

Friends of Fawnskin

10 May 2004

PO Box 422, Fawnskin, CA 92333
Phone: 909-866-9682
FriendsOfFawnskin@yahoo.com

VIA FAX (909-387-3223) AND U.S. MAIL

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

RE: DRAFT EIR FOR THE MOON CAMP DEVELOPMENT PROJECT/RCK
PROPERTIES INC.: GENERAL PLAN AMENDMENT/OFFICIAL LAND USE
DISTRICT CHANGE FROM BV/RL-40 TO BV/RS-7200 AND AMENDMENT TO
COUNTY CIRCULATION ELEMENT FOR REALIGNMENT OF NORTH SHORE
DRIVE; TENTATIVE TRACT MAP #16138, AND CONDITIONAL USE PERMIT FOR
A BOAT DOCK.

Dear Mr. Slowik,

I am writing to request that the County extend the May 17 deadline for public responses to the DEIR for the Moon Camp Development Project. The DEIR is a huge document, difficult to read and requires extensive time to evaluate properly. There are many very complex impacts presented and a long list of documents and reports referred to in the DEIR but not provided. We are spending a great deal of extra time finding and reviewing the information in these other documents, plus locating information on issues that were omitted from the DEIR.

10-1

Thank you for your consideration in this request. I look forward to hearing from you.

Sincerely,

Sandy Steers
for the Friends of Fawnskin

Norman Silberfeld (Chair)
Robert Drake (Chair)
Tom Branden
Tom Brinkley

Barbara Finlayson-Pitts
Duffy Francisco
Joe Francisco
Bill Hazzard
Peter Jarris

Patricia Kious
Jim McGrew
Todd Murphy
Ery Nichols
Jill Pitts

Paul Schuh
Sandy Steers
Peter Tenneyson

Response to Commentor No. 10
Sandy Steers, Friends of Fawnskin
May 10, 2004

- 10-1 Commentor refers to extending the deadline for providing comments on the Draft EIR. Please refer to Response to Comment No. 9-1, which addresses this concern.



CALIFORNIA AND PACIFIC OFFICE

*protecting and restoring natural ecosystems and imperiled species through
science, education, policy, and environmental law*

VIA FACSIMILE AND U.S. MAIL

May 11, 2004

Mr. Matt Slowik, Senior Associate Planner
County of San Bernardino
385 N. Arrowhead Avenue, Third Floor
San Bernardino, CA 92415-0182
Facsimile: (909) 387-3223

**Re: Request for Extension of Time to Prepare Comments on the Draft Environmental Impact
Report for the Moon Camp Residential Subdivision Tentative Tract No. 16136, SCH #
2002021105**

Dear Mr. Slowik,

I write on behalf of the Center for Biological Diversity ("the Center") to request an extension of time to submit comments on the Draft Environmental Impact Report for the Moon Camp Residential Subdivision Tentative Tract No. 16136, SCH # 2002021105 ("Moon Camp DEIR"). The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 9,000 members throughout California and the western United States, including in County of San Bernardino where the project is located.

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The Moon Camp proposal is an extremely significant development proposal which will have grave environmental consequences, for example with regard to the bald eagle, a species listed as threatened under the federal Endangered Species Act, endangered under the California Endangered Species Act, and Fully Protected by the state of California. The Moon Camp DEIR consists of two large volumes that deal with a detailed and technical subject matter. Due to the importance of the environmental issues and the volume of documents to be reviewed, an extension of four weeks, to June 14, 2003, is warranted in this instance. Such an extension would give the Center and other organizations and individuals a fuller opportunity to prepare comments that should prove useful to the County in its review of this project.

Tucson • Phoenix • Silver City • San Diego • Berkeley • Shaw Island

Kassie Siegel, Staff Attorney
PO Box 493, Idyllwild, CA 92549
TEL.: (909) 659-6053 x. 302 • FAX: (909) 659-2484
Email: ksiegel@biologicaldiversity.org • www.biologicaldiversity.org

Please notify me by phone at (909) 659-6053 x. 302 or by fax at (909) 659-2484 or by U.S. mail to the address on this letterhead as to whether the County will grant the requested extension of time. Thank you very much for your consideration of this very important matter.

11-1

Sincerely,



Kassie Siegel
Center for Biological Diversity

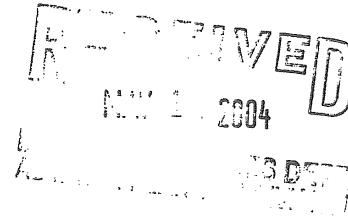
Response to Commentor No. 11

Kassie Siegel, Center for Biological Diversity

May 11, 2004

- 11-1 Commentor refers to extending the deadline for providing comments on the Draft EIR. Please refer to Response to Comment No. 9-1, which addresses this concern. Commentor also refers to impacts to the bald eagle. Please refer to Response to Comment Nos. 3-7, 13-88, 13-95 and 41-14, which address these concerns.

FRIENDS OF FAWNSKIN
P.O. Box 422
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909-866-9682



May 11, 2004

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

Attn: Matthew Slowik, Sr. Assoc. Planner

BY FAX & U.S. MAIL: 909-387-3223

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

Dear Mr. Slowik,

Due to the length and complexities of this DEIR we would like to request more time to respond and comment. It is an important but necessary task to research and substantiate our comments, and to do so properly and accurately, more time is needed.

12-1

Thank you for your consideration.

Yours truly,

Thomas Brandau
For Friends Of Fawnskin Adv. Committee

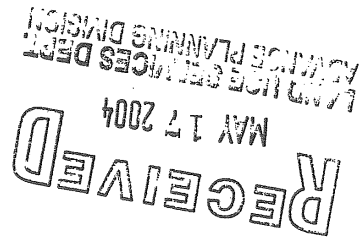
Response to Commentor No. 12

Thomas Brandau, Friends of Fawnskin

May 11, 2004

- 12-1 Commentor refers to extending the deadline for providing comments on the Draft EIR. Please refer to Response to Comment No. 9-1, which addresses this concern.

FRIENDS OF FAWNSKIN
P.O. Box 422
Fawnskin, California 92333
909-866-9682



May 15, 2004

HAND DELIVERED

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

Attn: Matthew Slowik, Sr. Assoc. Planner

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

I. INTRODUCTION and SUMMARY

On behalf of the membership of Friends Of Fawnskin we would like to thank the San Bernardino County Land Use Services Department Planning Division for the opportunity to comment on the Draft Environmental Impact Report for the proposed Moon Camp residential development project, General Plan amendment, land use district change, circulation amendment, tentative tract map and conditional use permit for a boat dock (collectively, DEIR). Friends Of Fawnskin (FOF) represents a membership of over 600 local residents of Fawnskin, California, all of whom would be directly and adversely affected by the development of the proposed Moon Camp project. FOF has been working consistently to maintain and protect the historic small-town, nature-oriented atmosphere of Fawnskin on the north shore of Big Bear Lake. Residents and visitors who have chosen to come to Fawnskin have done so primarily because of the current character of the town. We feel that it is imperative to the rights of these individuals that the basic essence of this character be preserved.

The FOF is strongly opposed to this proposed Moon Camp development project because this project, as proposed, would have extensive adverse effects on surrounding properties, on the entire community of Fawnskin and on the Big Bear Valley as a whole. The FOF urges the County not to allow the significant impacts and multiple harmful effects that would occur should this proposed project be approved. We support the RL-40 designation of this property as it is currently zoned in the County's General Plan and strongly advocate the maintenance of this designation.

