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RL-40 to preclude higher density uses, this proposed change is in direct conflict. The DEIR does not explain or justify ignoring the "physical/natural constraint's and the lack of an adequate water supply and infrastructure."

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The proposed project does 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, without explanation concludes that the impacts are less than significant. This is an inaccurate and defective conclusion. The 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 the other projects currently in development in Big Bear Valley create a significant and unavoidable impact to Fawnskin and the surrounding communities. In particular:

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- The proposed zoning change would have the potential to increase the size 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 unavoidable impact.
- The San Bernardino County Land Use Element policy, which the DEIR states is "relevant to the proposed Project," states that "new residential development [must] 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 unique, rural surrounding

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community. The DEIR incorrectly states that the surrounding residential property is Improvement Level-1 (high density development in urban areas), but the surrounding properties in reality have Improvement Level-3 – there are no curbs and gutters, there are no sidewalks, there is no street lighting at all the intersections.

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- Considering that State Route 38 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, stating impacts are not significant is invalid.

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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 less than significant. This analysis is invalid and the impacts have been significantly understated.

- Construction of these facilities would require dredging of the lake in shallow-water eagle foraging habitat. No analysis has been done on storage of boats during the seven months of the year when they are not in use. 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.

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- The use and misuse of fuel has not been considered in either the fire safety discussions or water quality discussions.

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- 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. As a result, the impact these proposed facilities would have has been underestimated, making the analysis invalid. It should be redone focusing on weekend and summer impact.

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- The DEIR statement that "Public access to the lakeshore would be maintained at the eastern and western boundaries of the site" is invalid.

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- The proposed project maps and plans show no public access corridors designated. 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.

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- All land below the high water line of Big Bear Lake is open to the public but the proposed plan affectively precudes access.

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V. PUBLIC SERVICES AND UTILITIES

A. Fire Protection. Section 5.3 under Fire Protection does all of its analysis based on Fire Risk level 2, but all mountain 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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Discussion of fire flow requirements is invalid without discussion of where this water capacity will come from. Further, the DEIR findings are not reflections of any comment from County Fire.

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The DEIR in no way links the fire sprinklers it describes to the real hazard. Especially in cases of forest fires, internal sprinklers do nothing to stop the trees and brush around the homes from burning and spreading the fires. This alleged mitigation completely ignores the issue of fire risk in the mountains.

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The DEIR fails to consider increased fire risk from marina operation and on-site boat storage.

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The mitigations listed for fire risk are based on homeowners complying with HOA standards and offer no plan for enforcement. This is completely impractical, especially in a transient community and the mitigations are therefore illusionary.

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The DEIR does not address Fire Evacuation plans for the area, so nothing was included regarding the cumulative impact more houses will have on fire evacuations from the valley. In

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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. No analysis was done for peak weekend usage, locals on of the risk one or more existing evacuation routes will be blocked.

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No analysis was done on the how the additional homes of the proposed development would increase the urban/forest interface percentage in Fawnskin and how much the fire risk will increase accordingly. Homes involve furnaces, fireplaces, barbecues, gas tanks for boats, and other sources of both fuel and ignition.

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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.

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For the reasons given above, among others, the DEIR is incomplete, inaccurate, and defective in its analysis of fire protection and the development of the proposed project.

B. Police Protection. Section 5.3-2 using 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. The DEIR does not mention that there is currently one officer for the entire area and police services are spotty at best and non-existent at worst.

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No analysis was done in the DEIR on police response times and abilities for "other than emergency" calls. The one source cited, a letter written in 2002, lists no meaningful data. More data should be requested.

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C. Water. The DEIR states that the water issue cannot be mitigated to below the level of significance. Even so, the analysis that is offered grossly understates the current water crisis.

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This proposed project is not exempt from SB221 (which applies to any subdivision (with fewer than 5,000 connections) that increases connections by 10% or more.) Since Fawnskin is actually a separate system 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.

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The DEIR does not address the fact that water use restrictions are an effort (and have been for several years). It does not focus on the impact on existing wells or disclose any projections if long-term drought continues. The DEIR projects a potential water supply on 2 wells drilled on the property in 1987. Any assumption for potential water supply from these wells is inaccurate without further study of current conditions. 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% at the dam and 51% less at the Big Bear Lake Fire Department. Without the

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presentation of this information and an associated analysis, the DEIR is incomplete and inaccurate and understates the level of significance of the impact of this proposed project on water service.

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Mitigation number 5.3-6a states that water supply will be proven prior to building permits. But agencies tend to treat permits after a project is approved as "ministerial." The time to examine these issues is now. 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 DEIR to demonstrate a proven water supply prior to approving any change in zoning.

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The mitigations listed 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 are not being followed nor enforced. The DEIR should provide for the costs of enforcement.

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D. Electricity. The DEIR states that project implementation would result in an increased demand for electricity, but that impacts would be less than significant. Bear Valley Electric (BVE) currently says no more electricity can be brought up the hill, and we are already

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facing short supplies, so ANY additional development, including this proposal would create significant and unavoidable impacts on electricity service capabilities. This needs to be addressed.

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Section 5.3-9 states that an alternative for providing power would be to place a power source at the site. This alternative does not describe the extensive additional impacts in terms of noise, air quality, and wildlife at a minimum.

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VI. AESTHETICS/LIGHT AND GLARE

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. Even this analysis greatly understates and downplays the level of significance of the impacts on both adjacent properties and those across the lake.

The DEIR needs to address the requirements of the San Bernardino County Light Ordinance, which has been adopted by CSA 53B.

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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 view shed from the project site, and surrounding areas would occur *which cannot be mitigated* to a less than significant level." (Emphasis added.) The obvious conclusion is that mitigation requires a far lesser density.

