

Response to Commentor No. 2

Greg Holmes, Department of Toxic Substances Control (DTSC)

April 30, 2004

- 2-1 A copy of the Notice of Completion (NOC) has been filed with the State Clearinghouse. The State Clearinghouse has indicated that they submitted the Draft EIR to selected state agencies for review (refer to Comment Letter Number 7, dated May 14, 2004).
- 2-2 In a letter dated March 2002, the DTSC provided the following comments regarding the Notice of Preparation (NOP) for the Draft EIR:
- The Draft EIR needs to provide the site history and past operations of the site.
 - The Draft EIR should identify and determine whether current and/or historic uses at the site have resulted in any release of hazardous wastes/substances at the project site.
 - If any past uses have resulted in the release of hazardous materials, appropriate mechanisms and/or remediation of the site needs to be identified.
 - The site may fall under the "Border Zone of a Contaminated Property" if the site is located within 2,000 feet of an adjacent contaminated site.
 - Project implementation may require soil excavation and filling, which will require appropriate sampling prior to the disposal of the excavated soil.
 - If the project requires modifications or demolition to any existing structures, appropriate measures need to be taken regarding potential contaminants.
 - If during construction activities, soil and/or groundwater contamination are suspected, construction in the project area should cease and the appropriate health and safety procedures should be implemented.

The Initial Study prepared for the proposed project in February 2002 addressed the potential impacts associated with Hazards and Hazardous Materials. The Initial Study concluded that the project would include hazardous materials that are typical of residential developments (i.e., household chemicals, pesticides, etc.). It is also stated that the project would include the storage of fuels associated with the marina facility. All hazardous materials would be subject to all local, state and federal regulations pertaining to the transport, use and storage of such material, which would ensure that any potentially significant impact regarding hazardous materials would be reduced to less than significant levels (please refer to Response VII (a-c) in the Initial Study).

Response VII (d) in the Initial Study indicates that the project site is not identified as a hazardous waste site per the County of San Bernardino "Identified Hazardous Waste Sites" map, dated December 1, 1994. To confirm that the project site is not

located on a hazardous waste site, RBF Consulting conducted a government records search via the California State Water Resources Control Board GeoTracker website on June 15, 2004. No listed properties were located within the boundaries of the project site. One (1) listed leaking underground storage tank (LUST) site was reported off-site to the east. However, the potential for a recognized environmental condition within the boundaries of the subject site caused by surrounding off-site properties is considered to be low due to the groundwater flow direction from the subject site, the distance from the subject site, and/or the status of the identified sites.

Additionally, it is noted that the project site has historically been undeveloped and consists of native forestlands. Based upon the March 15, 2002 field visit conducted by RBF Consulting, review of available aerial photographs, and interviews, the potential that adverse environmental conditions have been created by historical on-site activities is considered to be low. Per review of these field observations and records review, no recognized environmental conditions have been noted within the boundaries of the project site.

It is also recognized that if during construction activities, unknown wastes or suspect materials are discovered during construction by the contractor, which they believe may involve hazardous waste/materials, the contractor would implement typical operating procedures that would involve the following:

- Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area;
- Notify the Project Engineer of the implementing Agency;
- Secure the area as directed by the Project Engineer; and
- Notify the implementing agency's Hazardous Waste/Materials Coordinator.

The above is typical protocol in such an instance when hazardous materials are suspected, however, the Contractor would consult with the appropriate implementing agency to determine the site-specific procedures in dealing with a suspected hazardous material.

- 2-3 Please refer to Response to Comment No. 2-2. RBF Consulting conducted a records search via the California State Water Resources Control Board GeoTracker website on June 15, 2004. No listed properties were located within the boundaries of the project site. One (1) listed leaking underground storage tank (LUST) site was reported off-site to the east. However, the potential for a recognized environmental condition within the boundaries of the subject site caused by surrounding off-site properties is considered to be low due to the groundwater flow direction from the subject site, the distance from the subject site, and the status of the identified sites.
- 2-4 Please refer to Response to Comment No. 2-2. Since the proposed project site and the adjacent properties are not recognized as having the potential for creating a significant risk to the public or the environment, it is not necessary to identify any contaminated sites.
- 2-5 Please refer to Response to Comment No. 2-4. No further environmental investigation and/or remediation are necessary to implement the project.

DEPARTMENT OF FISH AND GAME<http://www.dfg.ca.gov>

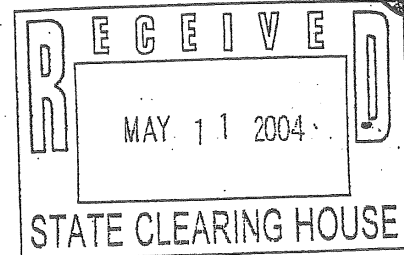
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May 11, 2004

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

Re: **Draft Environmental Impact Report - SCH No. 2002021105**
Moon Camp Tentative Tract No. 16136 Residential Subdivision

Dear Mr. Slowik:

The California Department of Fish and Game (Department) appreciates this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the above-referenced project with regards to impacts to biological resources. The Department has some concerns with the proposed project with regards to impacts to biological resources. The project proposes a 95-lot residential subdivision with lots ranging in size from 0.17 acres (7,292 square feet) to 2.11 acres. Other components include access roads and a proposed boat dock with 100 boat slips. State Route 38 (also known as North Shore Drive) will be relocated to allow development of the lakeshore lots. The proposed project is located on the northwest shore of Big Bear Lake, in the community of Fawnskin, San Bernardino County, California. The site is situated between Flicker Road to the north, Big Bear Lake to the south, Polique Canyon Road to the east, and Oriole Lane/Canyon Road to the west. State Route 38 currently bisects the property.

The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as a Lake and Streambed Alteration Agreement and/or California Endangered Species Act Incidental Take Permit.

Jurisdictional Waters

The Department is concerned that the jurisdictional map (Exhibit 5.8-2) and the corresponding discussion (on Pages 5.8-7 through 5.8-8) did not include the areas along the lake shore as jurisdictional areas to the Department. The lake shore would be included within our jurisdiction, pursuant to Section 1600 *et seq.* of the Fish and Game Code. This area should be identified as jurisdictional even if no impacts will occur to this area. Under Section 1600 *et seq.* of the Fish and Game Code, the Department requires the project applicant to notify the Department of any activity that will substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or

3-1

lake or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. The lake level will vary considerably from one time to the next due to water availability in a given year (rainfall, drought etc.). The jurisdictional area along the lake edge should be based on current as well as historical lake levels and should include the area up to the ordinary high water mark. Also, the existing habitats along the lake shore indicate they are associated with the lake. Therefore, any areas along the lake shore that contain wet meadow, marsh, and/or riparian habitat should also be included as jurisdictional pursuant to Section 1600 *et seq.* of the Fish and Game Code. In addition, if any impacts will occur within the jurisdictional areas along the lake shore, then these impacts will need to be included in a notification to the Department for a Lake and Streambed Alteration Agreement, along with appropriate mitigation for its loss. The Department recommends the Jurisdictional Map be revised to include jurisdictional areas along the lake shore as well as the corresponding discussion on Pages 5.8-7 and 5.8-8.