In reviewing the DEIR, the FOF has found it to be incomplete, inaccurate, and defective. The DEIR fails to adequately evaluate the severe adverse effects of the proposed project and grossly downplays and understates the significant and unavoidable impacts that would be caused should it be approved. FOF's objections to this proposed project and the inadequacies of this DEIR are set forth below. Please include this letter in its entirety as part of our formal CEQA comments to be

County of San Bernardino; Land Use Services Department, Planning Division
 Attn: Matthew Slowik, Sr. Assoc. Planner
 RE: "DRAFT EIR FOR THE MOON CAMP DEVELOPMENT PROJECT/RCK PROPERTIES INC.: GENERAL PLAN
 AMENDMENT/OFFICIAL LAND USE DISTRICT CHANGE FROM BV/RL-40 TO BV/RS-7200 AND AMENDMENT TO
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included in the Environmental Impact Report. In summary, we object to this development project, as proposed, for the following reasons:

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II. GENERAL PROCEDURAL COMMENTS

- The DEIR Cumulative Analysis in all areas fails to adequately assess the cumulative effect of the subject project in the context of other past, present and proposed future projects. Section 4.0 omits two large projects—the Castle Glen development in Big Bear Lake and the tripling in size of the Big Bear Discovery Center to accommodate increased tourist traffic. Those, plus the ones listed (Cedar Dell, Marina Point and proposed moving of the Zoo—all in Fawnskin) add extensively to the already significant cumulative impacts of this proposed project on Fawnskin, the North Shore and the Big Bear Valley. In addition, two other parcels (one 30 acres and one 7.5 acres) very near the Moon Camp property are in the early stages of proposed development. And the cumulative impact of all the combined projects is underestimated and downplayed throughout every section of the document. 13-2
- The DEIR fails to consider that there is still no defined water supply for the site and as such, according to current **state law**, this **proposed project absolutely cannot be approved**. (Our comments under the section on water present details on this.) 13-3
- The DEIR in all sections fails to define how each mitigation item will be implemented and who would be accountable for the implementation of these measures. It also fails to mention who will monitor and enforce proposed mitigation. Without the specific and enforceable details, such mitigations cannot credibly or verifiably reduce the level of significant impacts. 13-4
- The DEIR analysis failed to consider input from California Department of Transportation (necessary to give input to the rerouting of the scenic highway), the United States Forest Service (the proposed development is adjacent on the north and east to the USFS which has needs to address eagle and biological concerns), the California Department of Fish and Game (input necessary for shoreline and streambed areas), the Army Corps of Engineers (input necessary for dredging to deepen a site for boat docks), and the Big Bear Lake Municipal Water District (input necessary for dredging and the marina). 13-5
- The DEIR fails to consider the "No Project/No Development" and the "No Project/ Existing Designation" Alternatives as viable alternatives in Section 7.5 and fails to state specifically which is the "Environmentally Superior" option. 13-6
- The DEIR fails to analyze the impacts that would be caused by the increasing percentage of full-time use of the homes, when across the mountains, more and more homeowners are moving full-time to their mountain retreat (with Crestline now up to 70% full time and climbing rapidly). The impact of full occupancy of the 92 proposed houses must be evaluated in each area of the analysis. 13-7

For each of the above reasons, and for the reasons that follow, the DEIR should be rejected.

III. LAND USE and RELEVANT PLANNING

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- In Section 5.1.1 the DEIR fails to reference or consult the valuable study mandated in General Plan Ordinance OR-3-d. "Prepare a report outlining the economic effects of open space, focusing on potential tourism revenues, the effect of open space on adjacent property values and the relative costs of providing open space management or urban services for a site." Since this property is now open space and since the current zoning serves to leave it in primarily an open space state, this study must be completed. 13-8
- In section 5.1-2, the DEIR states that according to the General Plan, a Land Use District Change requires that: "The proposed land use District change is in the public interest, there will be a community benefit, and other existing and permitted uses will not be compromised." This proposed zoning change is absolutely not in the public interest and would have substantial adverse effects on the community. These adverse effects would include a dramatic change in the size and character of the Community of Fawnskin, water, views, etc. The most critical of these adverse effects would be the resulting threats to public safety and public health. In addition, the existing use of a large portion of open space, which has been shown in studies to have significant tangible value, would be compromised with the proposed zoning change. The proposed change would obstruct public lake views from the highway in one of the few places remaining where the public can view the lake from the highway, and views from the lake and south shore of the scenic North Shore. 13-9
- In section 5.1-2, the DEIR states that according to the General Plan, a Land Use District Change requires that: "The proposed land use District change is consistent with the goals and policies of the General Plan, and will provide a reasonable and logical extension of the existing land use pattern in the surrounding area." The proposed zoning change would not be a logical extension of the existing land use pattern. Since only about 42% of the properties boundaries are homes, this is not at all a logical extension of the land use pattern. A "logical extension" following the argument used in the DEIR would be for this property to be made available for public use and enjoyment, as is the majority of the property surrounding it. (58% of the properties boundaries are National Forest and lake, all public open space.) 13-10
- In section 5.1-2, the DEIR states that according to the General Plan, a Land Use District Change requires that: "The proposed land use District change does not conflict with provisions of this Code, or any applicable specific code." This proposed zoning change conflicts with the County's General Plan Code C-56 "Restrict development along scenic corridors." This proposed change would serve to increase rather than restrict development along a designated scenic highway. 13-11
- In section 5.1-2, the DEIR states that according to the General Plan, a Land Use District Change requires that: "The proposed land use District change does not conflict with provisions of this Code, or any applicable specific code." This proposed zoning change conflicts with the County's General Plan Code C-55 "Preserve and protect outstanding scenic resources of San Bernardino County for their continued future enjoyment." This proposed change would serve to degrade, not protect the outstanding scenic resources of this area. 13-12
- In section 5.1-2, the DEIR states that according to the General Plan, a Land Use District Change requires that: "The proposed land use District change does not conflict with provisions of this Code, or any applicable specific code." This proposed zoning change conflicts with the County's General Plan Code OR-59 "Because public health and safety can be protected through the use 13-13

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of open space, the County may maintain open space where flood, *fire*, geologic, seismic hazards, noise or other conditions endanger public health and safety." This proposed change would pose a substantial risk to the protection of the public's health and safety by reducing the supply of water available for fighting fire and increasing the number of people that would need to be evacuated from Fawnskin in the event of wildfire threatening the community. It would also increase the ratio of structures to wildland in this urban/wildland interface, which fire fighters recognize as the most difficult and costly to defend, while this area is already under a State Emergency Proclamation. This change would therefore be contrary to this ordinance and irresponsible on the part of the County.

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- In section 5.1-2, the DEIR states that according to the General Plan, a Land Use District Change requires that: "The proposed land use District change does not conflict with provisions of this Code, or any applicable specific code." This proposed zoning change would conflict with the County's General Plan Code D-51 "Ensure that the quality of life of County residents is not depreciated by future growth." This proposed changes would in fact serve only to depreciate the quality of life of the surrounding Fawnskin residents, as well as County residents throughout Big Bear Valley by allowing for future development of this property, with attendant traffic, pollution discharge and other detrimental effects.

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- In section 5.1-2, San Bernardino County Development Code, the DEIR states that according to the General Plan, a Land Use District Change requires that: "The proposed land use District change does not conflict with provisions of this Code, or any applicable specific code." This proposed zoning change conflicts with the County's General Plan Code in Section III C, Mountain Region, "The physical/natural constraints of the region and the lack of adequate water supply and infrastructure facilities needed to support higher density development preclude higher intensity uses." Since the General Plan wisely saw fit to zone this property RL-40 to preclude higher density uses, this proposed change is in direct conflict with the General Plan.

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- In section 5.1-2, the DEIR states that according to the General Plan, a Land Use District Change requires that: "The proposed land use District change will not have a substantial adverse effect on surrounding property." The proposed zoning change in fact would have a substantial adverse effect on the surrounding property, by increasing public health and public safety risks and by substantially blocking views and decreasing property values. Existing property owners of surrounding properties bought their property and homes with the knowledge that this Moon Camp property was zoned RL-40 and the property rights of all these individuals must be protected by the County.