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The simulated views in the DEIR do not include the housing density that is proposed and they are not done to the correct scale. They should be re-done. 50-41

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 the overall impacts the proposed project would have. 50-42

The DEIR in section 5.4 fails to consider the visual impact of a 100-boat marina, especially from the lake and from the ski areas, and the cumulative visual impact of the adjoining proposed Marina Point 175-boat marina, nor does it account for the visual impact of parking for usage of this proposed marina. The marina's impact on traffic, nighttime light impacting wildlife, and noise are not addressed 50-43

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 measures to keep them from being stored at each of the homes, with adjacent fuel spill risk thus increasing the level of significance of the impacts of this proposed project to the aesthetics. 50-44

VII. TRAFFIC AND CIRCULATION

The analysis of traffic and circulation in the DEIR is inadequate because it is based on some assumptions that are not justified:

- The "project" and "baseline" traffic analysis in the DEIR is based on a growth rate of traffic over the past 10 years. This is not accurate. 50-45

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- The annual average in population growth for Big Bear from in the 2 years 2000-2002 is 14 times the annual average from 1990-2000. 50-46
- The annual average increase in number of houses built from 2000-2002 is over 8 times the annual average from 1990-2000. 50-47
- The DEIR also incorrectly assumes that peak hour traffic in the area is the "standard" AM and PM peaks. An actual analysis for this non-urban area, including weekend peaks, should be required 50-48

The DEIR needs to re-evaluate road and lane capacity under snowy or slick road conditions. For example, plowing only provides a limited pathway, but vacation use is intensified because of ski area traffic. 50-49

The DEIR failed to correctly consider the impact that straightening Route 38 will create and the likelihood that a straightened Route 38 will become the route of choice for all commercial traffic. This flow negates all traffic figures, trips, and volume studies assumed by the DEIR. 50-50

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. 50-51

VIII. AIR QUALITY

The DEIR does not 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 50-52

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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". This is a 6,600 square mile area and local impact studies are needed.

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The DEIR completely omits treatment of even the 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. The Big Bear Valley already has an inversion layer.

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The DEIR does not adequately address the impacts of the increased wood smoke emissions from fireplaces and wood stoves. Again, SCAMC-wide figures are meaningless and studies of the Valley itself are needed.

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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.

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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. Specific studies of Big Bear Lake are needed for an informed decision.

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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 no analysis of the County's ability to enforce such a rule.

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The DEIR 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 must be clarified and re-written. Furthermore, there is no treatment of emissions other than hydrocarbons from watercraft, and the associated impacts on air quality. On as revised report, the risk of emissions from spilled fuel are to be addressed.

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Nothing has been included in the air quality analysis to evaluate the effects of a local power generating plant that was suggested in the DEIR.

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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 underestimated and minimized substantially. They need to be addressed along with a cumulative impact study

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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 be generated, both during construction and of a permanent nature, would have significant continuing negative impact to wildlife and recreational

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use as well as to the residents. The analysis needs to be redone, using current data and peak usage periods.

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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. 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.

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The DEIR failed to consider the funneling effect of noise from the highway into the adjacent residential areas, and the impact the proposed wall would create.

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The DEIR refers to "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. No accurate measurement of current SPL levels is found in this document, so this analysis is flawed and inadequate.

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Rather than measurements, the DEIR states "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 become unacceptable.

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The data used in the Noise analysis is in part from the Traffic Analysis report, which is completely inadequate and understates the noise impact, since the traffic analysis was completely invalid in ignoring (or not measuring) peak usage. This analysis needs to be re-done.

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X. BIOLOGICAL RESOURCES

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

- 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. 50-67
- The DEIR fails to recognize that in prior developments in the Big Bear valley, where the same eagle mitigations were instituted, the eagles have been effectively driven from those projects. It needs to explain why these failed factors will work. 50-68
- The potential removal of additional trees to support mitigation for a 100-foot fuel modification is not analyzed anywhere in the Biological Resources section. 50-69
- 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. 50-70
- The DEIR fails to include analysis of the impact to wildlife based on increases in road kill from the increased traffic and the loss of access to the lake due to construction of walls. 50-71

Plant surveys for areas that will be destroyed by road and other infrastructural construction need to be mitigated but this is not stated requiring further analysis. 50-72

At a 3:1 mitigation ratio for loss of pebble plains, 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 source needs to be identified. 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. 50-73

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The analysis understates expected impacts to trees and eagles. Removal of 655 trees (24% of 2,772) is not analyzed or fully disclosed under "biological resources." This impact would constitute the removal of substantial eagle roost habitat. While the DEIR states that all trees over 20 inches in diameter will be protected, this applies only on individual lots and does not apply to road cutting and other structural changes required for the proposed project. Thus, the DEIR fails to protect perch trees as required by county code, which restricts removal of bald eagle perch trees "w/o adequate substitution". 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 and negatively impact the bald eagle. The analysis is misleading and needs to be re-done.

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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 recommended further analysis was included in the DEIR.

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We are currently in the worst drought condition in history, but the EIR fails to include this in the analysis. 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.

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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. It needs to be re-analyzed.

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XII. CONCLUSION

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. Further, once this DEIR has been 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.

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The DEIR as it stands is incomplete, inaccurate, and defective and must be rejected in its present form. It clearly violates the requirements of CEQA.

Pete Tenneyson Mary Tenneyson

Response to Commentor No. 50

Peter and Mary Tennyson

May 17, 2004

- 50-1 Commentor refers to cumulative impacts associated with other foreseeable projects. Please refer to Response to Comment No. 13-2, which addresses this concern.

- 50-2 Commentor refers to the Project's impacts in regards to primary versus secondary homes. Please refer to Response to Comment No. 13-7, which addresses this concern.

- 50-3 Commentor refers to current drought conditions and affects to groundwater. Please refer to Response to Comment Nos. 1-3, 1-4, 1-5, 13-98 and 18-1, which address these concerns.

- 50-4 Commentor refers to the enforcement process and procedures for implementation of mitigation measures. Please refer to Response to Comment No. 13-4, which addresses this concern.

- 50-5 Commentor refers to lack of agency consultation with various governmental agencies. Please refer to Response to Comment No. 13-5, which addresses this concern.

- 50-6 Commentor refers to the analysis of Alternatives and conclusion of the "Environmentally Superior Alternative." Please refer to Response to Comment No. 13-6, which addresses this concern.

- 50-7 Commentor refers to the Project's consistency with the County's General Plan. Please refer to Response to Comment No. 13-8, which addresses this concern.