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Pages 5.8-59 through 5.8-60 also need to be revised to reflect the lake as a jurisdictional area to the Department. On Page 5.8-60, under the heading "California Department of Fish and Game", the text should also be revised to incorporate the Department's new timelines for processing a notification package, pursuant to Section 1600. The Department now has 30 days to review the package. Once the Department has determined the notification to be complete, the Department has another 60 days to prepare a draft Lake and Streambed Alteration Agreement, if deemed necessary.

3-2

The Department is also concerned that mitigation for impacts to the streams, lakes, and associated habitat was not included in the DEIR. Instead, mitigation was deferred to the regulatory permit processes for a 404, 401, and Lake and Streambed Alteration Agreement by the U.S. Army Corps, the Regional Water Quality Control Board, and the Department, respectively. The Department believes it is not appropriate to defer mitigation to another permitting process during CEQA. Impacting a lake and/or stream and associated habitat is considered a significant impact under CEQA. Therefore, mitigation is required under CEQA to reduce the impact to less than significant.

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The Guide to the California Environmental Quality Act 1999 discusses the responsibility of the lead agency to mitigate potential project impacts and not defer this responsibility to other agencies with regulatory powers if potentially feasible mitigation measures are within its authority and power (*Citizens for Quality Growth*). The Department believes that it is well within the Lead Agency's authority to identify project impacts, present alternatives, and propose mitigation measures to offset these impacts. Section 15002 of the CEQA Guidelines defines the purpose of CEQA to:

- 1) Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities,
- 2) Identify ways that environmental damage can be avoided or significantly reduced,
- 3) Prevent significant, avoidable damage to the environment by requiring changes in project through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible, and
- 4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

Section 151370 of the CEQA guidelines includes a definition of mitigation. It states that mitigation includes:

- 1) Avoiding the impact altogether by not taking a certain action or parts of an action,
- 2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation,
- 3) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment,
- 4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action,
- 5) Compensating for the impact by replacing or providing substitute resources or environments.

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Nowhere in this list of definitions does it state that conformance with regulatory requirements is mitigation.

Permit negotiations conducted after and outside of the CEQA process deprive the public of its rights to know what project impacts are and how they are being mitigated in violation of Section 15002. Also, because mitigation to offset the impacts were not identified in the CEQA document, the Department does not believe that the Lead Agency can make the determination that "impacts to jurisdictional water present on the project site would be reduced to a less than significant level through compliance with the regulatory process (i.e. 404 permit, CDFG agreement, 401 certification)", without knowing what the specific mitigation measures are that will reduce those impacts. Therefore, the Department recommends the Lead Agency include the following mitigation measure in the DEIR.

Mitigation Measure for Lake and Stream and Associated Habitat Impacts:

All unavoidable impacts to State jurisdictional lakes, streams, and associated habitat shall be compensated for with the creation and/or restoration of in-kind habitat on-site or off-site at a 3:1 replacement-to-impact ratio.

3-4

Additional mitigation requirements through the Department's Lake and Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors. We recommend submitting a notification early on, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake and Streambed Alteration Agreement notification package, please call (562) 590-5880 or obtain on-line at the Department's website "www.dfg.ca.gov".

Special Status Plants

Mitigation Measure 5.8-1a on Page 5.8-63 of the DEIR indicates that, at a minimum, 11.8-acres of pebble plain and open Jeffrey pine forest in the western half of the project site that is known to be occupied by the federally-listed Threatened ash-gray Indian paintbrush, would need to be mitigated for by funding the purchase of 35.4 acres of offsite habitat from the California Wildlife Foundation (if the agreed mitigation ratio is 3:1). The Department agrees that 3:1 replacement-to-impact ratio would be acceptable if the habitat value of the land to be preserved is equal to or of greater importance biologically than the habitat being impacted. The

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Department is also concerned that the mitigation requirement only requires the funding of the purchase of land. The Department believes since the mitigation area is large, the project proponent needs to identify appropriate land, purchase the land, and preserve it in perpetuity through a conservation easement in the name of an approved entity. An endowment account also needs to be provided to ensure long-term monitoring and management of the preserved area. We recommend that the mitigation requirement for the compensation for loss of habitat doesn't limit the funding to the CA Wildlife Foundation. The Department recommends the project proponent actually identify and purchase the land to be preserved prior to commencing project activities and supply the entity to manage the habitat with a non-wasting endowment for the monitoring and management of the preservation site in perpetuity. The Department recommends revising Mitigation Measure 5.8-1a accordingly.

3-5

The Department believes the intention of Mitigation Measure 5.8-1a was to provide compensation for the loss of special status botanical resources. In the last paragraph of Measure 5.8-1a, it states that "the applicant is responsible for the mitigation of a minimum of 11.8-acres of pebble plain and open Jeffrey pine forest". The Department recommends revising the Mitigation Measure to clarify that the project applicant shall purchase and preserve a minimum of 35.4 acres (3:1 replacement-to-impact ratio) of open Jeffrey Pine and pebble plain habitat, that contains sensitive plant species, including Ash-gray Indian paintbrush as well as others know to occur on the site. It is the Department's understanding that this would be additional to any pebble plain habitat purchased to meet the requirement in Mitigation Measure 5.8-1g. Please clarify and revise accordingly.

3-6

Bald Eagles

The Department is concerned with potential impacts to bald eagles. The bald eagle is a species listed as State Endangered and Federally Threatened. Bald eagles are known to utilize the site, especially along the lake shore. They were observed using several trees on the project site for perch and roost locations. The DEIR indicated that a records search demonstrated that some of the most utilized perch and roost trees on the north shore of the lake are located on the project site. In 2002 surveys conducted by Bon Terra Consulting, bald eagles were observed utilizing nine trees on the project site. In Exhibit 5.8-3 of the DEIR, locations of nine perch trees on the project site are shown, of which seven are located along the lakeshore south of the proposed relocation of Lake Shore Drive. In surveys conducted in 1989-1990, it was found that 80 of the 176 mapped eagle sightings (45%) were located on the project site. The highest recorded use of a single perch tree was tree number 886, which had 51 sightings. The surveys found that this tree is the most important perch tree on the property and is potentially the most important on the north shore of Big Bear Lake. Based on the DEIR, it appears that approximately 31 lots are proposed for development along the lakeshore, one of which will be a parking lot and the others will have homes constructed on them. The Department believes that due to the sensitivity of the area and importance of the area to bald eagles, the amount of development within the lake shore portion of the site should be greatly reduced. The Department agrees that the proposed noise mitigation measures will help reduce, to some extent, the impacts on the eagles, but due to the amount of development in the area of these perch locations, the measures are not enough to prevent impacting the eagles. The Department believes that impacts to the bald eagles will be significant even with the measures proposed.

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Therefore, we recommend looking at alternatives that would reduce the number of homes along the lake shore and avoid development in areas around the perch trees. 3-7

Thank you for this opportunity to comment. Please contact me at (949) 458-1754, if you have any questions regarding this letter or need further coordination on these issues.