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- The proposed project would not satisfy any of the requirements stated in the General Plan for allowing a zoning change. Therefore, the DEIR statements are false and the DEIR failed to adequately assess the collective or combined effect of both the project in question and other foreseeable projects. See Kings County Farm Bureau v. City of Hanford, 221 Cal.App. 3d 692.

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- The DEIR states in Section 5.1-3 that this proposed project, combined with other future development, would increase the intensity of land uses in the area, but concludes that the impacts are less than significant. This is an erroneous conclusion. The direct and cumulative effects of this proposed zoning change in total with the proposed Marina Point development project, the proposed Brookside development project, the expansion of the Discovery Center and

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the other projects currently in development in Big Bear Valley would cause a significant and unavoidable impact to Fawnskin and the surrounding communities.

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- The proposed zoning change would have the potential to increase the population of the Community of Fawnskin by at least 34%. Such a substantial increase in the size of a community has a multitude of adverse impacts on the infrastructure and the character of the area and would be a significant and unmitigable impact.

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- In section 5.1-2, San Bernardino County Development Code, the DEIR states that according to the General Plan, a Land Use District Change requires that: "The proposed land use District change does not conflict with provisions of this Code, or any applicable specific code." This proposed zoning change conflicts with the Land Use Element policy, which the DEIR states is "relevant to the proposed Project." This policy, LU-2, states that one of the actions that shall be implemented is "(a) Require that the design and siting of new residential development meet locational and development standards that ensure compatibility with adjacent land uses and community character." The proposed project is designed as a suburban residential tract with cul-de-sacs, street lighting, curbs, etc, which in no way matches the surrounding unique historic small town community. Thus, the associated proposed zoning change once again conflicts with the County's code and therefore cannot be allowed.

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- In section 5.1 and Table 5.1-1, the DEIR states that the surrounding residential property is Improvement Level-1, but the surrounding properties in reality have Improvement Level-3 – there are no curbs and gutters, there are no sidewalks, there is nearly no street lighting at all. Nowhere in Fawnskin do any of the residential areas match the "high density development in urban areas" as specified by IL-1. Allowing the development of this proposed project at an IL-1 level is completely out of character with the rural, mountain character of the existing community and would be a significant unmitigable impact.

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- Section 5.1 in the DEIR states that in the amendment to the Transportation/Circulations Maps with the changing in alignment of State Route 38, a less that significant impact would occur. Considering that this is a County designated Scenic Highway and that the views from this Scenic Highway would be completely lost and replaced with a view of the wall of a gated community, this analysis is invalid and this change would create a significant and unavoidable impact.

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In summary, the DEIR statement that "No unavoidable significant impacts related to Land Use and Relevant Planning have been identified" only emphasizes the inadequacy of this DEIR. For all of the reasons stated above, there are many **significant and unavoidable impacts related to Land Use and Relevant Planning**. For the potential increases in public safety and public health risks alone, it would be completely irresponsible of the County to approve the proposed zoning change.

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IV. RECREATION

- Section 5.2-1, Expansion and/or construction of Recreational Facilities, of the DEIR states on page 5.2-4 that the proposed construction of marina facilities may have an adverse impact on the physical environment, but that these potential impacts are concluded to be less than significant. This analysis is invalid and the impacts have been significantly understated since 1) construction of these facilities would require dredging of the lake in shallow-water bald eagle

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foraging habitat, and 2) since no analysis has been done on storage of boats during the seven months of the year when they are not in use and since the use of these facilities with residents pulling boats and trailers in and out of the facility has not been accounted for in the traffic study. The permanent impact of additional traffic on the lake, with related noise, fuel emissions and loss of space on the lake for fishing and boating activities due to entrance and exit traffic has not been addressed.

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- Section 5.2-1 of the DEIR bases all calculations on a weekend use factor of 9%, which is the yearly average. This use is actually seasonal and is closer to 60% during summer weekends, with 90% expected on holiday weekends. The impacts these proposed facilities would have has been underestimated, making the analysis invalid.

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- In section 5.2-2 of the DEIR statement that "Public access to the lakeshore would be maintained at the eastern and western boundaries of the site" is erroneous since the proposed project maps and plans show no public access corridors designated and since the lakefront portion of the proposed project would abut to existing homes on the east and to the proposed Marina Point development project on the west. The DEIR also failed to consider that all land below the high water line of Big Bear Lake is open to public access. Even if this land remains technically open, the perception that the land is private will be created by the adjacent gated community, and access to this public resource will inevitably be restricted.

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V. PUBLIC SERVICES AND UTILITIES

A. Fire Protection

- Under Section 5.3, the analysis of Fire Protection is based on Fire Risk level 2, but all mountains areas in the County have been upgraded to Fire Risk level 1. This makes the DEIR's entire analysis of Fire Protection invalid.

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- Section 5.3.1a states that "The fire flow requirement shall be 1750 gpm @ 2 hours based on homes in the range of 3,600 to 4,800 square feet, and 2,000 gpm @ 2 hours for homes greater than 4,800 square feet" when nowhere in the DEIR does it explain where this water capacity will come from nor even that the findings are supported by County Fire.

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- The DEIR in no way justifies how the fire sprinklers specified in Section 5.3.1b are an equivalent tradeoff for additional manpower. Especially in cases of forest fires, internal sprinklers would do nothing to stop the trees and brush around the homes from burning and spreading the fires. This mitigation completely underestimates the issue of fire risk in the mountains and ignores the risk created by additional sources of fire, such as chimneys, barbecues and potential traffic accidents or utility failures.

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- Section 5.3-1c says that the fuel modification would not terminate at the property line, but nowhere in the DEIR is there an analysis of the likelihood of obtaining a permit from the U.S. Forest Service (and in fact, they were not even contacted during the analysis), so this mitigation has no merits unless the 100-foot fuel modification requirement is to be contained completely within the project boundaries.

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- The mitigations listed in 5.3-1e and 5.3-1f are based on homeowners complying with HOA standards and offer no plan for enforcement. This is completely impractical and these mitigations do not reduce significance. 13-31
 - The DEIR does not address Fire Evacuation plans for the area, so nothing was included in section 5.3-1 regarding the cumulative impact more houses will have on fire evacuations from Fawnskin and Big Bear Valley. In the October 2003 wildfire evacuation, with a few days of warning and with minimal tourists in the area, it still took 6 hours to get off the mountain. No analysis was done on the impact increasing the size and population of Fawnskin by 34% will have on fire evacuations, especially should a forest fire start in the Valley or near Fawnskin. A further analysis is required, which considers the situation in which access to either highway 18 or Highway 38 is impaired due to the location of a fire. 13-32
 - 90% of all County (Fawnskin) Fire Department calls are for medical aide. The DEIR does not address what the cumulative impact of this additional proposed development will have on the local station (Station 49) regarding medical aide. 13-33
 - No analysis was done on the how the additional homes of the proposed development would increase the urban/forest interface in Fawnskin and how much the fire risk will increase accordingly. 13-34
 - The impact on fire risk from fuel storage and fuel spills at the proposed marina, and from fuel tanks on boats stored or parked at the proposed private marina have not been evaluated in the DEIR. 13-35
 - The Insurance Service Organization (ISO) has stated that Fawnskin is in a high fire danger area (9 on a 1-10 basis). The EIR does not evaluate whether adding additional homes will increase the likelihood of fire insurance becoming unavailable for the Fawnskin residents and especially for second homeowners who already have a challenge in obtaining fire coverage. 13-36
- For the reasons given above, the DEIR is incomplete, inaccurate, and defective in its analysis of fire protection and the development of the proposed project would clearly create **significant and unmitigable impacts to Fire Protection.** 13-37

B. Police Protection

- Section 5.3-2 uses the average response time for emergency calls to the entire unincorporated area is invalid – only average times to the Fawnskin area should be used due to its distance from the Sheriff's station compared with other unincorporated areas. This analysis should be required to address response time on summer and holiday weekends, the more likely time the proposed project will be most densely used. 13-38
- Section 5.3-2 uses the number of calls handled for the entire unincorporated area and not for calls within Fawnskin, nor does it evaluate the increase in calls to Fawnskin expected with an increase of 34% in Fawnskin's population that would be likely occur with the development of this proposed project. There is currently one officer for the entire area and police services are spotty at best and often non-existent. 13-39

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- No analysis was done in the DEIR on police response times and abilities for "other than emergency" calls.