- 50-8 Commentor refers to the Project's consistency with the County's General Plan. Please refer to Response to Comment Nos. 13-9, 13-11 and 13-12, which address this concern.

- 50-9 Commentor refers to the Project's consistency with the County's General Plan. Please refer to Response to Comment No. 13-13, which addresses this concern.

- 50-10 Commentor refers to the Project's consistency with the County's General Plan. Please refer to Response to Comment No. 13-15, which addresses this concern.

- 50-11 Commentor refers to the Project's consistency with the County's General Plan. Please refer to Response to Comment No. 13-17, which addresses this concern.

- 50-12 Commentor refers to cumulative impacts associated with other foreseeable projects. Please refer to Response to Comment No. 13-2, which addresses this concern.

- 50-13 Commentor refers to increased population and affects to infrastructure. Please refer to Response to Comment No. 13-19, which addresses this concern.

- 50-14 Commentor refers to the Project's consistency with the County's General Plan. Please refer to Response to Comment Nos. 13-20 and 13-21, which addresses this concern.
- 50-15 Commentor refers to proposed highway realignment and affects to the existing aesthetic character. Please refer to Response to Comment No. 13-22, which addresses this concern.
- 50-16 Commentor refers to the proposed marina facilities and affects to the lake and traffic. Please refer to Response to Comment No. 13-24, which addresses these concerns.
- 50-17 Commentor refers to the use and storage of fuels and affects to fire safety and water quality. Please refer to Response to Comment No. 13-35, which addresses this concern.
- 50-18 Commentor refers to lake usage statistics and affects to recreational facilities/uses. Please refer to Response to Comment No. 13-25, which addresses this concern.
- 50-19 Commentor refers to decreased public access to the lakeshore. Please refer to Response to Comment No. 13-26, which addresses this concern.
- 50-20 Commentor refers to decreased public access to the lakeshore. Please refer to Response to Comment No. 13-26, which addresses this concern.
- 50-21 Commentor refers to decreased public access to the lakeshore. Please refer to Response to Comment No. 13-26, which addresses this concern.
- 50-22 Commentor refers to accuracy of current Fire Risk Level designation. Please refer to Response to Comment No. 13-27, which addresses this concern.
- 50-23 Commentor refers to water capacity and affects to fire protection services. Please refer to Response to Comment No. 13-28, which addresses this concern.
- 50-24 Commentor refers to utilization of fire sprinklers in the analysis of fire protection services. Please refer to Response to Comment No. 13-29, which addresses this concern.
- 50-25 Commentor refers to the marina facilities and affects to fire protection services. Please refer to Response to Comment No. 13-35, which addresses this concern.
- 50-26 Commentor refers to enforcement of mitigation measures identified for fire protection services. Please refer to Response to Comment No. 13-31, which addresses this concern.
- 50-27 Commentor refers to increased traffic and affects to evacuation plans. Please refer to Response to Comment No. 13-32, which addresses this concern.
- 50-28 Commentor refers to the urban/forest interface and the increased fire risk associated with the Project. Please refer to Response to Comment Nos. 4-1, 4-4, and 13-27, which address these concerns.

- 50-29 Commentor refers to increased fire risk potential and affects to fire insurance. Please refer to Response to Comment No. 13-36, which addresses this concern.
- 50-30 Commentor refers to current police response times and the Project's impact to police services. Please refer to Response to Comment Nos. 13-38 to 13-39, which address this concern.
- 50-31 Commentor refers to non-emergency call and affects to police protection services. Please refer to Response to Comment No. 13-40.
- 50-32 The County will consider the Commentor's opinion during their deliberation on the project.
- 50-33 Commentor refers to the applicability of SB 221. Please refer to Response to Comment No. 13-42, which addresses this concern.
- 50-34 Commentor refers to water supply and affects to future water service and groundwater. Please refer to Response to Comment No. 13-43, which addresses these concerns.
- 50-35 The County will consider the Commentor's opinion during their deliberation on the project.
- 50-36 Commentor refers to appropriateness of mitigation measures regarding water service. Please refer to Response to Comment No. 13-47, which addresses this concern.
- 50-37 Commentor refers to current electric power shortages and the Project's impact to electric services. Please refer to Response to Comment No. 13-49, which addresses this concern.
- 50-38 Commentor refers to the potential impacts as a result of constructing an alternative electrical power source on the project site. Please refer to Response to Comment No. 13-50, which addresses these concerns.
- 50-39 Commentor refers to light and glare affects conflicting with the San Bernardino County Light Ordinance. Please refer to Response to Comment No. 13-52, which addresses this concern.
- 50-40 The County will consider the Commentor's opinion during their deliberation on the project.
- 50-41 Commentor refers to the visual simulations not being reflective of build-out of the project area. Please refer to Response to Comment No. 13-54, which addresses this concern.
- 50-42 Commentor refers to the visual simulations not being reflective of future vegetation. Please refer to Response to Comment No. 13-55, which addresses this concern.

- 50-43 Commentor refers to the proposed marina facility and affects to the existing aesthetic character. Please refer to Response to Comment Nos. 13-52 and 13-56, which address this concern.
- 50-44 Commentor refers to off-site storage locations of boats and trailers and affects to the existing aesthetic character. Please refer to Response to Comment No. 13-57, which addresses this concern.
- 50-45 Commentor refers to the growth rate utilized in the traffic analysis. Please refer to Response to Comment No. 13-58, which addresses this concern.
- 50-46 Comment is noted. Also, please refer to Response to Comment No. 13-58 regarding the growth rate utilized in the traffic analysis.
- 50-47 Comment is noted. Also, please refer to Response to Comment No. 13-58 regarding the growth rate utilized in the traffic analysis.
- 50-48 Commentor refers to the determination of the peak hour referenced in the traffic analysis. Please refer to Response to Comment No. 13-59, which addresses this concern.
- 50-49 Commentor refers to snowy/wet roadway conditions and affects to traffic. Please refer to Response to Comment No. 13-60, which addresses this concern.
- 50-50 Commentor refers to the proposed highway realignment and the affects to traffic. Please refer to Response to Comment No. 13-63, which addresses this concern.
- 50-51 Commentor refers to Caltrans rating of State Route 38 and affects to traffic. Please refer to Response to Comment No. 13-64, which addresses this concern.
- 50-52 Commentor refers to the methodology utilized to analyze air quality impacts. Please refer to Response to Comment No. 19-3, which addresses this concern.
- 50-53 Commentor refers to the lack of analysis of SO_x, lead and toxic air contaminates in the Draft EIR. Please refer to Response to Comment No. 19-4, which addresses this concern.
- 50-54 Commentor refers to potential air quality impacts associated with wood smoke emissions from wood stoves and fireplaces. Please refer to Response to Comment No. 19-6, which addresses this concern.
- 50-55 Commentor refers to potential impacts associated with visibility reducing particles. Please refer to Response to Comment No. 19-7, which addresses this concern.
- 50-56 Commentor refers to air quality impacts associated with toxic air contaminates. Please refer to Response to Comment No. 19-10, which addresses this concern.
- 50-57 Commentor refers to practicality of enforcing mitigation requiring EPA certified fireplaces. Please refer to Response to Comment No. 19-13, which addresses this concern.