Sincerely,



Leslie MacNair
Staff Environmental Scientist
Habitat Conservation Planning

cc: Nancy Ferguson, USFWS, Carlsbad
State Clearinghouse, Sacramento

Response to Commentor No. 3

Leslie MacNair, California Department of Fish and Game (CDFG)

May 11, 2004

- 3-1 The Delineation of Jurisdictional Waters referenced in the Draft EIR has been updated to include the areas along the lakeshore as jurisdictional areas to the CDFG. The jurisdictional area along the lake edge is reflective of the ordinary high water mark. The updated analysis cites the requirement for the project to obtain a 1602 Streambed Alteration Agreement from the CDFG.

Page 5.8-7 of the Draft EIR, Paragraph 5 has been revised in the Final EIR as follows:

Vegetation within the drainages of the Project site consisted of upland habitat, dominated by Jeffery pines. Soils within the drainage were documented to be silty-sand (large grain). Soil samples taken on-site were generally dry and lacked characteristics of hydric soils (i.e., odor, streaking, mottling). ~~No flow within the on site drainages was observed during the March 15, 2002 field visit. However, evidence of an OHWM was observed within the drainages, primarily indicated by sediment deposits.~~ No flow within the on-site drainages was observed during the March 15, 2002 field visit. However, evidence of an OHWM was observed within the drainages, primarily indicated by sediment deposits. It should also be noted that Big Bear Lake adjoins the project site to the south. Based on discussions with the Big Bear Municipal Water District, the current water level of Big Bear Lake (as of June 28, 2004) is 6,727.8-feet above mean sea level (msl). The high water mark is reported to be 6,743.2 feet above msl.

Page 5.8-8, Paragraphs 4 and 5 of the Draft EIR, has been revised in the Final EIR as follows:

Based on the results of the field observations and data collection, 0.15-acre of Corps jurisdictional "waters of the U.S." were identified within the Project site. ~~The drainages are ephemeral. In addition to on-site ephemeral drainages, the Corps considers Big Bear Lake jurisdictional. The Corps' jurisdictional limits are delineated at the high water line, which is reported to be at 6,743.2-foot elevation (and below).~~

California Department of Fish and Game (1602) Jurisdiction. Based on the results of the field observations and data collection, 0.15-acre of CDFG jurisdictional streambedwaters ~~was~~ were identified within the Project site. As with the Corps, Big Bear Lake would be considered jurisdictional by the CDFG, including the approximate 4.14-acre lake shoreline.

- 3-2 As stated in Response to Comment No. 3-1, the Delineation of Jurisdictional Waters has been updated to reflect the CDFG comments. The CDFG discussion now reflects the most current lake and streambed alteration program, including Sections 1600-1616 and the timelines/thresholds contained therein.

Page 5.8-59, Paragraphs 3 and 4 of the Draft EIR have been revised in the Final EIR as follows:

WATERS OF THE U.S. (NON-WETLAND) DETERMINATION

Based on the results of the field observations and data collection, RBF identified 0.15-acre of Corps jurisdictional "waters of the U.S." within the proposed Project site. The drainages are ephemeral; Big Bear Lake, although not included in the acreage calculation, is also considered jurisdictional by the Corps. Utilizing the most current development plans, it was determined that roadway the proposed improvements would impact approximately 0.204-acre of Corps jurisdiction. Discharges include approximately 0.04-acres to ephemeral drainages and approximately 0.20-acres of impact as a result of fill material associated with the proposed marina.

CALIFORNIA DEPARTMENT OF FISH AND GAME (16023) JURISDICTION

Based on the results of the field observations and data collection, RBF identified 0.15-acre of CDFG jurisdictional streambedwaters. Utilizing the most current development plans, it was determined that roadway the proposed improvements would impact 4.380-04-acres of CDFG jurisdiction (includes streambed, shoreline, and lake impacts) (refer to Exhibit 5.8-2, *Jurisdictional Map*).

Page 5.8-60, Paragraph 1 of the Draft EIR, has been revised in the Final EIR as follows:

California Department of Fish and Game

~~As noted above, the drainage within the proposed Project area meets the CDFG's definition as streambed and thus would be regulated by the CDFG. An agreement from the Department would be required. The CDFG agreement requires a fee and approximately 45 days processing time. As noted above, areas within the Project site meet the CDFG's definition as streambed and lakebed. Since improvements associated with the proposed project would impact CDFG Jurisdiction, a 1602 Streambed Alteration Agreement (SAA) must be obtained prior to construction. A processing fee and CEQA cCompliance is necessary in order for the Agreement to be issued.~~

Page 5.8-60, Paragraph 3 of the Draft EIR, has been revised in the Final EIR as follows:

Overall, impacts to the jurisdictional water present on the Project site would be reduced to a less than significant level through compliance with the regulatory process (i.e., 404 permit, CDFG agreement, 401 certification.) Implementation of the recommended mitigation measure (Mitigation Measure 5.3-8a) regarding a 3:1 replacement-to-impact ratio for all unavoidable impacts to jurisdictional areas would ensure that significant impacts to jurisdictional waters are reduced to a less than significant level. Compliance with the regulatory process (i.e., 404 permit, CDFG agreement, 401 certification) would ensure the enforcement and implementation of the recommended mitigation measure. It is also noted that additional mitigation requirements may be required through the permitting process depending on the quality of habitat impacted, project design and other factors.

Page 5.11-6, Paragraphs 1, 2 and 3 of the Draft EIR, have been revised in the Final EIR as follows:

WATERS OF THE U.S. (NON-WETLAND) DETERMINATION

~~The unnamed drainages within the Project site exhibited evidence of flow (i.e., sediment/silt deposition) sufficient to document the Ordinary High Water Mark (OHWM) (i.e., channel bed and bank lines), thus meeting the criteria for jurisdictional waters. Evidence of an Ordinary High Water Mark (OHWM) was observed within the on-site ephemeral drainages, primarily indicated by sediment deposits. It should also be noted that Big Bear Lake adjoins the project site to the south. Based on discussions with the Big Bear Municipal Water District, the current water level of Big Bear Lake (as of June 28, 2004) is 6,727.8-feet above mean sea level (msl). The high water mark is reported to be 6,743.2 feet above msl. Refer to Appendix 15.10, *Jurisdictional Delineation*, and Exhibit 5.8-2, *Jurisdictional Map*, for an illustration of jurisdictional boundaries.~~

Based on the results of the field observations and data collection, RBF identified 0.15-acre of Corps jurisdictional "waters of the U.S." within the proposed project site. ~~The drainages are ephemeral. In addition to on-site ephemeral drainages, the Corps considers Big Bear Lake jurisdictional. The Corps' jurisdictional limits are delineated at the high water line, which is reported to be at 6,743.20-foot elevation (and below).~~

CALIFORNIA DEPARTMENT OF FISH AND GAME (16023) JURISDICTION

Based on the results of the field observations and data collection, RBF identified 0.15-acre of CDFG jurisdictional streambedwaters located within the boundaries of the Project site (refer to Exhibit 5.8-2, *Jurisdictional Map*). As with the Corps, Big Bear Lake would be considered jurisdictional by the CDFG, including the approximate 4.14-acre lake shoreline. Utilizing the most current development plans, it was determined that the proposed improvements would impact 4.38-acres

of CDFG jurisdiction (includes streambed, shoreline, and lake impacts). Refer to Section 5.8, Biological Resources, for further discussion regarding jurisdictional waters.