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The conclusion that the impact police protection is less than significant is based on irrelevant and insufficient data.

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C. Water

Although the DEIR does state that the water issue cannot be mitigated to below the level of significance, the analysis that is offered grossly understates the current water crisis.

- Section 5.3-6 incorrectly states that this proposed project is exempt from SB221 (which states adequacy of water supplies for the proposed project must be determined). As the DEIR points out, SB221 applies to any subdivision that increases connections by 10% or more. Since Fawnskin is actually a separate water system (we do not have water lines coming from the City of Big Bear Lake) and independent from the rest of the DWP's service area and the rest of the Valley it must be considered separately in the calculations. There are currently 673 connections in Fawnskin, 92 additional connections would be a 14% increase, so SB221 does apply.
- Section 5.3-6 bases potential water supply on 2 wells (FP-2 and FP-3) drilled on the property in 1987 and any assumption for potential water supply from these wells is inaccurate without further study. According to the Big Bear Lake Municipal Water District's Watermaster report (which was not utilized as reference material in the DEIR analysis) the average rainfall over the past 5 years compared to the 5 years prior to 1987 was 37% less at the dam and 51% less at the Big Bear Lake Fire Department. Without the presentation of this information and an associated analysis and evaluate of the potential well production, the DEIR is incomplete and inaccurate and understates the level of significance of the impact of this proposed project on water service.
- Section 5.3-6 fails to address the high potential for mineral contamination of the wells that were drilled in 1987. Many wells around the Valley are highly contaminated with fluoride, iron and other minerals and must be mixed with other water containing less minerals before it can be used. The DEIR does no evaluation of the potential mixing water requirements.
- Mitigation measure 5.3-6a states that water supply has to be proven prior to building permits. Given the current drought conditions in Fawnskin (and the mountains in general), with rate increases and water restrictions already in place, the County would be derelict in its duties of protecting the public health and resources available to current residents if it did not require the water supply to be proven prior to approving any change in zoning and prior to approving this (or any) proposed development project.
- Construction water has not been addressed in the DEIR. For construction work that would take place during the summer, which would be all work since the DEIR offers a mitigation measure in section 5.8-1g that prohibits exterior construction between December 1 and April 1 of each year, there would be a significant amount of water used. Although there are current requirements that construction water come from reclaimed sources, these requirements are routinely violated. The DEIR is incomplete in not addressing this impact. As a mitigation measure, the project sponsor should be required to pay for additional enforcement resources dedicated to the immediate area.

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- The mitigations listed in Section 5.3-6d regarding landscape and outdoor watering are completely inadequate and illusionary. The mitigations listed are based on DWP's Stage 1 water restrictions, while we have already moved to Stage 2 water restrictions and DWP has announced that we could be moving to Stage 3 water restrictions before the end of summer. In addition, there is no information regarding how these mitigations would be enforced and current experience shows that the existing water usage restrictions already in force throughout the Valley are not being followed nor enforced.

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- There is no analysis in the DEIR that takes into account the effect to the proposed water supply caused by of private wells recently dug in Fawnskin, so the water analysis once again is completely inadequate and understates the significant impact this proposed project would have on water service and availability.

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D. Electricity

- Section 5.3-9 states that project implementation would result in an increased demand for electricity, but that impacts would be less than significant. We are currently facing increased rates to pay for system upgrades that Bear Valley Electric (BVE) is building, and this additional capacity is only calculated to handle peak period overloads. BVE says no more electricity can be brought up the hill, and we are already facing short supplies, so ANY additional development, including this proposed project, would create significant and unavoidable impacts on electricity service capabilities throughout Big Bear Valley.

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- Section 5.3-9 states that an alternative for providing power to this proposed project would be to place a power source at the site. This alternative is totally unacceptable due to the extensive additional adverse impacts it would have on the community and environment in terms of noise, reduction in air quality, and harm to wildlife at a minimum, and none of these impacts were discussed or analyzed in the DEIR.

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VI. Aesthetics/Light and Glare

Even though the DEIR states that there would be a significant and unavoidable impact that cannot be mitigated for the view areas on all sides of the proposed project, the DEIR analysis greatly understates and downplays the level of significance of the impacts regarding Aesthetics, Viewsheds, Light and Glare.

13-51

- Section 5.4 of the DEIR failed to consider the requirements of the San Bernardino County Light Ordinance, which has been adopted by CSA 53B, in who's area the proposed project is located.
- From the DEIR: "Implementation of the Moon Camp project would adversely impact scenic resources, scenic vistas and the visual character of the site and its surroundings. Analysis has concluded that a significant and unavoidable impact to the visual character and viewshed from the project site and surrounding areas would occur which cannot be mitigated to a less than significant level." The mitigation measures that follow are more a sales pitch and sugar-coating

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for the proposed development than meaningful measures to correct or reduce the acknowledged impacts."

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- The simulated views in Section 5.4 do not include the housing density that is proposed and they are not done to the correct scale. In addition, by choosing to show the views from an angle toward the east, the angle used seriously misleads as to how the view will appear from the houses above the proposed project. All of this serves to grossly understate the impacts this proposed project would have on the overall views.

13-54

- The views used in Section 5.4 show an exceptional number of full-grown trees (between and near the homes) when in actual construction it would be highly unlikely that these trees would survive and new trees would take 50-100 years to grow to that size. This downplays, distorts and misrepresents the overall impacts the proposed project would have.

13-55

- The DEIR in section 5.4 fails to consider the visual impact of a 100-boat marina and the cumulative visual impact of the adjoining proposed Marina Point 175-boat marina, nor does it makes plans for nor account for the visual impact of parking for usage of this proposed marina.

13-56

- The DEIR does not address off-site storage locations for the 100 boats and trailers associated with the proposed marina, nor does it include any mitigations to keep them from being stored at each of the homes, thus increasing the level of significance of the impacts of this proposed project to the aesthetics.

13-57

VII. Traffic and Circulation

The analysis of traffic and circulation in the DEIR is inadequate because it is based on false assumptions:

- The "project" and "baseline" traffic analysis in the DEIR is based on the constant growth rate of traffic over the past 10 years. This is not accurate, given the accelerating growth in Southern California, and particularly in San Bernardino and Riverside Counties. The growth rate within Big Bear Valley itself (as stated in the DEIR in section 6.3) shows that the annual average in population growth from in the 2 years 2000-2002 is 14 times the annual average from 1990-2000 and the annual average in number of houses built from 2000-2002 is over 8 times the annual average from 1990-2000.

13-58

- The DEIR also assumes that peak hour traffic in the area is the "standard" AM and PM peaks. Given the mix of residential and recreational traffic, it is not clear as to when the peak period actually is.

13-59

- In the intersection analysis (both the ICU and delay), the DEIR uses values of lane capacity that, although acceptable under ideal dry weather conditions, would be wildly optimistic (and practically unachievable) under snowy or slick road conditions. If a peak month is during the winter tourist season, the whole traffic analysis is in error, and grossly underestimates the negative impact generated by the proposed development. The analysis as it now stands assumes an intersection capacity based on the most ideal conditions (e.g., dry weather, 12-ft lane widths, no parking, fairly aggressive driving, perfect visibility, etc.) Both the existing level of

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service (LOS) and negative impacts would be exacerbated if these conditions are not fully met; for example, recalculation of existing LOS using a reduced capacity might move some of the intersection approaches into a LOS category that has a different (*i.e.* lower) threshold for being designated as "significantly impacted." Also, such proposed mitigation measures as widening approaches might be rendered totally ineffectual if, for example, plowing only provides a limited travelway.