- 50-58 Commentor refers to hydrocarbon emissions from watercraft and affects to air quality. Please refer to Response to Comment No. 19-14, which addresses this concern.
- 50-59 Commentor refers to the local power generating plant and affects to air quality. Please refer to Response to Comment No. 13-76, which addresses this concern.
- 50-60 The County will consider the Commentor's opinion during their deliberation on the project.
- 50-61 Commentor refers to modeling data utilized in assessing noise impacts. Please refer to Response to Comment No. 13-78, which addresses this concern.
- 50-62 Commentor refers to noise impact criteria utilized in the noise impact analysis. Please refer to Response to Comment No. 13-79, which addresses this concern.
- 50-63 Commentor refers to the funneling noise effect from increased traffic. Please refer to Response to Comment No. 13-80, which addresses this concern.
- 50-64 Commentor refers to sensitive receptors and affects to the noise environment. Please refer to Response to Comment No. 13-81, which addresses this concern.
- 50-65 Commentor refers to topographical differences and affects to the noise environment. Please refer to Response to Comment No. 13-83.
- 50-66 Commentor refers to the reliability of the traffic data utilized to conduct the noise impact analysis. Please refer to Response to Comment Nos. 13-2 and 13-58 to 13-65. The County will consider the Commentor's opinion and comments during their deliberation on the project.
- 50-67 Commentor refers to the loss of trees and the affects to biological resources. Please refer to Response to Comment No. 13-86, which addresses this concern.
- 50-68 Commentor refers to cumulative impacts to the bald eagle. Please refer to Response to Comment No. 13-88, which addresses this concern.
- 50-69 Commentor refers to the loss of trees within the fuel modification zone and the affects to biological resources. Please refer to Response to Comment No. 13-86, which addresses this concern.
- 50-70 Commentor refers to adequacy of biological resources surveys in drought years. Please refer to Response to Comment Nos. 3-5 and 13-90, which address this concern.
- 50-71 Commentor refers to increased traffic and affects to biological resources from increased amounts of road-kill. Please refer to Response to Comment No. 13-91, which addresses this concern.

- 50-72 Commentor refers to vegetation within the constriction zone and affects to biological resources. Please refer to Response to Comment No. 13-92, which addresses this concern.
- 50-73 Commentor refers to likelihood of finding a property owner to sell land in accordance with the special status plant and vegetation mitigation. Please refer to Response to Comment Nos. 3-5, 13-86 and 13-92, which address this concern.
- 50-74 Commentor refers to impacts to the bald eagle. Please refer to Response to Comment No. 13-95, which addresses this concern.
- 50-75 Commentor refers to water supply and impacts to groundwater. Please refer to Response to Comment No. 13-97, which addresses this concern.
- 50-76 Commentor refers to current drought conditions and affects to groundwater. Please refer to Response to Comment Nos. 13-98 and 13-99, which address this concern.
- 50-77 The County will consider the Commentor's opinion during their deliberation on the project.
- 50-78 The County will consider the Commentor's opinion during their deliberation on the project.

May 21, 2004

RECEIVED
MAY 24 2004
CURRENT PLANNING

County of San Bernardino
Land use Services Department
Planning Division
385 N. Arrowhead Avenue, 1st Flr.
San Bernardino, CA 92415-0182

RECEIVED
MAY 25 2004
LAND USE
ADVANCE PLANNING

Attention: Matthew W. Slowik

RE: Draft EIR for the Moon Camp Development Project/RCK Properties, Inc.

Dear Mr. Slowik,

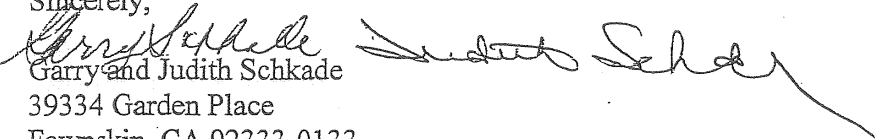
Thank you for this opportunity to review this document. My husband and I have been homeowners in Fawnskin since 1996. We have enjoyed the clean air, wildlife, and stress-free life living in a mountain atmosphere has afforded us during our retirement years.

Garry and I oppose the Moon Camp project as presently designed because the DEIR fails to adequately evaluate the true impact this project would cause mainly due to the shortage of water in Big Bear. Our own use of water has been restricted for another year with further reductions in usage to continue due to an ongoing draught. It makes no sense to allow this or any corporation to build housing on the hill when we have an extreme lack of water, the largest fire hazard in the country, trees dying by the millions in the forest, and only a two lane road if an evacuation occurs again this year. Most households have at least two cars, so that would mean a minimum of 400 more cars on the hill. Last year was frightening enough, taking four hours to get off the hill during the fires. The loss in lives could be enormous if fires hit the Big Bear area this season.

51-1

Please address these issues and reconsider allowing such a project to prevail.

