



Interoffice Memo

DATE: October 4, 2018

PHONE: 909-387-4110

FROM: **TOM NIEVEZ, PLANNER**
Land Use Services Department

TO: **HONORABLE PLANNING COMMISSION**

SUBJECT: **CORRESPONDENCE FOR RCK PROPERTIES, INC., MOON CAMP, PROJECT NO. PH1107601**

Subsequent to the distribution of the Planning Commission packets on Friday, September 28, 2018, staff received additional correspondence regarding the above referenced project. The letters and comments are attached for your consideration.



San Bernardino Valley Audubon Society
P. O. Box 10973, San Bernardino, California 92423-0973

September 21, 2018

Mr. Tom Nieves, Contract Planner
County of San Bernardino
Land Use Services Department, Advanced Planning Division
385 North Arrowhead Avenue 1st Floor
San Bernardino, California 92415-0182

By email to: Tom.Nieves@lus.sbcounty.gov

Subject: Final Environmental Impact Report Moon Camp 60-lot Residential Subdivision,
TT No. 16136 (Based on the Revised Site Plan) Big Bear Lake, San Bernardino County,
California SCH No. 2002021105

Dear Mr. Nieves,

The *San Bernardino Valley Audubon Society* ("Audubon") appreciates the opportunity to comment on the Final Environmental Impact Report (FEIR) referenced above for the Moon Camp development project and marina in the Fawnskin area of Big Bear Lake.

Audubon is a nonprofit organization representing about 2,000 residents of the Inland Empire, who greatly value the public benefits of the San Bernardino National Forest, one of the outstanding natural areas of Southern California. Many Audubon members reside in the mountain area, and we regularly schedule eagle observation (and other) outings around Big Bear Lake. We've long advocated for safeguarding the unique character and natural resources of the mountain environment in compliance with all laws and policies governing the County of San Bernardino.

Many factors indicate the proposed project would be detrimental to the community of Fawnskin, to the highly prized and rare North Shore open space, to the San Bernardino National Forest and for the overall public in general. Given the known facts about recurring wildfire danger in the mountain area, general overdraft of local water resources, substandard infrastructure, serious public safety risk in regard to overdevelopment and limited evacuation capability, and adverse fragmentation of wildlife habitat and National Forest resources, there is strong local consensus that the community's best public interest would not be served by a changing the existing zoning of the project site (BV/RL-40) in order to accommodate an otherwise unpermitted and highly disruptive 60-unit subdivision development.

This is an prime example where the No Project Alternative is by far the best option for the public, the community and the National Forest, which is the majority of contiguous adjacent land use. It's long been clear that the county cannot legitimately make an honest Finding that a zone change (escalating from one unit to 60 units) would signify a community benefit in the public's best interest. Instead such a change would primarily favor the developer's own private financial interest.

In 2003 the so-called Old Fire burned 91,000 acres, and all 80,000 mountain residents were evacuated in an eight-hour harrowing experience. After that disaster, everyone realized that all prior county planning for the mountain region had been based on misunderstanding and underestimation of the true wildfire threat. Since then *individual* property owners have been forced to bear the large burden of greatly increased weed abatement and vegetation clearance responsibilities. The *federal* government has funded extensive fuel reduction projects, and CALFIRE has funded and sponsored educational and assistance programs through their Fire Safe Council citizen groups. But the county itself has made no adjustment in its land-use planning process to make mountain residents any safer. The very least that can be done is to keep the Rural-Living low density land-use zones from being eliminated —especially at a time when the county plans to impose onerous new taxes on *individual* property owners, who live in the mountain area. Everyone is working to reduce the fire hazard except the County Planning Department.

Fire protection is the most critical infrastructure service provided to mountain communities inside the San Bernardino National Forest. However, the county's share of responsibility is mainly for structure fires, not fighting wildfires, a task where CALFIRE and the Forest Service take the lead. Although wildfire is *the* major danger for mountain communities, no one in County Planning really is in a position to determine whether infrastructure for wildfire protection in the mountain region is actually adequate —even as regards the already existing level of development. The county does not bear responsibility for wildfire protection in the National Forest. CALFIRE and the Forest Service, which are responsible, are not given a voice in the fire hazard and public safety Findings by the county. For this reason a Finding of adequate infrastructure for wildfire protection cannot be justifiably made by the county regarding the Moon Camp project.

Proposed General Plan Amendment

The Moon Camp FEIR does not accurately acknowledge the detrimental effects that would result from the proposed General Plan amendment to eliminate the existing Rural-Living land use designation on the Moon Camp site. The FEIR falsely treats the zone change as an entitlement, and only evaluates impacts from the standpoint of 50 houses already being permissible. That assumption (and setting an extremely low bar for determining "significance" per the CEQA guidelines), allows the FEIR to reach greatly misleading and distorted conclusions about the Moon Camp project, without ever facing the question whether a zone change is valid.

Ever since 2004, when the first Draft EIR was circulated, the proposed amendment has been protested by the community as an unwarranted change that would open the door to extensive adverse consequences, which otherwise are wisely prevented by the existing Rural-Living-40 designation. This issue is evaded in the EIR in hope that the true criteria for the Findings will not be applied by the county and that, instead, the county itself will surreptitiously treat the zone change as an entitlement. Audubon believes the true criteria must faithfully be applied and, if done so, then the resultant Findings would automatically lead to a denial of the project.

The criteria for a General Plan amendment to change an existing land use designation is described in the Development Code as follows: (note: underlining and strike-through added to highlight relevant and irrelevant parts)

86.12.000 FINDINGS AND DECISION

An amendment to the General Plan, this Development Code, a Community Plan, or an Area Plan may be approved only if all of the following findings are made, as applicable to the type of amendment.

(a) Findings for General Plan, Community Plan, or Area Plan amendments.

~~(1) If the amendment pertains only to changing a portion of the text of the plan, the Board shall first make both of the following findings:~~

~~(A) The proposed amendment is internally consistent with all other provisions of the respective plan, the General Plan or an applicable specific plan; and~~

~~(B) The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County.~~

~~(2) If the General Plan amendment proposes to change a land use zoning designation from one zone to another, the Board shall first make the two findings above plus all of the following additional findings:~~

~~(A) 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;~~

~~(B) The proposed land use zoning district change will provide a reasonable and logical extension of the existing land use pattern in the surrounding area;~~

~~(C) The proposed land use zoning district change does not conflict with provisions of this Development Code;~~

~~(D) The proposed land use zoning district change will not have a substantial adverse effect on surrounding property; and~~

~~(E) 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, 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 improvements in the vicinity in which the property is located.~~

Public Input Should Inform a Determination of "Public Interest"

The FEIR treats the required General Plan Amendment as if the proposed zoning change were a foregone conclusion and entitlement. That definitely should not be the case in a high fire-hazard mountain region and resort community, where the surrounding National Forest is the preeminent asset. The test of the proposed zone change should rest on a proper application of the criteria for each necessary Finding. The underlined Findings highlighted above (i.e. "~~not be detrimental to the public interest or safety~~", truly be "~~in the public interest~~", "~~be a community benefit~~," ensure that "~~other existing and allowed uses will not be compromised~~," be "~~a reasonable and logical extension of the existing land use pattern in the surrounding area~~," "~~not have a substantial adverse effect on surrounding property~~," provide "~~public services~~" like "~~fire protection~~" and "~~not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity~~") ...these particular Findings cannot be validated, if the input provided by the local community itself is taken seriously. The project does not meet the criteria for a zone change, when all the factors are fully and objectively taken into account.

The project is not compatible to the surrounding area, insofar as the majority of adjacent area is predominantly National Forest and lake front. The project is not a benefit to the community and is not in the public interest, because there is no need for more houses. The National Forest already has a disproportionate and hazardous percentage of houses versus wildland. The ratio

of the wildland-urban intermix is the most hazardous of any National Forest. The FEIR tries to mask the actual detriment that this project would have on the public's best interest and its health, safety and welfare by falsely assuming that more houses automatically equates to an improvement. That might be the case in an urban environment, but definitely not in a National Forest —most especially not in a National Forest, which has the highest wildfire danger in the country. The mountain region is already overbuilt with more houses than can be protected in a major wildfire and more people than can be safely evacuated in worst case emergency. More houses are not a benefit in this case. The public and community have made that overwhelmingly clear.

Also the proposed 50 houses will cause an unwelcome loss of natural open space, forest habitat and highly valuable bald eagle roosting and foraging territory. Fawnskin is the undisputed bald eagle capital of southern California. Thousands of people around the world watched the hatching of two bald eagle chicks in Fawnskin last spring via the local online eagle-cam. They all mourned the loss of one chick in a snow storm and cheered the survival of the other. How can it be in the public's interest to jeopardize the world-famous eagle population of Fawnskin by an altogether unnecessary and inappropriate subdivision?

And the North Shore of Big Bear Lake is the one remaining lakeside jewel of natural forest open space in the San Bernardino Mountains, equivalent to a smaller replica of Lake Tahoe and an exceedingly valuable public treasure. These priceless public benefits are significantly protected by the current zoning designation and should not be sacrificed so that the out-of-state RCK development corporation can construct an otherwise impermissible and invasive subdivision.

These are the baseline existing benefits of the current zoning. But none of these big picture values are accurately characterized in the dry clinical reductionism of the FEIR. However, nothing but unwelcome losses and detrimental consequences to the public's best interest and benefit will result, if the proposed zoning change is granted. The existing baseline of irreplaceable benefits should be the true yardstick of the County's Findings on this proposal. The few remaining Rural-Living low density zoning designations in the mountain region should be kept unchanged, if true public and community interests are to be the guiding principle.

Contrary to the deceptive reasoning of the FEIR, the real issue is not whether the revised proposal (50 home sites) is less harmful than the prior proposal (80 sites), but whether it is appropriate at all to add unneeded housing at a site where multiple houses are simply not permitted. This same site happens to be a highly sensitive and scenic natural resort area inside a National Forest that's already overbuilt with more house than are safe or wanted. This fact strongly reinforces the validity of the existing low-density zoning. Therefore the No Project Alternative is the most legitimate option, because it is the only one that fully conforms to all provisions and policies of the County General Plan and also is in the public's best interest, since it does not require the unwarranted and detrimental zone change amendment.

Insofar as a General Plan Amendment for a zone change is not a guaranteed prerogative of land ownership, it should not be treated as an entitlement by the developer or the county. The decision needs to be made in the public's true best interest as distinct from the developer's own personal or corporate interest. Only then will it conform with the actual criteria from the Development Code cited above. The dismissive treatment of this issue by the FEIR unduly minimizes its importance and fails to take the public's and community's true interests as seriously as they warrant.

In many cases decision-makers feel obligated to not alienate developers, who've spent lots of money and time processing a development, and therefore feel they owe them an approval. But in the process they overlook the fact that hundreds of citizens and constituents have equally

been inconvenienced, sacrificing inordinate time and expense, while such a flawed project has been dragged out for well over a decade. It should not be forgotten that the Forest Service originally offered to purchase this property in 2002 for the benefit of both the eagles and the public, but the appraisal had to be based on the fair market value of the actual Rural-Living low density zoning. At the time, the developers believed they could persuade the county to change the zoning and thus make more money. All these years they have paid minimal property taxes based on the low density RL-40 designation of the land.

Misconception of the "Holding Zone"

The Revised Draft EIR states on page 1-2 that:

The RL-40 land use designation is identified as a "Holding Zone" within the Bear Valley Community Plan, which states: future development proposals (such as Moon Camp) within the RL-40 designation will be considered based on a demonstrated ability to provide adequate infrastructure and maintain consistency with the goals and policies of the 2007 Community Plan.

The Moon Camp project assumes all rural zoning on private land in the National Forest is only a temporary "holding zone" meant to be changed as soon as a specific project for the site is proposed. This concept was plausible 30 years ago, when the 1989 General Plan was being drafted, a time when substandard infrastructure, fire danger and forest impacts were not yet fully recognized to be the major problems they are today. Because conditions in 2018 are much different than they were 30 years ago, Rural Living zones have become all the more important to help preserve the biological integrity of the National Forest, reduce the out-of-balance wildland-urban intermix ratio and serve as vital open space community buffers.

Not eliminating the few remaining RL zones in the rural mountain area is also in keeping with General Plan Policy to have a balance mix of zoning and land use types. The Rural Living designation is especially appropriate in a National Forest, where scenic, wildlife and open space values are a critical component of the unique mountain area.

While all zoning is theoretically subject to potential amendment in general, it should not be treated as a guaranteed procedure. The context of the surrounding area and the public interest are paramount considerations, especially inside our overdeveloped San Bernardino National Forest. The long outdated and invalid holding zone concept should not affect the fundamental test required for a zoning change or diminish the meaningful basis for keeping an existing rural designation intact. In the case of the Moon Camp project, a zone change would clearly not be in the public's best interest, based on all the points discussed above.

Perspective of the Bear Valley Community Plan

It's helpful to consider the overall perspective of citizens of the Big Bear Valley, who provided input and attended meetings that now inform the content of the Bear Valley Community Plan.

B. PRESERVATION OF COMMUNITY CHARACTER

Residents feel that the high quality of life experienced in their neighborhoods today should not be degraded by growth and the subsequent impacts of traffic congestion, strains on infrastructure and threats to natural resources. The clean air, ambient quiet, dark skies, abundant wildlife and diverse natural vegetation are highly valued by residents as well as by the visitors who frequent the area. Residents are concerned about the conversion of natural open space to development, and particularly to a type of development that detracts from the natural setting and rural-mountain character currently enjoyed by the community. The preservation of the community's natural setting, smalltown atmosphere and rural mountain character becomes

important not only from an environmental perspective but from a cultural and economic point of view.

C. INFRASTRUCTURE

The Bear Valley area is faced with the potential for significant growth. Residents are concerned with the impacts that future growth and development will have on an infrastructure system they sense is already strained. The community's primary concerns centered around water supply and traffic and circulation.

BV1.3.3 COMMUNITY PRIORITIES

The community's priorities that have influenced the goals and policies included within this community plan are: (a) environment; and (b) community character.

ENVIRONMENT

A key consideration in developing this plan has been acknowledging the potential impacts that future development will have on the area's valued natural resources. The goals and policies included in this community plan emphasize the protection of these sensitive resources, the integration of natural vegetation and open space, and development that is scaled and designed to enhance the natural surroundings. In public workshops held to develop the General Plan and the Bear Valley Community Plan, the public has identified three principle planning issues and concerns to be addressed in the plan:

- A. A community in a forest – the natural environment prevails
- B. Ensure no conflict in the interface between the national forest and adjacent land uses
- C. Conservation of natural resources and scenic beauty
- D. Acknowledge service and infrastructure capacity and limitations of the area, particularly roads and water, to serve future development.

COMMUNITY CHARACTER

The Bear Valley Community Plan area will continue to experience growth as a variety of factors continue to drive people to migrate from more urban areas to areas attractive for their rural nature. Additionally the area will continue to attract attention as a recreation destination. As the valley develops, it will be imperative that adequate services and infrastructure are provided, that all improvements reflect the needs of locals as well as visitors, that all development maintains a sense of connection to the natural environment and that the smalltown, rural-mountain character of the community is preserved.

Zone Change is Contrary to the Community Plan

If Moon Camp's zoning conflict with the General Plan gets erased by means of a special amendment, it would only provide a major benefit to the property owner (e.g. increasing allowable density to boost sales potential) in opposition to what is expressed by the public in the Community Plan. It would thereby not be in the public interest. While granting special favor to the developer, such action at the same time would result in detrimental impacts on the public by stripping away the long protected advantages of aesthetic open space, National Forest buffer area, greater fire safety, bald eagle habitat and other similar values compatible with the surrounding public lands. Is that justifiable in a National Forest?

Audubon disagrees with the erroneous opinion in the RDEIR, namely that changing the existing land use designation to accommodate a major development would merely result in a *less than significant* impact to the local community. The local community has been speaking out strongly on its own behalf for nearly two decades against eliminating the existing General Plan safeguards. Below is an excerpt from the community plan on this issue.

A. Community Character (Land Use Issues/Concerns)

During public meetings held by the County, residents expressed concerns regarding growth and the impacts of that growth on the character of their community. The recreation opportunities and the intrinsic rustic qualities of the mountain environment continue to be attractive to a variety of people. Bear Valley offers a mountain lifestyle that attracts residents who choose Bear Valley as a quiet place to retire, residents who live in Bear Valley to escape from urban environments but continue to commute off the mountain for work, residents who enjoy the rural lifestyle and make a living in the area, and part-time residents who own vacation homes in the area. The mountain character is defined by the natural surroundings, large open spaces, recreation opportunities, limited commercial and industrial uses and physical development that complement the area's natural qualities.

The character of the plan area is further defined by the predominance of single-family development. The lot sizes and densities vary within the different community sub-areas, however despite these differences, most residents want to maintain the intensity of development within their individual communities as it currently exists. Additionally, the different resident groups and even non-resident visitors share the primary concern to preserve the natural beauty and mountain character of the plan area.

Zoning is not supposed to be changed, when such change would prove detrimental to the greater public interest, health, safety, convenience, or welfare of the County. The FEIR does not address this particular Development Code requirement, instead focusing only on the limited (but also invalid) assumption that adding more houses would constitute a community benefit. To the contrary more houses would not be a positive addition within a National Forest. The San Bernardino National Forest is already the most overdeveloped National Forest in the country with the highest percentage of housing density versus wildland acreage. Given the unavoidable recurring fire danger, the California Department of Forestry and Fire Protection (CALFIRE) notes that these mountains have one of the most severe fire conditions in the world. The extreme wildfires of 2003 and 2007 demonstrated that present firefighting capabilities are insufficient to defend existing structures in the mountains much less any additional structures, especially ones not authorized by existing General Plan guidelines. Apart from the natural resource and open space values that the project would impact, these factors alone make a compelling case why more houses are a detriment rather than a community benefit. Disregarding this fact is a critical flaw in the FEIR.

Fire danger cannot be expected to decrease in the foreseeable future. These facts should fully rule out any further mountain development that is not already prescribed in the General Plan. Each additional structure added to the hazardous mountain environment worsens the already out-of-balance ratio of excess development in the wildland-urban intermix. Defending against fire in wildland terrain is the most costly and difficult firefighting condition of all. Given such circumstances, a General Plan Amendment that worsens the already hazardous situation would be an irresponsible disservice to the public. The prospect of relaxing zoning restrictions to allow 50 additional units and the accompanying increase in population would be unreasonable.

The proposed General Plan Amendment to change the land use designation from BV/RL-40 to BV/RS-20,000 is also unjustified from a deficient infrastructure standpoint (overall "strained infrastructure" as noted in the Community Plan). The general overdraft of ground water in the Big Bear Valley is another significant reason to disallow any zoning upgrades that result in higher densities. In addition, the major fire of 2003 provided substantial evidence that the mountain area lacks adequate evacuation capacity in a worst case scenario. More residents should not be added to such an already overburdened infrastructure.

Although the FEIR fails to accurately characterize the full negative impacts to the surrounding San Bernardino National Forest and the environmental quality of the public resources, it admits that the proposed project would have a significant and unavoidable impact (i.e. detrimental effect) on the bald eagle. The bald eagle is a preeminent species of Fawnskin and has become a major regional attraction as part of the unique natural environment. A zone change that would inevitably impact this species, resulting in potentially unforeseen adverse consequences, would clearly be detrimental to the public interest.

In addition, a zoning change would further imperil other important public resources such as the pebble plain habitat, flying squirrel habitat, California spotted owl habitat and southern rubber boa habitat. It would also adversely impact National Forest public lands located immediately adjacent to the site. While the FEIR dismisses these impacts as *less than significant*, using a dubious "regional threshold of significance" and a challengeable lack of evidence, there is no question such losses would be highly detrimental to the local community and the large general public that uses the North Shore area of the National Forest.

The site also borders a scenic highway and is part of the aesthetic viewshed of the largely undeveloped North Shore of Big Bear Lake, a major tourist feature of the San Bernardino Mountains.

No Benefit from More Houses

A change in the land use designation cannot be justified on the grounds that adjacent or nearby property has similar residential density as the Moon Camp proposal. On the contrary, the proposed development site is bounded on the majority of its borders by National Forest and the natural shoreline within the visual corridor of the scenic highway. Compatibility to the National Forest is an important reason to maintain the status quo and to not change the existing rural zoning. Low-density rural zoning is the ideal buffer between a developed community and the wildland National Forest and avoids compromising the public's enjoyment of the wildlife and aesthetic open space.

Contrary to the FEIR assumption, the proposed land use zoning district change will not "provide a reasonable and logical extension of the existing land use pattern in the surrounding area," which is one of the necessary findings for a General Plan amendment. In light of the serious wildland fire hazard, the danger of steep slopes, National Forest edge effects, and the need for 100-foot or more setbacks between structures, it is widely acknowledged that the prevailing urban-style zoning densities are not appropriate in forested mountain terrain (especially inside a National Forest). Existing neighboring densities can no longer be looked-upon as a responsible residential norm. It's the same as recognizing that existing neighborhood shake roofs cannot serve as legitimate model for new development anymore (because they are especially unsafe in the fire-prone mountains). So too the old style urban densities (for the same reason) must no longer be accepted as valid in a wildland National Forest setting.

There is an excess of available housing and available lots in the Big Bear Valley, averaging as much as 700 homes at a given time in this relatively small market area. The surplus further weakens any potential justification for a zone change from Rural Living to urban residential on the flawed premise that more houses represent a public benefit. While a new subdivision might be considered a beneficial attribute in an urban setting, it proves to be a significant detriment on a site adjacent to a National Forest and a scenic mountain lake.

A land use zoning district change must not be allowed if it has "a substantial adverse effect on surrounding property." In the case of Moon Camp, the project would adversely impact the scenic open space qualities as well as critical wildlife such as the bald eagle, the San Bernardino flying squirrel, California spotted owl, and southern rubber boa. Also an increased density of 50-fold would negatively impact the forest by incursions of domestic animals, additional noise, potential off-road vehicles and increased ignition sources of wildland fire. All these adverse impacts greatly affect the Forest Service's ability to manage its lands. As Forest Service staff and budgets continue to get reduced, it behooves the county not to make matters worse by adding 50 additional (and currently unpermitted) home sites adjacent to National Forest land. Also adverse impacts to rare and endangered plants adjacent to the proposed project site would thereby increase on National Forest lands as well.

Bald Eagle Issues

In clarifying the overall effect of the proposed project on the bald eagle species in the Big Bear Valley, the conclusion of the report is that the project would result in "significant and unavoidable impacts" to bald eagle populations, for which no offsetting mitigation can be provided. Nor is there any reasonable overriding consideration that would validate such a detrimental sacrifice. Given the importance of the American bald eagle in the Big Bear Valley both biologically and economically, this is tantamount to admitting that the project would be an extremely bad idea.

If the County of San Bernardino were to approve the project, it would be required to cite Findings in accordance with Section 15091 of CEQA and prepare a Statement of Overriding Considerations in accordance with section 15093. In past instances of biologically detrimental development proposals in the mountain area, where significant unmitigable impacts were present, the County has employed the Statement of Overriding Consideration to substitute housing needs and economic benefits as dubious justifications to override the particular significant biological impacts. That argument is clearly illegitimate as referenced above in respect to the wildfire conditions, but also in the general context of a project located within a National Forest and certainly in the case of a General Plan amendment, which requires even stricter Findings.

Increased development in Big Bear Valley has corresponded with a simultaneous decline in the population of wintering bald eagles that inhabit the area. In addition to being the national bird, the American bald eagle has also come to symbolize the unique wildlife values of the Big Bear Lake area in the San Bernardino National Forest. Added to its importance as a California threatened species, the presence of the bald eagle in Big Bear has become a significant attraction for the visiting public, widely featured in a variety of publications and media exposure (like the Friends of Big Bear Valley's online eagle cam) that confer extensive positive publicity for this popular tourist destination. Such attention is a major benefit to the local economy that prospers from the prominence of the surrounding National Forest and the integrity of its wildlife. The Forest Service Discovery Center on the north shore is the main visitor center for the local mountains. Eagle tours are the primary attraction in winter. The health and sustainability of the bald eagle is a critical factor for the overall natural resource values of the National Forest in the Big Bear Lake area.

The cumulative biological reports for the Moon Camp FEIR strongly confirm that the project site is a highly significant roosting and perching habitat for the remaining bald eagle population in the area. The point has been stressed that the "proposed project contains some of the most utilized bald eagle roosting and perching habitat in the Big Bear Valley." However, the overall

assessment also points out that the proposed project, which is dependent upon the granting of a special General Plan amendment by the County for a major zone change, would have an extremely adverse effect on the bald eagle, which could not be mitigated. The impacts from the development and road construction proposals would severely compromise the viability of the existing habitat and further compound the factors contributing to the significant population decline of the bald eagle throughout the Big Bear Valley.

The bald eagle is one of the most magnificent and irreplaceable natural resources of the region. It would be a tragic loss if the largest population of wintering bald eagles in Southern California were allowed to dissipate due to unwarranted zone changes for detrimental projects like this.

General Plan Factors

The American bald eagle is certainly a prime example of the kind of natural resource that the County General Plan was fully meant to protect. Some 30 years ago the 1989 General Plan recognized that, "In the Mountain region, many plant and animal species, including Bald and Golden Eagles, are losing habitat to residential land use along lake shores." (Page 11-C1-2). Wildlife values were specifically highlighted in the Preservation of Natural Resources Section of the 1989 Open Space Element as having a collection of positive factors such as aesthetic, recreational, ecological, educational and scientific values as well as economic benefits, insofar as the wintering population of the Bald Eagle in particular is a popular tourist event in the Big Bear Valley. (Page 11-C5-57). Also the San Bernardino Mountains as a whole are considered an "Area of Biotic Significance" and in particular all perennial and intermittent ("Blue-line") streams, lakes and reservoirs, conifer forests and large mammals and raptors are specifically identified as being key natural resources. It is clear that the overall context of the mountain environment requires special attention to sustain a whole system of unique natural resources.

It is evident to Audubon from monitoring development trends in the San Bernardino Mountains over the past 25 years that the full protection of the County General Plan pertaining to natural resources needs to be more strongly invoked and more strategically reinforced, if the highest and best attributes of the local National Forest and its exceptional biological resources are to be adequately sustained as a regional treasure going forward into the future.

The County General Plan has long recognized the critical value in protecting natural resources, as again from 1989:

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

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

There are numerous goals and policies of the General Plan that fully emphasize these biological and natural resource priorities. A sampling of these policies strongly illustrates the special value

and protections outlined in the 2007 General Plan, while also revealing how much the proposed zone change and subdivision project fail to meet these County guidelines:

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.

The current zoning of BV/RL-40 fully conforms to the intent of this policy by providing a compatible buffer area of rural open space zoning between the National Forest and the existing community. That is a logical and responsible practice to apply within a National Forest, where the fragile interface area between residential and wildland requires complex management issues. Only a superficial buffer of 100 feet between houses and National Forest wildland would remain, if the current zoning protections were to be removed by a General Plan amendment. The public forestlands would become incorporated into the backyards of private homeowners, subjecting natural resources to various abuses of encroachment, predation by domestic animals, off-road vehicle damage, tree-cutting, etc. Increasing the zoning allowance to eliminate the low-density open space buffer would not be consistent with this General Plan policy, thereby violating one of the mandatory findings for justifying a zone change.

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.