13-60

- Section 5.5.31: The DEIR failed to state why the developer is only paying a pro-rata share of a traffic signal at the Stanfield Cutoff. If this proposed project causes the impact, it should bear the full cost. Also, if traffic impacts from this proposed project are significant enough to require a signal at Standfield Cutoff, then the DEIR does not support its own conclusion that there is no significant impact to Fawnskin from this traffic.

13-61

- The DEIR does not consider alternate routes since all exits from the 92 residential sites funnel into a two-lane highway (Route 38), along with 134 sites at the adjacent proposed Marina Point development.

13-62

- The DEIR failed to correctly consider the impact that straightening Route 38 will create. A straightened Route 38 will become the "Gateway" to the Big Bear Valley; the most direct route to Stanfield Cutoff, the valley's central crossing, and will become the route of choice for all commercial traffic. This negates all traffic figures, trips, and volume studies assumed by the DEIR. By not considering this impact the DEIR analysis is completely inadequate and invalid.

13-63

- The DEIR does not take into account CalTrans information that Route 38 currently has a poor (congested) rating, and cannot adequately support the increased traffic ninety-two more homes and a marina would bring.

13-64

- The DEIR does not address the potential for an increase in accidents and traffic jams at both ends of the proposed straightened portion of State Route 38. Straightening this portion of the highway would substantially increase the average speed of traffic through this section, but curved portions of the roadway would still remain at both ends of this straight section, causing traffic to make sudden and hazardous reductions in speed.

13-65

Given all of the above information, the development of the proposed project with or without the straightening of the highway would cause significant and unmitigable impacts regarding traffic and circulation in the area.

13-66

VIII. Air Quality

- The DEIR fails to include either dispersion or photochemical modeling to predict the impact of the project on the concentrations of pollutants that will actually occur in the air in Big Bear Valley, nor the formation of toxic *secondary* pollutants *formed* by chemical reactions in air, *e.g.* ozone. It simply uses an emissions model to calculate the number of pounds per day of *primary* pollutants that will be emitted *directly* by the project, and compares these to regional threshold values given in South Coast Air Management District (SCAMD) "look-up tables".

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- The DEIR fails to address emissions of three important air pollutants: SO_x, lead, and toxic air contaminants (TACs). In the latter case for example, the threshold specified by the SCAMD is a maximum incremental cancer risk that is ≥ 10 in 1 million. The EIR does not identify the increased carcinogens that will be associated with the project and does not assess their impact against such a standard. 13-68
- The DEIR does not adequately address the impacts of the increased wood smoke emissions from fireplaces and wood stoves. 13-69
- Table 5.6-1 does not include California's standard for visibility reducing particles, the current levels in Big Bear Valley, and how the project would impact this. In addition, it does not address these same issues with respect to the California annual standard for PM₁₀ (20 $\mu\text{g m}^{-3}$ annual arithmetic mean). 13-70
- The serious impacts of the project on health are not adequately addressed in the DEIR. This is of particular concern with respect to fine particles (PM_{2.5}) from diesels and from wood combustion. 13-71
- The DEIR omits the most important effect which cannot be mitigated (at least for those impacted) and that is increased mortality. It is the increase in deaths due to particles that form the basis for the most recent particle standards [e.g. see Colburn and Johnson, *Science*, 299 665 (2003)]. 13-72
- Emissions of toxic air contaminants, TACs (California)/hazardous air pollutants, HAPs (federal) from all of the sources associated with the project, both mobile sources and stationary sources, are not treated adequately, despite existing standards for TACs/HAPs. 13-73
- The mitigation measures cited for air quality include the use of EPA certified fireplaces and the use of a catalytic converter on the chimneys. However, there is no legal mandate to do so and hence assuming that this will happen is highly dubious. The DEIR does not address the continuing cost of monitoring and enforcing the maintenance of such devices or the fact that enforcement resources are already inadequate. These mitigations are therefore illusory. 13-74
- Page 5.6-18 describes future hydrocarbon emissions standards for watercraft. However, it is not clear if these were included in the emissions estimates, or if they were, if it was assumed that all watercraft associated with the project would meet these new standards. This would be equivalent to assuming that the project residents would be continuously purchasing new boats as the standards changed, a highly unlikely scenario. Furthermore, there is no treatment of emissions other than hydrocarbons from watercraft, and the associated impacts on air quality. 13-75
- Nothing has been included in the air quality analysis in section 5.6 to evaluate the effects of a local power generating plant that was suggested in the DEIR as a possible mitigation for impacts to electricity service. 13-76

Given the above reasons, the overall air quality analysis in the DEIR is completely inadequate and even though the DEIR has concluded that the development of this proposed project would cause significant and unavoidable impacts on air quality, those impacts have been grossly underestimated. 13-77

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IX. Noise

- The noise section of this DEIR utilizes data which is decades old, making the analysis inadequate. The noise levels that would generated, both during construction and of a permanent nature, would have significant continuing negative impact to wildlife and recreational use as well as to neighboring residents. 13-78
- The statement in section 5.7-1 paragraph 3: "A 3 dBA change in sound pressure level is considered a "just detectable" difference in most situations" is incorrect. A 3-decibel increase doubles the sound pressure level of any signal. All of the conclusions that come from this flawed data are incorrect, and are the basis for much of the noise analysis of the DEIR. 13-79
- In Section 5.7.2: the DEIR failed to consider the funneling effect of noise from the highway into the adjacent residential areas. The proposed project site is at a crossroads in Fawnskin. The terrain rises sharply to the north and residences dot the hillside. The construction and permanent noise from the development will have a continuous negative impact to the quiet enjoyment of the lake, and the residents on the hills above, are, in some cases, less than 100 airborne feet from the project. 13-80
- Section 5.7-4 the last paragraph states "Existing sensors within the vicinity of the project...." In fact, the sensors used in the analysis are not in the vicinity of the proposed project and therefore are not registering correct SPL's. Most of the DEIR's noise data are from sensors that are completely out of the area of the site. No accurate measurement of current SPL levels is found in this document, so this analysis is flawed and inadequate. 13-81
- Per the chart 5.7-5: 85db, which is at the top end of "clearly unacceptable" as community noise exposure, will be exceeded by the construction and permanent noise from the proposed project. A realistic analysis of the gross noise generated from this project is in excess of what is labeled "clearly unacceptable." 13-82
- From 5.7-7 last paragraph: "The (computer) model does not account for ambient noise levels or topographical differences between the roadway and adjacent land uses". The steep rise of the terrain to the north is significant and does not factor into the DEIR's computer model. If the terrain were considered in the analysis, the noise levels would have been found to be undeniably significant. 13-83
- The data used in the Noise analysis using data from the Traffic Analysis report is completely inadequate and understates the noise impact, since the traffic analysis was flawed and invalid. 13-84

Even though Section 5.7-10, finds that: "This project will expose persons to noise levels in excess of the standards established in the general plan. It will create a substantial permanent increase in ambient noise above existing levels," it does so on a basis of underestimates of the true level of the significant impacts that the development of this project would have regarding noise. 13-85

X. Biological Resources

The DEIR's evaluation of the impacts on Biological Resources is incomplete and inadequate.