- 3-3 Rather than deferring to the regulatory process to reduce impacts to jurisdictional waters to less than significant levels, the analysis has been updated to include mitigation that all unavoidable impacts to State jurisdictional lakes, streams, and associated habitat be compensated for with the creation and/or restoration of in-kind habitat on-site or off-site at a 3:1 replacement-to-impact ratio. Additionally, the analysis of jurisdictional waters has been updated to reflect the definition of mitigation, per Section 151370 of the CEQA guidelines.

Page 5.8-58, Impact Statement 5.8-3 of the Draft EIR has been revised in the Final EIR as follows:

JURISDICTIONAL WATERS

- 5.8-3 *Development of the proposed Project ~~does not have~~has the potential to impact jurisdictional waters. Analysis has concluded that potentially significant impacts would be reduced to a less than significant level~~impact would occur in this regard after regulatory compliance with implementation of the recommended mitigation measures.~~*

The following paragraph, to be added below Paragraph 1 on Page 5.8-59 Draft EIR, will be included in the Final EIR:

Mitigation may be required by the regulatory agencies during the permit process. Compensatory mitigation for the loss of jurisdictional function and values is a fundamental component of the applicant regulatory programs. Mitigation can take several forms. It can consist of (1) avoidance or minimization of impacts, (2) compensation in the form of habitat creation, restoration and enhancement, or (3) compensation through participation in a mitigation bank. The first type of mitigation is preferred by the agencies. For any project that impacts jurisdictional areas, it is also preferred by the agencies that compensation through the creation of habitat be performed on-site and in-kind (i.e., riparian woodland for riparian woodland). Conceptual mitigation will be discussed during the Pre-Application Field Meeting with the regulatory agencies. However, the exact requirements of any special permit conditions and mitigation established for this project would be dictated by the regulatory agencies following the review of the formally submitted project applications.

Page 5.8-66, Mitigation Measure 5.8-3 of the Draft EIR, has been revised in the Final EIR as follows:

JURISDICTIONAL WATERS

5.8-3 ~~No mitigation measures are recommended.~~ Per the direction of the California Department of Fish and Game, all unavoidable impacts to State and Federal jurisdictional lakes, streams, and associated habitat shall be compensated for with the creation and/or restoration of in-kind habitat on-site and/or off-site at a minimum 3:1 replacement-to-impact ratio. Additional requirements may be required through the permitting process depending on the quality of habitat impacted, project design and other factors.

3-4 As stated in Response 3-3, mitigation has been incorporated to include a requirement for a 3:1 replacement-to-impact ratio for all unavoidable impacts to State jurisdictional lakes, streams, and associated habitat.

3-5 Mitigation Measure 5.8-1a has been updated in accordance with the CDFG's comments.

Page 5.8-47, Paragraph 3 of the Draft EIR, has been revised in the Final EIR as follows:

Pebble Plains. A total of 0.69 acre of pebble plain habitat would be impacted by Project implementation. Approximately 379 acres of pebble plain are known to exist in the San Bernardino Mountains, 60 percent (227 acres) of which occurs on public lands. Development of the Project site would remove 0.18 percent of the remaining acreage of pebble plain known to occur on both public and private lands. Although the proposed Project would impact a small area of pebble plain habitat relative to the amount of this vegetation type within the San Bernardino Mountains, Mitigation Measure 5.8-1ga ~~is recommended to~~ would ensure that impacts are reduced to less than significant levels.

Page 5.8-63, Mitigation Measure 5.8-1a of the Draft EIR, has been revised in the Final EIR as follows:

SPECIAL STATUS PLANTS AND VEGETATION TYPES

5.8-1a ~~Prior to vegetation clearing, grading, or other disturbance, the project site shall be surveyed during a year with precipitation at least 40 percent of average for the area to determine presence or absence of special status plant species and vegetation types. Surveys shall focus on listed special status vegetation types, and Threatened or Endangered, and CNPS List 1B and 2 species whose presence could~~

~~not be determined during surveys due to lack of rainfall. The location and extent of special status species populations shall be mapped and the size of the populations accurately documented.~~

~~The project applicant shall pay compensation for the loss of special status botanical resources identified on the project site by the survey by funding the purchase and management of off-site habitat through contributions to a fund established by the California Wildlife Foundation on behalf of the CDFG. The California Wildlife Foundation is an independent 501(c)3 nonprofit corporation founded to assist the CDFG and other governmental agencies in the management of funds and mitigation banks designed to offset the impact of development on California's native flora and fauna. Off-site habitat containing the same species as those identified within resources impacted by the proposed project shall be purchased at a ratio agreed upon by the County of San Bernardino, San Bernardino National Forest, USFWS, and CDFG. The typical mitigation ratio is 3:1 (i.e., three acres of habitat purchased for preservation for each acre impacted by development).~~

~~If additional surveys during a year with precipitation at least 40 percent of average do not encounter additional special status plant resources, the project applicant is responsible for the mitigation of a minimum of 11.8 acres of pebble plain and open Jeffrey pine forest in the western half of the project site that is known to be occupied by the federally-listed Threatened ash-gray Indian paintbrush (i.e., would be required to fund the purchase of 35.4 acres of offsite habitat from the California Wildlife Foundation if the agreed mitigation ratio is 3:1).~~

Prior to vegetation clearing, grading, or other disturbance, the project site shall be surveyed during a year with precipitation at least 40 percent of average for the area to determine presence or absence of special status plant species and vegetation types. Surveys shall focus on special status vegetation types, and Threatened or Endangered, and CNPS List 1B and 2 species whose presence could not be determined during surveys due to lack of rainfall. The location and extent of special status species populations shall be mapped and the size of the populations accurately documented. Pebble plain habitat acreages will be recalculated following the survey using criteria established by the Habitat Management Guide for Pebble Plain Habitat on the National Forest System (2002).

The Project Applicant shall pay compensation for the loss of special status botanical resources identified on the project site during the survey by funding the purchase, establishment of a conservation easement, and management of off-site habitat within the conservation easement by an entity approved by the CDFG. Off-site habitat containing the same species as those identified within resources impacted by the proposed project shall be purchased at a ratio of 3:1 (i.e., three acres of habitat purchased for preservation for each acre impacted by development). Prior to the initiation of clearing or grading

activities on the project site, the conservation easement will be established, the management entity will be approved by the CDFG, and a non-wasting endowment will be established for the monitoring and management of the preservation site by the management entity in perpetuity.

If additional surveys during a year with precipitation at least 40 percent of average do not encounter additional special status plant resources, the Project Applicant is responsible for mitigating impacts to a minimum of 11.8-acres of pebble plain and open Jeffrey pine forest in the western half of the project site that is known to be occupied by the Federally-listed Threatened ash-gray Indian paintbrush. As such, the applicant would be required to fund the purchase and maintenance of 35.4-acres of offsite pebble plain and open Jeffrey pine forest habitat that contains special status plant species, including Ash-gray Indian paintbrush and others known to occur on the site.

- 3-6 Mitigation Measure 5.8-1g has been deleted. Mitigation Measure 5.8-1a has been revised to reduce impacts to special status vegetation types to less than significant levels. The Draft EIR text has been modified to reflect this change (refer to Response to Comment No. 3-5).