The U.S. Forest Service submitted comments on the 2010 edition of the Revised Draft EIR, identifying various adverse impacts that the project would have on the Forest Service, the public lands under its management and the sensitive species and unique environmental resources found in the forest. The letter serves as an indicator of added reasons why the project and its proposed zoning change will have a substantial adverse effect on surrounding property, one of the criteria for disallowing the change. Some of the issues noted by the Forest Service include:

- a request that the project eliminate the plan for street lighting to avoid substantial adverse impact on National Forest lands and to be consistent with the rest of Fawnpeak, which has no street lighting,
- there is a need for a detailed soils erosion and sedimentation plan and geotechnical investigation of slope stability to determine whether significant impacts may affect the National Forest and Big Bear Lake (this ties in with the fact indicated above that no slope analysis has been provided in the project's environmental document),
- the professional advice that signage and CC&Rs do not provide effective mitigation in preventing abuses of dispersed recreation and impacts on adjacent Forest Service land.

(As an example, the mitigation offered for the destruction of flying squirrel habitat is merely a flier informing residents that their cats might harm this species. Such a method has no potential to reduce the actual loss of flying squirrel habitat. It is only *pro forma* paper mitigation to give the appearance of addressing this issue).

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.

The best way to ensure the preservation and proper management of National Forest lands, while maintaining the alpine character of the Mountain Region as it exists in Fawnskin, is to avoid adopting an unnecessary zoning change amendment to the existing General Plan.

GOAL CO 2. The County will maintain and enhance biological diversity and healthy ecosystems throughout the County.

Since the FEIR indicates that adverse impacts to the bald eagle from the Moon Camp project will be significant and unavoidable in ways that cannot be mitigated, it is clear that Goal CO 2 points to another conflict between the proposed zoning change and the policies of the General Plan. While the FEIR claims that additional adverse impacts to other sensitive species and plants are "less than significant," that claim is highly contestable on the basis that the CEQA Thresholds of Significance have not been applied properly and objectively in this case. Based on Development Code criteria, these negative impacts must not constitute a detriment to the public interest or have a substantially adverse effect on surrounding property. Given the cumulative force of all these detrimental impacts on the biological resources and ecology of Fawnskin, they add up to very substantial and significantly adverse consequences.

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.

Because of faulty analysis and inadequate mitigations, the Moon Camp FEIR does not sufficiently comply with the spirit and intent of this policy. Rather than "preserve rare and endangered species and protect areas of special habitat," the project will have an overall detrimental effect on the habitats, species and unique public resource values contained on this site. By basing evaluations of rare plants and animals on an abstract and ill-defined "regional" context for justifying "less than significant" verdicts for habitat destruction and species loss at the project site, the FEIR artificially downplays and minimizes the vital forest and ecological qualities that will be sacrificed.

M/CO 1.4 Designate and protect unique habitats supporting rare and endangered species.

Although the project proposes to designate and protect unique pebble plain habitat as well as bald eagle perch trees, the mitigation measures are not realistic or adequate and do not ensure long term survival of these resources. Instead, the project will result in greater long term loss and damage by crowding up against the National Forest and greatly magnifying overall detrimental effects. The best way to protect these unique habitats is by maintaining the RL-40 zoning designation for rural open space, which will ensure that the bald eagle perch trees and overlapping rare habitats/species on adjacent National Forest will not be overrun by inappropriate urban expansion.

M/CO 1.6 Prepare guidelines for the protection of eagle perch trees and spotted owl nest trees.

One excellent guideline for the protection of eagle perch trees and spotted owl nest trees is not to allow rural open space zoning to be converted to urban densities in critical buffer areas adjacent to National Forest as exemplified by this site. 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 contrary to recommendation from the Forest Service.

GOAL M/OS 2. Improve and preserve open space corridors throughout the Mountain Region.

Much of the north shore (this site included) forms an excellent wildlife landscape linkage between the National Forest and the lake. By ignoring this mountain open space goal, the FEIR further demonstrates the project's inconsistency with the County General Plan.

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.

In Fawnskin, where the quality of life is defined by low-density rural living and wildland forest characteristics, unwarranted urban density would depreciate that quality. Locational standards are intended to ensure compatibility with adjacent land uses and community character. The proposed zone change would be contrary to General Plan locational standards as well as incompatible with adjacent National Forest land use and the north shore's scenic open space, which define the Fawnskin community character. The Rural Living (RL) zone is intended "to prevent inappropriate demand for urban services," and the County's locational criteria include such elements as: recreation areas, rural residences and vacation cabins; watershed, wildlife and open space uses; areas with limited, low-density development or mountainous areas with moderate slopes; areas where rural residences are the primary use of the land; and areas with limited public improvements. Such locational criteria clearly apply to the Fawnskin site and the existing RL-40 zone designation.

GOAL M/CO 1. Preserve the unique environmental features of the Mountain Region including native wildlife, vegetation and scenic vistas.

One of the best ways to meet and uphold this mountain conservation goal is to maintain rural open space land use designations in the critical interface buffer areas between mountain communities and the wildland environment of the National Forest.

M/CO 1.2 Protect scenic vistas by minimizing ridgeline development that would substantially detract from the scenic quality of major ridgeline viewsheds.

Demonstrating its indifference to this mountain policy, the proposed Moon Camp project calls for homes to be located along the ridgeline. There is no area more scenic than the north shore of Big Bear Lake. This policy is a further example of the project's inconsistency with the General Plan policy that runs contrary to the criteria for a zone change amendment.

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.

Conservation and sound management of the mountain forest character and natural resources requires that a compatible buffer of open space be maintained in the interface areas between the National Forest and mountain communities such as Fawnskin.

GOAL M/CO 2. Maintain the health and vigor of the forest environment.

The health and vigor of the forest environment is best maintained by minimizing the detrimental impacts of dispersed recreation and spill-over edge effects from urban-style densities placed too close the National Forest interface boundaries. Low-density RL buffer zones are necessary to uphold this goal. General Plan amendments for zone changes in areas such as Fawnskin should not be permitted.

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.

One of the recommendations of the Forest Service was a more thorough surface and groundwater resources analysis, since water extraction associated with the project could result in potentially adverse impacts on riparian and wetland habitats. By disallowing an unwarranted zone change, these detrimental impacts to the forest watershed would be avoided.

M/CO 3.1 Utilize open space and drainage easements as well as clustering of new development as stream preservation tools.

Protecting streams and natural drainages is critical in the San Bernardino Mountains, where less than one percent of the National Forest landscape is riparian habitat but is required by 70% of all mountain wildlife for survival. The natural stream channels provide significant travel routes for wildlife. The detrimental impact of mountain development on these resources has been harmful over time. The onsite streams would be far better preserved by keeping the rural open space zoning intact.

GOAL M/CO 5. Preserve the dark night sky as a natural resource in the Mountain Region communities.

The street lighting designed into the Moon Camp project will result in significant impacts to the Fawnskin community's cherished dark skies, which are an important element of the mountain environment. Also occupants of newer modern housing demonstrate a stronger preference for urban-style security lighting. Overall this will have a negative impact on the forest and community. The best way to preserve the dark night sky is to preserve the existing open space zoning for this site.

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.

Even if this policy is enforced, the impact of 50 new large modern houses will be significant on the adjacent National Forest. It will also impact the viewshed from across the lake. Like so many other major detriments of the proposed project, this negative impact can be avoided by keeping the existing zoning designation in the General Plan, which would also be consistent with all of the above cited goals and policies.

GOAL BV/LU 1. Retain the existing mountain character of the community.

To achieve this goal the proposed General Plan zoning change amendment should be rejected.

BV/LU 1.1 Require strict adherence to the Land Use Policy Map unless proposed changes are clearly demonstrated to be consistent with the community character.

Since the proposed project is not consistent with the community character, "strict adherence" to the existing rural zoning designation needs to be enforced.

BV/LU 1.2 In recognition of the community's desire to preserve the alpine character and protect the area's natural resources, projects that propose to increase the density of residential land uses or provide additional commercial land use districts or zones within the plan area should only be considered if the following findings can be made:

A. That the change will be consistent with the community character.

In determining consistency the entire General Plan and all elements of the community plan shall be reviewed.

The proposed zoning change is not consistent with the community character nor a large segment of the entire General Plan.

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.

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.

Contrary to this policy, the proposed development proposes four new direct access points onto the substandard Highway 38, all within a very short distance of each other.

BV/CI 5.1 Through the development review process, permit new development only when adequate water supply exists or can be assured.

So far the evidence provided is deficient to show whether adequate water supplies exist to serve the proposed development. One option for supplying water has the potential to adversely impact groundwater supplies and draw down other private wells in the project vicinity.

BV/CO 4.5 Natural drainage courses shall not be occupied or obstructed.

The proposed project would completely occupy and obstruct the natural drainage course on the east end of the property.

All of these General Plan and Community Plan goals, policies and guidelines illustrate how tenuous the potential compliance of Moon Camp project actually is with the relevant provisions for a legitimate residential subdivision in the National Forest, even if the proposed project was not already prohibited by the existing BV/RL-40 land use designation. The inconsistencies further underscore the fact that a General Plan amendment to change the zoning is altogether unwarranted.

Wildlife Impacts

The FEIR 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, lacks substantial evidence; 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 affect 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? What is the definition of the

referenced "region?" How does the loss of habitat add to the cumulative impacts of habitat loss in the Big Bear Valley over the years?

The FEIR evades the 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 FEIR 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 important biological resources ought to mandate a clearer and more thorough evaluation of impacts to affected species.

The decline in the population of wintering bald eagles (that parallels the increase in local development of Big Bear Valley) is apparent in the statistics from the Forest Service's Bald Eagle Counts as shown in Appendix A. The project modifications in the FEIR do not materially reduce any of the significant impacts on the site or to the surrounding public resources of the San Bernardino National Forest. The FEIR states that perch trees are to be saved, however it does not provide measures that fully promote survival nor offer effective mitigation that would guarantee long term preservation. This supposed mitigation does not reduce the significant impact to the Bald Eagle in any way.

Too many of the eagle perch trees within proposed project design are located on developable lots, where they will not be adequately protected against removal during building construction or upon becoming identified as a safety hazard. The FEIR thus fails to provide adequate safeguards for these critical trees, especially the "most utilized perch tree on the North Shore" (according to the bald eagle survey in Appendix A). These trees should be fully protected in sufficiently large conservation lots. There ought to be a mitigation measure that ensures that these vital perch trees remain standing throughout their natural cycle.

Although the FEIR acknowledges on page 2-29 and 2-30 of the RDEIR that the bald eagle could potentially nest on the project site, the report does not identify, analyze or mitigate the potential impacts to nesting eagles. Because human activity within close proximity to eagles' nests interferes with successful nesting, perch trees on developable lots are ineffective for adequately mitigating impacts to the eagle. The likelihood of eagles nesting onsite would be greatly increased if the existing RL-40 zoning of the site were to be left intact. That would constitute a definitive community benefit, as emphasized in the protocol for zone change Findings.

The FEIR fails to analyze the impact on foraging habits of bald eagles when houses are located on steep slopes above the perch sites. Bald eagles were known to frequent the lakeside slopes below the Castle Glen development prior to the construction of the project, where a foraging area was set aside as a conservation easement for the bald eagle. However, after homes were built above the eagle perches, the eagle count data by the Forest Service indicated that the eagles' use of the area for foraging was greatly reduced. Since the Moon Camp project proposes home sites on the steep slopes above the perch trees, which are supposed to be preserved as mitigation, these factors should be analyzed and mitigations devised to minimize impacts of this nature.

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 might be many times larger than the replacement trees and already functional as bald eagle perch trees, whereas these smaller trees could take decades to grow to attain the necessary height as replacements. The only way

to effectively mitigate is to require that no trees over 24-inch dbh be cut, a measure that has not been adopted by the project proposal and can only be achieved by keeping the existing zoning designation intact.

Although the FEIR concludes that impacts to the bald eagle would be significant, it still substantially understates these impacts. It also underestimates the impacts to the ash-gray Indian paintbrush, other pebble plain special status plants, and other biological resources, while failing as well to adequately mitigate the true impacts to these species. All of these unnecessary and devastating impacts can be avoided by an honest assessment that the whole project is simply not in the public or community's best interest. Such an assessment would mandate that the RL-40 land use designation remain unchanged and that only the "No Project Alternative" is valid, given the existing zoning and the remarkable natural resource attributes of the site.

Citizen Participation

Audubon is appreciative of the extraordinary amount of volunteer hours, research and consultation with experts that has been undertaken by the local community organization, especially the Friends of Fawnkln (now Friends of the Big Bear Valley), in opposing the misguided Moon Camp proposal. The county should take note that the testimony from the community in regard to the adverse impacts of the project represents a much more accurate perspective than what has been provided in all the compiled elements of the Moon Camp project's final environmental impact report. Enormous amounts of time, expertise and expense have been invested by citizens in placing their case before the county. This has resulted in abundant and compelling reasons why the existing General Plan guidelines ought to be maintained and not be irresponsibly overturned. Maintaining the status quo of the BV/RL-40 land use designation is clearly in the best interest of the general public, for its safety, well-being and continued protections of the American bald eagle and our priceless National Forest. The county is fortunate to have so many local concerned citizens and advocates, who have provided their valuable perspectives and insights on what constitutes the best interests of the community and the public and how the county can best serve all of their most dedicated constituents.

We thank you for your consideration of these comments.

Sincerely,



Drew Feldmann
Conservation Chair

cc: Jeff Brandt, DFW Ontario Office
James Ramoe, 3rd District SB County Supervisor
Sandy Steers, Friends of Big Bear Valley
Heene Anderson, Center for Biological Diversity
Kim Floyd, San Geronimo Chapter Sierra Club

Nieves, Tom

From: Ed Wallace <rushewallace@yahoo.com>
Sent: Friday, September 28, 2018 2:36 PM
To: Nieves, Tom
Subject: EIR on Moon Camp development
Attachments: Moon Camp Response to EIR.doc

Hi Tom

Please find attached the comments of Big Bear Group of the Sierra Club on the EIR for the Moon Camp development in Fawnskin. Please let me know that you have received this email.

Thank You

Ed Wallace
Group Conservation Chair



Big Bear Group

San Geronimo Chapter

PO Box 3048 Big Bear Lake CA. 92315

**Mr. Tom Nieves, Contract Planner
County of San Bernardino
Land Use Services Department, Advanced Planning Division
385 North Arrowhead Avenue 1st Floor
San Bernardino, California 92415-0182**

By email to: Tom.Nieves@lus.sbcounty.gov

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

The Big Bear Group of the Sierra Club with over 200 members in the Big Bear Valley have the following comments on the Final Environmental Impact Report for the Moon Camp 50-lot residual development with a marina on the North Shore of Big Bear. We believe the planning commission and county commissioners should reject this ill-conceived project after taking the following into consideration,

Wildfire Considerations

In 2003, the Old Fire caused the evacuation of the Big Bear Valley. At times both Rt. 38 and Rt. 18 to Running Springs were closed to traffic. Fortunately, the fire never reached Big Bear. We were also fortunate that because the fire had been burning to the west of Big Bear for some time the usual tourist population was much smaller than normal, and many residents left early. Even with this reduced population the strain on our evacuation routes was painfully evident. It took hours for those that waited for the mandatory evacuation order to get down the hill via Rt 18 to Lucerne.

Consider the real possibility of a fast-moving fire coming up from the dry chaparral covered slopes from the south. This fire would most likely cause

9.28.18

the closure of Rt. 18 to Running Springs and Rt. 38 to Redlands leaving Rt.18 to Lucerne the only way in and out. The question for authorities is, do you evacuate the population or bring fire fighters and equipment up the hill? There are not adequate firefighting resources in the Big Bear Valley to handle this very real scenario. With in the last year according to the Big Bear Fire Authority there were 74 instances where there were no units available to take even 911 calls.

The Big Bear Valley has a resident population of around 25,000 and can expand to over four times that in the busy summer months. Any project that has the potential to expand this population base which effects our highway systems ability to evacuate that population needs to be looked at as a cumulative effect under CEQA. We, and perhaps others, asked for this during the lengthy environmental review process for this project. We were either ignored or told that it was not in the project scope. Our reading of CEQA is as follows: CEQA Guidelines require the consideration of cumulative impacts within an Environmental Impact Report (EIR) when a project's incremental effects are cumulatively considerable. Cumulatively considerable means that, the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. In identifying projects that may contribute to cumulative impacts, the CEQA Guidelines allow the use of a list of past, present, and reasonably anticipated future projects, producing related or cumulative impacts, including those that are outside of the control of the lead agency. Thus, cumulative impacts must be covered in this EIR, backed up by a current traffic study that explores the consequences of various route closure scenarios. Until such studies are done and the cumulative effects are taken into account it would seem to be irresponsible, to say the least, for the planning commission and board of supervisors to continue approving large housing tracts on land designated RL

Bald Eagle Considerations

This winter two bald eagle chicks were hatched in a nest in the forest near Fawnskin. This event was full cover and seen in country's around the world by an on-line video camera placed above the nest a few years ago by the Friends of the Big Bear Valley. The primary perch trees and foraging area used by the chick's parents was on the lake front area where the proposed marina and parking lot for this project is to be constructed. If completed as planned this area will most likely no longer used by the mating pair and they

may potential abandon the nest and move out of the area. This is a new development and its potential impact must be addressed in an addition to the EIR before this project can go forward. To do other wise would be a violation of CEQA.

Destruction of Pebble Plain Habitat

Because of ongoing development, less than 10 percent of the rare pebble plain habit that once existed in the Big Bear Valley remains. It is critically important to preserve all remaining habitat to maintain the genetic flow between the small islands of existing pebble plains.

In EIR vastly under states the amount of pebble plain contained on the project site because it ignores the definition of pebble plain habitat as defined in the U.S Forest Service Pebble Plain Habitat Management Guide,2002 Instead it use an outdated definition developed by one individual that fits the developers desires rather than the definition arrived at by combined expertise of the botanists of the Forest Service. This must be rectified so proper mitigation measures can be developed as required under CEQA.

Summary

The Big Bear Group opposes this project for the following reasons:

- The cumulative effect of continued development must be analyzed in relation to the valley's infrastructure practically in relation to evacuation from wildfire.
- The destruction of critical eagle habitat.
- The destruction of rare pebble plains.

Please acknowledge receipt of these comments for our record.

Respectfully submitted,

Ed Wallace
Conservation Chair
Big Bear Group Sierra Club



FORDHAM UNIVERSITY
THE JESUIT UNIVERSITY OF NEW YORK

FORDHAM COLLEGE AT LINCOLN CENTER
DEPARTMENT OF HISTORY

September 30, 2018

County of San Bernardino
Land Use Services Department,
Advanced Planning Division
Attention: Matthew Slowik,

Dear Mr. Slowik,

I write to persuade you to stop the Moon Camp development project. My family has owned a house in Fawnskin since 1972. Since the 1990s, we have watched with apprehension as the Big Bear Valley has increased in density, services, and traffic. This latest project seems like a tipping point. It represents an intensification of the lakefront unimaginable in recent years. As a professor of history and political economy, I ask you to think not only about the specific effects of this disastrous project but also about your larger role as steward of the Big Bear Valley.

Think of the Big Bear Valley as a Persian rug. You have a sharp knife and cut the rug into one hundred squares. Now put them all back together so that when you stand back it looks like the original rug. What do you have? You have one hundred fragments, and no rug at all. Cutting up a rug approximates what happens when the landscape is divided by boundaries and barriers. It becomes a series of fragments, each a kind of "island," and the result is that all the living things on those islands is in greater danger from air and light pollution, roads and trails that further dice up their habitat, and an erosion of the things they need to live, all of which tends to drive them out altogether or cause to their extinction if the organism exists nowhere else. This is called island biogeography, and it's well studied. The effect of development is a tremendous dive in biodiversity, as human uses overwhelm and simplify the environment.

And the Big Bear Valley is an extraordinary environment. It rates the seventh highest in biodiversity in all the regions of the United States. One-third of all of California plant species can be found in less than 1 percent of the state's area. That's something to promote, not pave over.

Why should you care? You want the property taxes from additional houses, more money for schools and county services. This is *progress* or *development*, the process of converting grass and brush into fiscally fertile private property. I understand how you see it, but I ask you to question this view—not because building roads and suburbs is always a bad thing but because it is not without contradictions. You don't have to use your imagination to see what happens when development prevails over other uses. Southern California was once low rolling hills covered with willows and chaparral that supported El Segundo butterflies and peregrine falcons—both now endangered. The question is, can we have open space for butterflies and falcons as well as real estate development? Yes, but the Big Bear Valley is past that point. I will give you five reasons for stopping the project all connected with the contradictions of development.

1. *There is no such thing as land conservation surrounding a housing complex.* The developers want to convince you that they can build and conserve wildlands, but it's an illusion. The reason goes back to the Persian rug. There is a difference between quantitative and qualitative change. To reduce the number of houses from one hundred to fifty seems significant. But the *quality* of that extra space is not equal to what the same land would be like with no houses nearby. It's like cutting the rug into eighty squares not one hundred. The effect would be the same. If we could remove a lane from a freeway, would that reduce its environmental impact? It would remove 15 percent of the road, but that wouldn't change anything about living next to the 605. Regarding Moon Camp, the extra people, noise, household garbage, light, and traffic all amount to qualitative changes not accounted for in the quantitative assertion that there will be fifty fewer homes, especially if each house merely has a larger lot. Another way of saying this is,

2. *Development kills the things we love.* You yourself, I'm willing to bet, seek out the very quiet places for hiking and camping that you would approve for luxury houses and access roads. There's a paradox here, and it's built into our notion of progress. We come for the clean air but turn it foul; we come for the open space only to turn into real estate. Building this project will reduce the overall quality of life for everyone in the Big Bear Valley. At some point, the overall environmental quality of a place becomes perforated to the point that takes on an entirely different quality. If the County of San Bernardino is willing to have Big Bear Lake look like any other suburban city in Southern California, then by all means approve this project and the next one, and the next. The lake will become even more choked with algae from the careless use of fertilizers. The eagles will disappear. Smog and not fog will hang over the lake on cool mornings. The very things that brought people to the region in the first place will vanish, leading homeowners to sell and move to the next clean place while housing values fall.

A related illusion of development is that we're only talking about this one project. But we can never see environmental or economic change in isolation. Another landowner will come along next year and make the same appeal, use the same logic of progress and development. *You can tell your grandchildren that you remember Big Bear when there were bald eagles, or you can stop a process that no longer delivers the benefits it once did.*

3. *Development heightens the cost and destructiveness of wildfire.* I don't need to say much about this because you know much more about than I do. Houses near the national forest boundary are more likely to cause a fire and to be destroyed by fire. They make fire more likely and costly. And how would all those people in their luxury homes get out of the valley? Some years ago, residents estimated that it would take eight hours to leave if (when) a fire broke out. Depending on the circumstances, people could be engulfed in their cars. An eight-hour traffic jam is not an evacuation; it's a disaster. (During the Old Fire residents did, in fact, wait that long to get out when fire blocked two of the highways leading down the mountain.) The only reasonable plan—the only thing that makes any sense—is to limit development for this reason alone. Think of yourself as the fire marshal and Big Bear Valley as a new building permit. How many people can be in that “building” before there are too many to leave safely in the event of fire? But too many people in a hotel ballroom do not increase fire risk. More houses in the valley do just that.

4. *An exemption to the zoning code must be in the public interest.* The Moon Camp landowner is asking to receive a bypass of the zoning laws, but such an exemption must to produce public and not merely private benefits. Consider that distinction. One writer in the report says, "A zoning change is not an automatic prerogative of land ownership and should not be considered as an entitlement by developers. It is a discretionary action on the part of the County and is governed by what best served the overall public interest." The developers have not demonstrated any public interest because there is none. Worse, it is my understanding that the developers don't live in Fawnskin, in San Bernardino County, or even in California, so they would receive private benefits while externalizing public costs. *They have no stake in the beauty or health of the region, yet their interests would prevail over all others.* That seems like madness. You know these two interests are irreconcilable. Maximizing the private good of the developers would reduce the public good of all the resident stakeholders, including the plants and animals that cannot vote or represent themselves.

5. Another way of saying all of this is, *Economic growth has become uneconomic growth*, growth that makes us all poorer. Yes, there is such a thing. It's on display all around you. Growth no longer returns what it once did. The way to turn zero growth into benefits for all is to stop new construction and then raise property taxes in the region, if necessary. Home values would increase with the limited supply and tourism would continue to bring money in. This what is happened in Marin County when they passed a zero-growth ordinance in the 1970s.

To embrace the Moon Camp plan would be a defining act for you. It would be short-term thinking that would mortgage the future cohesiveness of the region. It would represent a distorted view of progress, stressing building at any cost and private over public gain. But most of all, it would contradict the recommendations of the national forest folks, residents of Fawnskin, and all the other stakeholders who have urged you to reject it. The definition of *investment* is present sacrifice for some future gain. Limitations on development are themselves investments that deliver benefits like biodiversity and natural beauty, as well as an increase in tourism. The point is that investment, properly understood, requires long-term thinking of this kind and does not necessarily result in interest, rent, or other profits.

I understand that some of the eagles now have chicks. (I just looked at the eagle cam, but the family isn't home). Tourists are coming to the Valley, I am told, to see the eagles. Foraging and perch trees are essential to these birds. Remove those trees, and they can't hunt; if they can't hunt, they won't stay. A number of the trees are in the path of the road and parking lot planned for Moon Camp. What will you do? You can find your way out of this without abandoning your faith in progress and your commitment to development by realizing that the latter does not always equal the former, that there is more than one way to achieve progress if we have the wisdom to leave well enough alone.

Sincerely,



Steven Stoll
Professor of History

DEPARTMENT OF TRANSPORTATION**DISTRICT 8****PLANNING (MS 725)****464 WEST 4th STREET, 6th FLOOR****SAN BERNARDINO, CA 92401-1400****PHONE (909) 388-7017****FAX (909) 383-5936****TTY 711****www.dot.ca.gov/dist8***Making Conservation
a California Way of Life.*

October 1, 2018

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

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

**Subject: Tentative Tract Map 16136 (Moon Camp 50-Lot Residential) (SCH# 2002021105)
– Focused Traffic Impact Assessment dated August 15, 2018**

Dear Mr. White,

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

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

The subdivision design, traffic study, and related documentation were re-reviewed by the Traffic Operations and Forecasting units. We have no further comments at this time. This will conclude the IGR preliminary review. To perform work within the State right-of-way, please contact our Encroachment Permits Office.

INFORMATION ITEMS

Through our preliminary IGR review, it appears that the following improvements are appropriate:

1. Three left turn pockets or turning movement restrictions at the following locations:
 - a. State Route 38 eastbound at Driveway 1,
 - b. State Route 38 eastbound at Driveway 2, and
 - c. State Route 38 westbound at Driveway 2
 - d. Right-turn only at Marina exit northbound at State Route 38

NOTE: Design Exceptions may be needed where left-turn pockets of less than 300 feet are proposed.

2. Class II Bicycle Lane along State Route 38 eastbound

Post-IGR Comments

1. The following comments are to be addressed during the Encroachment Permit process:
 - a. Please include Decision Sight Distance analysis for left-turning traffic.
 - b. Trees are shown within the limited use areas in Exhibits 8, 9, and 10. There should be no obstructions within the area higher than 2.5'. Please remove trees within the limited use area to provide adequate line of sight. Removal of trees should be coordinated with U.S. Forest Service.
2. Depending on the exact improvements needed, dedication of Right-of-Way may be necessary prior to acceptance of an Encroachment Permit. If so, the applicant will need to work directly with the Right-of-Way Division.
3. Although any final approval of this project by the County of San Bernardino will include a CEQA determination. An environmental review or CEQA determination could be required through our Environmental Planning Division prior to acceptance of an Encroachment Permit for the proposed improvements on the State Highway System. The applicant will need to work directly with the Environmental Planning Division to make this determination.