- In section 5.8, there is no analysis in the DEIR of the impacts that would be caused by removal of a substantial number of trees for moving the highway and creating internal roads, nor for the subsequent removal of additional trees for building houses. 13-86
- The DEIR analysis in section 5.8 fails to address the osprey, common visitors to the site. 13-87
- The mitigations proposed to protect the bald eagle habitat as proposed are impractical and ineffective, and the DEIR fails to recognize that in prior developments in the Big Bear valley, where the same bald eagle mitigations were instituted (e.g. Castle Glen), the bald eagles have been effectively driven from those projects. 13-88
- The potential removal of additional trees to support Section 5.3-1c mitigation for a 100-foot fuel modification is not analyzed anywhere in the Biological Resources section. 13-89
- In Section 5.8 drought-year botanical surveys yielded an incomplete assessment of rare plants. The result is an inaccurate document that clearly understates the expected extent and significance of impact to rare plants. 13-90
- The DEIR fails to include analysis of the impact to wildlife based on increases in road-kill from the increased traffic nor from the proposed highway realignment. 13-91
- Mitigation measure 5.8-1a which is supposed to reduce rare plant impacts to below significance relies on a process that has not been established or tested and is very vague and speculative. This measure as stated would not reduce impacts to special status plants and habitat to below significance. Plant surveys for areas that will be destroyed by road and other infrastructural construction need to be mitigated but this is not stated, again an incomplete measure. 13-92
- It is apparent from Highway 38 and properties on Flicker Road, that "open Jeffery pine forest" as characterized in the document meets the habitat definition of pebble plains, and supports special status species across 17.38 acres. As such, the impact is not just 0.69 acres as considered in the analysis, but the entire 17.38 acres. 13-93
- At a 3:1 mitigation ratio, it will be difficult if not impossible to find a willing seller of over 50 acres of pebble plains and associated rare plant habitat as 50 acres is approximately one quarter of the total available acreage on private land. The DEIR also fails to state that the cost of the parcel needs to be based on a current appraisal of Bear Valley acreage, plus a reasonable dollar amount for management. 13-94
- In 5.8-1c mitigation for eagles: the analysis understates expected impacts to trees and eagles. Removal of 655 trees (24% of 2,772) as stated under 5.4-1 and 5.4-10 are not analyzed or disclosed under biological resources. This impact would constitute the removal of substantial eagle roost habitat. While a mitigation for eagles states that all trees over 20 inches in diameter will be protected, it applies only on individual lots and does not hold the developer to that standard in road cutting and other structural changes required for the proposed project. In so doing, the DEIR fails to provide a credible plan for protecting the perch trees as required by 13-95

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county code, which restricts removal of bald eagle perch trees "w/o adequate substitution", county code 89.0110(a). With normal exceptions to county code restrictions, the inevitability of tree cutting to create individual lots, and the removal of hazard trees and others to comply with fire clearance, this proposed project will significantly impact bald eagles and their habitat. The analysis is misleading in pretending that this mitigation will actually protect the bald eagle perch trees.

13-96

This DEIR analysis is inaccurate and inadequate and understates the level of significance of the impacts regarding wildlife and plants that would be caused by this proposed project.

XI. Hydrology and Drainage

- RBF consulting was directed by the County of San Bernardino to conduct a peer review of the 2003 "GSS Focused Geohydrologic Evaluation of Maximum Perennial Yield For the North Shore and Grout Creek Hydrologic Subunits" for incorporation into the DEIR. Engineering Geologist, D. Scott Magorien reviewed the report. He brought up six points (on pages 22 and 23) and did not think there was enough detail in the report to verify the water availability from the two wells on the tract. Magorien's conclusion is that the North Shore is in an overdraft situation, and that there should be a more thorough hydrogeologic investigation to determine the water availability for this proposed project. None of this further analysis recommended by the County's own specialist was included in the DEIR.

13-97

- In the Technical Appendices report (page 33) of the 2003 GSS study of the perennial yield, it states that drought conditions will have a significant impact on ground water levels in the North Shore and Grout Creek Hydrologic Subunits. We are currently in the worst drought condition in history, but the EIR fails to include this in the analysis.

13-98

- The DEIR fails to include information and analysis on the degradation of water quality of the lake due to pesticides and chemical fertilizers being used and due to the increase in the dog population that would result from the development of this proposed project.

13-99

- In the Technical Appendices on Page 23 VIII. Hydrology and Water Quality under item (b) "Would the project substantially deplete groundwater supplies....," the box denoting "no impact" was marked, while in the Technical Appendices report on page 33 of the 2003 GSS study of the perennial yield they state "that drought conditions *will have a significant impact* on ground water levels in the North Shore and Grout Creek Hydrologic Subunits." The DEIR analysis contradicts even its own information; clearly a finding of significant unmitigable impacts is warranted.

13-10

- Section 5-11 on page 7: states the water is of superior quality. Then the DEIR states that one well exceeds the concentration allowed for iron--0.69 parts per million gallons when the state maximum is 0.3 parts per million gallons. Again the DEIR analysis contradicts itself.

13-10

With the current drought, and by the County's own hydrology expert's report, the impacts caused on hydrology and drainage created by the development this proposed project would have a higher level of significance than the DEIR states.

13-10

County of San Bernardino; Land Use Services Department, Planning Division

Attn: Matthew Slowik, Sr. Assoc. Planner

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

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XII. CONCLUSION


Friends Of Fawnskin incorporates by reference any and all comments made regarding this project, even if made in the past or future, in order to enforce the non-discretionary requirements of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). FOF has raised many critical issues in this response, but our concerns are not limited to only these specific items. Further, if this DEIR is revised, amended, or a supplemental document prepared, the entire document must be circulated once again so that the public and the decision-makers can be properly informed prior to making any decision on this project, as required by law.

We again formally request timely notification in advance of all meetings, documents, and decisions regarding this proposed project.

The Draft EIR for the proposed Moon Camp Project currently in circulation has failed to adequately assess the level of significance of the negative impact on aesthetics, fire protection, police protection, water, electricity, traffic and circulation, air quality, noise, biological resources and hydrology and drainage.

The DEIR is incomplete, inaccurate, and defective and must be rejected in its present form. It clearly fails to meet the requirements of CEQA. Furthermore, multiple significant impacts are understated and sugar coated in a thinly veiled attempt to convince the Board of Supervisors to approve this project with overriding considerations. The project, on the basis of the present proposal is so entirely contrary to the guidelines of the County's General Plan and the best interest of the tax-paying public that it warrants nothing less than a categorical denial. We urge the Board to carefully evaluate this project and select the No Project Alternative in the interest of the Public Trust.

Respectfully submitted,



Sandy Steers
for the Friends Of Fawnskin

13-10;

Response to Commentor No. 13
Sandy Steers, Friends of Fawnskin
May 15, 2004

- 13-1 The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 13-2 The Commentor states that Section 4.0, *Basis for Cumulative Analysis*, omits two large projects – the Castle Glen development in Big Bear Lake and the tripling in size of the Big Bear Discovery Center to accommodate increased tourist traffic. In addition, the Commentor mentions two other parcels (one 30 acres and one 7.5 acres) very near the Moon Camp site that are in the early stages of development. Table 4-1, *Cumulative Project List*, outlines seven projects in the vicinity of the project study area that were considered for the cumulative analysis. At the time the Notice of Preparation for the Draft EIR was distributed, the projects referenced by the Commentor were determined by the County of San Bernardino to not have the potential to interact with the proposed project to the extent that a significant cumulative impact may occur. However, those projects mentioned in the comment letter and not included in the cumulative impacts list, even if approved or probable at the time of the NOP, would be considered part of the background growth added to existing conditions to account for unknown future projects.

Also, in regards to the traffic analysis, the long-term future traffic conditions were not based upon the list of cumulative projects identified in Section 4.0, but rather an annual growth rate of 1.0 percent recognized by the County of San Bernardino. The annual growth rate approach was utilized to account for cumulative projects, since listing the individual cumulative projects typically can lead to double counted trips.