Page 5.8-65, Mitigation Measure 5.8-1g of the Draft EIR, has been deleted in the Final EIR as follows:

SPECIAL STATUS VEGETATION TYPES

~~5.8-1g Exterior construction shall be prohibited between the dates of December 1 and April 1 (of each year). Significant impacts to pebble plain habitat can be mitigated to a less than significant level through off-site preservation. The project applicant shall pay compensation for the loss of special status botanical resources identified on the site, by the survey, by contributing to the funding of purchase and management of off-site habitat. The Applicant shall acquire habitat in the Big Bear Valley and dedicate to the CDFG or suitable conservation organization. The California Wildlife Foundation is an independent 501(c)3 nonprofit corporation founded to assist the CDFG and other governmental agencies in the management of funds and mitigation banks designed to offset the impact of development on California's native flora and fauna. Off-site habitat shall be purchased at a ratio agreed upon by the County of San Bernardino, San Bernardino National Forest, USFWS, and CDFG. The typical mitigation ratio is 3:1 (i.e., three acres of habitat purchased for preservation for each acre impacted by development. An area containing no less than 2.1 acres of pebble plain habitat in an area located adjacent to other open space areas within the project vicinity shall be preserved in perpetuity. The preserved areas shall be protected from future development through a conservation easement or other appropriate mechanism.~~

- 3-7 The County shall consider the Commentor's opinion and comments during their deliberation on the project. It is also noted that the "Reduced Density, Without Road Widening and Without Marina" Alternative would eliminate the widening of SR-38 and all development along the shore to the south of SR-38. This alternative would reduce the intensity of many of the impacts to biological resources on the project site, including perching and roosting bald eagles. Direct impacts to the tree most commonly used by perching bald eagles (i.e., tree number 886) would most likely be avoided. However, based upon available references, this alternative would directly impact bald eagle perch trees and indirectly impact the remaining recorded bald eagle perch trees. Therefore, although environmentally superior to the proposed project, the "Reduced Density, Without Road Widening and Without Marina" Alternative would nonetheless result in a significant impact to the bald eagle.

STATE OF CALIFORNIA

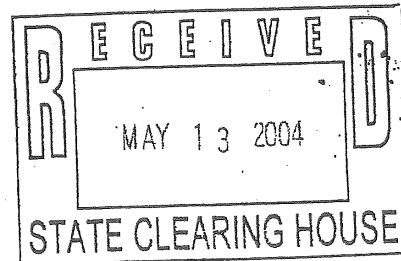
ARNOLD SCHWARZENEGGER, Governor



GOVERNOR'S OFFICE OF EMERGENCY SERVICES
DISASTER ASSISTANCE PROGRAMS BRANCH
POST OFFICE BOX 419023
RANCHO CORDOVA, CALIFORNIA 95741-9023
PHONE: (916) 845-8101 FAX: (916) 845-8381



May 12, 2004



Clear
5-13-04
e

Tracy Creason
San Bernardino County Land Use Services Department
385 N. Arrowhead Ave, Third Floor
San Bernardino, CA 92415-4147

Tracy Creason:

RE: Moon Camp Residential Subdivision, TT16136 Draft Environmental Impact Report
SCH2002021105

We have reviewed the Draft Environmental Impact Report (DEIR) for the above referenced project. Several significant environmental issues have been identified in the DEIR that are of concern to OES. In reviewing the DEIR and other information available, we noted that the following conditions exist in the project area:

- The property is located adjacent to San Bernardino National Forest Service lands. In addition, the proposed project is located in a coniferous forest, creating an urban/wildland interface.
- The EIR indicates that the Insurance Service Organization (ISO) rating for Fawnskin is a 9 based on a scale of 1 to 10. This rating indicates that due to circumstances related to fire protection and terrain, this area is a high risk for fire.
- The National Forest Service Remote Sensing Laboratory GIS files show the project site to be in an area of high tree mortality (between 11%-100% mortality rate).
- The project site is located in an area where bark beetle infestation has been a problem and may over time increase the risk of fire.
- The project site is also located within a Fire Safety Overlay District, also indicating that there is a risk of fire in the area.

These conditions indicate a high probability that the project site could be impacted by wildfires and pose a significant fire threat. In addition, there are several elements of the proposed subdivision that are of a concern in regard to public safety.

Public Safety Concerns Identified in the DEIR

According to the DEIR, the County of San Bernardino Fire Department provides fire protection to the Fawnskin area. The project area is served by Fire Station No. 49, approximately three quarters (3/4) of a mile northwest of the project site. The local fire station consists of only two full time personnel and eight to ten volunteer fire fighters. The DEIR states that this lack of man power must be mitigated through increased fire flow, the installation of individual sprinkler systems in the homes, and a 100-foot fuel modification zone extended beyond property lines and a 300-foot modification zone in areas of steeper slopes. This fuel modification zone will

4-1

Moon Camp Residential Subdivision Draft Environmental Impact Report SCH2002021105
May 12, 2004
Page 2

encroach upon forest service land and will require a permit from San Bernardino National Forest. There is no indication in the DEIR if the National Forest Service will grant this request.

4-1

The DEIR states that the project will extend water supply capacities beyond existing limits. Project developers propose to examine and rehabilitate if necessary two existing wells that should supply adequate yield. In addition, a new 300,000 - 400,000 gallon water storage reservoir has been proposed. The applicant also proposes measures to mitigate the limited water availability by restricting individual wells within the proposed subdivision and strict water conservation measures. However, there is no explanation of how these water conservation measures will be enforced.

4-2

All water supplies for the area are derived from groundwater sources. There has been inconclusive testing of potential overdraft conditions with the North Shore Hydrologic Subunit. As a result, the DEIR concludes that the project will have impacts that are significant and unavoidable due to inconclusive testing of the potential overdraft conditions for the North Shore Hydrologic Subunit.

4-3

Public Safety Mitigation

OES is concerned with using increased fire flow and individual sprinkler systems as mitigation when there are serious concerns about long-term water supply availability from groundwater sources. OES is also concerned about the ability of the fire department to initially respond to a major fire in the area given the conditions noted previously, the lack of adequate water supply, and the size and makeup of the fire department. Additionally, other development projects are also planned in the area that will compound the water supply and public safety issues.

4-4

To improve public safety, the Final EIR should explore other mitigation measures that will reduce the water supply and fire safety impacts noted in the DEIR. These mitigation measures could include but are not limited to:

- Requiring that a homeowners association be formed to fund additional permanent fire fighting positions or improving the fire fighting equipment that serves the proposed subdivision.
- Requiring the developer to retrofit existing residential or commercial development in the area with water conservation devices that would provide additional water supply to the proposed subdivision.
- Requesting the fire department to determine how surface water from Big Bear Lake could be used for fire fighting purposes. This may involve the purchase of specialized equipment such as pumps or hoses that the proposed subdivision would fund.

4-5

Moon Camp Residential Subdivision Draft Environmental Impact Report SCH2002021105
May 12, 2004
Page 3

Thank you for the opportunity to comment on your DEIR. If you have any questions regarding our comments, please contact Mary Ann Hadden, Associate Environmental Planner at (916) 845-8269.