Mr. White
October 1, 2018
Page 3

Encroachment Permit Office Information

Any proposed alterations to existing improvements within State right-of-way may only be performed upon issuance of a valid encroachment permit and must conform to current Caltrans design standards and construction practices. Review and approval of street, grading and drainage construction plans and related studies will be necessary prior to Caltrans permit issuance.

More information regarding permit application and submittal requirements may be obtained by contacting:

Office of Encroachment Permits
California Department of Transportation
464 West 4th Street, 6th Floor, MS 619
San Bernardino, CA 92401-1400
(909) 383-4526

Or you may visit our web page at <http://www.dot.ca.gov/trafficops/ep/index.html>.

Where work in the State Highway System Right-of-Way does not exceed \$1 million in value but is determined to be complex, it may be delegated to our Streamlined Oversight Engineer Mahmuda Akhter. This decision is made through consultation with the Encroachment Permits Office.

Where work in the State Highway Right-of-Way will exceed \$1 million in value, a Streamlined Oversight Process review is required. Please contact our Streamlined Oversight Engineer Mahmuda Akhter at (909) 806-3220.

Where work in the State Highway Right-of-Way is estimated to be over \$3 million, development of a Project Initiation Document and other project development steps will be required. Please contact Catherine Barron at (909) 383-6050 in our Pre-Programming/Engineering Studies (PID) Unit.

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

Mr. White
October 1, 2018
Page 4

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Roberts". The signature is fluid and cursive, with the first name "Mark" and last name "Roberts" clearly distinguishable.

MARK ROBERTS, AICP

Office Chief

Intergovernmental Review, Community and Regional Planning

Nieves, Tom

From: Michael Perry <calcolsol@gmail.com>
Sent: Tuesday, October 02, 2018 3:05 PM
To: Rahhal, Terri
Cc: Prusch, David - LUS; Nieves, Tom; CHARLES HOLCOMBE; Steve Foulkas; Donovan Collier; Thomas J. McGill
Subject: Moon Camp - our Attorney's response to the Sierra Club

Terri,

Below is Donovan Collier's response to 2 of the 3 the Sierra Club's comments in their letter of Sept. 28, 2018. I believe the 3rd comment will be responded to by your County Fire Dept.

Please let us know if we can provide any additional information.

Michael

----- Forwarded message -----
From: Donovan Collier

2. Bald Eagle Impacts. We addressed Impacts to the Bald Eagle extensively in the EIR. We noted all of the perch tree locations and have mitigation in place to prevent impacts to the perch trees and eagles to the extent feasible. Mitigation measures include preserving perch trees in place, restricting on-site construction activities during breeding season (February 1-July 30), and restricting use of the marina between December 1 and April 1. At the end, the impacts are still considered significant and unavoidable. The County is not saying there will not be an impact.

3. Destruction of Pebble Plain Habitat.

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 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 ssp. and *Arenaria ursina*. 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-gray Indian paintbrush or *Ivesia argyrocoma* are also known to occur in meadows; *Arabis parishii* is found on limestone, and *Ivesia a.* is also found in Baja California, none of which are even remotely considered pebble plain habitats. 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 urtica* (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.

Nieves, Tom

From: Michael Perry <calcolsol@gmail.com>
Sent: Tuesday, October 02, 2018 11:08 PM
To: Rahhal, Terri; Prusch, David - LUS; Nieves, Tom
Cc: CHARLES HOLCOMBE; Steve Foulkes; Donovan Collier; Thomas J. McGill
Subject: Moon Camp - Revised Letter from Tim Krantz - Date & acreage correction
Attachments: Moon Camp Comments_PC_100418.pdf

Terri, Dave, Tom,

Attached is the revised letter.

Michael

--

Michael Perry
California Collaborative Solutions
Post Office Box 706
Big Bear City, CA 92314
909.586.5819

October 4, 2018

RE: Moon Camp Tentative Tract 16136

Ms. Terri Rahhal, Director
County of San Bernardino Land Use Services
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0187
E-Mail: terri.rahhal@lus.sbcounty.gov

Dear Ms. Rahhal:

I am sorry that I cannot present these comments in person, but I am out of the country during the scheduled Planning Commission hearing on the Moon Camp project. Please allow me to submit these comments in writing with regard to the Moon Camp residential subdivision application in my absence.

By means of introduction to the members of the Planning Commission who do not know me, I am a professor of Environmental Studies at the University of Redlands for the past 21 years. Prior to that, I served on this Planning Commission from 1982-1988, representing the First District, then including the mountain communities and extending to the High Desert. At the time, I worked as an environmental consultant, with a specialization in rare and endangered species in the San Bernardino Mountains, where I lived in Big Bear during those years.

Biological Mitigation Program for the Moon Camp Project

The Moon Camp project site is comprised of 62.43 acres, proposed to be subdivided into 50 single-family lots, with average lot sizes of 0.9 acre. The project site includes occupied habitat of a formally-protected plant species, the ashy-gray Indian paintbrush (*Castilleja cinerea*), listed as a Threatened species according to Federal and State Endangered Species Acts. The ashy-gray Indian paintbrush (henceforth, simply "paintbrush") is a partial root parasite on other buckwheat and sagebrush species; in the case of Moon Camp associated with Wright's matting buckwheat (*Eriogonum wrightii subscaposum*), a closely-related variety of buckwheat to the Federal- and State-endangered Kennedy's southern mountain buckwheat (*Eriogonum kennedyi* ssp. *austromontanum*), although Wright's matting buckwheat is common in the Southern California mountains and is, therefore, not a protected species. Although the paintbrush is often associated with other rare and special-status species on pebble plains habitat, described in more detail below, the Moon Camp property lacks these species, and is not considered to represent a good example of this unique rare plant habitat.

The most dense occurrence of the paintbrush is on the western portion of the property and is proposed as an open space preserve, comprising 5.39 acres of high quality habitat. This will represent the first and only preserve dedicated solely to this unique rare plant species. The Open Space lot includes several identified bald eagle perch trees as well. The Open Space/Conservation Lot shall be fenced and protected in perpetuity by recordation of a Conservation Easement in the name of a local land trust, and by deposit of a habitat management endowment fund (amount to be determined). My recommendation is that the Conservation

Easement be recorded to the San Bernardino Mountains Land Trust—an organization based in Running Springs that manages several other large open space reserves in Big Bear Valley.

Approximately two acres of paintbrush habitat will remain outside of these protected areas and may be impacted by roads and construction of residential properties. Impacts to this paintbrush habitat will be mitigated by establishment of an off-site rare plant preserve area as described below.

Off-site Biological Mitigation

To compensate for these environmental impacts on the paintbrush, an off-site habitat area, the Dixie Lee Lane pebble plain, near the town of Sugarloaf, is proposed to be formally protected. Pebble plains are a unique ecosystem of relict alpine plants found only in the northeast San Bernardino Mountains (Krantz 1982). The indicator species of pebble plains habitat, the Southern Mountain Kennedy's buckwheat (*Eriogonum kennedyi austromontanum*) and Bear Valley sandwort (*Arenaria ursina*) are both Federal- and State-listed as Threatened species. The Dixie Lee Lane (DLL) pebble plain contains high quality habitat including all three Threatened plant species, as well as many other Big Bear endemics associated with pebble plains habitat, such as Parish's rock-cress (*Arabis parishii*), Munz's hedge-hog cactus (*Echinocereus engelmannii* var. *munzii*), and Killip's linanthus (*Linanthus killipii*).

The DLL pebble plain is part of a chain of pebble plains habitat "islands" in a "sea" of conifers, extending from north of the town of Sugarloaf to Moonridge, together called the "Sugarloaf Archipelago" (Krantz 1994). The DLL pebble plain was used as partial mitigation for construction of the Big Bear High School and Maple Hill Elementary School in 1981. The High School site included pebble plains habitat along the west side of Maple Lane. The parent parcel extended a mile to the west, from the town of Sugarloaf to Highway 18/Big Bear Boulevard, including the DLL pebble plain at the west end of the parcel, north of Baldwin Lane.

I prepared the Biological Assessment for the High School (Bio-Tech 1981) and negotiated a mitigation plan for the project in which the Big Bear school district parcels and 10-acre DLL pebble plain parcel were to be recorded via a Minor Subdivision with the County, leaving a 213-acre remainder parcel. A survey was completed by Hicks & Hartwick Engineering, although in retrospect, I am not sure if the property owner, RCK Properties, Inc., ever actually recorded the Minor Subdivision establishing the DLL pebble plain parcel.

County records and correspondences regarding the Minor Subdivision and biological mitigation for the High School indicate that the intent of the DLL minor subdivision was to mitigate for the High School's impacts to pebble plains habitat along Maple Lane by establishing a preserve at Dixie Lee Lane, two acres of which were to compensate for the school construction and the remainder (8 acres) to be used as a "mitigation bank" for other future projects impacting pebble plains habitats elsewhere in the valley. The DLL pebble plains preserve was gated and fenced along the southern property boundary, and a barbed wire fence was constructed around the perimeter of the 10-acre parcel. It should be noted that none of the pebble plains plants were yet listed as Threatened species at that time. I negotiated between the land developers and County to achieve what I thought was the best mitigation program I could obtain at that time under those circumstances.

In the subsequent 37 years since then, the double-track road that extended through the DLL pebble plain from Dixie Lee Lane has largely restored itself, and the motorcycle tracks that encircled the pinyon pines in the middle of the pebble plain have recovered. However, recent tracks have been observed and the fence has not been maintained for many years, representing a current threat to the pebble plains resources.

Conclusions

I have worked closely with Michael Perry and the Moon Camp environmental consulting team (First Carbon Solutions) for the past 10 years to develop the biological mitigation program that you have before you today. The subdivision has been reduced from 100 lots to 50 residential lots. The original proposal for docks and dredging along the lakeshore have been removed and the entire 4-acre lakefront will be maintained as an open space Letter Lot that will not be built. The knoll containing the primary bald eagle perch trees and pebble plain habitat will be set aside as permanent open space, together with the high quality ashy-gray Indian paintbrush habitat at the west end of the property, and a Conservation Easement will be recorded over the entire knoll and paintbrush lots.

In addition, the formal recordation of the Minor Subdivision of the Dixie Lee Lane pebble plain preserve, recordation of a Conservation Easement over same and establishment of a non-wasting management endowment will finally consummate the conservation of this unique habitat—now 37 years after I first brokered a mitigation program for that site as a 26-year young, aspiring botanist.

Sincerely



Dr. Timothy Krantz
tim_krantz@redlands.edu

Nieves, Tom

From: Judy Currier <greyhounds@cox.net>
Sent: Wednesday, October 03, 2018 6:51 AM
To: Nieves, Tom; Supervisor Ramos
Subject: Moon Camp Project

Please, please vote against the Moon Camp Project. This huge project will have detrimental affect on our wildlife including the Big Bear Eagles. We do not need more housing in Big Bear, we have plenty for sale now. We need our wildlife!!!

**Judy Currier
President, GPA Las Vegas
www.GPALV.com
Cell: 630.6390**

**Joyful, joyful, joyful as only dogs know how to be, happy with only the autonomy of their shameless spirit.
Pablo Neruda**

Nieves, Tom

From: Greg <2greggo@gmail.com>
Sent: Wednesday, October 03, 2018 6:54 AM
To: Nieves, Tom
Subject: Moon Camp Fawnskin

Tom,

As a resident/property owner of Fawnskin, CA I have heard rumors of a new development along North Shore Drive. Is there a website that I can look at proposed development Moon Camp? Rumors that I have heard is to re-direct traffic away from Lake and above the proposed Moon Camp, and this would effect the Eagle habitat. I will be attending the meeting tomorrow.

Please send link so that I can be more educated before the meeting.

Thank you

Greg Johnson
39117 Rim Of The World Drive
Fawnskin, CA 92333

Nieves, Tom

From: Kathryn Gray <kathryn@kgraymail.com>
Sent: Wednesday, October 03, 2018 6:59 AM
To: Nieves, Tom; Supervisor Ramos
Subject: Opposition to Fawnskin Development

Gentlemen:

I understand there is a vote today on the proposed large, multi-use development in Fawnskin. This development has been blocked several times for all the right reasons. Part of the draw Southern Californians have to come to Big Bear is to get away from large, urban style developments and congestion. Big Bear is seen as one of the last quaint getaways within a few hour drive of congested LA-OC. While I am sure the temptation of the potential tax revenue is appealing to elected officials who must balance budgets, but there must be some consideration for the legacy being left behind. I was born in San Bernardino and maintain a residence in Big Bear, in part so my children and grandchildren can have a beautiful, treed, open, rural place to visit. I appeal to you to stop this development.

The reasoning for defeating this measure is not just to maintain the tourist draw to the valley. The additional traffic on the north shore (where my place is), the environmental impact on the tourist-attracting bald eagles, and an additional marina on a lake that not only does not need another marina, but is in an area often first impacted by drought. There are hundreds of cabins, large houses and raw land options for sale in the valley and few sell quickly. There is no need for additional vacation housing in the valley.

Please defeat this development. It is just a bad idea that needs to be cancelled once and for all. Please listen to long time citizens wishes and not be taken in by developers who do not have the best interests of the valley in its residents in mind.

Thank you,

Kathryn Gray

Sent from my iPad

Nievaz, Tom

From: Theresa Lamkin <mama_lamkin@hotmail.com>
Sent: Wednesday, October 03, 2018 7:28 AM
To: tom.nievaz@sbccounty.gov
Subject: Big Bear eagles

I am opposed to new housing in Big Bear Valley. Housing should never override the detrimental impact on the Bald Eagles.

Please reconsider and oppose any housing plans that would impact the established eagle nesting sites.

Sincerely,
Theresa Lamkin

Sent from my Verizon, Samsung Galaxy smartphone

Nieves, Tom

From: Zach Wood-Doughty <zach@cs.jhu.edu>
Sent: Wednesday, October 03, 2018 7:49 AM
To: Nieves, Tom; Supervisor Ramos
Subject: Save the Big Bear Bald Eagles!

Dear Planning Commission and Board of Supervisors,

I'm writing to express my concern about the Moon Camp development project which county documents say will have a "significant detrimental effect" on Big Bear Valley bald eagles' foraging grounds. Your park and the eagles in it are a legitimate treasure — the work the Forest Service has put in to make the nest camera an educational opportunity for people all across the country should not be canceled by an aggressive housing development project. I live in Maryland but just wanted to make sure that you all knew that folks around the country are huge fans of your park and eagles, and you are probably destroying as much value in tourism opportunities as you are gaining in development money by proposing this housing so close to the park.

Thanks,
Zach Wood-Doughty

3419 Keswick Road,
Baltimore, MD 21211
608-561-1829

Nieves, Tom

From: Debrah Lydon <dabrahlydon@yahoo.com>
Sent: Wednesday, October 03, 2018 8:53 AM
To: Nieves, Tom
Subject: Moon Camp

Hi Mr. Nieves,

I am writing to express my concern on the Moon Camp Project. I think they should also schedule an evening meeting for residents to attend that have daytime jobs and can't attend the morning meeting on this topic.

I am very much against this project being built, it will destroy the beauty of trees in Big Bear Lake.

By the time developers get finished with destroying nature's beauty. There are so many homes in BB that are unoccupied or they are boarded up and rotting. Plus I don't want the eagles to be disturbed.

Any questions feel free to give me a call, Debrah Lydon at 562-631-5625, 14 year permanent resident of Big Bear Lake.

Thank you.

Nieves, Tom

From: Ronald Perry <webeperry@gmail.com>
Sent: Wednesday, October 03, 2018 9:12 AM
To: Nieves, Tom
Subject: Moon Camp In Fawnskin

Dear Mr. Nieves, My name is Ron Perry and I am a homeowner in Big Bear and a Voter. I'm writing to you today in regards to the proposed "Moon Camp project" in Fawnskin. I'm asking that you not allow or at least drastically reduce the size of this project for several reasons.

1. This project is huge. There are currently over 200 homes for sale in the Big Bear area. There is no shortage of housing.
2. The impact to the lake (what there is left of it) and local wild life. The Eagles are a tourist selling point and to lose them could hurt the local economy.
3. The roads are already so impacted, and the air quality will suffer even more with the addition of this project.
4. Water. Where is all the extra water coming from? There is already a water shortage. This is not an issue of "Need". This is an issue of greed! Big Bear does not need nor can it sustain this kind of growth.

I understand the need for growth, but not at this scale. Please think about these issues when you vote.

Sincerely,
Ron Perry

Nieves, Tom

From: Donna Felten <feltenfamily@verizon.net>
Sent: Wednesday, October 03, 2018 9:45 AM
To: Nieves, Tom
Subject: OPPOSE Moon Camp

Please DO NOT ALLOW this project to move forward. Our bald eagle and other wildlife population "needs" to be protected. We do not "need" big, expensive housing to push wildlife out of its habitat.

Do the right thing and protect our wildlife.

**Donna Felten
Granada Hills**

Sent from my iPhone

Nieves, Tom

From: Pamela Walker <gmapow@yahoo.com>
Sent: Wednesday, October 03, 2018 9:50 AM
To: Supervisor Ramos; Nieves, Tom
Subject: Project Moon Camp

PROJECT MOON CAMP

NO! NO! NO! NO! NO!

Big bear does not want big expensive housing and a private marina for this housing. We have NO housing shortages especially high end houses. Look at the recent housing currently and in the process of being built - a lot of empty houses and never finished houses, most of these have been on the market for a significant amount of time. There are currently over 600 houses and lots on the market with no sales.

Besides aren't American Bald Eagles protected? Well, to protect them we MUST PROTECT THEIR ENVIRONMENT! Project Moon Camp would directly have a huge negative impact on the Bald Eagles and on Big Bear.

**Pamela Walker
909-205-0912
gmapow@yahoo.com**

Nieves, Tom

From: chronicquilter <chronicquilter@yahoo.com>
Sent: Wednesday, October 03, 2018 10:12 AM
To: Nieves, Tom
Subject: Moon Camp approval

I am emailing you to let you know of my strong disapproval for the county to move forward with this project. This entire area should be protected bird habitat for the eagles. We have other places to build more million-dollar homes. We need more eagles.

Catherine Harris
200 San Anselmo Dr.
Big Bear City CA 92314

Sent via the Samsung Galaxy S8 6, an AT&T 4G LTE smartphone

Nieves, Tom

From: Lee Minardi <greytdaze@gmail.com>
Sent: Wednesday, October 03, 2018 10:32 AM
To: Nieves, Tom
Subject: Big Bear & Fawnskin

Admittedly, we aren't permanent residents, however, we do spend a portion of every summer in this area, and have done for many years. We enjoy the nature as well as escaping the desert heat. I am emailing you to let you know of my strong disapproval for the county to move forward with this project. This entire area should be protected bird habitat for the eagles. We have other places to build more million-dollar homes. We need more eagles.

Thank you for your attention.

Lee and John Minardi

Nieves, Tom

From: Lee Minardi <graytdaze@gmail.com>
Sent: Wednesday, October 03, 2018 10:32 AM
To: Nieves, Tom
Subject: Big Bear & Fawnskin

Admittedly, we aren't permanent residents, however, we do spend a portion of every summer in this area, and have done for many years. We enjoy the nature as well as escaping the desert heat. I am emailing you to let you know of my strong disapproval for the county to move forward with this project. This entire area should be protected bird habitat for the eagles. We have other places to build more million-dollar homes. We need more eagles.

Thank you for your attention.

Lee and John Minardi

Nievesz, Tom

From: Mary Geiger <geigermellen@gmail.com>
Sent: Wednesday, October 03, 2018 11:22 AM
To: Nievesz, Tom
Subject: Big Bear Valley/Big Bear Eagle nesting area

I am part an East TN eagle preservation organization and wish to protest the plans to ruin Big Bear nesting area. Our proud symbol is being crowded out by development in many forma and it is important to be proactive to help preserve as many of their areas as possible.

Please do not allow this to happen.

Thank you.

Mary E. Geiger
Bristol, TN

Nieves, Tom

From: Terri Green <1tag@sbcglobal.net>
Sent: Wednesday, October 03, 2018 11:24 AM
To: Nieves, Tom
Subject: How our wildlife dear and keep them safe

Mr Tom Nieves- I'm sure many have expressed to you how big development will impact the Eagle (and other wildlife) habitat. I want to appeal to your humanness for the sake of the rights and beauty of our wildlife. Please place your development where it does not impact the wildlife. Let it be known that you do care for our precious animals PLEASE

...

Nieves, Tom

From: Michelle France <michelle@boweryins.com>
Sent: Wednesday, October 03, 2018 11:43 AM
To: Nieves, Tom
Subject: Big Bear Bald Eagles

I am emailing you to let you know of my strong disapproval for the county to move forward with this project. This entire area should be protected bird habitat for the eagles. We have other places to build more million-dollar homes. You all should be ashamed for even considering this.

Thanks
Michelle France

Nieves, Tom

From: Kele Omana <keleomana@gmail.com>
Sent: Wednesday, October 03, 2018 11:45 AM
To: Nieves, Tom
Subject: bald eagles

Hi Tom,

We humans could make excuses to ruin every last bit of nature and wildlife for the sake of humans needing more space (development), but that is wrong. This area is overdeveloped already. We are so lucky to have bald eagles here! Very few places are blessed with bald eagles. Please don't let them ruin that. I vote for you, and i am asking you to vote for the eagles over development.

Thanks,

Sue

Nieves, Tom

From: Monette Stevens <monette805@gmail.com>
Sent: Wednesday, October 03, 2018 11:59 AM
To: Nieves, Tom
Subject: Concerns on Fawnskin rezoning and building

Dear Superivors Ramos,

I wanted to express my sincere concerns for the development at Moon Camp. I assumed due to the serious water conditions in Big Bear and the confirmed nesting of the bald eagles in Fawnskin would have cancelled the Moon Camp project permanently.

We strong reject the plans for rezoning and moving forward with Moon Camp.

I hope you and others will understand that more development will only hurt the residences (people and animals) of Big Bear Valley and Fawnskin.

Kind regards,
Monette Stevens
1170 Ridge Road, Fawnskin, CA
805.491.3614

Nieves, Tom

From: Dana Roorda <danaroorda@gmail.com>
Sent: Wednesday, October 03, 2018 12:09 PM
To: Nieves, Tom
Subject: Moon Camp project In Fawnskin

Hello Tom,

I am writing to let you know of my concern for construction proposed in the Big Bear area that would negatively impact Bald Eagles who are living there. We need to protect them and their right to prosper in the mountains of Big Bear. Please move this project to an area that would not negatively affect the Eagles. I can be reached at danaroorda@gmail.com for any further questions. Dana Roorda

Nieves, Tom

From: melissa arellano <amelissa55@gmail.com>
Sent: Wednesday, October 03, 2018 12:28 PM
To: Nieves, Tom

I am emailing you to let you know of my strong disapproval for the county to move forward with this project. This entire area should be protected bird habitat for the eagles. We have other places to build more million-dollar homes. We need more eagles.

Nieves, Tom

From: Anna Laios <annalaios@hotmail.com>
Sent: Wednesday, October 03, 2018 12:49 PM
To: Nieves, Tom
Subject: RE: Protect the Big Bear Bald Eagles

Importance: High

Dear Mr Nieves

I am emailing you to let you know of my strong disapproval for the county to move forward with Moon Camp in Fawnskin project. This entire area should be protected bird habitat for the eagles. We have other places to build more million-dollar homes. We need more eagles.

I watch the live cams of your beautiful, majestic eagles from Sydney, Australia, and I felt compelled to write to you, to please reconsider this project. There are many other places to build houses, but the bald eagle considers it's nesting site very important, using it, along with the next generation to breed, and with great difficulty, getting a chick to fledge. Destroying its habitat, will destroy a lot more eagles from future expansion.

Please, Mr Nieves, reconsider your plans to build homes in this protected area. Once a species is gone, they will never come back. Bricks and mortar can be used at any time.

Thank you for your time.

Yours sincerely

**Anna Laios
26 Nelson Road
North Strathfield NSW 2137
Australia**

Nieves, Tom

From: Theresa Lamkin <mama_lamkin@hotmail.com>
Sent: Wednesday, October 03, 2018 1:05 PM
To: Nieves, Tom
Subject: Big bear eagles

I have watched the Big Bear eagles nest for several years. I'm emailing you to let you know of my strong disapproval for the county to move forward with the housing project. Housing in Big Bear Valley DOES NOT override the detrimental impact on the bald eagle.

The entire area should be a protected bird habitat for the eagles. I'm praying you reconsider your decision and move forward to protect the majestic bald eagle.

Sincerely,
Theresa Lamkin

Sent from my Verizon, Samsung Galaxy smartphone

Nieves, Tom

From: DELORES Porchycat <porchy42@gmail.com>
Sent: Wednesday, October 03, 2018 1:10 PM
To: Nieves, Tom
Subject: Disapproval of project

"I am emailing you to let you know of my strong disapproval for the county to move forward with this project. This entire area should be protected bird habitat for the eagles. We have other places to build more million-dollar homes. We need more eagles."

Not big development. This is horrible. Are we going to keep taking more and more land away from our wildlife? They need their home and our Beautiful Bald Eagle to create this horrible project that will effect them... please stop this project I'm begging you.

Thank you for your time I live in Florida where something like this would not be allowed with our Live stream nests we have here.. please stop this project..

Nieves, Tom

From: khk 11811 <khk11811@hotmail.com>
Sent: Wednesday, October 03, 2018 1:23 PM
To: Nieves, Tom
Subject: Moon Camp Fawnskin development letter-OPPOSE

Dear Mr. Nieves,

My husband and I are part time residents in the Snow Summit area of Big Bear Lake. We soon plan to become permanent residents and are very much against the housing development proposed in Moon Camp, Fawnskin. The natural beauty and sprawling areas is what drew us to this valley and we hope that this development will not get approved. We also have been very involved in watching the Big Bear Eagle cam and it sounds like this development would have a negative impact on the Bald Eagles of this valley.

We strongly oppose this development and will hope you will consider and listen to the residents of Fawnskin and Big Bear.

Thank you for your consideration in this matter.

Sincerely,
Karen Kuehne

Nieves, Tom

From: maricvtravel@aol.com
Sent: Wednesday, October 03, 2018 1:31 PM
To: Nieves, Tom
Subject: Moon Camp In Fawnskin

I am emailing you to let you know of my strong disapproval for the county to move forward with this project. This entire area should be protected bird habitat for the eagles. We have other places to build more million dollar homes and marinas (actually we have enough marinas for a lake this size, and it's getting smaller everyday because of our drought).

Thank you,

Marian Peyton
PO Box 296
Big Bear Lake, CA 92315

Sent from AOL Mobile Mail
Get the new AOL app: mail.mobile.aol.com

Nieves, Tom

From: Aruna Prabhala <APrabhala@biologicaldiversity.org>
Sent: Wednesday, October 03, 2018 1:53 PM
To: Nieves, Tom
Cc: JBrandt@dfg.ca.gov; Geary_Hund@fws.gov; Ileana Anderson
Subject: CBD Comments of Moon Camp FEIR
Attachments: CBD Comments on Mooncamp FEIR 10-3-18.pdf

Dear Mr. Nieves,

Please find the attached comment letter from the Center for Biological Diversity on the Moon Camp Final Environmental Impact Report. The associated references are too large to send via email so they will be sent via fedex overnight to your office this afternoon. Please confirm your receipt of the this letter and associated references.