- 13-3 The EIR indicates that potential impacts to groundwater resources are significant and unavoidable (refer to Impact Statement 5.11-2 in the EIR). The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 13-4 The Final EIR will include a Mitigation Monitoring Program that will identify the timing and responsibility for monitoring each mitigation measure. The Project Applicant will have the responsibility for implementing the measures, and the various County of San Bernardino departments and/or other governmental agencies would have the primary responsibility for monitoring and reporting the implementation of the mitigation measures.
- 13-5 Pursuant to the California Environmental Quality Act (CEQA), a Notice of Preparation (NOP) of the Draft EIR was distributed to appropriate governmental agencies, determined by the County of San Bernardino, which included California Department of Transportation (District 8), Department of Conservation, Department of Forestry and Fire Protection, U.S. Forest Service, Department of Fish and Game, California Highway Patrol, State Water Resources Control Board, and the Regional Water Quality Control Board (Region 9). The NOP comment period allowed the various governmental agencies to provide input regarding potential issues to be analyzed in the EIR. Furthermore, the Draft EIR was sent to the California State Clearinghouse to initiate the 45-day public review period. The State Clearinghouse is responsible to

- distribute the Draft EIR to all responsible or other public agencies to review and comment on the environmental documentation. Thus, all appropriate reviewing agencies were able to provide input on the Draft EIR during the public review period. The California Department of Transportation did receive a copy of the Draft EIR and was consulted with during the preparation of the Draft EIR. Section 14.2, *List of Commentors*, identifies the Federal, State and local governmental agencies that provided comments on the Draft EIR. Responses have been provided in this section regarding the reviewing agencies comment letters.
- 13-6 In accordance with CEQA Guidelines Section 15126.6, Section 7.0, *Alternatives to the Proposed Project*, describes a range of reasonable alternatives to the proposed project, which could feasibly attain the basic project objectives and would avoid or substantially lessen any of the significant effects. The evaluation also reviews the comparative merits of each alternative. The analysis focuses on alternatives capable of eliminating significant adverse environmental effects or reducing significance, even if these alternatives would impede, to some degree, the attainment of the project objectives. In light of these objectives, Section 7.5, *Environmentally Superior Alternative*, concludes that the "Reduced Density, Without Road Alignment and Without Marina" Alternative is the environmentally superior alternative.
- 13-7 As stated in Section 6.3, *Growth Inducing Impacts*, growth inducing project impacts were based on an average household size multiplier of 2.31 persons per household, rather than vacancy/occupation rates. To determine growth-inducing project impacts, the average household size was applied to all proposed 92 dwelling units.
- The analysis of project impacts in Section 5.0, *Description of Environmental Setting, Impacts and Mitigation Measures*, is based upon development of 92 dwelling units on the project site. Where applicable, impacts have been determined by the use of multiplier factors for single-family residences. For example, annual water consumption was based upon a consumption factor for a typical household in the Fawnskin area. This factor was applied to all 92 proposed dwelling units over the course of one-year. By applying a multiplier factor to all 92 residences, the identified impacts are representative of full-time occupancy.
- 13-8 Section 15131 of the CEQA Guidelines addresses the topics of economic and social effects.
- "Economic or social information may be included in an EIR or may be presented in whatever form the agency desires.*
- (a) *Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes."*

CEQA and the CEQA Guidelines state that effects analyzed must be related to a physical change in the environment. As such, economic effects are not considered environmental effects under CEQA, and should be considered in an EIR only if they would lead to a physical impact on the environment. The review of economic effects is optional by a lead agency. Section 15131 of the CEQA Guidelines defines the conditions under which economic effects should be reviewed in an EIR. The conditions outlined above do not apply to the project.

13-9 As discussed in Impact Statement 5.1-2 (and 5.1-1) of the EIR, analysis has concluded that the proposed District change is in the public interest based on the following factors:

- The project would be considered compatible with adjacent land uses and community character since it would be an extension of the existing land use pattern of RS Districts.
- The project would allow for a variety of housing types since the proposed 95-lot residential subdivision would provide 92 residential lots ranging in size from 0.17 acres (7,292 square feet) to 2.11 acres (refer to Exhibit 3-4, *Site Plan – Tentative Tract #16136*).
- The proposed project would offer an opportunity for a cohesively planned development, which would be subject to compliance with the County's administrative design guidelines, as well as the development standards specified for the RS District.
- The project would be required to comply with the mitigation measures specified in the EIR to avoid or lessen potential project impacts. The measures identified in this document have taken into consideration the property's setting, opportunities, and constraints. Following compliance with the specified development standards, design guidelines, and mitigation measures, project implementation would not compromise existing single-family residential and rural land uses.

Overall, the Draft EIR has identified and evaluated the potential adverse effects associated with implementation of the proposed project. As noted by the Commentor, the Draft EIR has concluded that project implementation would result in unavoidable significant impacts regarding water demand and views/viewshed alterations. The Commentor is not specific, as to how the project would result in critical adverse effects associated with public safety and public health. The County will consider the Commentor's opinion that the proposed zone change "is not in the public interest" during their deliberation on the project.

13-10 The project site is presently classified as Rural Living-40 (RL) District (refer to Section 84.0320 of the County Development Code). Permitted or conditionally permitted uses within the RS District include, but are not limited to, single dwelling units, accessory uses, mobile home parks and/or Planned Developments. Further, as indicated in Table 5.1-1, *Summary of Land Uses*, of the EIR, areas surrounding the subject site are designated Improvement Level 1 (IL1), which is applied to those areas planned for a higher intensity level of development. Thus, the County

Development Code anticipated that the subject property would be developed and not designated for public open space use. It should also be noted that due to the nature and environmental setting of the Community, National Forest and public open space exists adjacent to or nearby most properties.

- 13-11 As noted by the Commentor, County General Plan Code C-56 "restrict(s) development along scenic corridors." To clarify, this policy is intended to keep development within certain limits, rather than to prohibit it. The Draft EIR has concluded that project implementation would result in unavoidable significant impacts regarding views and viewshed alterations.

It should be noted that the project would be subject to compliance with the County's administrative design guidelines, as well as the development standards specified for the RS District. Additionally, future lot development would be required to comply with the 40 percent maximum building coverage and the 35-foot maximum building height, which would minimize potential aesthetic impacts. Further, the project would be required to comply with the mitigation measures specified in the EIR to avoid or lessen potential project impacts. The measures identified in the EIR have taken into consideration the property's setting, opportunities and constraints.

- 13-12 Commentor refers to the Project's consistency with the General Plan. Please refer to Response to Comment No. 13-11, which addresses this concern.

- 13-13 As acknowledged in Section 5.3, *Public Services and Utilities*, project implementation would increase development beyond existing conditions, thus increasing the demand for fire protection in the form of additional calls for service. The project site is located in a high fire hazard area and Fire Hazard Overlay District. Accordingly, project development would be subject to compliance with various policies and standards for adequate services and facilities. Additionally, the project would be required to meet the Peakload Water Supply System Guidelines (Figure II-5 of the General Plan, *Peakload Water Supply System Guidelines*) or be adequately served by water supplies for domestic use and community fire protection in accordance with standards, as determined by the County and the local fire protection agency/authority.

A fuel modification area and plan would be required under the provisions of the FS1 Fire Safety Overlay District (refer to Response to Comment No. 13-27). A Fuels Management Plan would be established for the project to implement the fire safety requirements of the FS1 Overlay District (refer to Response to Comment No. 4-4). The Fuels Management Plan would be subject to review and approval by the San Bernardino National Forest Service and the San Bernardino County Fire Department. The fire flow requirements and Fuel Management Plan requirements along with additional mitigation measures listed (Mitigation Measures 5.3-1a to 5.3-1e) would reduce impacts to fire protection services to a less than significant level.