Sincerely,


Garry and Judith Schkade
39334 Garden Place
Fawnskin, CA 92333-0133

Response to Commentor No. 51

Garry and Judith Schkade

May 21, 2004

- 51-1 Commentor refers to traffic impacts and affects to evacuation plans. Please refer to Response to Comment No. 13-32, which addresses this concern. The County will consider the Commentor's opinion during their deliberation on the project.

May 27, 2004

To Whom it may concern,

In regards to the letter about the mooncamp development project on 62 acres in the Big Bear area (Fawnskin).

I have some concerns should the zone change be allowed. The proposal calls for 95 residential lots. I have concerns about water. There is already a shortage of water available for the homes and lots that are there now. What will happen when the already developed vacant lots get built upon? That will require even more water than the area is using now and that does not even include the proposed 95 lots.

52-1

What about the wildlife that lives in the area and needs the trees or the natural undisturbed ground to make their homes.

52-2

Also of concern is the lake. The proposal calls for a boat dock and that means more boats and pollution into the lake.

52-3

I certainly think a consideration for all the unbuilt lots and what will happen when they all have homes on them should be thought about now, as those developments are already in but the burden to the water system, lake, wildlife, etc. has not occurred as the houses are not all built yet.

52-4

With these things in mind I do NOT think it would be a good idea to put in 95 more lots and take more forest away from the plants, animals, insects, and other things that need it.

52-5

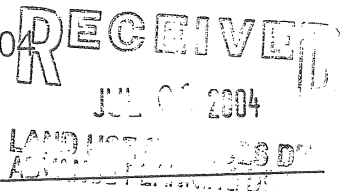
Response to Commentor No. 52

Stephen Youngerman

May 27, 2004

- 52-1 Commentor refer to water supply and the affects to groundwater. Please refer to Response to Comment Nos. 1-3, 1-4, 1-5 and 18-1, which addresses this concern. The County will consider the Commentor's opinion during their deliberation on the project.
- 52-2 Impacts to biological resources are discussed in Section 5.8, *Biological Resources*, in the EIR.
- 52-3 Commentor refers to the proposed marina facility and affects to the water quality of the lake. Please refer to Response to Comment No. 13-99, which addresses this concern.
- 52-4 The County will consider the Commentor's opinion during their deliberation on the project.
- 52-5 The County will consider the Commentor's opinion during their deliberation on the project.

MARC & MILDRED MANDEL
10446 LAKEWOOD BLVD., SUITE 104
DOWNEY, CA 90241-2763
(562) 861-0657



June 28, 2004

RECEIVED

JUL 02 2004

RBF CONSULTING

Matthew W. Slowik, Sr. Associate Planner
County of San Bernardino,
Land Use Services Dept., Planning Div.
385 N. Arrowhead Ave., 1st Floor
San Bernardino, CA 92415-0182

RE: Applicant: MOONCAMP DEVELOPMENT PROJECT / RCK PROPERTIES, INC.

Dear Mr. Slowik,

We are property owners in Fawnskin at 955 Deer Trail Lane, Parcel # 0304-422-05 and we are filing our comments referencing the draft **EIR** and objections to the above noted project. Please see the two (2) page attachment to this letter.

Also, this is a request for all regular and special notices regarding the noted project to be promptly sent to us at:

MARC & MILDRED MANDEL
10446 LAKEWOOD BLVD., SUITE 104
DOWNEY, CA 90241-2763

Thank you for your prompt attention to this request.

Sincerely yours,


Marc Mandel

Enclosures: Attachment pages 1 & 2

CC: F o F Advisory Committee

ATTACHMENT TO LETTER DATED 6/4/2004

THE FOLLOWING IS A LIST OF RESPONSES AND OBJECTIONS TO THE NOTED PROJECT AND THE **DRAFT EIR** THAT WE HAVE TO THE **GENERAL PLAN / LAND USE DISTRICT AMENDMENT AND TENTATIVE TRACT 16136**.

1. We are concerned about the project on the basis that the proposed lake front lots would destroy the lake-view from the existing highway and eliminate public access. | 53-1
2. We are concerned about the project on the basis that the project would require the realignment of State Route 38 northward so as to provide adequate lake front lots. | 53-2
3. We object to the project on the basis that currently there is insufficient water in Fawnskin to support 92 additional residences. In addition, the insufficient water supply, if further taxed, would create a greater problem in case of a major fire in the area of which there is a high potential due to the lack of rain and snow. As you are aware, the water problem in Big Bear is critical and reports are that this situation will continue for some years to come. We are on restricted watering use. | 53-3
4. We object to the project on the basis that a 92 home subdivision will create serious light pollution in the Fawnskin area. | 53-4
5. We are concerned about the project on the basis that the number of trees, approximately 750 or 25% of the trees in the project area that would have to be removed to: A) relocate the highway, B) create home sites, C) create roads within the project and D) create easements. | 53-5
6. We are concerned about the project on the basis that any down-zoning would destroy the eagle winter habitat. As an example, on one tree in the project area there have been as many as three eagles seen perched on one tree. | 53-6
7. We are concerned about the project on the basis that with people now building large houses on minimum-sizes lots in Big Bear, any down-zoning in Fawnskin would be inconsistent with the mountain character of Fawnskin. In addition, the density of lots projected is tighter than some major city lots including some areas of Los Angeles City. | 53-7
8. We are concerned about the project on the basis that State Route 38 in the project area would not adequately support traffic flow in that area, creating traffic problems by increasing the current 300 trips per day to at least 900 trips per day. | 53-8
9. We are concerned about the project on the basis that any proposed moving of State Route 38 would increase traffic noise levels to the existing residences above and near the development. | 53-9