If you have questions or issues opening the attached letter, please do not hesitate to contact me at the number below.

Sincerely,
Aruna

Aruna Prabhala
Urban Wildlands Program Director
Staff Attorney
Center for Biological Diversity
1212 Broadway, Suite 800
Oakland, CA 94612
Ph: 510-844-7100, ext. 322
aprabhala@biologicaldiversity.org

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CENTER for BIOLOGICAL DIVERSITY

Protecting life on earth

Sent via electronic mail and FedEx

October 3, 2018

**Mr. Tom Nieves, Contract Planner
County of San Bernardino
Land Use Services Department, Advanced Planning Division
385 North Arrowhead Avenue 1st Floor
San Bernardino, California 92415-0182
Tom.Nieves@lusa.sbcounty.gov**

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

Dear Mr. Nieves:

The Center for Biological Diversity (Center) is responding to the opportunity to comment on the Final Environmental Impact Report (FEIR) for the Moon Camp 50-lot Residential Subdivision, TT No. 16136 (Based on the Revised Site Plan) proposed in Big Bear Lake. The Center has submitted comments on previous Revised and Recirculated Draft EIRs for the proposed Moon Camp Development Project, with the most recent comments submitted on January 23, 2012 on the Revised and Recirculated DEIR No. 2.

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 1.6 million members and supporters, including members and supporters in San Bernardino County and the Big Bear Lake area who will be directly affected by the Moon Camp project.

During the intervening six years since the Revised and Recirculated Draft EIR No. 2 was available for public comment numerous aspects of the law and biology have changed. The FEIR is now woefully outdated in identifying and analyzing the direct, indirect, and cumulative impacts to biological resources, as described in further detail below. We have received a copy of the letter submitted by the San Bernardino Valley Audubon Society regarding this project as well as an email sent by Sandy Steers, the Executive Director of Friends of Big Bear Valley and concur with the points raised by both groups in their communication to the County. We will also be submitting additional comments regarding the FEIR but submit these comments now in order for them to be considered by the Planning Commission.

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

**Ileene Anderson, Senior Scientist
660 S. Figueroa Street, Suite 1000, Los Angeles, California 90017
tel: (213) 785-5407 email landerson@biologicaldiversity.org
www.BiologicalDiversity.org**

Bald Eagles Now Successfully Nest Adjacent to the Proposed Project.

As the County is well aware, bald eagles have now successfully been nesting near Big Bear Lake very near the proposed project site very shortly after the close of the most recent comment period on this project.¹ The population of resident bald eagles in the surrounding area has been increasing and documented to include fifteen bald eagles in 2018.² Indeed these charismatic, piscivorous raptors are now local celebrities, with one nest having its own webcam with stunning videos posted on YouTube³ and a cadre of followers from all over the globe. While the nest site is currently protected from disturbance and closed to the public, future successful nesting is reliant upon adequate resources and lack of disturbance. The proposed project's adjacency to the nest site and the roosting trees that occur on the proposed project site are critical resources that this pair of bald eagles and the chicks they fledge depend upon. While the FEIR responds to comments on the on-site roosting trees, it fails to address the new more recent issue of the adjacent nest site. This issue must be analyzed and addressed particularly in light of the fact that the bald eagle is not only subject to protection under the federal Bald and Golden Eagle Act, but under California law, it is a fully protected species.

Natural Communities Conservation Plan is Required

Up until recently, no "take" was allowed for State fully protected species including the bald eagle, but recently adopted law now allows for "take" of fully protected species if a Natural Communities Conservation Plan (NCCP) is put in place. Because of the number of listed and sensitive species, an NCCP is a good fit to provide the needed conservation, not only of bald eagles, but the other rare species that the proposed project area includes. It would provide the necessary safeguards for the conservation that is necessary if the project was to move forward and needs to be included in an updated Revised and Recirculated DEIR.

Wildland Fire Issues Need to Be Updated

While the Revised and Recirculated DEIR addressed wildland fire threats to/from development, in the intervening six years since comments were taken, southern California including the Big Bear Area has experienced significant drought which has resulted in additional dead and dying vegetation in the mountain area. This trend is accurately modeled in the scenarios for on-going climate change, so we anticipate that the drought and change in vegetation will continue into the future. The proposed project is already in the highest "very high fire hazard severity zone" as identified by the state of California.⁴

One recent study on fire in California found that while climate change is one stressor for increased wildfire in the future, a second equally important stressor is anthropogenic sources of

¹ <http://www.latimes.com/local/lanow/la-me-ln-bald-eagle-hatch-big-bear-20180212-story.html>

² <https://kila.com/2018/03/11/15-bald-eagles-found-living-in-san-bernardino-national-forest-including-recently-hatched-chicks-watch-via-webcam/>

³ <https://www.youtube.com/watch?v=POf39T2uBc>

⁴ http://www.fire.ca.gov/fire_prevention/fhaz_maps_sanbernardinoweb.org

fire.⁵ The introduction of more houses and people into an area that is already identified a “very high fire hazard severity zone” only exacerbates the threat of fire ignition, spread and threat to the landscape, people and wildlife. An even more recent study found that where “The wildland-urban interface (WUI) is the area where houses and wildland vegetation meet or intermingle, and where wildfire problems are most pronounced.”⁶ Introducing even more houses into the current open-space along the lakeshore will only increase the fire threat, not just to the proposed development but to the existing community, surrounding open space and wildlife. The Big Bear Lake areas does not need the County to increase its danger of fire by placing more houses in an area where currently no houses exist.

Water Supply Issues Need to be Updated

As noted above, southern California including the Big Bear Area has experienced significant drought in the last 6 years. Water availability and quality is a critical issue for California, with substantial implications for land use, the economy, and the environment. Since 2011, the state has been experiencing severe drought conditions, prompting a mandatory 25% reduction in municipal water use, cuts to senior agriculture water rights, and the 2014 Sustainable Groundwater Management Act.⁷ Even as surface drought conditions are alleviated by recent precipitation, there is still a deficit in groundwater, which is a critical component of the state’s water supply system. Not only are the state’s human residents vulnerable to impacts of drought, so too are its iconic plants, animals and regions. In the face of climate change, the gap between supply and demand will continue to widen as the existing water deficit is unreconciled with increased pressures from development, population growth and agriculture.⁸ California’s water supply relies heavily on snow pack in the Sierra Nevada Mountains, which has been at record lows the past few years.⁹

Since the RDEIR, California has face severe water shortfalls and some of the driest years ever recorded in state history, promoting Governor Brown to proclaim a State of Emergency and put in place new measures to encourage water conservation. Extremely dry conditions are likely to persist and continue more regularly in the future based on scientific projections on the impact of climate change.

The FEIR relies largely on studies on groundwater and water supply that are nearly 10 years old. (FEIR 4-2.) The FEIR must re-analyze the reliability and availability of water to serve the project in light of state and local water supply. The FEIR must also analyze the potential impacts of climate change and drought on local water supply as well the cumulative water demand from nearby development projects. The environmental review for the project will be adequate only after evaluating whether there is sufficient water supplies to serve the project in light of changed circumstances over the last 6 years.

⁵ Mann et al 2016.

⁶ Radeloff et al 2018.

⁷ Wilson et al 2016.

⁸ Wilson et al 2016.

⁹ Weiser 2016.

Greenhouse Gas Analysis Needs to be Updated

Climate change is a catastrophic and pressing threat to California, yet in the County's Responses to Comments and the FEIR rely entirely on an outdated and incomplete analysis in the RRDEIR to address the project's potential greenhouse gas emissions (GHG). This approach violates CEQA and the FEIR must be revised.

A strong, international scientific consensus has established that human-caused climate change is causing widespread harms to human society and natural systems, and that climate change threats are becoming increasingly dangerous. The Intergovernmental Panel on Climate Change (IPCC), the leading international scientific body for the assessment of climate change, concluded in its 2014 Fifth Assessment Report that: "[w]arming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, and sea level has risen," and further that "[r]ecent climate changes have had widespread impacts on human and natural systems."¹⁰

[B]ased on extensive evidence, it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century. For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence.

In addition to warming, many other aspects of global climate are changing, primarily in response to human activities. Thousands of studies conducted by researchers around the world have documented changes in surface, atmospheric, and oceanic temperatures; melting glaciers; diminishing snow cover; shrinking sea ice; rising sea levels; ocean acidification; and increasing atmospheric water vapor.¹¹ The impacts of climate change will be felt by humans and wildlife. Climate change is increasing stress on species and ecosystems—causing changes in distribution, phenology, physiology, vital rates, genetics, ecosystem structure and processes—in addition to increasing species extinction risk.¹² In California, climate change will transform our climate, resulting in such impacts as increased temperatures and wildfires, and a reduction in snowpack and precipitation levels and water availability.

In response to inadequate action on the national level, California has taken steps through legislation and regulation to fight climate change and reduce statewide GHG emissions. Enforcement and compliance with these steps is essential to help stabilize the climate and avoid catastrophic impacts to our environment. California has a mandate under AB 32 to reach 1990 levels of GHG emissions by the year 2020, equivalent to approximately a 15 percent reduction from a business-as-usual projection. (Health & Saf. Code § 38550.) Based on the warning of the

¹⁰ IPCC 2014.

¹¹ USGCRP 2017.

¹² Warren, Rachel et al., 2011.

Intergovernmental panel on Climate Change and leading climate scientists, Governor Brown issued an executive order in April 2015 requiring GHG emission reduction 40 percent below 1990 levels by 2030. (Executive Order B-30-15 (2015).) The Executive Order is in line with a previous Executive Order mandating the state reduce emission levels to 80 percent below 1990 levels by 2050 in order to minimize significant climate change impacts. (Executive Order S-3-05 (2005).) Most recently, Governor Brown signed a new executive order to put California on the track to go carbon neutral by 2045. (Executive Order B-55-18 (2018).) The Legislature also passed S.B. 100 which requires renewables to account for 60 percent of electricity sales in 2030.

Although some sources of GHG emissions may seem insignificant, climate change is a problem with cumulative impacts and effects. (*Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin.*, (9th Cir. 2008) 538 F.3d 1172, 1217 ("the impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis" that agencies must conduct).) One source or one small project may not appear to have a significant effect on climate change, but the combined impacts of many sources can drastically damage California's climate as a whole. Therefore, project-specific GHG emission disclosure, analysis and mitigation is vital to California meeting its climate goals and maintaining our climate.

Here, however, despite 6 years of new science, statutory and regulatory changes directly related to climate change, the FEIR relies on the previous GHG analysis from the RRDEIR. That analysis is outdated and does not comport with current case law or regulatory requirements. For example, the RRDEIR states "climate change analysis must be conducted on a global level, rather than the typical local or regional setting, and requires consideration of not only emissions from the project under consideration, but also the extent of the displacement, translocation, and redistribution of emissions...In fact, the approval of a new developmental plan or project does not necessarily create new automobile drivers the primary source of a land use project's emissions. Rather, new land use projects merely redistribute existing mobile emissions." (RRDEIR 4.2-26.) This analysis and related conclusions is completely unsupported by evidence and conflicts with relevant guidance from the California Air Resources Board and the California Supreme Court ruling in the recent holding in *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204. It is simply no longer accurate that "there is no local, regional or statewide plan regulating global warming by which the Proposed Alternative Project can be measured." (RRDEIR 4.2-26.)

It is clear that this project will contribute to climate change because it will convert forestland and open space to developed uses while also increasing automobile travel. The FEIR must re-analyze and potential mitigation measures to address the project's GHG emissions. While the project's overall contribution to climate change may be small, it cannot avoid its responsibility to address this important issue facing all Californians. The project's shirking of its responsibility to fully address and mitigate its GHG emissions here will only hasten the impacts of climate change and further imperil California's wildlife, water, communities and ecosystems.

Conclusion

A lead agency must revise and 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**
 - (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 EIR must be revised and recirculated 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. Contrary to the FEIR's claims, the project revisions and changed circumstances in the last six years are not "minor" and require additional environmental review. The current FEIR for the Moon Camp fails to adequately disclose, analyze, avoid, minimize, and mitigate the environmental impacts of the proposed project. The FEIR fails to comply with CEQA and fails to provide necessary information about the impacts of the project in many areas including biological resources, does not consider in adequate detail new information. These defects must be corrected before the County can lawfully approve the project.

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 environmental review. The Center looks forward to reviewing a third revised EIR that fully 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,



Ilene Anderson
Biologist for Center for Biological Diversity
660 S. Figueroa Street, Suite 1000, Los Angeles, California 90017
tel: (213) 785 -5407
ilanderson@biologicaldiversity.org

Aruna Prabhala
Attorney for Center for Biological Diversity
1212 Broadway, Suite 800
Oakland, CA 94612
Ph: 510-844-7100, ext. 322
aprabhala@biologicaldiversity.org

cc via email:

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

References

IPCC [Intergovernmental Panel on Climate Change], **Climate Change 2014: Synthesis Report. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change**, [Core Writing Team, R.K. Pachauri & L.A. Meyer (eds.)], IPCC, Geneva, Switzerland (2014),

Mann, M.L., et al., "Incorporating Anthropogenic Influences into Fire Probability Models: Effects of Human Activity and Climate Change on Fire Activity in California." *PLoS ONE* 11 (4): e0153589 (2016)

Radeloff, V.C., et al., "Rapid growth of the US wildland-urban interface raises wildfire risk." *PNAS* 115(13): 3314–3319 (2018).

USGCRP [U.S. Global Change Research Program], **Climate Science Special Report: Fourth National Climate Assessment, Volume I** [Wuebbles, D.J. et al. (eds.)], U.S. Global Change Research Program, Washington, DC (2017)

Warren, Rachel et al., Increasing impacts of climate change upon ecosystems with increasing global mean temperature rise, *106 Climatic Change* 141 (2011).

Weiser, M., "Fighting drought will be a long-term battle," *Water Deeply* (2016).

Wilson, T.S., et al, "Future land-use related water demand in California," *Environmental Research Letters* (2016)

Nieves, Tom

From: Cheri Moreno <cherished60pink@gmail.com>
Sent: Wednesday, October 03, 2018 2:16 PM
To: Nieves, Tom
Subject: Fwd: Big Bear Bald Eagle Support
Attachments: image001.jpg; ATT00001.htm; BB Bald Eagle Letter.docx; ATT00002.htm

Sent from my iPhone

Begin forwarded message:

From: Cheri Moreno <cherished60pink@gmail.com>
Date: October 3, 2018 at 2:11:14 PM PDT
To: tom.nieves@llus.sbcounty.gov
Subject: Big Bear Bald Eagle Support

Please read before the planning commission meeting on Oct.4!
Thank you,
Cheri Moreno

Sent from my iPhone

Begin forwarded message:

From:
Date: October 3, 2018 at 2:05:04 PM PDT
To: "<Cherished60pink@gmail.com>" <Cherished60pink@gmail.com>
Subject: Letter

October 3, 2018

To whom it should concern:

I live in Grand Terrace and work at Loma Linda University Medical Center. I am unable to visit the Big Bear area as often as I would like. Even though that is the reality, I have the live feed of Friends of Big Bear Valley and Big Bear Bald Eagles on every day. It started in early February of this year, when I heard about two eagles that had laid two eggs and were anticipating them hatching very soon. I accessed the live feed from an extra computer in my office and there in living color, was Jackie (Mrs. Big Bear) Mr. Big Bear and a hatchling and then another hatchling breaking out of his shell. Since that day, I have accessed the live feed every, single, day! I watched with tears streaming down my face as on a cold, wet Friday morning in late March, one of the baby eagles was lifeless (Baby Big Bear) and the hope of growing the numbers of eagles was dashed. After that devastation, all my hopes, prayers and love was placed on Stormy, the surviving eagle.

Why am I giving you all this information? I am only one of thousands of people that have shared this journey with just this one eagle family. Eagles mate for life and return to the same nest each year to have their offspring (There are at least 15 active eagles in this area alone) When I saw the posting of a potential housing development and seeing the possibility of forcing out these majestic Bald Eagles from their hunting and living habitat in the Big Bear, Fawnskin and surrounding areas, it made me physically ill and I had to share my concerns!

It is my understanding that there are plenty of properties currently for sale in the area. Quite a few have been vacant for more than two years. A new development with all the trash, equipment, disruption and chaos, would devastate this natural environment. We as human beings, are supposed to protect, honor and value the animals and birds we live with, they are only trying to live and be what they were created to be. We are taking their home away from them, how can you not see the danger in over development of natural resources and landscape. I ask that please not approve this development going forward until you have gathered all the facts and have considered all the consequences for our generation and the generations to come!

Suggestions: 1) More assertive advertising of current properties and incentives for first time buyers or investors. 2) Asking input from wildlife professionals and local conservation groups.

Thank you for your time.

Sincerely,

Cheri Moreno

Cherished60pink@gmail.com

Nieves, Tom

From: Patricia Finnerty <finnshop975@gmail.com>
Sent: Wednesday, October 03, 2018 2:58 PM
To: Nieves, Tom
Subject: Proposed Moon In Fawskin

Please vote against this proposal. There are plenty of homes and vacant lots already available. This Project will have dire impact on the bald eagles' nesting and foraging grounds. Tourists come for the enjoyment of viewing our national bird. Remember, our NATIONAL bird? I'd rather visit for the view of forest, unobstructed lakes and wildlife, rather than the McMansions of greedy people. Please think of the future generations. I believe they would rather see a live eagle flying overhead, than a dead stuffed eagle in a museum.

Thank you.

Sent from my iPhone

Nieves, Tom

From: Terri <terri@artcotile.com>
Sent: Wednesday, October 03, 2018 3:00 PM
To: Nieves, Tom
Subject: Save the Eagles

No on Moon Camp, Yes on protecting our National Bird and It's rare habitat, please?

Terri McGirr
Project Manager

Allen Ross Tile Co
1451 Edinger Ave Unit B
Tustin, CA 92780
714-464-2618 Direct Line
714-259-7660 X-227
714-259-7644 Fax

Nieves, Tom

From: Diana Lopez <dianalopez242@gmail.com>
Sent: Wednesday, October 03, 2018 3:20 PM
To: Nieves, Tom; Supervisor Ramos
Subject: Disapproval for proposed development project, Moon Camp In Fawnskin

Tom Nieves
Supervisor Ramos
Planning Commission and Board of Supervisors

I am emailing you to let you know of my strong disapproval for the county to move forward with the proposed development project, Moon Camp In Fawnskin. This entire area should be protected bird habitat for the eagles. There are other places to build more million-dollar homes and we need more eagles. The county documents state that this project would have SIGNIFICANT DETRIMENTAL IMPACTS on these BALD EAGLES.

Diana Lopez

Nieves, Tom

From: Ellen <ecrabb53@aol.com>
Sent: Wednesday, October 03, 2018 3:33 PM
To: Nieves, Tom
Subject: BIG BEAR EAGLES PROTECTION

I am expressing my concern over the proposed building project -
NO NO NO -
Been watching the Eagle Cam since February this year and the entire area
should be a protected habitat for the Eagles.

Sincerely
Ellen Crabb

Nieves, Tom

From: Cheryl Minichilli <cminichilli@vwd.org>
Sent: Wednesday, October 03, 2018 3:36 PM
To: Nieves, Tom
Subject: Moon Camp

Mr. Nieves,

I am writing this email in strong opposition to the Moon Camp development. I live in fawnskin. No home is more important than our bald eagles. There are hundreds of homes for sale in Big Bear Lake, why do we need more? Please stop this development.

Thanks,

Cheryl Minichilli
Water Systems Operator II

Vallecitos Water District
201 Vallecitos de Oro
San Marcos, ca 92069
cminichilli@vwd.org

Nieves, Tom

From: April Johnson <apriljohnson562@gmail.com>
Sent: Wednesday, October 03, 2018 4:26 PM
To: Nieves, Tom
Subject: Moon Camp Project in Fawnskin, CA

Dear Mr. Nieves,

I am writing to you today to let you know of my strong disapproval for the county of San Bernardo to move forward with this housing project.

There are very few places left in the Big Bear area that are open, non-congested — and serve as protected bald eagle habitats to boot. My husband and I purchased a vintage home on this mountain several years ago for these reasons alone. The American Bald Eagle has begun to thrive in this area in recent years, and the education and enjoyment avid birders get from watching these majestic creatures cannot be measured. If this urban sprawl project is approved, not only will these once-endangered birds be forced out of the area, but traffic and noise will substantially increase, and make it a far less desirable place to visit and have a second home. (We came to the mountains to get AWAY from all of that!) There are other places to build McMansions that do not require compromising a protected bald eagle nesting habitat. Not to mention, many of the existing multi-million dollar homes in Big Bear sit vacant or unused as it is.

Please consider rejecting this housing development project for the sake of keeping this beautiful, protected area just that for years to come — beautiful and PROTECTED.

Thank you for your consideration,

April Johnson
apriljohnson562@gmail.com

Nieves, Tom

From: Peter Tennyson <ptennyson@cox.net>
Sent: Wednesday, October 03, 2018 5:06 PM
To: Nieves, Tom
Subject: Moon Camp Rezoning

Mr Nieves I would be at the hearing on October 4 but am out of the country. i am dismayed after hearing from local realtors that there is any thought that the "need" for new housing can over-ride what the Environmental Impact Report concedes is sufficient to overcome significant and irreversible effects on bald eagle foraging territory. The significant attention that the recent nesting behavior received via the bald eagle nest camera should underscore the value of preserving natural environments as a means to attract visitors. from what I am hearing there is no shortage of listings for vacant lots or for large homes in the Big bear valley. This looks very much like cronyism and ignoring the interests of those who live, work and visit the area. We do not need new large houses for the affluent, but do need to preserve what makes Big Bear worth visiting.

Peter Tennyson

965 Deer Trail

Nieves, Tom

From: Ashana Bree <justfortoday868@gmail.com>
Sent: Wednesday, October 03, 2018 6:07 PM
To: Nieves, Tom
Subject: PLEASE DO NOT BUILD HOMES HERE

I am emailing you to let you know of my strong disapproval for the county to move forward with this project. This entire area should be protected bird habitat for the eagles. We have other places to build more million-dollar homes. We need more eagles.

Nieves, Tom

From: Susie Casey <jordonbakr@verizon.net>
Sent: Wednesday, October 03, 2018 7:19 PM
To: Nieves, Tom
Subject: Bald Eagles

Follow Up Flag: Follow up
Flag Status: Completed

Supervisor Nieves,

I am a home owner and love Big Bear. Please consider Mother Nature and the lives of the bald eagles who are a very important part of Big Bear. To build new homes that would affect the habitat of these magnificent birds makes me very sad. Not to mention the environment and water usage of the whole valley. Do we need that? Tax dollars maybe? Once this is destroyed it is over.

Just check the amount of views the eagle cam gets all over the world. They are loved and make Big Bear the special, unique place that it is.

Thank you for your time and please give Jackie (who was born in Big Bear), Mr. B and Shadow a chance.

Susie Casey

Sent from my iPhone

Nieves, Tom

From: Sue Sadler-Pare' <slsp2@hotmail.com>
Sent: Wednesday, October 03, 2018 7:20 PM
To: Nieves, Tom
Subject: Re: NO Moon Camp in Fawnskin!

Follow Up Flag: Follow up
Flag Status: Completed

As a former long time BB Valley resident and concerned wildlife enthusiast, I emlore you NOT to allow the Moon Camp project to go forward! This project would risk the habitat of the bald eagle which is unacceptable! Plus when I visited in August there was NO shortage of homes, large and small, for sale, so the ridiculous oversized homes planned for Moon Camp are unwarranted and completely unnecessary! I also hope you will stop this from ruining the quaintness of my mountain home! We do not need this! Sincerely, Sue Sadler BBHS class of 1981

Nieves, Tom

From: Judith Lissek <judylissek@gmail.com>
Sent: Wednesday, October 03, 2018 7:20 PM
To: Nieves, Tom
Subject: Eagle Habitat

Follow Up Flag: Follow up
Flag Status: Completed

This is to advise you, et al,
of my strong disapproval of any actions by you to endanger the eagle habitat that is being considered at this time.

Sent from my iPhone

Nieves, Tom

From: Geri Leysack <leysackg@hotmail.com>
Sent: Wednesday, October 03, 2018 7:22 PM
To: Nieves, Tom
Subject: Moon Camp-Fawnskin proposed Project

Dear Sir,

The proposed Moon Camp-Fawnskin development project will greatly IMPACT the year round foraging grounds for the US endangered species – the American Bald Eagle. This development will discourage the Big Bear Lake Bald Eagles to stay in the Big Bear Valley and relocate outside the Valley to nest. The proposed development site is within a mile of the main nesting sites of these beloved Eagles.

The proposed project, Moon Camp in Fawnskin, which includes a large private marina, is very near this nest (less than a mile away) and that particular site is a key foraging grounds for the eagles year round. The county documents state that this project would have SIGNIFICANT DETRIMENTAL IMPACTS on these BALD EAGLES but say that the need for (big, expensive) housing in Big Bear Valley overrides these detrimental impacts on the Bald Eagles. (Note: as of Sunday, there were 485 homes and 331 vacant lots for sale in Big Bear Valley. And the average number of days on the market for vacant lots (like this project would create) in Fawnskin is 680—almost 2 years!--There is NO housing shortage.)

I am against the proposed Moon Camp-Fawnskin development Project.

Kind regards,

Geri Leysack

, *37 year resident of Big Bear Valley, California

Sent from [Mail](#) for Windows 10

Nieves, Tom

From: vickimejia <vickimejia@att.net>
Sent: Wednesday, October 03, 2018 7:29 PM
To: Nieves, Tom

I am emailing you to let you know of my strong disapproval for the county to move forward with this project. This entire area should be protected bird habitat for the eagles. We have other places to build more million-dollar homes. We need more eagles.

Sent from my Verizon, Samsung Galaxy smartphone

Nieves, Tom

From: vickimejia <vickimejia@att.net>
Sent: Wednesday, October 03, 2018 7:33 PM
To: Nieves, Tom
Subject: Moon camp project in Fawnskin

I am emailing you to let you know of my strong disapproval for the county to move forward with this project. This entire area should be protected bird habitat for the eagles. We have other places to build more million-dollar homes. We need more eagles.

Sent from my Verizon, Samsung Galaxy smartphone

Nieves, Tom

From: bntwilson2@verizon.net
Sent: Wednesday, October 03, 2018 7:36 PM
To: Nieves, Tom
Subject: Moon Camp project in Fawnskin

Mr. Nieves: Please do not approve the Moon Camp project. It will adversely impact the local bald eagle nesting and foraging areas in Fawnskin.

We need our wildlife but don't need more new homes. There are several hundred homes available for sale already.

Thank you for your attention,
Theresa Wilson

Nieves, Tom

From: Fran L <ftlebowitz@gmail.com>
Sent: Wednesday, October 03, 2018 9:10 PM
To: Nieves, Tom
Subject: Moon Camp Project

Dear Mr. Nieves,

I am writing to oppose the proposed Moon Camp development in Fawnskin, Big Bear Lake. The development would be adjacent to Bald Eagle habitat and could destroy their foraging grounds. The Eagles would have to leave Big Bear valley to nest. County environmental documents say the project would create significant adverse impact for the Bald Eagles who live there. There is not an overriding need for big, expensive housing in Big Bear valley. There is an ample supply of housing of all types in Big Bear and Fawnskin. This proposed development is simply to benefit the developers monetarily. Greed at the expense of precious wildlife is unethical and morally wrong. People come up to Big Bear and Fawnskin to experience nature. Overdevelopment drives out nature and it's creatures. I urge you to oppose this unnecessary and damaging project.