Sincerely,



Dennis Castrillo
OES Environmental Officer

Response to Commentor No. 4

Dennis Castrillo, California Governor's Office of Emergency Services

May 12, 2004

- 4-1 In their letter dated May 14, 2004, the San Bernardino National Forest Service (NFS) Mountaintop District indicated that it would not support the issuance of a permit or easement on NFS land for the fuel modification zone that would extend beyond the project boundaries (refer to Comment Letter No. 6). Exhibit 3-4, *Site Plan*, has been updated to illustrate that the proposed project would include a fuel modification zone entirely located within the project's boundaries. Therefore, it would not be necessary for the project to obtain an easement or permit from the NFS to comply with the FS1 Fire Safety Overlay District requirements, as set forth in the County's General Plan (refer to Response to Comment No. 13-27).

Page 5.1-11 of the Draft EIR, Paragraph 4 and the proceeding text has been revised in the Final EIR as follows:

The Project site is located within the following four Overlay Districts: the Fire Safety (FRS) Overlay District; Geologic Hazard (GH) Overlay District; the Biotic Resources (BR) Overlay District; and the Scenic Resources (SR) Overlay District. The FRS Overlay District is created to provide greater public safety in areas prone to wildland brushfires, by establishing additional development standards for these areas. ~~The FR Overlay District is created to provide greater public safety in areas prone to wildland brushfires, by establishing additional development standards for these areas. The FR Overlay District is divided into two review areas, each of which represents a different level of wildland hazard. A different set of requirements is applied in each review area. The provisions for these requirements are cumulative in that all of the requirements that are specified for Fire Safety Review Area 2 shall also apply to Fire Safety Review Area 1, in addition to those specified for only Fire Safety Review Area 1. The project site is located within Fire Safety Area 1 (FS1).~~

- ~~▪ Fire Safety Review Area 1 (FR1). Fire Safety Review Area 1 includes wildland areas that are marginally developable, areas which are not likely to be developed, and the area of transition between wildlands and areas that are partially developed or are likely to be developed in the future. The area of transition is often characterized by an abrupt slope change. Natural hazards are prevalent throughout Area 1, especially in areas with natural ungraded slopes greater than thirty percent (30%). Area 1 includes areas of very high to extreme fire hazard.~~
- ~~▪ Fire Safety Review Area 2 (FR2). Land within Area 2 is relatively flat, and is either partially or completely developed, or, if it is not developed, is usually suitable for development. Present and future development within Area 2 is exposed to the impacts of wildland fires and other natural hazards primarily due to its proximity to Area 1.~~

~~Since the Project site is located within a FS1 designated area, it is located~~

~~within Fire Safety Review Area 2 (RR2), therefore would be subject to compliance with various requirements relative to construction, building separations, project design, and erosion and sediment control as specified in Section 85.020220, Area FR1 and FR2 Requirements Building Standards for FS1.~~

Page 5.3-1 of the Draft EIR, Paragraph 4 has been revised in the Final EIR as follows:

The Project site is located within a Fire Safety (FRS) Overlay District Area 21 (FR2S1), as designated by the County of San Bernardino General Plan Hazard Maps. FS1 areas are subject to compliance with various requirements relative to construction, building separations, project design, and erosion and sediment control as specified in Section 85.020220, ~~Area FR1 and FR2 Requirements~~ Building Standards for FS1, of the County Development Code. The provisions of the FR2S1 District apply to all phases of development. Refer to Section 5.1, *Land Use and Relevant Planning*, for further discussion of Fire Safety Overlay District requirements.

Page 5.3-11 of the Draft EIR, Paragraphs 1, 2 and 3 have been revised in the Final EIR as follows:

~~The San Bernardino County Fire Department has indicated that the manpower demand as a result of the proposed project would need to be mitigated through increased fire flow due to the size and scale of the proposed project, specific fire flow requirements would need to be met.~~ Instead of 1,500 gpm at 2 hours (which is based on a maximum square foot house of 3,600 square feet), the fire flow requirement would be 1,750 gpm at 2 hours, based on homes in the range of 3,600 to 4,800 square feet, and 2,000 gpm at 2 hours, based on homes greater than 4,800 square feet. ~~Fire sprinklers would be required for each residence in lieu of additional manpower.~~ Homes above 5,000 square feet would have a larger sprinkler requirement.

~~A fuel modification area and plan program would be required which would not terminate at a property line for the proposed project under the provisions of the FS1 Fire Safety Overlay District. The 100-foot fuel modification requirement would extend beyond the property lines. Where such fuel modification zone extends on to U.S. Forest Service land, an easement or permit would be required. The 100-foot fuel modification zone may be greater in steeper areas (up to 300 feet), as determined by the fire agency. Per the requirements of the FS1 Overlay District, the project would require a 30-foot setback from the National Forest. The project proposes 100-foot fuel modification zone adjacent to National Forest land, located to the north and east of the project area. As shown in Exhibit 3-4, Site Plan, the fuel modification zone would be located within the project boundaries on Lots 15 to 16 and 20 to 29. A Fuels Management Plan would be established for the project to implement the fire safety requirements of the FS1 Overlay District. 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 modification~~ Fuel Management Plan requirements along with additional mitigation measures listed would reduce impacts to fire protection services to a less than significant level.

- 4-2 A Homeowners Association would enforce the water conservation measures identified in Mitigation Measure 5.3-6d.

Page 5.3-23, Mitigation Measure 5.3-6d of the Draft EIR, Paragraph 7 has been revised in the Final EIR as follows:

5.3-6d The following water conservation measures are the minimum measures that shall be complied with in conjunction with domestic water supply to the project. A Homeowners Association shall be responsible for enforcing the water conservation measures. Additional measures may be imposed as a result of a contract for water supply between CSA 53-C and the City of Big Bear Lake DWP:

- 4-3 Comment is noted.

- 4-4 The identified mitigation measures (5.3-1a to 5.3-1e) and project plans would be subject to review and approval by the Fire Department. The Fire Department has indicated that the recommended mitigation measures are appropriate to meet fire protection service needs for development of the project site. The project will also include a Fuels Management Plan, which will include a Fuel Modification Zone adjacent to National Forest Lands to the north and east of the project site (refer to Response to Comment Nos. 4-1 and 13-13). Water storage for fire fighting purposes would be provided through implementation of Mitigation Measure 5.3-6c, which states that Project Applicant would advance funds towards the expansion of the Cline Miller Reservoir. The EIR concludes that impacts to groundwater resources are significant and unavoidable and that additional technical review needs to be provided to prove that water resources are available to meet the long-term water demands of the project. It will be the responsibility of the Project Applicant to prove that water resources are available to meet the water demands of the project, which include fire flow requirements. The County will consider the Commentor's opinion and comments during their deliberation on the project.