CONTINUED ON ATTACHMENT PAGE 2

ATTACHMENT PAGE 1

10. We are concerned about the project on the basis that the increase of sewage would be beyond the capacity of the existing treatment plant. | 53-10
11. We are concerned about the project on the basis that it would create air pollution due to: A) the increase vehicle traffic and B) the increase number of fireplaces. In winter we now experience an inversion layer due to the fireplaces and any increase would be intolerable. | 53-11
12. We are concerned about the project on the basis that the increase in population in the project area would increase the noise pollution. | 53-12
13. We object to the project on the basis that the development could cause an increase in various fees that the existing residents would have to pay, i.e. sewer, etc. | 53-13
14. We object to the project on the basis that there are endangered species, both animal and plant life, in the project area that would be destroyed. | 53-14
15. We are concerned about the project on the basis that the 100 private dock marina: 1) removes public access to the lake, 2) adds noise pollution, and 3) adds air pollution. | 53-15
16. We object to the project on the basis that no zoning changes are acceptable. | 53-16
17. We object to the project on the basis that the project area should be held as a controlled "Public Use Area" and a preserve for natural habitat. | 53-17
18. We are concerned about the project on the basis that in addition to the various pollution items noted above, there is another pollution item and that is *light*. With all the proposed homes, the amount of light will create a great annoyance | 53-18

Response to Commentor No. 53

Marc and Mildred Mandel

June 28, 2004

- 53-1 Section 5.4, *Aesthetics/Light and Glare*, concludes that project implementation would result in significant and unavoidable impacts for viewshed alterations involving existing residents to the north, south, east and west of the project site. Additionally, significant and unavoidable impacts have been identified for views from State Route 38, a scenic highway, to the south and from the south shore of Big Bear Lake. If the County of San Bernardino approves the project, the County shall be required to cite their findings in accordance with Section 15091 of CEQA and prepare a Statement of Overriding Considerations in accordance with section 15093 of CEQA. Public access is discussed in Response to Comment No. 13-26.
- 53-2 The Commentor refers to the realignment of State Route 38, but does not refer to any specific environmental impacts. No further response is necessary.
- 53-3 Commentor refers to water supply and affects to groundwater. Please refer to Response to Comment Nos. 1-3, 1-4, 1-5, 13-47 and 21-3, which address this concern.
- 53-4 Commentor refers to light and glare impacts associated with development of the project area. Please refer to Response to Comment No. 13-52, which addresses this concern.
- 53-5 Commentor refers to the loss of trees and the affects to biological resources. Please refer to Response to Comment No. 13-86, which addresses this concern.
- 53-6 Commentor refers to impacts to the bald eagle. Please refer to Response to Comment Nos. 3-7, 13-86, 13-88, 13-95 and 41-14, which address this concern.
- 53-7 The Commentor refers to the project's density and impacts to the existing aesthetic character. Please refer to Response to Comment No. 53-1, which addresses this concern. The County will consider the Commentor's opinion during their deliberation on the project.
- 53-8 Commentor refers to the density of the project and affects to traffic. Please refer to Response to Comment Nos. 13-58 to 13-65, which address this concern.
- 53-9 Commentor refers to the realignment of the highway and affects to the existing noise environment. Please refer to Response to Comment Nos. 13-80, 13-81 and 26-15, which address this concern.
- 53-10 As stated in the EIR and Sewer Feasibility Report, the existing Big Bear Area Regional Wastewater Agency (BBARWA) sewer system located to the east of the project site would be capable of handling wastewater flow from the proposed project. Thus, the proposed project would not result in the need to construct new wastewater facilities or require the expansion of new wastewater facilities. The proposed project would be required to comply with applicable BBARWA (and Collecting Agencies, if

required) rules and regulations pertaining to construction and operation of facilities, in addition to required payment of all new and modified facility fees. To ensure that impacts remain at less than significant levels, mitigation measures have been recommended. Mitigation for the project includes that the Project Applicant shall provide evidence to the County of San Bernardino that the BBARWA has sufficient transmission and treatment plant capacity to accept sewage flows from the project site.

- 53-11 Regarding vehicular emissions, the project would result in an overall increase in the local and regional pollutant load due to direct impacts from vehicle emissions. Combined mobile and area source emissions would exceed SCAQMD thresholds for ROG, CO and PM₁₀. These exceedances are considered significant and cannot be mitigated to a less than significant level. If the County of San Bernardino approves the project, the County shall be required to cite their findings in accordance with Section 15091 of CEQA and prepare a Statement of Overriding Considerations in accordance with Section 15093 of CEQA.

Please refer to Response to Comment No. 19-6 for impacts regarding fireplaces.

- 53-12 Commentor refers to the increase in population and affects to the noise environment. Please refer to Response to Comment No. 28-2, which addresses this concern.
- 53-13 The County will consider the Commentor's opinion during their deliberation on the project.
- 53-14 Section 5.8, *Biological Resources*, discusses impacts to biological resources as a result of project implementation. As stated in Response to Comment No. 13-88, the EIR analysis has been modified to conclude that project implementation would result in significant and unavoidable impacts to wintering bald eagle populations. If the County of San Bernardino approves the project, the County shall be required to cite their findings in accordance with Section 15091 of CEQA and prepare a Statement of Overriding Considerations in accordance with section 15093 of CEQA.
- 53-15 Commentor refers to the proposed marina facility and affects to public access, noise levels, and air quality. Please refer to Response to Comment Nos. 13-26, which addresses public access; refer to Response to Comment No. 28-2, which addresses noise; and refer to Response to Comment No. 19-14, which address air quality.
- 53-16 The County will consider the Commentor's opinion during their deliberation on the project.
- 53-17 The project site is private property and not designated for public use areas. However, the County will consider the Commentor's opinion during their deliberation on the project.
- 53-18 Commentor refers to light and glare impacts associated with development of the project area. Please refer to Response to Comment No. 13-52, which addresses this concern.