Respectfully,
Fran Lebowitz

Nieves, Tom

From: sally derevan <blissfulsally@hotmail.com>
Sent: Wednesday, October 03, 2018 9:41 PM
To: Nieves, Tom
Subject: Fwd: Please Do Not Approve the Moon Camp Project!

Begin forwarded message:

>
>
> I lived in Fawnskin for 13 years, and retired from Big Bear City Community Services District. The most enjoyable aspect of my life in the mountains was the proximity to wildlife and birds of all kinds.
>
> This past year, from my home in Atascadero, California, I have enjoyed following both Big Bear Bald Eagles, and Friends of Big Bear Valley and Big Bear Eagle Cam on Facebook, and through articles in the Grizzly. My brother, a true birder who also lives here in Atascadero, also follows the Big Bear Eagles, as do many of his birding friends.
>
> Please do not approve this project. At this time there is certainly no need for more housing in Big Bear Valley and certainly not at the expense of such a precious and people-pleasing attraction. Keep the mountains wild, and home to birds and wildlife. They are the true and lasting attractions to residents of Big Bear Valley, visitors, and tourists.
>
> Thank you for your consideration,
> Sally Derevan
> 5015 Cascabel Road,
> Atascadero, Ca93422

Nieves, Tom

From: sally derevan <blissfulsally@hotmail.com>
Sent: Wednesday, October 03, 2018 9:42 PM
To: Nieves, Tom
Subject: Fwd: Please Do Not Approve the Moon Camp Project!

>
> I lived in Fawnskin for 13 years, and retired from Big Bear City Community Services District. The most enjoyable aspect of my life in the mountains was the proximity to wildlife and birds of all kinds.
>
> This past year, from my home in Atascadero, California, I have enjoyed following both Big Bear Bald Eagles, and Friends of Big Bear Valley and Big Bear Eagle Cam on Facebook, and through articles in the Grizzly. My brother, a true birder who also lives here in Atascadero, also follows the Big Bear Eagles, as do many of his birding friends.
>
> Please do not approve this project. At this time there is certainly no need for more housing in Big Bear Valley and certainly not at the expense of such a precious and people-pleasing attraction. Keep the mountains wild, and home to birds and wildlife. They are the true and lasting attractions to residents of Big Bear Valley, visitors, and tourists.
>
> Thank you for your consideration,
> Sally Derevan
> 5015 Cascabel Road,
> Atascadero, Ca93422

Nieves, Tom

From: Rick Derevan <rickderevan@gmail.com>
Sent: Wednesday, October 03, 2018 9:56 PM
To: Nieves, Tom; Supervisor Ramos
Subject: Fawnskin Moon Camp Project

I am writing to oppose the Fawnskin Moon Camp project because of its detrimental effect on Bald Eagles in the Fawnskin area. The eagles' need to forage in this area outweighs the need for more big, expensive housing in the Big Bear areas. There is no housing shortage in the Big Bear area and driving eagles away will eliminate one of the key reasons people want to live in, and visit, the Big Bear area. Please vote no on this project.

Rick Derevan
Atascadero, California.

Nieves, Tom

From: Mr & Mrs Pennbo <strawbears@hotmail.com>
Sent: Wednesday, October 03, 2018 10:17 PM
To: Nieves, Tom
Subject: Moon Camp development/Fawnskin

Dear Sir,

I am a long time resident of the Big Bear Valley and I am emailing you to let you know of my strong objections to the county moving forward with the Moon Camp project. This entire area should be protected habitat for the eagles. No more new homes are needed in our Valley. According to Multiple Listing Service numbers Big Bear is not in a housing crisis. Many many homes are for sale, some with lake views, and a majority of homes have spent over six months on the lists without selling. However the eagles have one place in Big Bear to call their own and this development, as stated in the EIR, would seriously impact that area and by extension the eagles. The eagles are of great economic benefit to the local area. This last years hatching of two eaglets, and the subsequent views by thousands of people watching the live feed, should be proof of that. However to support that there are hundreds of comments by readers on the Friends of Big Bear Valley's social media feed that include references to not only favorable views toward the Big Bear Valley after viewing the eagles, but that also recount vacations spent in the valley in order to view the eagles.

Personally I used the eagles and the live feed to instruct my students. In doing so my students learned about habitat, tolerance, adaptations, life and death, and quite a bit about Big Bear Valley. They learned about endangered species and why we protect them. They followed the transition of the bald eagle as it recovered from near extinction. In doing so they have developed a strong attachment to eagles, the symbol of our country, as well as to the entire Valley. Many parents shared with me trips made to the Valley to partake of the many wonderful opportunities that are available to families- trips that were initiated because of their children's love for the Big Bear eagles.

These are just a few reasons out of many why the Moon Camp development should be denied. The reasons given above show that the eagles are of economic benefit to our Valley and should be treated as such. I urge the county to heed the EIR and deny the development.

Thank you for your time,
Chris Pennington

Nieves, Tom

From: Evan K <evanckuehl@gmail.com>
Sent: Wednesday, October 03, 2018 11:00 PM
To: Nieves, Tom
Subject: Moon Camp Project

I am emailing you to let you know of my strong disapproval for the county to move forward with the Moon Camp project in Fawnskin. This entire area should be protected bird habitat for the eagles. We have other places to build more million-dollar homes. We need more eagles.

Evan C. Kuehl

Nieves, Tom

From: Richard K. Diamond <r.diamond@sbcglobal.net>
Sent: Wednesday, October 03, 2018 11:09 PM
To: Nieves, Tom; Supervisor Ramos
Subject: Proposed Development of Moon Camp by RCK Properties, Inc.
Attachments: MoonCampLtr.pdf

Dear Mr. Nieves and Supervisor Ramos,

Please find attached correspondence opposing Moon Camp project set for hearing on Oct. 4

Richard & Linda Diamond

Richard and Linda Diamond
3175 Dona Christina Place
Studio City, CA 91604

County of San Bernardino Board of Supervisors
And
County of San Bernardino Planning Commission
c/o tom.nieves@lus.sbcounty.gov and SupervisorRamos@sbcounty.gov

10/3/2018

Re: Proposed Development of Moon Camp, by RCK Properties, Inc.

Dear Members of the County Board of Supervisors and the County Planning Commission:

We are long time property owners of the Big Bear Lake community, having purchased a second home in 1989 in the upper Moonridge Area of Big Bear Lake and acquired the two adjoining lots in succeeding years. We acquired that property as a getaway where we could enjoy the mountain environment and, in large measure, its wildlife and scenery.

The reason we are writing you is to voice our opposition to the proposed development of the Moon Camp property. The proposed zoning change from Rural Living to Single Family Residential and the contemplated 50 residential lots in the tentative tract map would result in seriously degrading the existing habitat and foraging grounds of the growing bald eagle population at the lake. As you may be aware, the Big Bear Lake bald eagles have recently become "stars" as a result of the live streamed birth of two chicks over this past winter, with one surviving. But their recovery has been a long time in the making and the year round residency of bald eagles is relatively recent. The Moon Camp area is one of the primary foraging grounds for the eagles and the proposed development may well drive them to leave the area. We can personally attest to seeing and photographing eagles as well as other raptors, including red tail hawks and peregrine falcons in the area proposed to be developed as recently as last month. Proposed environmental set asides in Sugarloaf or other areas will not mitigate the serious damage that will result to the wildlife population from the development.

Moreover, there is no need to rezone the area to provide additional residential housing, particularly of the size contemplated by this development. Indeed, I would suggest that there is a surplus of large residential lots of the type proposed, such that the absorption rate for such lots is in fact excessive. For example, in the High Timber Ranch development near our properties there are numerous lots which remain undeveloped and unsold years after the project was developed. The same is true in Fawnskin, where we are told the average time to sale is approaching two years. Neither market economics nor benefit to the local economy warrants the harm that will be done to the natural habitat by the RCK Properties, Inc. proposal.

While, we are not people opposed to all property development simply for the sake of some utopian vision of wilderness, the current owners knew the existing zoning when they acquired the property and the constraints that

came with ownership of the type of property. To put it simply, this is the wrong project, in the wrong place. We urge you to reject it.

A handwritten signature in cursive script, appearing to read "R. K. Diamond", written in dark ink.

Richard K. Diamond

A handwritten signature in cursive script, appearing to read "Linda C. Diamond", written in dark ink.

Linda C. Diamond

Nieves, Tom

From: Ashley Macomber <ashleymacomber@bloomresearch.org>
Sent: Wednesday, October 03, 2018 11:23 PM
To: Nieves, Tom
Cc: Geary_Hund@fws.gov; jeff.brandt@wildlife.ca.gov; reliason@fs.fed.us
Subject: Bloom Letter RE FEIR - Moon Camp
Attachments: Bloom_MoonCamp_Letter10032018.pdf

Dear Mr. Nieves,

Please find attached a letter in response to the FEIR for the Moon Camp Residential Subdivision (based on Revised Site Plan.)

If you need any further information, please let me know.

Sincerely,

Ashley Macomber
Bloom Research, Incorporated
323-457-2133
[Bloom Research, Inc.](#) is a registered 501(C)(3) non profit organization.



BLOOM RESEARCH, INC.

October 3, 2018

Mr. Tom Nieves
Contract Planner
County of San Bernardino
Land Use Services Department, Advanced Planning Division
385 North Arrowhead Avenue 1st Floor
San Bernardino, California 92415-0182
Tom.Nieves@lus.sbcounty.gov

[via email]

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

Dear Mr. Nieves,

I am aware that both the Center for Biological Diversity and San Bernardino Audubon Society have filed letters stating the FEIR prepared for the above proposed development is inadequate. I concur. Not only is the section on the biology of the Bald Eagle (*Haliaeetus leucocephalus*) at Big Bear Lake minimal, it fails to even consult local literature that the County and Developer should have been aware of. With this letter I hope to correct that and look forward to a more realistic portrayal of the value of the lake and onshore habitat to nesting, wintering and non-breeding populations of Bald Eagles at Big Bear Lake as it relates to the proposed "Moon Camp 50-lot Residential Subdivision, TT No. 16136 (Based on the Revised Site Plan) Big Bear Lake, San Bernardino County, California. Please see the summary major points made below that might aid the previous authors should they elect to try this again.

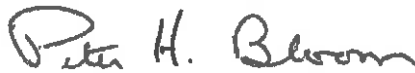
1. This (now Moon Camp) portion of Big Bear Lake's shoreline was actively surveyed by me (Bloom 2005) and that I provided expert testimony on behalf of the Friends of Fawnskin and the Center for Biological diversity in 2005.
2. Please read in my expert testimony document that an adult Bald Eagle pair was seen regularly on the property situated nearby to "Moon Camp", if not directly adjacent to the "Moon Camp" property and that the pair built a nest in that year but did not produce young.
3. Please be aware that according to the residents of Fawnskin and nearby, that Bald Eagles, a State Endangered Species (CESA) were observed regularly utilizing the "Moon Camp" site in 2018 and that they are probably the same adults that tended a nest and fledged one young in 2018 (Bloom pers. obs.), roughly 1 mile away on USFS property.
4. Please find attached my "Declaration" statement dated June 22, 2005 and my "Witness" statement dated August 23, 2005. In particular please read section 17 of my Declaration and

Section 37 of my Witness testimony which address a Bald Eagle nest observed near Grout Bay. I believe I also make reference to the proposed "Moon Camp" project in one or both documents.

Thank you again for the opportunity to provide updated comments on Bald Eagles at Big Bear Lake, and I look forward to updating them further with more available information by local authorities. Both of the above documents authored by me are relatively old but very relevant to the proposed "Moon Camp" development which is mentioned in one or both documents. Given that we are now aware that Bald Eagles not only hunt, perch, and nest, but also produce young in the vicinity of Grout Bay, Big Bear Lake, California, and that the Moon Camp project offers essentially no realistic biological mitigation, the project must be denied.

Sincerely,

Bloom Research, Inc.



Peter H. Bloom
Zoologist/President
Email: petebloom@bloomresearch.org
Phone: 323 457-2133 x 101

(CC via email)

Geary Hund, USFWS, Geary_Hund@fws.gov

Jeffrey Brandt, CDFW, Jeff.brandt@wildlife.ca.gov

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E-mail: ksiegel@biologicaldiversity.org

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CENTER FOR BIOLOGICAL
DIVERSITY, FRIENDS OF
FAWNSKIN,

Plaintiffs,

vs.

MARINA POINT DEVELOPMENT
ASSOCIATES, et al.

Defendants.

Case No. EDCV 04-7036 (R) RZx

DECLARATION OF PETER H.
BLOOM IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

Date: June 22, 2005
Time: 10:00 a.m.
Courtroom: 8
Judge: Hon. Manuel L. Real
Trial: July 19, 2005

1 I, Peter H. Bloom, declare as follows:

2 1. I have personal knowledge of the following facts, and if called as a
3 witness could and would testify competently thereto.

4 2. I am a long-term (45 year) resident of southern California. I earn my
5 living as an independent biological consultant, and teach at Saddleback College. I
6 have a long term interest in raptor ecology, conservation, and the welfare of southern
7 California raptor populations and their habitats.

8 3. In terms of education I hold a BS in zoology (1979) and an MS in
9 biology (1989) from California State University, Long Beach and am currently
10 enrolled in a PhD program in the College of Natural Resources, University of Idaho,
11 Moscow. Assuming completion in approximately 2007, my PhD will be in Wildlife
12 Resources. My Master's thesis topic dealt with habitat and home range use of red-
13 shouldered hawks and my dissertation topic focuses on natal dispersal and philopatry
14 in Red-tailed and Red-shouldered Hawks and the conservation implications for
15 raptors in California.

16 4. In terms of professional employment history, I was employed as a
17 temporary biological technician, and wildlife biologist from 1975-1979 by the Bureau
18 of Land Management (BLM) in northeast California and northwest Nevada primarily
19 surveying for nesting and wintering birds of prey and non game wildlife. In 1979 I
20 performed a statewide survey of nesting Swainson's Hawks for the BLM and
21 California Department of Fish and Game (DFG), and from 1981-1983 a survey of the
22 nesting distribution of the Northern Goshawk for DFG. From 1982-1987 I was
23 employed as a Staff Scientist by the National Audubon Society at the Condor
24 Research Center, and from 1987-1990 investigated home range size and habitat use of
25 Red shouldered Hawks. Between 1977 to the present I have worked as an
26 independent biological consultant performing work on raptors and numerous
27 California threatened and endangered species. Clients have included developers,
28 conservation organizations, environmental consulting firms, and numerous city,

1 county, state and federal agencies. Between about 1992-2000 I visited India on
2 approximately 7 occasions volunteering my time through a program of the US Fish
3 and Wildlife Service (FWS) assisting the Indian government and Bombay Natural
4 History Society in their efforts to conserve bird of prey populations.

5 5. My research priorities include long-term (35 yrs.) ecological studies that
6 have the potential of contributing to the conservation of raptors and their habitats'
7 including difficult to study topics related to natal dispersal, philopatry, survivorship,
8 population dynamics, territory fidelity and habitat and home-range use.

9 6. A copy of my resume is attached as Exhibit A. A list of my technical
10 writing is attached as exhibit B.

11 7. Documents that I reviewed related to this case include:

- 12 a. Butler, R. 2003. Species: Bald Eagle (*Haliaeetus leucocephalus*),
13 (BAEA) ("2003 Forest Service Report").
- 14 b. Butler, R. 1995. Bald Eagle telemetry study results Big Bear
15 Ranger District, San Bernardino National Forest.
- 16 c. Harmata, A.R. and D.W. Stahlecker. 1993. Fidelity of migrant
17 Bald Eagles to wintering grounds in southern Colorado and
18 northern New Mexico. Journal of Field Ornithology 64:129-134.
- 19 d. Isaacs, F.B. 1987. Abundance, foraging, and roosting of Bald
20 Eagles wintering in the Harney Basin, Oregon. Northwest Science
21 61:114-121.
- 22 e. Devaud, J. and S. Devaud. 1990. Bald Eagle habitat use of the
23 north shore of Big Bear Lake San Bernardino County, California
24 winter 1989-1990.
- 25 f. Fraser, J.D., Frenzel, L.D. and J.E. Mathisen. 1985. The impact of
26 human activities on breeding Bald Eagles in North Central
27 Minnesota. Journal of Wildlife Management 49:585-592.

- 1 g. Ehrlich, P.R. 1986. The loss of diversity: causes and
2 consequences. Pgs. 21-27. *In* Biodiversity. E.O. Wilson ed.
3 National Academy Press.
- 4 h. LaHaye, W.S. Assessment of the Effects of the Proposed Marina
5 Point Development on the Wintering Bald Eagles of the Big Bear
6 Basin, San Bernardino County, California.
- 7 i. Jenkins, J.M., R.M. Jurek, D.K. Garcelon, R. Mesta, W.G. Hunt,
8 R.E. Jackman, D.E. Driscoll, and R.W. Risebrough. 1994. DDE
9 contamination and population parameters of Bald Eagles
10 *Haliaeetus leucocephalus* in California and Arizona, USA. Pgs
11 751-756. *In* Raptor conservation today. World Working Group on
12 Birds of Prey. The Pica Press.
- 13 j. Matthews, S., E. West and B. Butler. 1997. Perch site utilization
14 by Bald Eagles around Big Bear Lake, California.
- 15 k. Merkel & Associates, Inc. 2005. Marina Point Eagle Monitoring
16 field notes.
- 17 l. Sprunt, A.S. 1969. Population trends of the Bald Eagle in North
18 America. Pgs. 347-351. *In* Peregrine falcon populations: their
19 biology and decline. Edited by J. Hickey. Univ. of Wisconsin
20 Press.
- 21 m. Stalmaster, M.Y. and J.R. Newman. 1978. Behavioral responses of
22 wintering Bald Eagles to human activity. *Journal of Wildlife*
23 *Management* 42:506-513.
- 24 n. Stalmaster, M.V. and J.L. Kaiser. 1998. Effects of recreational
25 activity on wintering Bald Eagles. *Wildlife Monographs* No. 137.
26 46 pgs.
- 27 o. Walter, H. and K. Garrett. 1981. The effects of human activity on
28 wintering Bald Eagles in the Big Bear Valley, California.

- 1 p. Watson, J.W. 2004. Responses of nesting Bald Eagles to
2 experimental pedestrian activity. Journal of Raptor Research
3 38:295 303.
- 4 q. Willens, C.A. 1990. Environmental issues analysis Marina Point
5 Project. 14 pgs.
- 6 r. Willens, C.A. 1991. Environmental issues analysis Marina Point
7 Project. 14 pgs.

8 8. The statements in this declaration are statements of my professional
9 opinion based upon a review of the documents listed above, my knowledge of the
10 scientific literature relating to raptors in general and bald eagles in particular, and my
11 over 35 years of experience as an ornithologist.

12 9. In my opinion, the activities that have been proposed and already
13 completed on the project site have and will result in harm to the local wintering Bald
14 Eagles utilizing the shoreline habitat and prey at Big Bear Lake. The activities
15 proposed by the project proponent along the lake shore are very similar to previous
16 lake shore projects but this one is larger than most, is located in a bay, and is one of
17 the few known shallow water foraging areas on the lake and as such is a relatively
18 important foraging area. Essentially, this sort of slow, piece meal development
19 around a lake is indicative of the standard process that has occurred and is occurring
20 throughout the range of the Bald Eagle in the continental US. From a cumulative
21 perspective the number of eagles in this local Big Bear Lake population is reportedly
22 declining (Butler 2003) and is likely related to the amount of lake shore developments
23 and concomitant increase in human population and activities similar to that observed
24 by Sprunt (1969).

25 10. That Bald Eagles respond negatively to habitat loss and human activity
26 around lakes and rivers is well documented beginning with at least as early as Sprunt
27 (1969) who in reference to North American Bald Eagle populations stated: "The
28 urban sprawl and proliferation of waterside housing that has come with increasing

1 affluence have worked against the eagle. Another factor that has become more of a
2 problem every year is the increase in outdoor recreation with its attendant crowding of
3 areas that were left in virtual isolation only a few years ago." More recently and more
4 quantitatively Stalmaster and Kaiser (1998) working with wintering eagles and
5 Watson (2004) working with nesting eagles have documented with some precision the
6 levels of human pedestrian, and boating activities necessary to force eagles from their
7 perches and nests. Stalmaster and Kaiser (1998) recommend buffers areas around
8 foraging sites in Washington of 400 m to protect >95% of the birds from disturbance.
9 Other authors elsewhere McGarigal 1991, Fraser et al. 1985, Grubb and King 1991,
10 Anthony and Isaacs 1989) have recommended 450-m, 500-m, 600-m, and 800-m
11 respectively to reduce disturbance to most foraging eagles.

12 11. Like many raptorial species, the State Endangered and Federally
13 Threatened Bald Eagle responds negatively to human disturbance and habitat loss.
14 The usual response from an increase in human activity, or a shortening of the distance
15 between the eagle and people is to temporarily retreat, or in extreme situations
16 abandon a hunting area or nest tree. In the case of habitat conversion or loss, the
17 response is often permanent. Since "harm" includes any "significant habitat
18 modification or degradation where it. . . . "Injures wildlife by significantly impairing
19 essential behavioral patterns, including breeding, feeding or sheltering." 50 C.F.R-
20 17.3,.1 conclude that given the recent historic evidence (Butler 2003) of formerly
21 high eagle numbers to recent low numbers suggests a correlation, very possibly, with
22 the loss,of perch trees, hunting habitat, prey species for wintering Bald Eagles, and
23 levels of human activity. Based upon the conclusions of several authors (McGarigal
24 1991, Fraser et al. 1985, Grubb and King 1991, Anthony and Isaacs 1989, Stahnaster
25 and Kaiser 1998), the lack of adequate protection or buffer around any Big Bear Lake
26 Bald Eagle lakeside foraging habitat may also have precipitated this decline in use.

27 12. Habitat loss has long been recognized as the most important factor in the
28 endangerment of animals and plants (Ehrlich 1986). Habitat being defined as "The

1 locality, site, and particular type of local environment occupied by an organism”
2 (Lincoln et al. 2001). For many animals, depending upon the season, and time of day
3 or night, habitat may include nesting and breeding areas, wintering areas, nest sites,
4 roost sites, specific hunting and foraging areas, or microhabitats. In the case of Big
5 Bear Lake, habitat includes the shallow water of Grout Bay, perch trees, relative
6 seclusion and the number of prey available relative to other shorelines.

7 13. The Bald Eagle was one of the first species listed under both Federal
8 (1967) and State Endangered Species Acts. In the case of the Bald Eagle, the reason
9 for the species designation as Endangered was largely due to organochlorine
10 pesticides, but habitat loss was always viewed as a major contributing factor. Except
11 for the Channel Islands, of California (Jenkins et al. 1994), organochlorine issues are
12 now largely historic in nature, and habitat loss (both nesting and wintering habitat)
13 has risen to the single most important issue currently inhibiting complete recovery of
14 the species in California.

15 14. The Bald Eagle in southern California can be found anywhere in winter
16 but generally near large bodies of water where they feed upon fish, waterfowl and
17 carrion. Known predictable southern California locations include Big Bear Lake,
18 Silverwood Lake, Lake Mathews, Lake Skinner, Vail Lake, Lake Henshaw, and
19 Diamond Valley Reservoir.

20 15. Approximately 40 potential perch trees located near the edge of Grout
21 Bay and less than 75 yards from the shore line were recently removed. In addition,
22 substantial quantity of earth directly adjacent to the water's edge was moved. Since
23 eagles can no longer forage from those trees and waterfowl and fish habitat was
24 removed, I believe that harassment to this local wintering bald eagle population has
25 occurred. Further, while the long field hours to document Bald Eagle behavior and
26 use of the property and surrounding area with an on site biologist by the project
27 proponent is admirable, the data gathered and presented in the Declaration of Melissa
28

1 A. Booker and Exhibits 4-10 thereto are suspect because many eagles would avoid the
2 project site simply due to the presence of a near full time daylight observer.

3 16. Wintering bald eagles typically appear at Big Bear Lake in the third week
4 of October, peak in January or February, and depart sometime in April (USFWS
5 2001). Extensive urban development, timber harvesting, and modification of the
6 shoreline has destroyed or degraded most of the bald eagle wintering habitat at Big
7 Bear Lake, resulting in the loss of many suitable perches and shallow water foraging
8 areas.

9 17. The Forest Service report (Butler 2003) states that Grout Bay and the
10 immediately surrounding area, including the Marina Point Project Site, is extremely
11 important to wintering bald eagles at Big Bear Lake, and Figure 8 of Mathews et al.
12 (1997) suggests predictable usage of Grout Bay over an approximately 8 year period.
13 In addition, construction of a sizeable "winter nest" in 2005 on nearby Windy Point is
14 very suggestive of this pair's proclivity to this exact location. "Winter" Bald Eagle
15 nests in southern California have in fact produced eggs (Bloom unpub.). This nest at
16 Windy Point may represent the first of a series of normal incremental steps over years
17 that a resident newly formed, young nesting Bald Eagle pair undergoes before
18 regularly successful nesting attempts.

19 18. I am impressed by the recent documentation of use by Bald Eagles at
20 Grout Bay, Windy Point and Marina Point (Merkel & Associates, Inc. 2005, Booker
21 Declaration and Exhibits 4-10 thereto) and supported by historic data on Bald Eagle
22 use of Big Bear Lake and the Marina Point and Grout Bay vicinity (Mathews et al.
23 1997, Butler et al. 1995, Devaud and Devaud 1990, Walter and Garrett 1981) that
24 document direct Bald Eagle use of Marina Point. The Walter and Garrett report refer
25 to Grout Bay and Marina Point area as "major perching areas" (1981 Figure 8) and
26 roost sites are documented for Windy Point and perch sites in the Moon Camp
27 vicinity. Furthermore, the recent observations of Merkel and Associates summarized
28 in Exhibit 10 to the Booker Declaration document nearly continuous use from January

1 5, 2005 to February 22, 2005 of 1-5 Bald Eagles every day (18 days) that an observer
2 was present suggesting a high use Bald Eagle area perhaps due to a combination of
3 roosting, nesting, and foraging behavior.

4 19. The studies that have been completed to date indicate that predictable use
5 by Bald Eagles of Grout Bay and Marina Point does occur.

6 20. I observed several large fish in shallow water apparently feeding, or
7 perhaps attempting to spawn at the mouth of the creek entering Grout Bay on March
8 16, 2005. The presence of such fish could be a strong attractant to wintering or
9 breeding Bald Eagles, particularly if coupled with reportedly high waterfowl
10 numbers.

11 21. An enormous amount of urban and suburban development since 1991
12 and prior has completely changed the environmental baseline with respect to Bald
13 Eagles. Nearly contiguous habitat loss and degradation due to development and
14 timber harvesting around the perimeter of Big Bear Lake has effectively squeezed the
15 species into a narrow corridor of habitat on the North Shore of Big Bear Lake, leaving
16 Grout Bay as one of the most important parts of this remaining suitable foraging and
17 roosting habitat. While nationwide and statewide, bald eagle populations have been
18 increasing each year both in numbers and in range, Forest Service censuses have
19 indicated a decline in the number of eagles over wintering in the Big Bear Basin over
20 the past two decades, presumably due to the changes in available habitat.