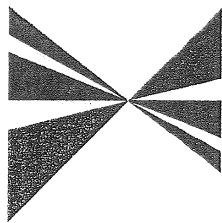
Page 5.3-22 of the Draft EIR, Mitigation Measures 5.3-1b to 5.3-1f have been revised in the Final EIR as follows:

5.3-1b ~~Fire sprinklers for each residence shall be provided in lieu of additional manpower. All residences less than 5,000 square feet shall be subject to the standard fire sprinkler requirement (NFPA 13D). Homes above 5,000 square feet shall be subject to the NFPA13R have a larger sprinkler requirement (FPA13R).~~

- 5.3-1c A ~~f~~Fuels modification programManagement Plan, with specifications, shall be prepared and subject to approval by the County of San Bernardino Fire Department and San Bernardino National Forest Service. The Fuels Management Plan shall implement the fire safety requirements of the FS1 Fire Safety Overlay District, including a 30-foot minimum setback requirement from the National Forest. The fuel modification zone shall be located entirely within the project's boundaries. ~~The 100-foot fuel modification requirement shall not terminate at a property line. The 100-foot fuel modification requirement shall extend beyond property lines. Where such fuel modification zone extends onto U.S. Forest Service land, an easement or permit shall be required to be obtained.~~ The minimum~~100-foot~~ fuel modification zone requirements may be greater in steeper areas (up to 300 ft.), as determined by the Fire Agency Department.
- 5.3-1d Cul-de-sac lengths shall be no longer than 350 feet.
- 5.3-1e A Homeowner's Association or a Special District shall be established to ~~assure~~ implement the Fuels Management Plan. The Fuels Management Plan shall specify any professional assistance, if necessary, to implement the action portion of the plan. The Plan shall determine if a Registered Professional Forrester is necessary for professional guidance to implement the Plan. Long-term vegetation maintenance. An annual vegetation maintenance program shall be included. ~~The HOA or Special District is to be responsible for fuel modification in common areas.~~
- 5.3-1f ~~Fire resistance/drought tolerant landscaping shall be required and referenced in the Homeowner's Association or Special District Standards.~~

- 4-5 The identified mitigation measures in the EIR have been recommended to reduce potentially significant impacts to less than significant levels to the maximum extent feasible. However, the County may want to explore the recommended mitigation measures by the OES in future water and fire safety planning. The County will consider the Commentor's opinion and comments during their deliberation on the project.

SOUTHERN CALIFORNIA

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Riverside County: Marion Ashley, Riverside County • Thomas Buckley, Lake Elsinore • Bonnie Flickinger, Moreno Valley • Ron Loveridge, Riverside • Greg Pettis, Cathedral City • Ron Roberts, Temecula

San Bernardino County: Paul Blane, San Bernardino County • Bill Alexander, Rancho Cucamonga • Edward Burgnon, Town of Apple Valley • Lawrence Dale, Barstow • Lee Ann Garcia, Grand Terrace • Susan Longville, San Bernardino • Gary Ovitt, Ontario • Deborah Robertson, Rialto

Ventura County: Judy Mikels, Ventura County • Glen Becerra, Simi Valley • Carl Morehouse, San Buenaventura • Toni Young, Port Hueneeme

Orange County Transportation Authority: Charles Smith, Orange County

Riverside County Transportation Commission: Robin Lowe, Hemet

Ventura County Transportation Commission: Bill Davis, Simi Valley

May 12, 2004

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

RE: **SCAG Clearinghouse No. I 20040198 Moon Camp Residential Subdivision TT No. 16136 DEIR**

Dear Mr. Slowik:

Thank you for submitting the **Moon Camp Residential Subdivision TT No. 16136 DEIR** for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

We have reviewed the **Moon Camp Residential Subdivision TT No. 16136 DEIR**, and have determined that the proposed Project is not regionally significant per SCAG Intergovernmental Review (IGR) Criteria and California Environmental Quality Act (CEQA) Guidelines (Section 15206). The proposed project is not a residential development of more than 500 dwelling units. Therefore, the proposed Project does not warrant comments at this time. Should there be a change in the scope of the proposed Project, we would appreciate the opportunity to review and comment at that time.

A description of the proposed Project was published in SCAG's **April 1-15, 2004 Intergovernmental Review Clearinghouse Report** for public review and comment.

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this Project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact me at (213) 236-1867. Thank you.

Sincerely,

JEFFREY M. SMITH, AICP
Senior Regional Planner
Intergovernmental Review

5-1

Response to Commentor No. 5

Jeffrey M. Smith, Southern California Association of Governments

May 12, 2004

- 5-1 The Southern California Association of Governments (SCAG) has reviewed the Draft EIR and has determined that the proposed project is not regionally significant per SCAG Intergovernmental Review Criteria and CEQA guidelines (Section 15206). No further response to this comment is necessary at this time.



United States
Department of
Agriculture

Forest
Service

San Bernardino National Forest
Mountaintop District

P.O. Box 290
Fawnskin, CA 92333
909-866-3437 (Voice)
909-866-2867 (FAX)
909-866-3233 (TTY)

File Code: 2670/5400

Date: May 14, 2004

Matthew Slowik
Senior Associate Planner
County of San Bernardino, Land Use Services Dept,
Planning Division
385 N. Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182

Subject: Moon Camp DEIR

Dear Mr. Slowik:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report for the proposed Moon Camp Residential Subdivision and associated proposed actions (DEIR). The San Bernardino National Forest has several concerns regarding this proposed project, listed as follows:

1. The San Bernardino National Forest finalized a Habitat Management Guide for Pebble Plain habitat on National Forest System (NFS) lands in September, 2002. This document contains a set of habitat definitions for pebble plains that allow for consistent mapping standards. Important pebble plain habitat supporting multiple threatened, endangered, and sensitive plant species occurs on NFS land along the ridge immediately north of the proposed project. Based on species composition and the distribution of Morical soils described in the DEIR, substantially more pebble plain habitat occurs on the Moon Camp property than is presented in the DEIR. It is likely that most of the area described as "open Jeffrey pine forest", approximately 17 acres, falls within pebble plain habitat as currently defined. 6-1
2. We are concerned that the project will result in increased use and unplanned trail formation on NFS land to the north of the project, which supports pebble plains and other sensitive habitat. Under 'On-Site Recreation' on page 5.2-1, the DEIR states that the "site provides access to the San Bernardino National Forest to the north." However, mitigation measure 5.8-2c states that signs will be posted along the National Forest boundary "directing people to keep out..." We have found such signage to be ineffective in protecting sensitive areas while also providing a negative message to our visiting public. Therefore, we believe measure 5.8-2c will not effectively reduce potentially significant impacts to adjacent NFS lands and special status biological resources. 6-2
3. We are concerned about the conservation of bald eagle habitat in Big Bear Valley. As a federal land management agency, we are obligated to utilize our authorities to conserve bald eagles and other listed threatened and endangered species. Habitat loss along the Big Bear Lakeshore caused by developments such as the proposed project has become a significant cumulative impact to bald eagles as applied to management of NFS lands, thereby constraining our abilities to provide for public uses. We encourage the County to consider such effects beyond the Moon Camp property boundary when contemplating overriding considerations of significant impacts. 6-3



4. Under 'Public Access' on page 5.2-5, the DEIR states that the Forest Service has no plans to extend the Alpine Pedal Path through the project area. While there is no plan to do so currently, the SBNF has a longer term objective to extend the Pedal Path west through the Fawnskin area to NFS land near the Gray's peak trailhead and/or the Grout Bay picnic area. The project as proposed would foreclose potential routes to this end. We encourage the county to consider incorporating into the proposed project a public access path that could tie in to an extended Pedal Path on the east and the proposed Marina Point public lake access path on the west.