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14.3 LIST OF COMMENTORS: 45-DAY RECIRCULATION REVIEW

FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES

1. Mark Butala, Southern California Association of Governments
2. Kelly Rozich, County of San Bernardino
3. Terry Roberts, California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit

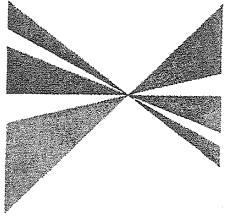
PRIVATE/SPECIAL INTEREST GROUPS

4. Bryan Wilkie, The Gas Company
5. Timothy Krantz, San Bernardino Valley Audubon Society
6. Erv Nichols, Sierra Club
7. Sandy Steers, Friends of Fawnskin
8. David Goodward, San Bernardino Valley Audubon Society

INDIVIDUALS

9. Carol Enos
10. Betty Conroy
11. Diane Shattuck
12. Sandra Ellis
13. Rush Wallace
14. Loretta Gardner
15. Unknown
16. George Kast
17. Robert Drake
18. Mary Lu Drake
19. Sandy Steers
20. Donald Wheeler and Wheeler Family
21. Lisa Patterson
22. Roman Silberfeld
23. Nancy and Bill Hazewinkel
24. Daniel Levenick
25. James and Lola McGrew
26. Peter and Mary Tennyson
27. Bradley and Cathy Winch
28. B.J. Finlayson-Pitts and James Pitts
29. Michael Karp

SOUTHERN CALIFORNIA



**ASSOCIATION of
GOVERNMENTS**

Main Office

818 West Seventh Street

12th Floor

Los Angeles, California

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f (213) 236-1825

www.scag.ca.gov

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Toni Young, Port Hueneme • Second Vice
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County, Jo Shields, Brawley

Los Angeles County: Yvonne Brathwaite Burke,
Los Angeles County • Zev Yaroslavsky, Los
Angeles County • Jim Aldinger, Manhattan
Beach • Harry Baldwin, San Gabriel • Paul
Bowlen, Cerritos • Tony Cardenas, Los Angeles •
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• Eric Garcetti, Los Angeles • Wendy Greuel, Los
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Angeles • Greig Smith, Los Angeles • Tom Sykes,
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Pasadena • Tonia Reyes Uranga, Long Beach •
Antonio Villaraigosa, Los Angeles • Dennis
Ashburn, Calabasas • Jack Weiss, Los Angeles
• Bob Yousefian, Glendale • Dennis Zine, Los
Angeles

Orange County: Chris Norby, Orange County •
John Beauman, Brea • Lou Bone, Tustin • Art
Brown, Buena Park • Richard Chavez, Anaheim
• Debbie Cook, Huntington Beach • Cathryn
eYoung, Laguna Niguel • Richard Dixon, Lake
Forest • Marilyn Poe, Los Alamitos • Tod
Dageway, Newport Beach

Riverside County: Jeff Stone, Riverside County •
Thomas Buckley, Lake Elsinore • Bonnie
Ickinger, Moreno Valley • Ron Loveridge,
Riverside • Greg Pettis, Cathedral City • Ron
Iberts, Temecula

San Bernardino County: Gary Ovitt, San
Bernardino County • Lawrence Dale, Barstow •
Julie Eaton, Montclair • Lee Ann Garcia, Grand
Dance • Susan Longville, San Bernardino •
Barbara Robertson, Rialto • Alan Wapner,
Rialto

Santa Clara County: Judy Mikels, Ventura County •
John Becerra, Simi Valley • Carl Morehouse, San
Anaventura • Toni Young, Port Hueneme

San Diego County Transportation Authority: Lou
Rea, County of Orange

Riverside County Transportation Commission:
John Lowe, Hemet

Santa Clara County Transportation Commission:
John Millhouse, Moorpark

April 5, 2005

RECEIVED
APR 11 2005

**LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION**

Mr. Matthew Slowick
County of San Bernardino, Planning Division
385 N. Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

**RE: SCAG Clearinghouse No. I 20050123 Moon Camp Residential
Subdivision Projection, Revised Biological Resources Section, DEIR**

Dear Mr. Slowick:

Thank you for submitting the **Moon Camp Residential Subdivision Projection** 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 Projection**, 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). 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 **March 1-15, 2005 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,

MARK BUTALA
Senior Regional Planner
Intergovernmental Review

1-1



Response to Commentor No. 1

Mark Butala, Southern California Association of Governments

April 5, 2005

- 1-1 The Southern California Association of Governments (SCAG) has reviewed the Recirculated Public Review 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.

COMMENT NO. 2

Slowik, Matt - Planning

From: Rozich, Kelly-DPW

Sent: Tuesday, April 12, 2005 3:25 PM

To: Slowik, Matt - Planning

Subject: RE: Comments on Revised Biological Resources Section of Draft EIR - Mooncamp Development

We have no comments.

2-1

Thank you,

Kelly A. Rozich (rose-itch)
(909) 387-8114
Senior Associate Planner
Environmental Management Division
San Bernardino County Public Works Department

Response to Commentor No. 2

Kelly Rozich, San Bernardino County Public Works Department
April 12, 2005

- 2-1 The San Bernardino County Public Works Department, Environmental Management Division has no comments on the Recirculated Public Review Draft EIR. No further response to this comment is necessary at this time.



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit



COMMENT NO. 3

RECEIVED
APR 20 2005
Sean Walsh
Director

LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

April 18, 2005

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. The review period closed on April 15, 2005, and no state agencies submitted comments by that date. 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 call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse

3-1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2002021105
Project Title Moon Camp
Lead Agency San Bernardino County Land Use Services Department

Type EIR Draft EIR
Description GPA/OLUD to establish a 95-lot residential subdivision, with 92 numbered lots and 3 lettered lots.

Lead Agency Contact

Name Matthew Slowik
Agency San Bernardino County Land Use Services Department
Phone (909) 387-4147 **Fax**
email
Address 385 N. Arrowhead Ave., 1st Floor
City San Bernardino **State** CA **Zip** 92415-0182

Project Location

County San Bernardino
City
Region
Cross Streets Canyon Road and Polique Canyon Road
Parcel No. 0304-082-14; 0304-091-12, 13, 21
Township 2N **Range** 1W **Section** 13 **Base** SBBM

Proximity to:

Highways 38
Airports
Railways
Waterways Big Bear Lake
Schools
Land Use BV/RL-40 (Rural Living - 40 acre minimum lot size)

Project Issues Cumulative Effects; Vegetation; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 8; Department of Parks and Recreation; Native American Heritage Commission; Department of Forestry and Fire Protection; Office of Emergency Services; Department of Health Services; Department of Fish and Game, Region 6; Department of Water Resources; California Highway Patrol; Caltrans, District 8; State Lands Commission

Date Received 03/02/2005 **Start of Review** 03/02/2005 **End of Review** 04/15/2005

Response to Commentor No. 3


Terry Roberts, California Governor's Office of Planning and Research, State Clearinghouse and Planning Units

April 18, 2005

- 3-1 The Commentor acknowledges that the Recirculated Public Review Draft EIR has complied with State Clearinghouse review requirements and has been forwarded to select State agencies for review. No further response to this comment is necessary at this time.

