor No. 47

Lee and Marilyn Whitney

May 16, 2004

- 47-1 The Commentor refers to the Project's consistency with the County's General Plan. Please refer to Response to Comment Nos. 13-9 to 13-16, which address this concern.
- 47-2 The Commentor refers to the Project's consistency with the County's General Plan. Please refer to Response to Comment No. 13-9, which addresses this concern.
- 47-3 Section 5.5, *Traffic and Circulation*, presents data regarding average and peak month traffic volumes on the Existing Conditions section. However, the traffic analysis and identified impacts were analyzed for peak month traffic volumes, not average month traffic volumes. Also, refer to Response to Comment No. 13-32.
- 47-4 The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 47-5 The Commentor refers to the Project's consistency with the County's General Plan due to the current Fire Risk Level designation. Please refer to Response to Comment No. 13-27, which addresses this concern.
- 47-6 Commentor refers to the visual simulations not being reflective of build-out of the project area. Please refer to Response to Comment Nos. 13-54 and 13-55, which address this concern. The County will consider the Commentor's opinion and comments during their deliberation on the project.

May 17, 2004

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

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

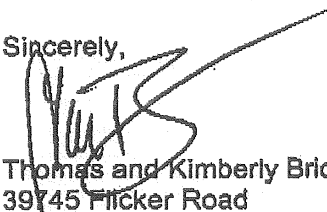
Dear Mr. Slowik,

We are writing to request that the County extend the May 17, 2004 deadline for the public responses to the DEIR for the Moon Camp Development Project. We feel that six weeks is an unreasonably short amount of time to evaluate a document, which took RBF consulting two years to complete. The DEIR is a huge, complex document, which refers to other reports, and documents that are not included. We find that we require more time to review the existing information and locate and research the referred documents.

48-1

We appreciate your consideration in this request. We may be reached at 909-866-2839. We look forward to your response.

Sincerely,



Thomas and Kimberly Brickley
39745 Flicker Road
P.O. Box 88
Fawnskin, CA 92333

Response to Commentor No. 48

Thomas and Kimberly Brickley

May 17, 2004

- 48-1 Commentor refers to extending the deadline for providing comments on the Draft EIR. Please refer to Response to Comment No. 9-1, which addresses this concern.

Memorandum to Matthew SlowikFrom Roman SilberfeldRe - Draft EIR for Moon Camp Development ProjectMay 17, 2004

Although I wrote to you last week and requested an extension of time within which to respond to the draft EIR, I have not heard from you and therefore I submit this brief memorandum as my comments in opposition to the draft EIR. I hope that you will nevertheless grant my request for a 90 day extension of time within which to provide more fullsome comments on the draft EIR.

49-1

The draft EIR is defective in that it fails to adequately take into account, measure and evaluate the following:

> the cumulative impact of this project, if approved, on the entire valley and other projects, some of which have been approved and others of which are in various stages of development;

49-2

> the recreational impacts are simply wrong in that public access to the public lake would be extremely limited by the project in that access to the lake shore would be completely different than that stated in the draft EIR;

49-3

> fire protection would be compromised and existing precious resources would be stretched beyond the breaking point;

49-4

> police protection would likewise be negatively impacted as there is already an insufficient police presence on the north shore;

49-5

> we are in the 6th year of a drought and severe water use restrictions are currently in force and these restrictions may be expanded;

49-6

> traffic congestion and hazardous roadways are likely created by the impacts of new vehicles in large numbers and the change in the configuration of the roadway;

49-7

> air quality, light, noise and congestion are a certainty if the population of the area is substantially increased as proposed;

49-8

> *biological and protected species impacts have not received adequate study.* | 49-9

Please grant the request for additional time requested last week.

Please also continue to provide me with notice of any action on this project.

My mailing address, fax and phone are:

*Roman Silberfeld
2049 Century Park East, Suite 3700
Los Angeles, Ca. 90067*

Phone - 310 552 0130

Fax - 310 229 5865



Response to Commentor No. 49

Roman Silberfeld

May 17, 2004

- 49-1 Commentor refers to extending the deadline for providing comments on the Draft EIR. Please refer to Response to Comment No. 9-1, which addresses this concern.
- 49-2 Commentor refers to cumulative impacts associated with other foreseeable projects. Please refer to Response to Comment No. 13-2, which addresses this concern.
- 49-3 Commentor refers to decreased public access to the lakeshore. Please refer to Response to Comment No. 13-26, which addresses this concern. The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 49-4 The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 49-5 Commentor refers to current police protection services and the Project's impact to police services. Please refer to Response to Comment Nos. 13-38 to 13-40, which address this concern.
- 49-6 Commentor refers to the expansion of existing and proposed water conservation measures. Please refer to Response to Comment No. 13-47, which addresses this concern. The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 49-7 Commentor refers to increased traffic and safety hazards associated with the proposed highway realignment. Please refer to Response to Comment No. 13-65, which addresses the safety hazards. The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 49-8 The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 49-9 The County will consider the Commentor's opinion and comments during their deliberation on the project.

965 Deer Trail
Fawnskin, California 92333.

May 17, 2004

VIA FACSIMILE (909) 387-3223

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

Attn: Matthew Slowik, Sr. Assoc. Planner

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

I. INTRODUCTION AND SUMMARY

We thank the San Bernardino County Land Use Services Department Planning Division for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the proposed Moon Camp residential development project. We understand the project includes a proposed General Plan amendment, land use district change, circulation amendment, tentative tract map and conditional use permit for a boat dock. We own property which would be directly affected by the development of the proposed Moon Camp project. Residents and visitors who have chosen to come to Fawnskin have done so primarily because of the current character of the town. We feel that it is imperative to the rights of these individuals and to the well-being of the entire Big Bear Valley that the basic essence of this character be preserved.