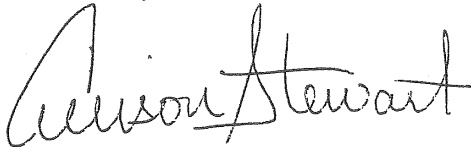
6-4

5. Mitigation measure 5.3-1c states that the required fuel modification zones will extend beyond property boundaries, including on to NFS lands. The SBNF would not support the issuance of such permits or easements and recommend that that project be designed to provide required fuel modification zones within the subject property. While the SBNF intends to treat NFS lands along the boundary with the community of Fawnskin to reduce ground fuels and ladder fuels, this treatment is not intended to fully meet the required fuel modification zone for residential structures. It has been SBNF policy to encourage new developments adjacent to NFS lands to provide all necessary infrastructure, including fuel modification zones, water tanks, and secondary access roads, within the development itself.

6-5

We appreciate the opportunity to provide these comments. Please feel free to contact us for additional information on biological resources, fire and fuels management, or National Forest lands management in general. With any questions or comments, please contact Gar Abbas on my staff at (909) 382-2807.

Sincerely,



ALLISON L. STEWART
District Ranger

Response to Commentor No. 6

Allison L. Stewart, United States Department of Agriculture, San Bernardino Forest Service

May 14, 2004

- 6-1 The area designated open Jeffrey pine forest was identified according to topography, soil types, and plant species composition observed during focused surveys in 2002. According to the 2002 Pebble Plain Habitat Management Guide, a point system to qualify pebble plain habitat was developed. To qualify as a pebble plain a given area must possess enough indicator species to attain a score of four points. Strong indicator species, each worth two points, often occur on pebble plains and rarely occur off pebble plains. Weak indicator species, each worth one point, often occur on pebble plains and frequently occur off pebble plains. The project site contains one strong indicator species, silver-haired ivesia, which was restricted to the 0.62 acre of pebble plain habitat mapped on Exhibit 5.8-3 of the EIR. Two weak indicator species, Parish's rock-cress and ash-gray Indian paint brush, were observed within the mapped pebble plain habitat and in scattered patches within the open Jeffrey pine habitat type. Therefore, the 0.62 acres of pebble plain attained the required four points and the area designated open Jeffrey pine forest attained only two points according to the 2002 Pebble Plain Habitat Management Guide point system. Implementation of Mitigation Measure 5.8-1a would ensure that botanical surveys are repeated prior to clearing or grading during a year of at least 40 percent average rainfall to more precisely map the concentration of special status plants and habitats. Following surveys, the habitat types and acreages will be revised according to the habitat definitions in the 2002 Pebble Plain Habitat Management Guide and mitigated appropriately at a 3:1 ratio. Please see the revisions to Mitigation Measure 5.8-1a in Response to Comment No. 3-5.
- 6-2 The proposed project would not provide access to National Forest Service (NFS) land to the north of the project site that is not already provided by existing roads (e.g., Flicker Road and Polique Canyon Road) and would not be expected to increase the human disturbance of surrounding areas by the general public. Since human disturbance would be expected to increase as a result of the proposed project, Mitigation Measure 5.8-2c was proposed to increase the awareness of the residents about the sensitive resources in surrounding areas. Mitigation Measure 5.8-2c has been revised in response to the concerns regarding the "negative message" to the visiting public.

Page 5.8-65, Mitigation Measure 5.8-2c of the Draft EIR has been revised in the Final EIR as follows:

5.8-2c	To limit the amount of human disturbance to on adjacent natural open space areas, signs shall be posted along the northeastern and eastern perimeter of the project site where the property boundary abuts open space directing people to keep out of the adjacent natural open space areas and to keep dogs leashed in areas adjacent to natural open space areas. This requirement shall be published in the Homeowner Association CC&Rs with the following statement: <u>"Sensitive plant and wildlife habitat. Please use designated trails and keep pets on a leash</u>
--------	--

at all times.”

In addition, a requirement stating that residents shall keep out of adjacent open space areas to the north with the exception of designated trails will be published in the Homeowner Association CC&Rs and a map of designated hiking trails will be provided to all residents.

- 6-3 The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 6-4 The Forest Service has acknowledged that currently no plans have been prepared to extend the Alpine Pedal Path through the project area. However, the Forest Service does have a long-term objective to extend the Path west through Fawnskin to NFS land near the Gray's Peak trailhead and/or Grout Bay picnic area. As a result, the subsection pertaining to Public Access on Page 5.2-5 of the Draft EIR has been revised as follows:

PUBLIC ACCESS

5.2-2 *Implementation of the Moon Camp project would ~~not~~ affect public access along the north shore of Big Bear Lake. Mitigation requiring dedication of an easement along the south side of North Shore Drive has been incorporated. ~~The Project site is Private Property. Affects on public access are concluded as less than significant.~~*

The Moon Camp Project would include 31 residential/numbered lots south of the realignment of North Shore Drive. Additionally, the marina facilities, inclusive of Lot "C" would be located south of North Shore Drive. Lot "C", consisting of approximately 19,683 square feet (0.45 acres), would be the gated entrance to the marina facilities. Lot "C" would be situated between the "high water line" and the roadway improvements at the southwestern portion of the project site. The Lot "C" marina access ramp would affect public access from west to east along the shoreline of the Lake.

The County of San Bernardino General Plan Goal C-54 states the intention to "provide public access to all water bodies and water courses." Furthermore, Policy/Action OR-48 states that, "Because the County seeks to improve the ability of the public to enjoy water-related recreation, the County shall seek to improve public access to rivers, lakes, creeks, lakes and other bodies of water." Additionally, Policy/Action OR-49 states that "Because public access to water for recreational uses is important to the County, easements and dedications allowed in the Subdivision Map Act to acquire access to lakes, streams, public lands and other locally and regionally significant natural features shall be required for all new development." ~~However, since the Project site is private property, public access is not assured. As the project abuts existing homes to the east and the proposed Marina Point Development to the west, public access to the lakeshore would be maintained below the high water line of the lake.~~ ~~maintained at the eastern and~~

~~western boundaries of the site. Public access to the lakeshore also continues to be maintained at other locations along the perimeter of the lake. However, since the Project site is private property, public access is not assured.~~

~~It is further noted that Although the U.S. Forest Service has indicated that there are no current plans to extend the Alpine Pedal Path through the project area, as a result of redesign of portions of the project area, south of North Shore Drive, a pedal path easement could be established. Thus, mitigation incorporating and easement has been incorporated for the project, to be conditioned, prior to recordation of a map. Thus, it is concluded that access is provided to the lakeshore in close proximity to the project site resulting in a conclusion of less than significant impact.~~

In addition, Mitigation Measure 5.2-2, on Page 5.2-6 of the Draft EIR, has been revised in the Final EIR as follows:

5.2-2 ~~No mitigation measures are recommended. The proposed project shall be conditioned to incorporate a pedal path easement along the south side of North Shore Drive, prior to map recordation.~~

6-5 Commentor refers to lack of the SBNF lack of support for the proposed fuel modification zones. Please refer to Response to Comment No. 4-1, which addresses this concern.



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Jan Boel
Acting Director

May 14, 2004

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

Subject: Moon Camp
SCH#: 2002021105

Dear Matthew Slowik:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on May 13, 2004, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency