

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

FOF b-49

## Air Quality

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

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

FOF b-50

FOF b-51

FOF b-52

FOF b-53

FOF b-54

FOF b-55

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

FOF b-55

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

FOF b-56

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

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

FOF b-57

FOF b-58

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

FOF b-59

### Biological Resources

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

FOF b-60

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

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

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

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

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

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

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

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

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