21 22. While the Big Bear Basin contains suitable nesting habitat, bald eagles
22 have not successfully nested there. In the early 1990s, there was encouraging
23 evidence that eagles might soon successfully nest in the San Bernardino Mountains
24 (winter nest construction and courtship behavior of the Eagle Point pair on Big Bear
25 Lake; two failed nest attempts near Silverwood Lake) and a "winter" nest on Windy
26 Point in 2005 may yet yield young. If more large developments, such as Marina
27 Point, along the lakeshore occur, it is unlikely that bald eagles will successfully nest
28 in this area due to the high levels of disturbance and degraded habitat.

1 23. I am aware that bald eagles have been observed perching in trees on the
2 Marina Point project site during winter 2003-2004 and at adjacent Windy Point in the
3 winter of 2004-2005. It is my further understanding that there are imminent plans to
4 remove most or all of the trees on the site that were likely utilized by the eagles. Big
5 Bear Lake has been subject to a vast amount of urban development and shoreline
6 timber harvesting, resulting in the loss of most of the suitable bald eagle perching
7 habitat along its shoreline. Therefore, the removal of the few remaining potential
8 Bald Eagle perch trees could significantly degrade their habitat and significantly
9 disrupt and impair their foraging patterns. The numbers of wintering bald eagles
10 utilizing Big Bear Lake have been dwindling for the past two decades, from an
11 average of 25 30 eagles in the early 1980's to an average of less than 15 in the early
12 2000's (Butler 2003). It is quite possible that the removal of these perch trees at
13 Marina Point, coupled with the development footprint and year round use of the
14 facility will reduce the level of use of the Big Bear area by wintering bald eagles. It
15 takes decades for a tree or grove of trees to reach the size needed for regular use by
16 bald eagles as hunting perches, and any replanted young trees will be used less or not
17 at all due to the presence of winter recreationists.

18 24. Construction at the site would also harm the Big Bear Lake Bald Eagles
19 because dredging and grading activities below the high water mark of Big Bear Lake
20 clearly impact the bald eagles' existing shallow water foraging habitat. Project
21 proponents have failed to provide adequate information concerning the numbers of
22 various prey species (waterfowl and fish) that would be affected, nor have they
23 provided any way to contrast those numbers post-development. The loss of shallow
24 water habitat around the perimeter of Big Bear Lake is one of the primary factors
25 (along with others such as the loss of perch trees and increased human disturbance)
26 that has likely contributed to the elimination of habitat of eagles' primary prey at Big
27 Bear Lake.

1 25. The loss of suitable foraging habitat and hunting, feeding, and loafing
2 perches and the direct disturbance caused by human activity has likely led to the
3 concentration of the eagle population along the less-densely populated North Shore
4 and in the Grout Bay area. Modification of currently utilized existing shallow water
5 habitat must be considered a significant impact to the species given its current
6 scarcity at the lake.

7 26. If and when the project is completed, it will continue to adversely impact
8 the Big Bear Lake bald eagles indefinitely due to the direct loss of hunting, feeding,
9 and loafing perches and by greatly increasing the amount of human activity in the
10 vicinity. Even if restrictions on boating are enforced between December 1 and April
11 1, the occupation of more than 130 condominium units as well as numerous
12 recreational amenities including an ice skating pond, a marina office, health club and
13 pro shop, hiking/jogging and nature trails, and concessions along the lakeshore will
14 cause significant additional disturbance to the bald eagle and will likely lead to
15 complete abandonment of the area. Impacts will likely include disrupting foraging
16 and feeding behavior, possibly causing the species to avoid the area altogether if the
17 increase in human activity is sufficiently disruptive (Buehler et al. 1991; Stalmaster
18 and Kaiser 1998; Steidl and Anthony 2000). The potential abandonment of wintering
19 bald eagles in the Grout Bay area is significant because there are so few places for
20 bald eagles to land on preferred perches (tall, old trees) adjacent to Big Bear Lake due
21 to the near complete development of their lakeshore habitat and shoreline timber
22 harvesting.

23 27. It is also my professional opinion that the habitat destruction and
24 alteration and human disturbance from the Marina Point Project will likely decrease
25 nesting success, that is, the likelihood that eagle chicks will survive to fledge from the
26 eagle nest at Windy Point.

27 28. Development of the Marina Point Project site, in combination with other
28 recent and planned developments on the North Shore of Big Bear Lake, the proposal

1 to develop the adjacent "Mooncamp" property with an additional 95 houses, the
2 proposal for a new zoo, development of individual homes on the lakeshore and within
3 the North Shore communities, and other development proposals within the Fawnskin
4 area (70-acres off of Cedar Dell Road, 38 acres off of Flicker, etc.), threatens to
5 develop the North Shore to a level commensurate with other areas of the lakeshore.
6 Based on past experience in this area as well as the substantial literature on the natural
7 history of the bald eagle, in my professional opinion this represents a significant
8 impact.

9 29. In sum, construction at the Marina Point site would likely cause serious
10 harm to the Big Bear Lake bald eagles, significantly degrading their habitat and
11 significantly disrupting and impairing their feeding and foraging patterns. The harm
12 inflicted to date at Grout Bay and Marina Point may be relatively minor and includes,
13 i the loss of shallow water habitat for important prey species of the Bald Eagle at Big
14 Bear Lake and elsewhere such as carp and waterfowl, and the loss of potential, and
15 more importantly future perch trees that could have been used by Bald Eagles on
16 Marina Point. But the permanent harm resulting from total build out and year round
17 use of approximately 132 condominiums, ice-skating rink and other infrastructure
18 roads and buildings, etc. would be significant.

19 30. Please consider the following: (1) Rapid development of the Big Bear
20 Lake and Baldwin Lake shorelines has eliminated the majority of previously suitable
21 habitat, possibly causing remaining wintering bald eagles to concentrate on the North
22 Shore and in particular at the Marina Point and adjacent Mooncamp sites; (2) the
23 removal of all or almost all of the trees at the Marina Point site would significantly
24 reduce the number of remaining available perch trees, significantly impacting the bald
25 eagles' ability to forage on the north shore of Big Bear Lake including Grout Bay; (3)
26 when considered in conjunction with other recent and planned developments, the
27 cumulative impacts of development of the Marina Point Project are severe and will
28 promote the continued decline of Bald Eagles at Big Bear Lake.

1 I declare, under penalty of perjury, under the laws of the United States that the
2 foregoing is true and correct and was executed at Santa Ana, California.

3 Respectfully submitted this 5 day of June, 2005.

4 Respectfully submitted this ____ day of July, 2005.

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6 _____
7 Peter H. Bloom
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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CENTER FOR BIOLOGICAL
DIVERSITY, FRIENDS OF
FAWNSKIN,

Plaintiffs,

vs.

MARINA POINT DEVELOPMENT
ASSOCIATES, et al.

Defendants.

Case No. EDCV 04-7036 (R) RZx

**PLAINTIFFS' WITNESS
STATEMENT OF**

PETER BLOOM

Trial Date: August 23, 2005
Courtroom: 8
Judge: Hon. Manuel L. Real

1 I, Peter H. Bloom, declare as follows:

2 1. I am a long-term (45 year) resident of southern California. I earn my
3 living as an independent biological consultant, and teach at Saddleback College. I
4 have a long-term interest in raptor ecology, conservation, and the welfare of southern
5 California raptor populations and their habitats.

6 2. I hold a BS in zoology (1979) and an MS in biology (1989) from
7 California State University, Long Beach, and am currently enrolled in a PhD program
8 in the College of Natural Resources, University of Idaho, Moscow. Assuming
9 completion in approximately 2007, my PhD will be in Wildlife Resources. My
10 Master's thesis dealt with habitat and home-range use of red-shouldered hawks and
11 my dissertation focuses on natal dispersal and philopatry in Red-tailed and Red-
12 shouldered Hawks and the conservation implications for raptors in California.

13 3. I was employed as a temporary biological technician and wildlife
14 biologist from 1975 – 1979 by the Bureau of Land Management (BLM) in northeast
15 California and northwest Nevada, primarily surveying for nesting and wintering birds
16 of prey and non-game wildlife. In 1979 I performed a statewide survey of nesting
17 Swainson's Hawks for the BLM and California Department of Fish and Game (DFG),
18 and from 1981 – 1983 a survey of the nesting distribution of the Northern Goshawk
19 for DFG. From 1982 – 1987 I was employed as a Staff Scientist by the National
20 Audubon Society at the Condor Research Center, and from 1987 – 1990 I investigated
21 home-range size and habitat use of Red-shouldered Hawks. Between 1977 to the
22 present I have worked as an independent biological consultant performing work on
23 raptors and numerous California threatened and endangered species, including the
24 bald eagle. Clients have included developers, conservation organizations,
25 environmental consulting firms, and numerous city, county, state and federal
26 agencies. Between about 1992 - 2000 I visited India on approximately 7 occasions
27 volunteering my time through a program of the US Fish and Wildlife Service (FWS)
28 assisting the Indian government and Bombay Natural History Society in their efforts

1 to conserve bird of prey populations.

2 4. My experience with raptors and birds of prey includes extensive
3 experience with bald eagles. My work from 1976 to 1979 for the Bureau of Land
4 Management involved considerable work with bald eagles, including banding bald
5 eagle nestlings, surveying bald eagle roost sites and perch sites, and aerial surveys.
6 This work took place primarily in and around Eagle Lake in Northeastern California.
7 I also assisted in the development of the Cleghorn Flats Bald Eagle Nest Territory
8 Habitat Management Plan at Eagle Lake.

9 5. During my work with the Condor Research Center, I captured one bald
10 eagle, recaptured a second bald eagle, and had hundreds of hours of observations of
11 bald eagles at trap sites.

12 6. My work as an independent professional wildlife biologist has included
13 conducting bald eagle environmental assessments for development projects in
14 southern California. This work involved hundreds of hours of bald eagle
15 observations over the years. I have conducted hundreds of hours of observations
16 myself as well as supervised the work of many others. I am experienced in both
17 setting up and conducting bald eagle surveys. I have also, under permit, collected
18 bald eagle eggs (infertile) from a southern California bald eagle nest for contaminant
19 analysis.

20 7. My research priorities include long-term (35 yrs.) ecological studies that
21 have the potential of contributing to the conservation of raptors and their habitats
22 including difficult to study topics related to natal dispersal, philopatry, survivorship,
23 population dynamics, territory fidelity and habitat and home-range use.

24 8. A copy of my resume is attached as Exhibit A.

25 9. A list of my technical writing is attached as Exhibit B.

26 10. Documents that I reviewed related to this case include:

27 a. Butler, R. 2003. Species: Bald Eagle (*Haliaeetus leucocephalus*),
28 (BAEA).

- b.
- c. Butler, R. 1995. Bald Eagle telemetry study results Big Bear Ranger District, San Bernardino National Forest.
- d. Harmata, A.R. and D.W. Stahlecker. 1993. Fidelity of migrant Bald Eagles to wintering grounds in southern Colorado and northern New Mexico. *Journal of Field Ornithology* 64:129-134.
- e. Isaacs, F.B. 1987. Abundance, foraging, and roosting of Bald Eagles wintering in the Harney Basin, Oregon. *Northwest Science* 61:114-121.
- f. Devaud, J. and S. Devaud. 1990. Bald Eagle habitat use of the north shore of Big Bear Lake San Bernardino County, California winter 1989-1990.
- g. Fraser, J.D., Frenzel, L.D. and J.E. Mathisen. 1985. The impact of human activities on breeding Bald Eagles in North-Central Minnesota. *Journal of Wildlife Management* 49:585-592.
- h. Ehrlich, P.R. 1986. The loss of diversity: causes and consequences. Pgs. 21-27. *In* Biodiversity. E.O. Wilson ed. National Academy Press.
- i. LaHaye, W.S. Assessment of the Effects of the Proposed Marina Point Development on the Wintering Bald Eagles of the Big Bear Basin, San Bernardino County, California.
- j. Jenkins, J.M., R.M. Jurek, D.K. Garcelon, R. Mesta, W.G. Hunt, R.E. Jackman, D.E. Driscoll, and R.W. Risebrough. 1994. DDE contamination and population parameters of Bald Eagles *Haliaeetus leucocephalus* in California and Arizona, USA. Pgs 751-756. *In* Raptor conservation today. World Working Group on Birds of Prey. The Pica Press.
- k. Matthews, S., E. West and B. Butler. 1997. Perch site utilization

by Bald Eagles around Big Bear Lake, California.

l. Merkel & Associates, Inc. 2005. Marina Point Eagle Monitoring field notes.

m. Sprunt, A.S. 1969. Population trends of the Bald Eagle in North America. Pgs. 347-351. *In* Peregrine falcon populations: their biology and decline. Edited by J. Hickey. Univ. of Wisconsin Press.

n. Stalmaster, M.V. and J.R. Newman. 1978. Behavioral responses of wintering Bald Eagles to human activity. *Journal of Wildlife Management* 42:506-513.

o. Stalmaster, M.V. and J.L. Kaiser. 1998. Effects of recreational activity on wintering Bald Eagles. *Wildlife Monographs* No. 137. 46pgs.

p. Walter, H. and K. Garrett. 1981. The effects of human activity on wintering Bald Eagles in the Big Bear Valley, California.

q. Watson, J.W. 2004. Responses of nesting Bald Eagles to experimental pedestrian activity. *Journal of Raptor Research* 38:295-303.

r. Willens, C.A. 1990. Environmental issues analysis Marina Point Project. 14 pgs.

s. Willens, C.A. 1991. Environmental issues analysis Marina Point Project. 14 pgs.

11. The statements in this declaration are statements of my professional opinion based upon a review of the documents listed above, my knowledge of the scientific literature relating to raptors in general and bald eagles in particular, and my over 35 years of experience as an ornithologist.

12. In my opinion, the activities that have been proposed and already completed on the project site have and will result in harm to the local wintering Bald Eagles utilizing the shoreline habitat and prey at Big Bear Lake. The activities proposed by the project proponent along the lake shore are very similar to previous lake shore projects but this one is larger than most, is located in a bay, and is one of

1 the few known shallow water foraging areas on the lake and as such is a relatively
2 important foraging area. Essentially, this sort of slow, piece-meal development
3 around a lake is indicative of the standard process that has occurred and is occurring
4 throughout the range of the Bald Eagle in the continental US. From a cumulative
5 perspective the number of eagles in this local Big Bear Lake population is reportedly
6 declining (Butler 2003) and is likely related to the amount of lake shore developments
7 and concomitant increase in human population and activities similar to that observed
8 by Sprunt (1969).

9 13. That Bald Eagles respond negatively to habitat loss and human activity
10 around lakes and rivers is well documented beginning with at least as early as Sprunt
11 (1969) who in reference to North American bald eagle populations stated: "The urban
12 sprawl and proliferation of waterside housing that has come with increasing affluence
13 have worked against the eagle. Another factor that has become more of a problem
14 every year is the increase in outdoor recreation with its attendant crowding of areas
15 that were left in virtual isolation only a few years ago." More recently and more
16 quantitatively Stalmaster and Kaiser (1998) working with wintering eagles and
17 Watson (2004) working with nesting eagles have documented with some precision the
18 levels of human pedestrian and boating activities necessary to force eagles from their
19 perches and nests. Stalmaster and Kaiser (1998) recommend buffer areas around
20 foraging sites in Washington of 400-m to protect >95% of the birds from disturbance.
21 Other authors elsewhere (McGarigal 1991, Fraser et al. 1985, Grubb and King 1991,
22 Anthony and Isaacs 1989) have recommended 450-m, 500-m, 600-m, and 800-m
23 respectively to reduce disturbance to most foraging eagles.

24 14. Like many raptorial species, the State Endangered and Federally
25 Threatened bald eagle responds negatively to human disturbance and habitat loss.
26 The usual response from an increase in human activity, or a shortening of the distance
27 between the eagle and people, is to temporarily retreat from, or in extreme situations
28 abandon, a hunting area or nest tree. In the case of habitat conversion or loss, the

1 response is often permanent. Since "harm" includes any "significant habitat
2 modification or degradation where it.... "Injures wildlife by significantly impairing
3 essential behavioral patterns, including breeding, feeding or sheltering." 50 C.F.R. –
4 17.3, I conclude that given the recent historic evidence (Butler 2003) of formerly high
5 eagle numbers to recent low numbers suggests a correlation, very possibly, with the
6 loss of perch trees, hunting habitat, prey species for wintering bald eagles, and levels
7 of human activity. Based upon the conclusions of several authors (McGarigal 1991,
8 Fraser et al. 1985, Grubb and King 1991, Anthony and Isaacs 1989, Stalmaster and
9 Kaiser 1998), the lack of adequate protection or buffer around any Big Bear Lake
10 bald eagle lakeside foraging habitat may also have precipitated this decline in use.

11 15. Habitat loss has long been recognized as the most important factor in the
12 endangerment of animals and plants (Ehrlich 1986; "Quantifying Threats to Imperiled
13 Species in the United States", Wilcove, et al. 1998). Habitat being defined as "[t]he
14 locality, site, and particular type of local environment occupied by an organism"
15 (Lincoln et al. 2001). For many animals, depending upon the season and time of day
16 or night, habitat may include nesting and breeding areas, wintering areas, nest sites,
17 roost sites, specific hunting and foraging areas, or microhabitats. In the case of Big
18 Bear Lake, habitat includes the shallow water of Grout Bay, perch trees, relative
19 seclusion and the number of prey available relative to other shorelines.

20 16. The bald eagle was one of the first species listed under both Federal
21 (1967) and State Endangered Species Acts. In the case of the bald eagle, the reason
22 for the species designation as Endangered was largely due to organochlorine
23 pesticides, but habitat loss was always viewed as a major contributing factor. Except
24 for the Channel Islands, of California (Jenkins et al. 1994), organochlorine issues are
25 now largely historic in nature, and habitat loss (both nesting and wintering habitat)
26 has risen to the single most important issue currently inhibiting complete recovery of
27 the species in California.

28 17. The bald eagle in southern California can be found anywhere in winter

1 but generally near large bodies of water where they feed upon fish, waterfowl and
2 carrion. Known predictable southern California locations include Big Bear Lake,
3 Silverwood Lake, Lake Mathews, Lake Skinner, Vail Lake, Lake Henshaw, and
4 Diamond Valley Reservoir.

5 18. It is my understanding that approximately 40 potential perch trees
6 located near the edge of Grout Bay and less than 75 yards from the shoreline have
7 been removed from the Marina Point site since construction commenced
8 approximately three years ago. In addition, a substantial quantity of earth directly
9 adjacent to the water's edge was moved and a substantial area of the lake bottom next
10 to the project site was dredged. Since eagles can no longer forage from those trees
11 and waterfowl and fish habitat was removed, I believe that harassment to this local
12 wintering bald eagle population has occurred. Further, while the long field hours to
13 document bald eagle behavior and use of the property and surrounding area with an
14 on-site biologist by the project proponent is admirable, the data gathered and
15 presented by Melissa A. Booker that I have reviewed are suspect because many eagles
16 would avoid the project site simply due to the presence of a near full-time daylight
17 observer.

18 19. Wintering bald eagles typically appear at Big Bear Lake in the third
19 week of October, peak in January or February, and depart sometime in April (USFWS
20 2001). Extensive urban development, timber harvesting, and modification of the
21 shoreline has destroyed or degraded most of the bald eagle wintering habitat at Big
22 Bear Lake, resulting in the loss of many suitable perches and shallow-water foraging
23 areas.

24 20. The Forest Service species account (Butler 2003) states that Grout Bay
25 and the immediately surrounding area, including the Marina Point project site, is
26 extremely important to wintering bald eagles at Big Bear Lake. Figure 8 of Mathews
27 et al. (1997) suggests predictable usage of Grout Bay over an approximately 8 year
28 period. The studies that have been completed to date indicate that predictable use by

1 bald eagles of Grout Bay and Marina Point does occur.

2 21. I am impressed by the recent documentation of use by bald eagles at
3 Grout Bay, Windy Point and Marina Point (Merkel & Associates, Inc. 2005, Booker
4 Declaration and Exhibits 4-10 thereto) and supported by historic data on bald eagle
5 use of Big Bear Lake and the Marina Point and Grout Bay vicinity (Mathews et al.
6 1997, Butler et al. 1995, Devaud and Devaud 1990, Walter and Garrett 1981) that
7 document direct bald eagle use of the immediate vicinity of Marina Point. The Walter
8 and Garrett report refers to Grout Bay and Marina Point area as "major perching
9 areas" (1981 Figure 8) and roost sites are documented for Windy Point and perch sites
10 in the Moon Camp vicinity. Furthermore, the recent observations of Merkel and
11 Associates, summarized in Exhibit 10 to the Booker Declaration, made from the
12 Marina Point site, document nearly continuous use from January 5, 2005 to February
13 22, 2005 of the immediate area by 1-5 bald eagles every day (18 days) that an
14 observer was present, suggesting a high-use bald eagle area perhaps due to a
15 combination of roosting, nesting, and foraging behavior.

16 22. Construction of a sizeable "winter nest" in 2005 or perhaps earlier on
17 nearby Windy Point is very suggestive of this pair's proclivity to this exact location. I
18 myself have witnessed "winter" bald eagle nests in southern California that have
19 produced eggs. This nest at Windy Point may represent the first of a series of normal
20 incremental steps over years that a resident newly formed, young nesting bald eagle
21 pair undergoes before regularly successful nesting attempts.

22 23. Bald eagle use of the immediate vicinity of the Marina Point site,
23 including areas on both sides of the property, strongly suggests that bald eagles utilize
24 the property itself, at the very minimum from a line of sight perch or a flyover while
25 hunting. I have also been made aware that bald eagles have been observed perching
26 on the property itself during winter 2003-2004, and I have observed one photograph
27 that appeared to show an eagle on what I have been informed is the Marina Point site.
28 I have no reason to believe, based on my knowledge and experience of bald eagles

1 and my understanding of bald eagles at Big Bear Lake, including my review of
2 available studies of those bald eagles, that these observations were inaccurate. It is
3 my professional opinion that the Marina Point project site, including the graded land
4 area, the jetty arms, and the dredging area directly adjacent to the land, constitutes
5 bald eagle habitat.

6 24. I observed several large fish in shallow water apparently feeding, or
7 perhaps attempting to spawn, at the mouth of the creek entering Grout Bay on March
8 16, 2005. The presence of such fish could be a strong attractant to wintering or
9 breeding bald eagles, particularly if coupled with reportedly high waterfowl numbers.

10 25. An enormous amount of urban and suburban development since 1991
11 and prior has completely changed the environmental baseline with respect to bald
12 eagles. Nearly contiguous habitat loss and degradation due to development and
13 timber harvesting around the perimeter of Big Bear Lake has effectively squeezed the
14 species into a narrow corridor of habitat on the North Shore of Big Bear Lake, leaving
15 Grout Bay as one of the most important parts of this remaining suitable foraging and
16 roosting habitat. While nationwide and statewide, bald eagle populations have been
17 increasing each year both in numbers and in range, Forest Service censuses have
18 indicated a decline in the number of eagles over-wintering in the Big Bear Basin over
19 the past two decades, presumably due to the changes in available habitat.

20 26. While the Big Bear Basin contains suitable nesting habitat, bald eagles
21 have not successfully nested there. In the early 1990s, there was encouraging
22 evidence that eagles might soon successfully nest in the San Bernardino Mountains
23 (winter nest construction and courtship behavior of the Eagle Point pair on Big Bear
24 Lake; two failed nest attempts near Silverwood Lake) and a "winter" nest on Windy
25 Point in 2005 may yet yield young. If more large developments such as Marina Point
26 occur along the lakeshore, it is unlikely that bald eagles will successfully nest in this
27 area due to the high levels of disturbance and degraded habitat.

28 27. I am aware that bald eagles have been observed perching in trees on the

1 Marina Point project site during winter 2003-2004 and at adjacent Windy Point in the
2 winter of 2004-2005. It is my further understanding that there are either imminent
3 plans to remove most or all of the trees on the site that were likely utilized by the
4 eagles or those trees have already been removed. Big Bear Lake has been subject to a
5 vast amount of urban development and shoreline timber harvesting, resulting in the
6 loss or degradation of most of the suitable bald eagle perching habitat along its
7 shoreline. Therefore, the removal of the few remaining potential bald eagle perch
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9 their foraging patterns. The numbers of wintering bald eagles utilizing Big Bear Lake
10 have been dwindling for the past two decades, from an average of 25-30 eagles in the
11 early 1980's to an average of less than 15 in the early 2000's (Butler 2003). It is quite
12 possible that the removal of these perch trees at Marina Point, coupled with the
13 development footprint and year-round use of the facility, will reduce the level of use
14 of the Big Bear area by wintering bald eagles. It takes decades for a tree or grove of
15 trees to reach the size needed for regular use by bald eagles as hunting perches, and
16 any replanted young trees will be used less or not at all due to the presence of winter
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18 28. Construction at the site would also harm the Big Bear Lake bald eagles
19 because dredging and grading activities below the high water mark of Big Bear Lake
20 clearly impact the bald eagles' existing shallow water foraging habitat. Project
21 proponents have failed to provide adequate information concerning the numbers of
22 various prey species (waterfowl and fish) that would be affected, nor have they
23 provided any way to contrast those numbers post-development. The loss of shallow
24 water habitat around the perimeter of Big Bear Lake is one of the primary factors
25 (along with others such as the loss of perch trees and increased human disturbance)
26 that has likely contributed to the elimination of habitat of eagles' primary prey at Big
27 Bear Lake.

28 29. The loss of suitable foraging habitat and hunting, feeding, and loafing

1 perches and the direct disturbance caused by human activity has likely led to the
2 concentration of the eagle population along the less-densely populated North Shore
3 and in the Grout Bay area. Modification of currently utilized existing shallow water
4 habitat must be considered a significant impact to the species given its current
5 scarcity at the lake.

6 30. If and when the project is completed, it will continue to adversely impact
7 the Big Bear Lake bald eagles indefinitely due to the direct loss of hunting, feeding,
8 and loafing perches and by greatly increasing the amount of human activity in the
9 vicinity. Even if restrictions on boating are enforced between December 1 and April
10 1, the occupation of more than 130 condominium units as well as numerous
11 recreational amenities including an ice skating pond, a marina office, health club and
12 pro shop, hiking/jogging and nature trails, and concessions along the lakeshore will
13 cause significant additional disturbance to the bald eagle and will likely lead to
14 complete abandonment of the area. Impacts will likely include disrupting foraging
15 and feeding behavior, possibly causing the species to avoid the area altogether if the
16 increase in human activity is sufficiently disruptive (Buehler et al. 1991; Stalmaster
17 and Kaiser 1998; Steidl and Anthony 2000). The potential abandonment of wintering
18 bald eagles in the Grout Bay area is significant because there are so few places for
19 bald eagles to land on preferred perches (tall, old trees) adjacent to Big Bear Lake due
20 to the near complete development of their lakeshore habitat and shoreline timber
21 harvesting.

22 31. It is also my professional opinion that the habitat destruction and
23 alteration and human disturbance from the Marina Point Project will likely decrease
24 nesting success, that is, decrease the likelihood that eagle chicks will survive to fledge
25 from the eagle nest at Windy Point.

26 32. Development of the Marina Point Project site, in combination with other
27 recent and planned developments on the North Shore of Big Bear Lake, the proposal
28 to develop the adjacent "Mooncamp" property with an additional 95 houses, the

1 proposal for a new zoo, development of individual homes on the lakeshore and within
2 the North Shore communities, and other development proposals within the Fawnskin
3 area that I have been made aware of (70-acres off of Cedar Dell Road, 38 acres off of
4 Flicker, etc.), threatens to develop the North Shore to a level commensurate with
5 other areas of the lakeshore. Based on past experience in this area as well as the
6 substantial literature on the natural history of the bald eagle, in my professional
7 opinion this represents a significant impact.

8 33. In sum, construction at the Marina Point site would likely cause serious
9 harm to the Big Bear Lake bald eagles, significantly degrading their habitat and
10 significantly disrupting and impairing their feeding and foraging patterns. The harm
11 inflicted to date at Grout Bay and Marina Point may be relatively minor and includes
12 the loss of shallow water habitat for important prey species of the bald eagle at Big
13 Bear Lake and elsewhere such as carp and waterfowl, and the loss of potential, and
14 more importantly, future perch trees that could have been used by bald eagles on
15 Marina Point. But the permanent harm resulting from total build-out and year-round
16 use of approximately 132 condominiums, ice-skating rink and other infrastructure
17 roads and buildings, etc. would be significant.

18 34. It is my opinion that: (1) Rapid development of the Big Bear Lake and
19 Baldwin Lake shorelines has eliminated the majority of previously suitable habitat,
20 possibly causing remaining wintering bald eagles to concentrate on the North Shore
21 and in particular at the Marina Point and adjacent Mooncamp sites; (2) the removal of
22 all or almost all of the trees at the Marina Point site would significantly reduce the
23 number of remaining available perch trees, significantly impacting the bald eagles'
24 ability to forage on the north shore of Big Bear Lake including Grout Bay; (3) when
25 considered in conjunction with other recent and planned developments, the
26 cumulative impacts of development of the Marina Point Project are severe and will
27 promote the continued decline of Bald Eagles at Big Bear Lake.

28 **REBUTTAL TO DEFENDANTS' EXPERT BRIAN WALTON**

1 35. I am of the opinion that the supposed winter nest building attempts or
2 "winter housekeeping pairs" referred to by Mr. Walton are mostly young floaters
3 possible from nests anywhere in the west and that they represent first or at least early
4 nesting attempts in the lives of these pairs, with the very real possibility of their
5 regularly nesting in Southern California. I am of the opinion that if conditions
6 allowed, these pairs would lay eggs or successfully nest on the lakes and reservoirs of
7 their choosing, including Big Bear Lake, as has recently occurred at Lake Skinner and
8 elsewhere.

9 36. Conditions have recently changed at Grout Bay and a pair of bald eagles
10 has copulated and is nesting at Windy Point (Merkel & Associates, Inc. Marina Point
11 Eagle Monitoring Summary Sheets – 2005). Whether this nesting attempt fails or
12 succeeds in 2005 or later years remains to be seen, but a large eagle nest now is
13 established at Windy Point.

14 37. While no "territorial bald eagle pairs" may have been nesting nearby
15 when Mr. Walton's report was prepared, a pair and active nest has been present at
16 least up to February 20, 2005 (Merkel- 2005). This nest, protected by the ESA and
17 the Bald Eagle Protection Act may represent the first of a series of normal,
18 incremental steps over years that a resident, newly formed young nesting Bald Eagle
19 pair undergoes before regularly successful nesting attempts.

20 38. My experience with resident nesting Red-tailed Hawks and Red-
21 shouldered Hawks is that winter nest building is common beginning in November and
22 that these nests are often the nests that they actually lay eggs in and fledge young
23 from, suggesting strongly that they were not simply "practicing" and that Southern
24 California bald eagles that build nests in winter are most likely not practicing either.

25 39. I disagree with Mr. Walton that "[t]he eagles at Big Bear/Silverwood are
26 winter visitors, do not stay in the area to nest during normal spring breeding season,
27 and occupy the Big Bear region from October to March each year." An equally or
28 more plausible hypothesis is that these are young bald eagles having dispersed here

1 from anywhere in the western United States and are starting their first, or one of their
2 first, nesting attempts and that they could fledge young at Big Bear Lake.
3 Furthermore, I would suggest that this is predictable at some point in the near future.
4 There is nothing that distinctive about the behavior of "winter housekeeping pairs"
5 that I am aware of (unless they were outfitted with transmitters) that would allow a
6 biologist to distinguish a local resident bald eagle from a "winter housekeeping pair".
7 Other Southern California raptors such as Red-tailed and Red-shouldered Hawks
8 commonly add to or build entirely new nests beginning in November; it is considered
9 part of the species ecology.

10 40. Without individually marked birds, "winter housekeeping" in bald eagles
11 has yet to be generally accepted by biologists. In 1988, such behavior was described
12 for a pair nesting in 1985 (Wagner et al 1988), but to my knowledge "winter
13 housekeeping" had not been described for any other raptor species. Until more
14 information is available to establish this purported phenomenon, I view these nesting
15 attempts as new nest sites and territories of southern bald eagles.

16 41. On the subject of wintering and nesting bald eagles, Mr. Walton states:

17 The multiple-use philosophy does not lend itself to a species
18 such as the bald eagle where the nest area needs to be
19 protected from public entry, where foraging eagles
20 need to be undisturbed, or where perched eagles need to be
21 free from constant flushing by human visitors. The wintering
22 eagles have occupied the Lake at times where visitors are
23 in lower numbers and impacts are less frequent, although
24 it is very common even during winter months to see eagles
25 flushed from their perches by hikers or having hunting forays
26 interrupted by boats and fisherman using foraging
27 areas in large numbers.

28 I have made similar observations of behavioral interactions between eagles and

1 people and share his concerns about human disturbance regarding bald eagle nest
2 sites and foraging areas.

3 42. On the subject of potential breeding of bald eagles at Silverwood Lake,
4 the report on page 10 states just how difficult it can be for nesting eagles on a high
5 recreational use lake: "If a breeding pair of eagles was to occupy an area of
6 Silverwood Lake during spring and summer months, it is difficult to imagine that
7 there would not be constant disturbance and need for monitoring and need for
8 restrictive access to some large areas around the nest tree and in several foraging
9 zones around the Lake." Grout Bay and Marina Point, with their abundant waterfowl
10 and fish represent just such nesting and foraging habitat, but at Big Bear Lake.

11 43. Almost this exact scenario is playing out in the Windy Point – Grout Bay
12 – Marina Point area with locally high numbers of wintering bald eagles attracted to
13 the bay and its rich resources of shallow water fish and wintering/migratory
14 waterfowl. Development footprints may not change the food supply of bald eagles at
15 Big Bear Lake, but human disturbance connected with the developments might do so
16 by preventing successful hunting attempts and reducing place where eagles can forage
17 to and from.

18 44. The definition of Harm in the ESA includes any "significant habitat
19 modifications or degradation where it...injures wildlife by significantly impairing
20 essential behavioral patterns, including breeding, feeding or sheltering." 50 C.F.R.
21 17.3. In the case of the Grout Bay bald eagles, this includes nesting and wintering
22 bald eagles that could be affected by the proposed Marina Point development and
23 associated recreational uses.

24 45. I disagree with Mr. Walton's conclusion in that I believe Harm has
25 occurred to local wintering and breeding bald eagles utilizing the Big Bear Lake and
26 specifically Grout Bay and Marina Point and will get worse if the Marina Point
27 projects is implemented as planned. This is not just a question of development
28 impacts and disturbance on bald eagles at Marina Point but also the Grout Bay

1 vicinity, its waterfowl and fish abundance, and perhaps because of its significance as
2 a "major perch area", (Walter and Garrett 1981). The fact that bald eagle numbers
3 have gone up across most of California, but declined at Big Bear Lake (Butler 2003)
4 suggests a local problem and, in my opinion, is most likely related to habitat
5 conversion coupled with increased winter recreational use. The permanent Harm
6 resulting from total build-out and year round use of approximately 132
7 condominiums, ice-skating rink and other infrastructure roads and buildings, etc.
8 would be significant.

9 46. While many bald eagles do regularly shift from one area to another,
10 presumably to increase foraging success, the likely decline in eagles at Big Bear Lake
11 is due to habitat loss and human disturbance and the relative lack of these two factors
12 at lakes such as Eastside Reservoir. A project of the size, permanency and number of
13 people, as proposed at Marina Point, and the increased use of his site and its
14 immediate environs is likely to reduce prey populations, prey vulnerability and thus th
15 foraging success of wintering bald eagles, forcing them to more distant bodies of
16 water. The proximity of the Windy Point nest to the proposed development area also
17 may affect nesting success.

18
19 I declare, under penalty of perjury, under the laws of the United States that the
20 foregoing is true and correct and that this statement was executed this 7th day of
21 August, 2005 at _____, California.

22
23
24 _____
25 Peter H. Bloom
26
27
28

Nieves, Tom

From: Mary Bolda <maebolda@gmail.com>
Sent: Thursday, October 04, 2018 4:54 AM
To: Nieves, Tom; Supervisor Ramos
Subject: Big bear project

Learned from Friends of Big Bear and the Eagle cam about the proposed marina and development. I'm not from your area so know in some ways not my business. But have lived long enough in Coachella Valley that I've seen how welcomed development ends up changing so much in a community. I understand tax base and economy. But chasing the tourist/retiree/seasonal dollar, in the long run, may not be worth the environmental loss. Good luck on your vote.
Mae Bolda

Sent from my iPad

Nieves, Tom

From: Sandy Steers <karsten33@gmail.com>
Sent: Thursday, October 04, 2018 6:59 AM
To: Nieves, Tom; Supervisor Ramos; Elizabeth Harris
Subject: Moon Camp FEIR comments
Attachments: HAZEWINKEL.docx; Dixie Lee Ln PP.pdf; Dixie Lee Ln PP0002.pdf; Moon Camp fobbv feir comments Oct2018 .pdf

Dear Mr. Nieves,
Please find attached the comments from Friends of Big Bear Valley, along with an additional attachment referred to in the comments.
Thank you!
Sandy Steers
Executive Director, Friends of Big Bear Valley

HAZEWINKEL & CO REAL ESTATE
PO BOX 378
FAWNSKIN, CA 92333
DRE# 00245825

September 20, 2018

Dear Sandy,

As of today, September 30, 2018, there are 485 real estate listings for homes in the entire Big Bear Valley. There are 331 vacant lots for sale as well. In Fawnskin, there are 31 single family homes for sale as of today. There are also 14 vacant lots for sale, for single family homes. The average days on the market for these 14 lots, is 680 days. The newest listing has been on the market for 107 days, the two oldest listings have been on the market for 1627 days, or 4.4 years. Most vary between over a year and up to three years on the market.

Fawnskin is a community with approximately 85% Forest Service land, and people move here because it is more rural, and quiet than the south shore.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Nancy C. Walker". The signature is fluid and cursive, with a small "x" mark at the end of the last name.

Nancy Walker
Realtor
DRE#01253881

BIO-TECH

ENVIRONMENTAL ANALYSIS



P.O. BOX 7798
SUGARLOAF, CA 92386
(714) 585-8038

ENVIRONMENTAL IMPACT REPORT:

BIOTIC RESOURCES SURVEY

BIG BEAR PROPERTIES

SUGARLOAF PARCEL

Prepared for:

**Environmental Improvement Agency
San Bernardino County Planning Department**

December 14, 1981

A. BIOTIC RESOURCES

1. General Description

The proposed project is a minor subdivision to create two parcels on approximately 145 acres. The site is proposed for the development of a high school. The topography includes a north-south drainage and two benches. Five different vegetation types were identified: Willow annual riparian, Pinyon woodland, Jeffrey Pine forest, Brush vegetation, and a Dwarf scrub vegetation.

The Willow riparian vegetation type is limited to the bottom of the main drainage. It is characterized by Salix scouleriana. This represents only an annually wet habitat and does not support a well developed riparian community.

The Brush vegetation type is probably early successional to Jeffrey Pine forest. It is likely that fire has postponed the establishment of the climax vegetation. The predominant species include: Artemisia tridentata, Amelanchier utahensis, and Ceanothus cordulatus.

The Jeffrey Pine forest occurs mainly in the drainage. Pinus jeffreyi is the main overstory species. Associated species include Pinus monophylla, Juniperus occidentalis, and Quercus kelloggii. Overstory cover is approximately 70% complete. Understory consists of Cercocarpus ledifolius and Amelanchier utahensis, and is rather open comprising only 40 % cover.

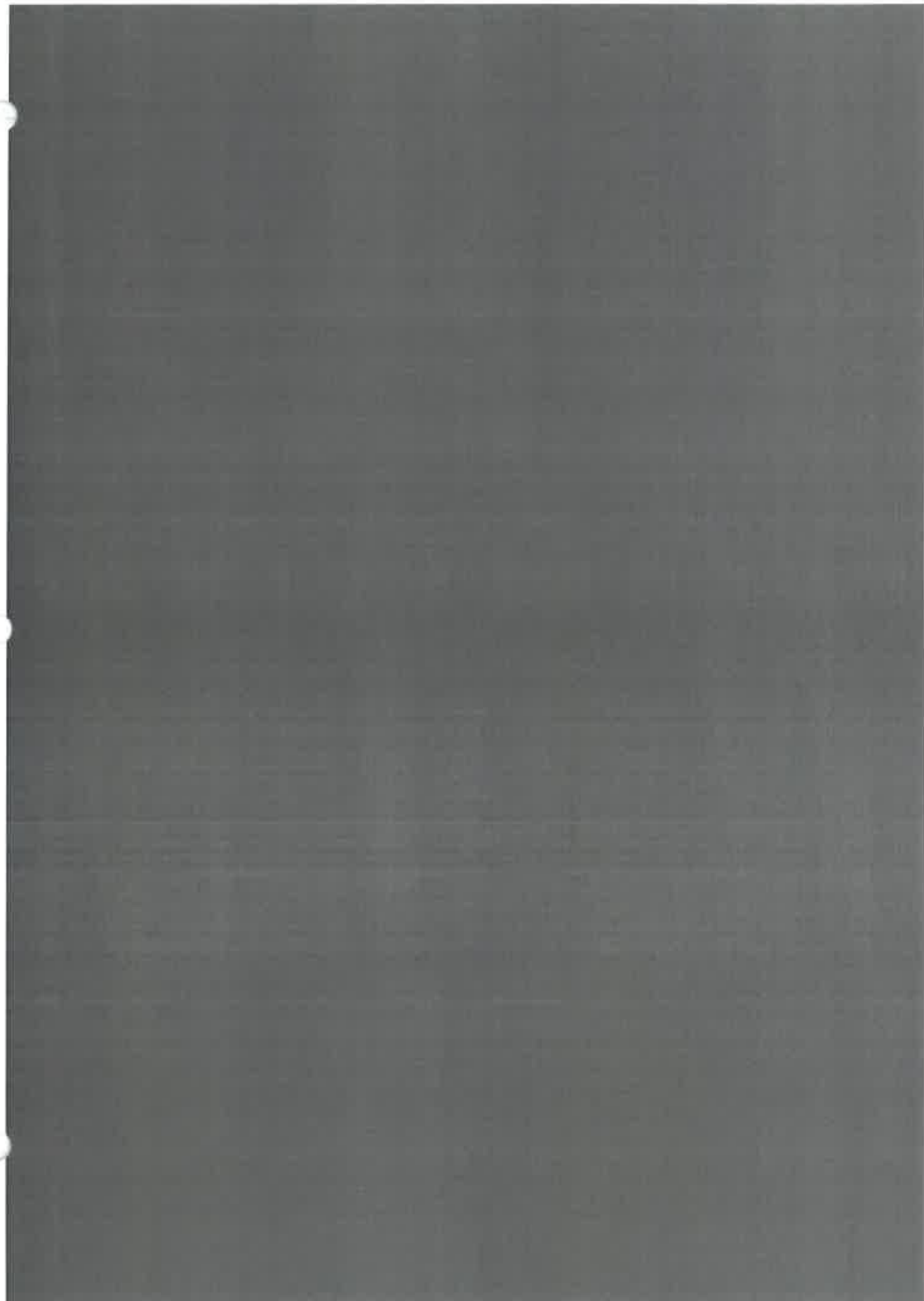
The eastern portion of the site along Maple Lane supports the Pinyon Woodland. Pinus monophylla with a few Western Junipers, Juniperus occidentalis make up the 40-70% overstory cover. The coverage decreases to less than 40% on the denser clay soils.

In the openings of the Pinyon Pine woodland occurs the Dwarf scrub vegetation. It is characterized by the silver-tufts of the Buckwheat, Eriogonum kennedyi ssp. austromontanum. The low cushion plants of this plant community indicate the dense

- -Rare plant habitat
- -Extirpated habitat

- 1-Subject Parcel
- 2-Maple Elementary School
- 3-Rare Plant Preserve
- 4-Tract 11512, 11647





clay soil deposits. This vegetation type occurs in patches on the exposed benches of the subject parcel, principally along the northeast portion of the parcel along Maple Lane.

2. Rare Plant Taxa

Eight rare species of plants were identified on the parcel. These species occur only in the Big Bear area, for the most part restricted to the dense clay beds of a Pleistocene lake which once covered Big Bear and Holcomb Valleys. The rare plant habitat on the subject parcel totals approximately 15 acres. Areas are indicated on the Biotic Resources Map, page 2.

Off-road vehicles have destroyed or disturbed much of the rare plant area. Fifty percent or more of the total rare plant habitat has been disturbed. The Maple Hill Elementary School was built on the corner of Maple and Baldwin lanes, an area which once supported rare plant species. Because of the loss of habitat due to urbanization and off-road vehicle use, certain species are proposed for the Threatened classification

as defined according to the Federal Endangered Species Act of 1973. The rare species, the significance of their populations on the subject parcel, and the most recent proposed endangerment classifications are listed below;

Arabis parishii -- A tufted perennial mustard, this species is unique to the Big Bear area, but occurs widely enough that the potential for extinction or extirpation is low at this time. Classified as Rare, but not Threatened or Endangered at this time. (USFWS)

Arenaria ursina -- The Bear Valley Sandwort is limited to the clay soils of the Big Bear area. It occurs in greatest densities on the edges of the clay openings. Incremental loss of habitat due to urbanization and off-road vehicles threatens this population with extirpation. Final rule-making as Threatened or Endangered is pending. (USFWS)

Astragalus leucolobus -- The Bear Valley Woolly Pod occurs on the edges of the clay openings. It is also found in the drainages of the parcel. It is listed as Rare, but it is found in sufficient numbers and is distributed widely enough that the possibility for extinction is very low at this time. It is not classified as Threatened or Endangered. (CNPS)

Castilleja cinerea -- The Ashy-grey Paintbrush is endemic to the Big Bear area. It is partially parasitic on the roots of Eriogonum and Artemisia. It occurs on clay soils on the parcel. It is considered endangered in the Big Bear Valley area. Final rule-making as Threatened or Endangered is pending. (USFWS)

Eriogonum kennedyi ssp. austromontanum -- Kennedy's Buckwheat is the dominant species occurring on the clay openings. It is restricted to dense clay soils between 6500-7500 feet in elevation. The current population represents less than half of its historical range. The subject parcel supports one third of the total population. Approximately 10 acres of the habitat on the property has been destroyed due to off-road vehicle use. Final rule-making as Threatened or Endangered is pending. (USFWS)

Ivesia argyrocoma -- Called Fuzzy Rat-tails due to the appearance of the silvery-hairy leaves, this species occurs from Lake Arrowhead to the Big Bear area on clay soils. It is distributed widely enough that there is little possibility for extinction at this time. Final rule-making as Threatened or Endangered is pending. (USFWS)

Liranthus killipii -- This ephemeral annual occurs from the vicinity of Sawmill Canyon east to the Rose Mine Valley area. Its location on the parcel represents the westernmost extension of this species. It is highly restricted on the parcel to the edges of the larger pavement plains. It is proposed as Threatened by the U.S. Fish & Wildlife Service.

Mimulus purpureus -- The Purple Monkeyflower is known only from the Big Bear area. It occurs on the edges of the clay openings, especially where there is ponding or vernal soil moisture. The clay deposits just west of Maple Lane represent one of the densest populations of this species. It is proposed as Threatened by the USFWS.

Phlox dolichantha -- Like Arabis parishii, the Bear Valley Phlox is considered rare, but not Threatened or Endangered. It occurs in several populations in the Big Bear area. On the parcel, it occurs primarily on the edges of the clay deposits and in the draws. It tends to occur under Black Oak (Quercus kelloggii) in the duff. (USFWS)

TABLE 1: ENDANGERMENT STATUS LISTINGS

<u>SPECIFIC NAME</u>	<u>USFWS</u> ¹	<u>CNPS</u> ²
<u>Arabis parishii</u>	Rare ⁴	III, 1-2-(2)-3
<u>Arenaria ursina</u>	Rare ³	II, 2-2-1-3
<u>Astragalus leucolobus</u>	Rare ⁴	III, 1-1-1-3
<u>Castilleja cinerea</u>	Rare ³	III, 1-2-(2)-3
<u>Eriogonum kennedyi</u> <u>ssp. austromontanum</u>	Rare ³	II, 2-2-(2)-3
<u>Ivasia argyrocoma</u>	Rare ³	II, 1-1-1-2
<u>Linanthus killipii</u>	Threatened	II, 3-2-2-3
<u>Mimulus purpureus</u>	Threatened	II, 2-2-(2)-3
<u>Phlox dolichantha</u>	Rare ⁴	II, 2-1-1-3

1 - Proposed rule-making of the U.S. Fish & Wildlife Service as defined in the Federal Register, Section 4 of the amended Endangered Species Act of 1973.

2 - California Native Plant Society (1980).

3 - Rare, classification as Threatened or Endangered pending further information (USFWS).

4 - Rare, not threatened or endangered at this time.

This rare plant community is part of the Sawmill population (Krantz, 1981). This population was once a large and extensive series of benchtop openings with dense clay soils, extending from near Moonridge to the west to north of Sugarloaf. The once 90+ acres of rare plant habitat has dwindled to less than 30 acres due to encroaching urbanization and off-road vehicle use. The subject parcel includes half of the remaining population. This is becoming increasingly significant as similar habitat is developed elsewhere in the Big Bear area.

The rare plant community also supports two populations of rare butterflies: The Martin's Marble, Euchloe hyantis, which is restricted to the San Bernardino Mountains and utilizes members of the Mustard family, Brassicaceae, as its food source (possibly Arabis parishii?); and an un-named subspecies of Blue, Philotes enoptes ssp. ____ which is dependent upon the flowers of the rare Buckwheat as its food source. (Emmel, pers. comm.)

There is a rare plant preserve on the east side of Maple Lane across the street from the subject parcel. Several other developers in the area (Tentative Tracts 11512, 11647, and Bristol Bay) have made dedications of land to the Big Bear Department of Parks and Recreation adjacent to Sugarloaf Park. The rare plant preserve contains good examples and relatively high densities of the rare species of plants.

3. Project Impact

The proposed development of a high school, along with parking facilities, playing fields, buildings, and other impervious surfaces will reduce rare plant habitat. The greatest densities of rare plants occurs along the eastern portion of the subject parcel in large openings along Maple Lane.

The vegetation community will be altered, reducing the habitat for wildlife. This will also impact the rare butterflies which are dependent upon this ecosystem.

Reduction of vegetation, removal of trees, and disturbance of soil will alter biological processes which support the rare plant community and other biota. Hydrologic micro-habitats will be changed.

Potential off-site impacts could occur due to increased foot traffic, vehicles, and litter on the rare plant preserve on the east side of Maple Lane.

4. Mitigation Measures

The following measures should be incorporated into the project proposal to mitigate the impacts imposed on the biotic resources:

- Much of the 56 acre high school acreage is not planned for any development and will remain unused for the present time. A land exchange of an equivalent acreage of non-sensitive land on the subject parcel may be traded for a dedication to the Rare Plant Preserve, or a lot or lots purchased for dedication to the Rare Plant Preserve on the east side of Maple Lane. This would constitute a substantial contribution to this project as an off-site mitigation measure.
- The high school development plans could incorporate open spaces of rare plant habitat on-site. These open spaces should be left in their natural state as much as possible. Such areas would require protection and/or fencing to reduce foot traffic and other disturbances. Such areas would make excellent study areas for biology classes and would provide a unique opportunity for educational programs to interpret this rare plant community.
- All lawns and artificial vegetation should be confined to playing fields and related uses. Other open areas as parking meridians and around buildings should be kept in their natural state without introduced vegetation or irrigation. Low split-rail fencing may be used to keep these areas from being trampled.

- The Rare Plant Preserve area should be fenced to prevent vehicular entry and to control foot traffic. Any dedications to this area should be carefully surveyed and recorded.
- The landscape design and initial survey on the ground should include consultation with a biological consultant. The designation of on-site open spaces or rare plant areas should be recorded with the final site approval and subdivision review. Management restrictions and guidelines should be written up under the auspices of a qualified botanist. Enforcement and maintenance of such guidelines may be provided by the high school biology or science department.

VACANT LAND

NOT A PART -

REMAINDER PARCEL

1
ACRES

PARCEL
56.0

P.M. 6204
P.M.B. 59/68

**SAN BERNARDINO
COUNTY PARK**

NORTH

1" x 500'

Map Scale

TRACT NO. 2001, M.B. 29/38

TRACT NO. 1766, M.B. 25/73,74

PLICANT

me Big Bear Properties Phone 866-2288

Address . P.O. Box 2849, Big Bear Lake, CA. 92315

LEGAL OWNER OF RECORD

ime Same Phone

Address

AP PREPARED BY :

3me **HICKS & HARTWICK:** Phone **(714) 793-2257**

(Office Use Only)

L.D. NO. 1081-0674

ZONE

GEN. PLAN

G. P. REC.

SPHERE OF INFLUENCE

FEE / RECEIPT NO.

CRON. NO.

DATE OF CONDITIONAL ACTION 4/19/82



P.O. Box 422, Fawnskin, California 92333
www.friendsofbigbearvalley.org info@friendsofbigbearvalley.com
909-878-3091

Mr. Tom Nieves, Contract Planner
County of San Bernardino
Land Use Services Department, Advanced Planning Division
385 North Arrowhead Avenue 1st Floor
San Bernardino, California 92415-0182

By email to: Tom.Nieves@lus.sbcounty.gov

RE: Final Environmental Impact Report Moon Camp 50-lot Residential
Subdivision TT No.16136 (Based on Revised Site Plan) Big Bear Lake, San
Bernardino County, California SCH No.2002021105

Friends of Big Bear Valley (FOBBV) represents a membership of over 500 local residents of and visitors to Fawnskin and the Big Bear Valley, all of whom would be directly and adversely affected by the development of the currently proposed Moon Camp project.

The parcel of land proposed for this development is home to amazing, sensitive environmental treasures. The property is bordered primarily by lake front, National Forest public lands and parcels of open space. That setting, its great value to the public and the severe impacts all would suffer from this proposed development have not been brought sufficiently into the forefront by any of the Environmental Impact Reports or by this Final EIR.

When the latest EIRs were released in 2010 and 2011, there were extensive public comments about the environmental impacts that had still been minimized, covered over or left unanalyzed. There were such major issues, that the developer took nearly 7 years to respond to those comments. Sadly, even after dozens of comment letters citing credible and documented lists of major issues with both the proposed project and the analysis, the FEIRs project proposal has only minor changes and fails to address the majority of those issues. In addition, there are many important changes in circumstances since this project was analyzed. So, despite these minor project modifications, the proposed project would still have profound impacts on the site's and the surrounding area's extraordinarily rich and precious environmental treasures.