- 13-14 As indicated by the property's existing RL District and IL1 designations (refer to Response to Comment No. 13-10), the County Development Code anticipated that the subject property would be developed. Additionally, the *Growth Management* section of the General Plan focuses on ways to monitor and manage future growth of the County in order to preserve valuable resources and maintain a high quality of life

for all residents. The General Plan divides the County into three broad development areas: urban, rural (combination of urban and rural areas), and rural. These development area designations then define the types of uses that are allowed, enabling the County to anticipate the types of services they will need to provide. The project site is located within a designated Urban Area (UA). Urban Areas are areas that are committed or planned for higher density/intensity uses. According to the General Plan, a full range of public facilities and services (including water, sewer, roads, flood control/drainage, police and fire services, etc.) shall be focused on these areas. As previously noted, the project proposes a Land Use District Change to RS, which is a permitted land use District in an UA. Thus, growth commensurate with the proposed project was anticipated for the project site and the project would not be considered growth inducing in this regard.

Overall, the proposed development would not require the substantial development of unplanned/unforeseen support uses and services as is evidenced by the site's and the surrounding area's existing IL-1 and UA designations. As a result, the proposed project would not result in significant growth-inducing impacts.

Land use compatibility impacts associated with land development are a factor of quality of life issues, including, but not limited to traffic, noise, air quality and aesthetics (views/physical scale). While these may generally be perceived as subjective issues, the significance criteria detailed in each of the respective EIR issue sections provides a basis for assessing these quality of life factors.

- 13-15 Commentor refers to the Project's consistency with the General Plan. Please refer to Response to Comment No. 13-10, which addresses this concern.

- 13-16 The Commentor is not specific, as to how the project would increase public health and safety risks. The Draft EIR concluded that project implementation would result in unavoidable significant impacts regarding views and viewshed alterations. The County will consider the Commentor's opinion during their deliberation on the project.

- 13-17 The County will consider the Commentor's opinion during their deliberation on the project.

- 13-18 Commentor refers to the completeness of the cumulative impact analysis associated with project implementation. Please refer to Response to Comment No. 13-2, which addresses this concern. The County will consider the Commentor's opinion during their deliberation on the project.

- 13-19 As acknowledged in Section 6.3, *Growth Inducing Impacts*, the proposed project has the potential to increase Fawnskin's population by approximately 212 persons at buildout. The project's potential population growth would represent an approximately 52 percent increase over the Community's permanent population estimate of 409 persons (2000) and an approximately 15 percent increase over the Community's peak weekend/holiday period population of 1,428 persons. Project implementation would be considered growth inducing in as much as the proposed development would result in the construction of additional housing, consequentially fostering population growth. However, potential growth-inducing impacts are also assessed

based on a project's consistency with adopted plans that have addressed growth management from a local and regional standpoint.

According to the General Plan, the project site is designated Urban Area. Urban Areas (UA) are areas that are committed or planned for higher density/intensity uses. A full range of public facilities and services (including water, sewer, roads, flood control/drainage, police and fire services, etc.) shall be focused on these areas, according to the General Plan. As previously noted, the project proposes a Land Use District Change to RS, which is a permitted land use District in an UA. Thus, growth commensurate with the proposed project was anticipated for the project site and the project would not be considered growth inducing in this regard. The proposed development would not require the substantial development of unplanned/unforeseen support uses and services as is evidenced by the site's and the surrounding area's existing IL-1 and UA designations. As a result, the proposed project would not result in significant growth-inducing impacts. Refer also to Response to Comment Nos. 13-10 and 13-14.

- 13-20 The project proposes single-family residential uses that are permitted within the RS District. The project also proposes a marina boat dock and associated parking lot, which may be permitted within the RS District, subject to an approved Conditional Use Permit (CUP). The proposed project would be consistent with the development standards for the Bear Valley Planning Area regarding minimum lot size, and maximum and minimum lot dimensions, since the project proposes a minimum lot size of 7,292 SF and the proposed residential lots meet the maximum and minimum lot dimensions. The proposed residential lots would be sold individually and development of lots and construction of dwellings would be by custom design. Through the site plan review process, future lot development would be required to comply with the 35-foot maximum structure height, 40 percent maximum lot coverage, and the front, side, rear, and street side yard setbacks. Additionally, future development would be required to comply with the County's administrative design guidelines and mitigation measures identified in this EIR to avoid or lessen potential impacts. Refer also to Response to Comment No. 13-10.
- 13-21 The designated Improvement Level (IL) for each area is illustrated on the County's *Infrastructure/Improvement Levels Overlay Map*. According to this Map, the project site and surrounding areas are designated IL1 (refer to Table 5.1-1, *Summary of Land Uses*).
- 13-22 As noted by the Commentor, the Draft EIR has concluded that project implementation would result in unavoidable significant impacts regarding views and/or viewshed alterations. From a transportation/circulation standpoint, the project would be required to construct State Route 38 (North Shore Drive) in compliance with the special standards and conditions specified by Caltrans. As indicated in Section 5.5, *Traffic and Circulation*, implementation of the proposed project would not overburden State Route 38, as it would result in a less than significant impact to the Level of Service (LOS) for the Highway. Also, as the proposed highway improvements would occur in two phases, the project would not impair emergency vehicle access or escape routes during emergencies. Highway construction would be subject to compliance with various development criteria and Caltrans standards relative to setbacks, prohibited direct access, the provision of left turn lanes (as

necessary), shoulder width requirements, and pedestrian crossing requirements. The project's proposed realignment of State Route 38 would be subject to County of San Bernardino and Caltrans policies and standards. With the proposed amendment to the Transportation/Circulation Maps, the project would be considered compatible and consistent with the General Plan. Thus, it is concluded that impacts would be less than significant in this regard.

- 13-23 The County will consider the Commentor's opinion during their deliberation on the project.
- 13-24 The Commentor is correct in the statement that the proposed project may have an adverse effect on the physical environment, but that these impacts are concluded to be less than significant. As stated in Impact Statement 5.2-1, compliance with the Big Bear Metropolitan Water District (MWD) standards and permit requirements (i.e., Mooring Plan, Shore Zone Alternation Permit, review of Storm Water Pollution Prevention Program (SWPPP)) would ensure that impacts in this regard are reduced to less than significant levels.

Section 5.2, *Recreation*, analyzes impacts that relate to the construction or expansion of recreational facilities that may have a physical effect on the environment. The Commentor refers to impacts to bald-eagle foraging habitat as a result of dredging the lake. As stated above, impacts to the physical environment (i.e., lake) would be reduced to less than significant levels through regulatory compliance. Impacts to bald eagles are addressed in Section 5.7, *Biological Resources*.

The Commentor refers to a lack of analysis of boat storage during the seven months of the year when they are not in use. Boat storage and use would vary for each boat owner. However, boat storage would not create an adverse physical effect on the environment, as all hazardous materials associated with boat storage would be subject all local, state and federal regulations.

The Commentor refers to a lack of analysis in the traffic study regarding residents pulling boats in and out of the marina facility. The traffic study analyzes impacts associated with traffic load and capacity of the street system. Although the traffic study does not specifically call out trips to the marina facility by the Moon Camp residents, the traffic study assigns a daily trip generation rate that includes an average of all daily trips generated by the proposed residential uses. As such, the traffic analysis appropriately identifies traffic-related impacts to the street system, including impacts as a result of trips generated by Moon Camp residences to/from the proposed marina facility. The traffic analysis concludes that with implementation of the recommended mitigation measures, all traffic-related impacts would be reduced to less than significant levels.

The Commentor also states that the permanent impact of additional traffic on the lake, with related noise, fuel emissions, and loss of space on the lake for fishing and boating activities due to entrance and exit traffic has not been addressed. First, the additional traffic on the lake has been addressed under Impact Statement 5.2-1, which concludes that the lake capacity would not be surpassed with implementation of the project based upon the Big Bear MWD Management Plan. Second, noise and