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Attn: Matthew Slowik, Senior Association Planner
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This project, as proposed, would have extensive adverse effects on surrounding properties, on the entire community of Fawnskin and on the Big Bear Valley as a whole. Many of these significant impacts and multiple harmful effects that would occur should this proposed project be approved are not even proposed for avoidance or mitigation.

We find the DEIR to be incomplete, inaccurate, and defective. The DEIR fails to evaluate adequately the severe adverse effects of the proposed project and grossly downplays and understates the significant and unavoidable impacts that would be caused should it be approved. The misstatements and omissions are so pervasive as to suggest they are deliberate, requiring rejection of the DEIR. Please include this letter in its entirety as part of your formal record of comments to be included in the Environmental Impact Report.

II. GENERAL PROCEDURAL COMMENTS

The DEIR "Cumulative Analysis" in all areas fails to adequately assess the cumulative effect of both the subject project and other proposed projects. It uses Valley-wide data which distorts the impact of the project, but then conveniently omits consideration of two large projects—the Castle Glen development in Big Bear Lake and the tripling in size of the Big Bear Discovery Center to accommodate increased tourist traffic—that add to the already significant cumulative impacts of this proposed project on Fawnskin, the North Shore and the Big Bear Valley. In addition, two other parcels (one 30 acres and one 7.5 acres) very near the Moon Camp property are in various stages of proposed development. The cumulative impact of all the

50-1

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combined projects is either ignored or underestimated and downplayed throughout every section of the document. 50-1

The DEIR does not point out that the project is likely to comprise second homes. This exacerbates traffic, noise and lake congestion issues because it concentrates use in summer, especially on weekends and holidays. It also renders proposed mitigation measures such as homeowner association procedures less effective. Homeowner associations comprised of part-time residents are less likely to be able to enforce rules about runoff, water use, outdoor fires, lighting, trash, etc. And vacation home renters are not likely even to know of such measures. This renders many proposed "mitigation" measures illusory and ineffective. Practical, realizable mitigation should occur, or else the DEIR should concede the adverse impacts are unavoidable. 50-2

The DEIR fails to address the current 6-year drought. There is still no defined water supply for the site and as such, according to current state law, this proposed project absolutely cannot be approved. The DEIR uses data almost 20 years old, which has not been brought current. 50-3

The DEIR in all sections fails to state how each mitigation item will be implemented and who will mitigate the impact. 50-4

The DEIR analysis failed to consider input from:

- California Department of Transportation (necessary to give input to the rerouting of the scenic highway) 50-5

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- the United States Forest Service (the proposed development is adjacent on the north and east to the USFS which has needs to address eagle and biological concerns)
- the California Department of Fish and Game (input necessary for shoreline fish habitat).
- the Army Corps of Engineers (input necessary for dredging to deepen a site for boat docks).
- and the Big Bear Lake Municipal Water District (input necessary for dredging and the marina).

50-5

Consideration of air quality impact has been minimal.

The DEIR fails to consider the "No Project/No Development" and the "No Project/Existing Designation" Alternatives as viable alternatives in Section 7.5 and fails to state specifically which is the "Environmentally Superior" option.

50-6

III. LAND USE AND RELEVANT PLANNING

The DEIR concedes the Project violates development codes and rules (see pages 2-2 and 2-3). Perhaps using this as a basis, in Section 5.1.1 of the DEIR fails to reference or consult the study mandated in General Plan Ordinance OR-3-d. "Prepare a report outlining the economic effects of open space, focusing on potential tourism revenues, the effect of open space on adjacent property values and the relative costs of providing open space management or urban services for a site." Since this property is now open space and since the current zoning serves to leave it in primarily an open space state, this study must be included.

50-7

According to the General Plan, a Land Use District Change requires that: "The proposed land use District change is in the public interest, there will be a community benefit, and other

50-8

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existing and permitted use will not be compromised." The existing use of a large portion of open space, consistent with the current zoning would be compromised with the proposed zoning change. The proposed change would also obstruct public lake views from the highway in one of the few places remaining where the public can view the lake from the highway.

50-8

This proposed zoning change conflicts with the County's General Plan Code C-56 "Restrict development along scenic corridors." This proposed change would serve to increase rather than restrict development along a designated scenic highway. In fact it would destroy a scenic corridor and replace it with a project wall. This proposed zoning change conflicts with the County's General Plan Code C-55 "Preserve and protect outstanding scenic resources of San Bernardino County for their continued future enjoyment." This proposed change would serve to degrade, not protect the outstanding scenic resources of this area.

The County's General Plan Code OR-59 states that "Because public health and safety can be protected through the use of open space, the County may maintain open space where flood, fire, geologic, seismic hazards, noise or other conditions endanger public health and safety." This proposed change poses a substantial risk to the protection of the public's health and safety and points out the county's duty not to increase fire risk.

50-9

This proposed zoning change conflicts with the County's General Plan Code in Section III C, Mountain Region, "The physical/natural constraints of the region and the lack of adequate water supply and infrastructure facilities needed to support higher density development preclude higher intensity uses." (emphasis added). Since the General Plan saw fit to zone this property

50-10