Moving forward with this proposed project in our small community of Fawnskin would have huge detrimental impacts valley wide and beyond, on our precious natural resources, on the valley's residents and on visitors coming to our valley to visit and experience those resources that cannot be experienced anywhere else in the world.

Bald Eagles

First, the Final EIR for states that the project would have Significant, Unavoidable impacts on the bald eagles. We agree wholeheartedly that there would be Significant impacts to the bald eagles, but with the great valley of those eagles to our valley, we are completely confused why efforts were not taken to minimize those impacts in every way possible. Once the conclusion was reached that the impacts would be significant, no further analysis was done to evaluate the current situation nor were further options proposed to reduce those impacts.

Since the previous analyses of bald eagles in the area in 2002 and 2007, circumstances have changed significantly with the eagles. Since that time, a pair of bald eagles took up year round residence in the valley, began nesting and in 2012 successfully raised the first bald eagle chick in this valley in recorded history. Their nest is a very short flight distance from this proposed project site and the eagles have an continue to utilize this now empty, forested lake front site for foraging on a regular basis year round. The small bays along the site's shoreline offer year round shelter from wind and waves to the ducks and coots and quiet, shallow water to the lake's fish population. All of this offers prime foraging habitat to the eagles from the trees on the Moon Camp property. The close flying distance offers an increased chance of survival for the chicks in this nest as the parents can expend less energy supplying the large amounts of food needed to successfully raise bald eagle chicks.

According to the Forest Service this year, this nesting pair is the only nesting pair in the San Bernardino Mountains. There are only a few other widely scattered nesting pairs in Southern California. This nesting pair is the only one in Southern California that has a nest camera to allow the public a view into the world of this endangered and much-treasured species. This nest camera live streams around the world, and with it not only the story of the bald eagles, but awareness about our valley as a natural treasure in this County. This awareness has expanded nationally and internationally because of these eagles and brought with it many visitors to the valley to have a chance to catch a glimpse of our eagles in person. During the chick raising, we had between 2500 and 3000 people watching the cam at any given time. We received national and international media coverage for our valley several times throughout the nesting season. Residents and visitors all over the valley were talking about the latest status of this bald eagle family and watching with love and concern these great birds that seemed to have become part of their family. Not only are the bald

eagles valuable as an endangered species, but their presence brings big local pride and economic value to our valley and the County.

The mitigations offered for the bald eagle population in the FEIR focus on the wintering bald eagle population and do not take into account the more severe and very significant impacts that this project would cause due to the changed circumstances of this species in our valley.

Bald Eagles are still listed as Endangered in California and are still protected nationally by the Golden and Bald Eagle Protection Act. According to Forest Service counts, the average number of bald eagles in Big Bear including those wintering here has dropped from around 15 to 17 down to 6 to 8 over the past decade, primarily due to increased development in the valley. Since what has been happening in the past has already been having cumulative negative impacts on this species, continuing with that same mode of operation is not the way a responsible agency charged with the stewardship of our resources would operate.

The staff report for the planning commission hearing confirms the 'Finding' that development of this proposed project would cause Significant, Unmitigated impact to the Bald Eagles. The FEIR cites the need for housing in Big Bear Valley as a situation that overrides this significant impact to the bald eagles. According to the real estate listings in Big Bear Valley as of this past Sunday (see Hazewinkel attachment), September 30, 2018, there are 485 real estate listings for homes in the entire Big Bear Valley. There are 331 vacant lots for sale as well. In Fawnskin, there are 31 single family homes for sale. There are also 14 vacant lots for sale, to be used for single family homes. The average days on the market for these 14 lots, is 680 days, nearly 2 years! The newest listing has been on the market for 107 days and the two oldest listings have been on the market for 1627 days, or 4.4 years. Most vary between over a year and up to three years on the market. How in any context do those statistics show the county decision-makers that there is a shortage of housing in Big Bear Valley sufficient to warrant destruction or harm in any way to this treasured endangered species and to the great pride and economic boon it has brought to our valley? This conclusion in the FEIR and Finding made by the Planning Department is completely and utterly erroneous and does not even merit consideration, let alone approval

Endangered Plant Habitat

Pebble Plain habitat and many of the plants that grow on it are another special treasure that exists only in Big Bear and Holcomb (only small amounts) valleys and NOWHERE ELSE IN THE WORLD. Development in Big Bear Valley has already destroyed pebbled all but a small percentage of this habitat, so it is crucial that remaining habitat be preserved and be given every possible chance of continued survival.

The EIR and subsequent FEIR greatly understate the actual size of the pebble plain habitat situated on the site of this proposed project. According the Forest Service records, the size of extent of this special plant habitat is over 17 acres. The FEIR also relies on a misdefinition of the pebble plain habitat rather than using the broadly accepted definition from the U.S Forest Service Pebble Plain Habitat Management Guide,2002.

In addition, there are blatant errors and misleading information being presented, meant to understate the impacts. Those include, but are not limited to:

- much of the existing pebble plains on Moon Camp would be destroyed for houses
- the small portions being set aside are so small they are unlikely to survive the consequential surrounding impacts (according to expert Forest Botanists
- the major plant population on this property is ashy-gray paintbrush but the mitigation parcel being offered (Dixie Lee) has almost no ashy-gray paintbrush so it is not really a mitigation at all
- some of the rare or special interest plants on the site have not been acknowledged at all in the EIR or FEIR
- the mitigation parcel being offered has only 5 acres of pebble plain, but they are counting it as 10 for mitigation purposes
- the mitigation being offered is somewhere between a 1:1 or a 2:1 ratio (the FEIR doesn't provide sufficient detailed measurement and analysis to tell exactly), but the CFW had asked for a 3:1 ratio, which is fairly standard.
- the mitigation being offered has already been used as mitigation for the high school, so actually is not available to be used as mitigation (I have an email and documents from Tim Krantz confirming this.)

Under CEQA, the proper analysis and evaluation of the true environmental impact on this habitat and its associated species must be done prior to any decision being made about the Significance of the environmental impacts to it.

Additional Serious Concerns

--There are still major issues regarding water availability, especially in light of the continuing drought and increasing impacts of climate change that have not been taken into consideration in this FEIR. In addition, the water resources availability has been determined based on current numbers of residents with slight increases. These determinations consider only about 1/3 of the houses having full time residents and no analysis has been done on water availability if all of the homes became full time residents, which in the rapidly changing world situations both climatically and politically, this is a real possibility. Full occupancy, full-time residency must be taken into consideration

--The impacts of increased traffic and potential traffic hazards that would result from the development of this proposed project have been greatly understated.

The most recent study 2016 does not account for cars going through the curves at greater than the low 25 mph speed limit, which they do on a regular basis, so the safety determined based on 2016 study done during the lowest traffic point of the year. No winter skiing traffic, especially being guided through Fawnskin to get to the ski resorts; none of the heavy (from Memorial Day to Labor Day) summer traffic traveling at all speeds up and down Hwy 38 as the open space north shore provides lots of beautiful scenery.

--Forest edge impacts have not been properly stated nor mitigated for, especially give the lack of easily accessible and useable open space that would be available for residents of this proposed development. Lack of open space inside the development would make the nearby National Forest land, and the endangered plant habitat immediately adjacent to this project site look simply like a backyard playground. These edge impacts must be properly stated and properly mitigated.

--Given the long term drought in Big Bear Valley (a serious and major changed circumstance) and the rapidly increasing impacts of climate change (another changed circumstance because of many recent findings and changed laws), this project would create a huge increase in wildfire hazard and evacuation risks for the local community, its visitors and the valley. This must be properly stated and evaluated prior to any decision being made regarding this proposal.

--Unbridled promotion of large increases in the housing and population density within the forest that would result from setting the precedent of changing Rural zoning to Urban zoning. This land is currently zoned for rural living, 1 house per 40 acres. This project would change that to urban zoning of 1 house per 20,000 square feet and such a change would open the way for much of our rural zoning to be changed in a similar way. This potential and the impending results must be properly evaluated as a portion of the cumulative impacts before any decision regarding this proposal can be made.

--The heart-breaking impacts to our beautiful views (especially from Big Bear Lake on the South Shore and the lake) and to our officially designated county scenic highway/National Forest scenic byway have been greatly underestimated and must be properly stated and analyzed before any decision regarding this proposal can be made.

This Project Cannot Be Approved.

The MC project requires a general plan amendment to change zoning from Rural 1 house per 40 acres to single family residential 1 house per 20,000 square feet. County code requires that a general plan amendment to change zoning must be proven to be in the public's best interest and lists very specific criteria to prove that. This project does not in any way meet that code and this FEIR has completely omitted even a discussion of how that criteria would be met

by developing the proposed project. Without clear proof that this proposed project would be in the public's best interest, a general plan amendment and zone change cannot be granted and this proposed project cannot be approved.

Fawnskin is a rural area with dark skies, no street lights, no sidewalks, lots of wildlife and peaceful quiet. The beauty and darkness is enjoyed not only from the North Shore, but from the views of the boaters on the lake and by the residents and visitors to the South Shore of the lake. Destroying all of that plus what has become a valleywide and international treasure (the bald eagles nesting here) to add 50 big expensive, unneeded homes is absolutely NOT a benefit to the public.

Based on all of the above, the Friends of Big Bear Valley opposes approval of this proposed project.

We ask that the Planning Commission recommend denial of the project and that the Board of Supervisors honor that denial recommendation.

Sincerely,



Sandy Steers

Attachments:

- Hazewinkel letter (1 document)
- Dixie Lee Pebble Plain historical documents (2 documents)
- Tim Krantz email (below)

Re: Pebble Plain

Inbox



Timothy Krantz <timothykrantz@gmail.com>

to Mandy, Scott, James, Peter, me

Ju

All:

I found the Dixie Lee Lane pebble plain paperwork. I have a Biotic Resources Survey that I wrote for the project dated December 14, 1981, in which I surveyed the proposed High School site and the Dixie Lee Lane rare plant reserve parcel for the subsequent Minor Subdivision that created the two parcels from the parent parcel. The Notice of Preparation of an Environmental Impact Report was published on December 2, 1981, for the Bear Valley Unified School District. The Focused EIR was prepared by me and clearly addresses the establishment of the Dixie Lee Lane Rare Plant Reserve as a mitigation for the development of the High School and Maple Hill Elementary School from the same parent parcel. Please excuse the poor quality of the scan and report. A couple of the pages of the second scan literally came apart when the adhesive that had taped a couple of inserted paragraphs came undone, but these are not essential to the content of the report. Final engineering survey maps were completed by Hicks and Hartwick, based in Redlands. I will contact Jim Hicks, Jr., and see if he can provide me with the original survey maps that accompany the Minor Subdivision.

Best regards,
Tim

Nieves, Tom

From: John Norton <jnorton@aamfgco.com>
Sent: Thursday, October 04, 2018 7:33 AM
To: Nieves, Tom
Subject: Moon Camp development, Fawnskin, CA

Mr. Nieves: I am strongly in favor of this proposed and long delayed development (Moon Camp). I am a property owner and part-time resident in Fawnskin (Big Bear Lake). The Fawnskin Homeowners group does not represent all Fawnskin owners. Fawnskin has been "dying-on-the-vine" for years. The infusion of the development will help bring back to life our little town. The property in question has been re-designed to accommodate the complaints of interested parties as much as can be reasonably expected. I hope you help move the project forward.

Thank You: John Norton

Nieves, Tom

From: capelmmc <capelmmc@aol.com>
Sent: Thursday, October 04, 2018 7:49 AM
To: Nieves, Tom
Subject: Fawnskin development project on the planning commission agenda

Tom Nieves,

Tom, there are several reasons this project should not go forward. 1st and foremost have you been to our beautiful Valley lately and seen our decimated lake. Water sir water is the main reason this should not go through. Number 2 infrastructure, hopefully you have visited the site, how in the world can our small roads accomodate the traffic that's going to hit them. Number 3 they illegally filled in a small Marina on the property if they're willing to do things like this what are they gonna do to skirt the law and cheat when they do this development what other environmental impacts will they cause hoping to beg for forgiveness rather than ask for permission. Last but not least BALD EAGLES this project will decimate there foraging grounds; they are our nations symbol and we are so fortunate to to have them choose Big Bear as there home. There are so many homes for sale in the big bear Valley that have been on the market for over 2 years we do not need a 50 home densely populated project in the middle of fawn skin which has always been a small density area. But sir the main concerns are water water, water if we run low which we will how does that impact our major draw our ski areas and the tax base that comes with them.. We simply dont need 50 more densley packed houses. This project need to be scaled way down at the very least.

Respectfully
Marilyn Capel

Sent from my Verizon, Samsung Galaxy smartphone

Nieves, Tom

From: leonard candido <lcandido1956@gmail.com>
Sent: Thursday, October 04, 2018 8:09 AM
To: Nieves, Tom; Supervisor Ramos
Subject: Proposed Development Fawnskin

Gentlemen,

I am writing in disagreement of this proposal in Fawnskin. Wildlife is needed for Big Bear for its survival. Just another city with over priced homes that will not be filled. There are 400 homes for sale. The real estate market is in for a correction . Myself a home owner in upper Moodridge, home owners and visitors want the wildlife here. The lake is a mess, just 8 years ago it was full. Besides coyotes , wild life is barley seen now. Lets stop the greed and not build to sacrifice wildlife.

Thank You,
Lenny Candido

***FROM THE DESK OF:
LEONARD M CANDIDO***

Nieves, Tom

From: Sarah Ivar <loandjaxmommy@gmail.com>
Sent: Thursday, October 04, 2018 8:09 AM
To: Nieves, Tom
Subject: Moon Camp/Bald Eagles

Mr. Nieves-

PLEASE do not let the building of the Moon Camp happen!!! As a Big Bear resident we LOVE our Bald Eagles and so does our eco system. These animals and the grounds they forage on should be protected at all cost. The proposed construction would greatly impact their nesting grounds. Please do not let this happen.

We need to leave our earth better than we found it so our children and future children can enjoy such amazing things in life.

Please consider the impact this marina would have on them.

Sincerely,

Sarah Ivar

Nieves, Tom

From: scb4angle@yahoo.com
Sent: Thursday, October 04, 2018 8:49 AM
To: Nieves, Tom
Subject: Save our forest and EAGLES.

I am emailing you to let you know of my strong disapproval for the county to move forward with this project. This entire area should be and should stay protected bird habitat for the eagles. We have too many empty million dollar homes why make more! We need more eagles and we need to stop destroying our forests for useless houses that will never be used. Let's keep big bear the way we love it. For our forests and our beautiful eagles and other wild life. If we keep building we keep killing animals.

Nieves, Tom

From: Albert Sukowaski <suko58@ymail.com>
Sent: Thursday, October 04, 2018 9:04 AM
To: Nieves, Tom
Subject: Housing project

I really don't think that we need another housing project or marina at the lake

Let's keep these areas wild for wildlife especially the eagles which nest there yearly

What we need is more wilderness/natural areas rather than more land development

Respectfully
Albert Sukowaski
Sugarloaf CA
Sent from my iPhone

Nieves, Tom

From: Leanne Ginekis <sandycandy@yahoo.com>
Sent: Thursday, October 04, 2018 9:12 AM
To: Nieves, Tom
Subject: Eagle habitat

"I am emailing you to let you know of my strong disapproval for the county to move forward with this project. This entire area should be protected bird habitat for the eagles. We have other places to build more million-dollar homes. We need more eagles."

Thank you for your time.
Leanne Ginekis

Nieves, Tom

From: Cheryl Kent <ckentdog@gmail.com>
Sent: Thursday, October 04, 2018 10:37 AM
To: Nieves, Tom
Cc: Supervisor Ramos
Subject: VOTE NO
Attachments: KEEP THE EAGLES NESTING IN FAWNSKIN.docx

Please see my attached letter asking you to VOTE NO on the Moon bay housing project. Keep Fawnskin the way it is, small, quaint and full of nature.

Thanks,

Cheryl Kent

KEEP THE EAGLES NESTING IN FAWNSKIN...REDUCE FIRE DANGER!!!

**I, CHERYL KENT, VOTE NO ON THE BELOW MENTIONED HOUSING PROJECT
FAWNSKIN PROPERTY OWNER!!!**

The really bad news—the County just released final environmental documents for a proposed 50-home development project (Moon Camp in Fawnskin) that they say would have SIGNIFICANT DETRIMENTAL IMPACTS on these BALD EAGLES because it would destroy their main foraging grounds. (which has a huge chance of making the eagles move on to a place outside our valley to nest.) County planning is saying that the need for (big, expensive) housing in Big Bear Valley overrides these detrimental impacts on the Bald Eagles. (Note: as of yesterday, there were 485 homes and 331 vacant lots for sale in Big Bear Valley. And the average number of days on the market for vacant lots, which this project would create, in Fawnskin is 680—almost 2 years!)

It has been 6-1/2 years since many of you submitted comments on the environmental review documents for this proposal--many thought the project had gone away. Besides these major impacts to our 'world famous' Bald Eagles, this proposed project would have many impacts that would be detrimental to the whole valley for both residents and visitors--huge increase in wildfire hazard and evacuation risks.

Fawnskin is a great escape from city life, please do not destroy it!!!

Cheryl Kent
PO BOX 4
FAWNSKIN CA
562-972-7780

Nieves, Tom

From: Brandy Ayala <brandy.ayala1@gmail.com>
Sent: Thursday, October 04, 2018 2:01 PM
To: Nieves, Tom
Subject: The Moon Camp project in Fawnskin

October 4, 2018

I am writing this letter in regards to The Moon Camp project in Fawnskin. I have many concerns and am very worried about the effects this can have on our nature. As a local nineteen year old girl who has grew up and lived in Big Bear my whole life, I know that the nature is what makes Big Bear, Big Bear. When I first heard of this project I felt devastated, for I had thought that we had already commercialized Big Bear enough. I believe we have enough homes that are vacant and don't need to destroy nature just for profit.

I want all future generations to experience the beautiful nature this little town has to offer. The nature is what pulls Big Bear apart from any other places in Southern California. I remember going eagle watching in elementary school and that is something I want all kids to be able to experience. I enjoy going on hikes, runs, etc. and adoring the surrounding views and when I'm lucky, spotting an eagle. My point is that Big Bear is not only our's, the people, but also pertains to all the animals that happily live there. Moving on with The Moon Camp project won't only be wrong, but it will be taking a lot from the locals that already live in Big Bear. Why build more homes when we have enough? I think this goes way beyond necessity and becomes greedy. It would be greedy and unnecessary to move on with this project. Thank you for your time.

Sincerely, Brandy Ayala

Nieves, Tom

From: Katherine Klusky <mccreek1@gmail.com>
Sent: Thursday, October 04, 2018 2:36 PM
To: Nieves, Tom; Supervisor Ramos
Subject: approving a large proposed development project TOMORROW that has a huge chance of making these bald eagles move on to somewhere outside of our valley to nest!

I urge you not to do ANYTHING to disrupt the life process of our national bird. You know how close they came to extinction, and they are unique in the world! Anywhere they are living and nesting is a bonus and something for Americans to be proud of!

Thank you for reading this.

Nieves, Tom

From: Christine Brato <christine.b@teamaspect.com>
Sent: Thursday, October 04, 2018 7:13 PM
To: Nieves, Tom
Subject: Save the Big Bear Eagles

Mr. Nieves,

I am emailing you to let you know of my strong disapproval for the county to move forward with this project. This entire area should be protected bird habitat for the eagles. We have other places to build more million-dollar homes. We need more eagles.

Do not rip down more trees. Save Big Bear as is. Save the Eagles!!!!!!

SAVE our BIG BEAR BALD EAGLES!

**A proposed development
could destroy their foraging grounds
and send them out of our valley to nest!**

The Moon Camp project in Fawnskin
is seeking approval
at a Planning Commission Public Hearing
Thursday, Oct. 4, 9:00 am
SAN BERNARDINO COUNTY GOV'T CENTER, First Floor
385 North Arrowhead Ave., San Bernardino

County environmental documents say:
the project would create
SIGNIFICANT ADVERSE IMPACT to the BALD EAGLES
but says an overriding need for
more (big, expensive) houses in Big Bear Valley
is more important than our bald eagles.

Thank you,

Christine Brato

Nieves, Tom

From: Anna Alfano <onceuponatimera@msn.com>
Sent: Thursday, October 04, 2018 8:17 PM
To: Nieves, Tom
Subject: Development project

I am very concerned about this proposal, these Eagles will leave the area if this goes through, this area is where they live, breed, and hunt for food. Myself and my family and friend's enjoy watching these Eagles. We DO NOT WANT THIS PROJECT ! Anna Alfano, Richard Stank, Ron Stank, Maryann Stank, Mary Canneva, Tony Canneva.

Nieves, Tom

From: Ruth Brodsley <ruthbrodsley@gmail.com>
Sent: Friday, October 05, 2018 2:04 PM
To: Nieves, Tom
Subject: SAVE FAWNSKIN BALD EAGLE HABITAT

Dear Mr. Nieves,

As a resident of Fawnskin, CA, I beg you to please consider the following issues when making decisions regarding protecting the natural habitat for bald eagles in 92333 area:

- "Significant, unavoidable impacts" to our Bald Eagles (Bald Eagles are endangered in California and protected nationally) (from 50 homes and a large 55-slip private marina)
- Huge increase in wildfire hazard and evacuation risks
- Unbridled promotion of large increases in the housing and population density within the forest (This land is currently zoned for rural living, 1 house per 40 acres. This project would change that to urban zoning of 1 house per 20,000 square feet and open the way for much of our rural zoning to be changed in a similar way.)
- Major traffic issues and increase in accident risks on our narrow curving highway
- Destruction of endangered plant habitat (that exists only in Big Bear Valley)
- Wiping out a large portion of the only remaining habitat for one particular endangered plant (ashy-gray paintbrush)
- Heart-breaking impacts to our beautiful views (especially from Big Bear Lake on the South Shore) and to our officially designated county scenic highway/National Forest scenic byway
- Very real water shortage potential,*
- Irreparable damage to our dark skies and awesome quiet
- ...and much more.

Thank you for your consideration, Ruth Brodsley
39135 Choctaw Dr.
Fawnskin, CA
92333

Nieves, Tom

From: adthdfyr@aol.com
Sent: Friday, October 05, 2018 3:14 PM
To: Nieves, Tom
Subject: Moon Camp project in Fawnskin

I am emailing you to let you know of my strong disapproval for the county to move forward with this project. This entire area should be protected bird habitat for the eagles. We have other places to build more million-dollar homes. We need more eagles, not more million-dollar homes. Thank you,

A concerned citizen

Nieves, Tom

From: Shirley Espedal <espedal29@verizon.net>
Sent: Friday, October 05, 2018 10:45 PM
To: Nieves, Tom
Subject: Protect Our Eagles.

I am emailing you to let you know my strong disapproval for the county to move forward with the project. This entire area should be protected as it is a habitat for our National bird, the Eagle.

Nieves, Tom

From: Kym Mitchell <purrs1000@me.com>
Sent: Saturday, October 06, 2018 6:19 PM
To: Nieves, Tom
Subject: Fawnskin Eagles

Dear Mr. Nieves,

I was devastated to hear that the hillside above the Fawnskin eagles hunting area is possibly being developed.

My family across the United States closely follow the Eagle nest cam and celebrate and grieve with the eagle parents. These eagles are so important that I would hate to see them displaced.

My mother and I even rented a house in Fawnskin just so we could scan the sky for them! We did not see the adults but enjoyed watching the juvenile eagles feeding on the shore below Canyon Drive.

Please help to prevent any development that would effect these symbols of our great county that help to bring us all together.

Sincerely,

Kym Mitchell DVM
Montrose Pet Hospital
213-280-7999

Nieves, Tom

From: Pamela Bigelow <Pbigelow4@msn.com>
Sent: Sunday, October 07, 2018 8:19 PM
To: Nieves, Tom
Subject: Moon Camp project in Fawnskin

Dear Mr. Nieves,

I am writing to you in regards to the proposed development, "Moon Camp" in Fawnskin. I beg you not to allow the destruction of the Bald Eagles habitat in the San Bernardino Mountains. Do not allow the destruction of the eagles' nesting trees as they return to the same tree each year to breed. I have followed the Big Bear Bald eagles, Jackie, Mr. B, BBB and Stormy this entire year on Facebook as many thousands also have. I enjoy the beautiful photos, videos and posts about these majestic birds. The eagles are probably the best ambassadors to your area you will ever hope to have. I am a local So Cal gal and I know how beautiful the Big Bear area is!! Many do not! Please help to keep it that way!! Preserve this area!!!

Thank You,
Pamela Bigelow

Nieves, Tom

From: Estrada, Erica
Sent: Friday, October 12, 2018 10:23 AM
To: LUS - Duty Planner
Cc: Nieves, Tom
Subject: PROJECT INFO ON PROJECT: RCK PROPERTIES INC 0304-091-22, 0304-082-04, ETC

PAMELA AND JOHAN SCHARIN 805-455-0182
LADERAPROPERTIES805@GMAIL.COM

OWNER LOCATED AT 0304-082-23. HAS THE UNDERSTANDING THAT THIS DEVELOPMENT WILL BE TOUCHING THE SIDE OF THEIR PROPERTY. IS REQUESTING ANY INFO AVAIL ASAP PLEASE.

WASN'T ABLE TO MAKE THE MEETING ON OCT. 4TH.

CALLED IN TWICE AND HAS YET TO GET A RETURNED CALL.

Thank you,

Erica Estrada
Office Assistant III
Land Use Services
Phone: 909-387-8311
385 North Arrowhead Ave, 1st Floor
San Bernardino, CA 92415



Our job is to create a county in which those who reside and invest can prosper and achieve well-being.

www.SBCounty.gov

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Nieves, Tom

From: J and B Francuz <JFrancuz@msn.com>
Sent: Saturday, October 13, 2018 12:41 PM
To: Nieves, Tom; Supervisor Ramos
Subject: Moon Camp Comments

Importance: High

Dear Sirs,

We are opposed to the proposed development known as Moon Camp in Fawnskin. This project will have many permanent detrimental impacts on the area, both to Fawnskin and the City of Big Bear Lake in general. An abbreviated list of the impacts which will negatively affect the North Shore of Big Bear Lake include:

= Major impact on wildfire threats and evacuation within the Big Bear area. With only three avenues of escape, it was evident that all residents were not able to leave the mountain during the last major fire episode.

= Insurance companies are not renewing many policies due to the fire dangers and drought conditions in the Big Bear area.

= With many properties (both improved and vacant) on the market for extended periods of time, additional unimproved lots would overstock the market.

= The existing zoning on the Moon Camp property is for one home per 40 acres. This zoning should be preserved as originally designated by the San Bernardino County. Changing the zoning would only benefit the developers and county coffers, not the affected community area.

= North Shore is a designated scenic highway with one lane in each direction and heavy curves. The increased density and vehicular traffic proposed by this project will greatly increase safety issues along the highway, including emergency access for fire and safety officials.

= Water availability is a true shortage potential and major concern

= Endangered plant habitat to species only located within the Big Bear area

= The Big Bear area has profited from the Bald Eagle publicity within the past year. This development will disrupt the hunting/feeding/breeding of eagles on the North Shore.

We respectfully request the review of these, and many other, detrimental impacts that the Moon Camp project will have on the area.

Sincerely,

Joseph Francuz
Barbara Francuz