COMMENT NO. 4



A  Semptra Energy company

RECEIVED
MAR 31 2005
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

MAR 30 2005
Southern California
Gas Company
CURRENT PLANNING
1980 Arrowhead Avenue
Redlands, CA 92374-9720

Mailing Address:
PO Box 3003, SC8031
Redlands, CA 92373-0306

March 24, 2005

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

Attention: Matthew Slowik, Senior Associate Planner

Re: Notice of Availability of the Revised Biological Resources Section of the
Draft Environmental Impact Report for the Mooncamp Development
Project (Case No. TTM 16136)
City of Big Bear

Thank you for the opportunity to respond to the above-referenced project. Please note that Southern California Gas Company has facilities in the area where the above named project is proposed. Gas service to the project could be provided without any significant impact on the environment. The service would be in accordance with the Company's policies and extension rules on file with the California Public Utilities Commission at the time contractual arrangements are made.

You should be aware that this letter is not to be interpreted as a contractual commitment to serve the proposed project, but only as an informational service. The availability of natural gas service, as set forth in this letter, is based upon present conditions of gas supply and regulatory policies. As a public utility, The Southern California Gas Company is under the jurisdiction of the California Public Utilities Commission. We can also be affected by actions of federal regulatory agencies. Should these agencies take any action, which affects gas supply, or the conditions under which service is available, gas service will be provided in accordance with revised conditions.

Typical demand use for:

a.	Residential	(System Area Average/Use Per Meter) <u>Yearly</u>	
	Single Family	799 therms/year dwelling unit	
	Multi-Family 4 or less units	482 therms/year dwelling unit	
	Multi-Family 5 or more units	483 therms/year dwelling unit	

These averages are based on total gas consumption in residential units served by Southern California Gas Company, and it should not be implied that any particular home, apartment or tract of homes will use these amounts of energy.

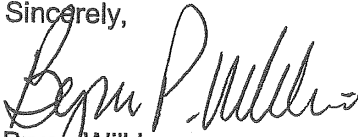
4-1

b. Commercial

Due to the fact that construction varies so widely (a glass building vs. a heavily insulated building) and there is such a wide variation in types of materials and , a typical demand figure is not available for this type of construction. Calculations would need to be made after the building has been designed.

We have Demand Side Management programs available to commercial/industrial customers to provide assistance in selecting the most effective applications of energy of our energy conservation programs, please contact our Commercial/Industrial Support Center at 1-800-GAS-2000.

Sincerely,



Bryan Wilkie
Technical Supervisor

BPW/ocf

4-1

Response to Commentor No. 4

Bryan Wilkie, The Gas Company

March 24, 2005

- 4-1 As indicated by The Gas Company during the 45-day public review period for the Recirculated Draft EIR (Comment Letter No. 8, dated April 21, 2004) it has been acknowledged that gas service to the project could be provided without any significant impact to the environment. No further response to this comment is necessary at this time.

COMMENT NO. 5

April 14, 2005

Subject: Comments on the Supplemental Biological Impact Assessment of the proposed Moon Camp Residential Subdivision, T.T. 16136

RECEIVED
APR 18 2005
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

ATTN: Mr. Matt Slowik, Sr. Assoc. Planner
County of San Bernardino
385 N. Arrowhead Avenue, Third Floor
San Bernardino, CA 92415-0182

FROM: Dr. Timothy Krantz
University of Redlands
1200 East Colton Avenue, Duke Hall
Redlands, CA 92373-0999

Dear Mr. Slowik:

Upon review of the Supplemental Biological Resources Impact Assessment (BRIA) circulated for the Moon Camp project, the following comments are respectfully submitted.

The BRIA identifies a long list rare plant species considered to have a high probability of occurring on site. In fact, several additional special status species are known to occur on the property (*Mimulus purpureus* p., *Pyrocoma uniflora gossypina*, et al.) and others are likely to occur on site. Focused rare plant surveys were completed during July 2003 by BonTerra consultants. This was an exceptionally dry year and many annual species (ie. *Mimulus purpureus* p.) failed to flower in that season. Furthermore, July is too late to reliably see many of the earlier flowering species. For example, this year has been an unusually wet year and should be very good for plant surveys. However, I just completed a plant taxonomy field trip for a University of Redlands class and found many species already in full flower, and some already with mature fruits. The EIR as much as admits that **the previous survey for rare plants was inadequate** by drafting the newly proposed Mitigation Measure 5.8-1a, which calls for another focused survey prior to issuance of grading permits; and then off-site mitigation at a ratio of 3:1 for each acre of sensitive plant habitat destroyed by the development.

We believe that the focused rare plant surveys should be completed prior to certification of the Final EIR. In this good rainfall year, the survey could be completed by the end of June, and potential modifications to the development plan could be considered to avoid sensitive resources to the extent possible.

The DEIR and Supplemental BRIA minimize the significance of the impacts to pebble plains habitat. In fact, although the (inadequate) rare plant survey identified only 0.69ac of pebble plain habitat on site, the full extent of pebble plain habitat is most likely significantly greater than that. Even so, the DEIR then minimizes the relative degree of significance by saying that in comparison with the total distribution of this habitat type (379ac), the project site only contains 0.18% of the total distribution. **One should keep in mind that this is the entire distribution of this plant community in the world!** Furthermore, no other pebble plains are known to occur in the vicinity of the

5-1

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project (Fawnskin area); a fact that will be borne out when the applicants attempt to identify mitigation acreage that is not already protected on public lands.

5-3

The DEIR and Supplemental BRIA identify nine bald eagle perch trees on site. These trees are occasionally used, primarily for perching with a direct line-of-sight to prey on the lake (foraging habitat). **Any proposed dredging, including the adjacent Marina Point project to the west, will result in deepening and, therefore, lessening the suitability of the shoreline habitat for foraging bald eagles.**

5-4

Mitigation 5.8-1b regards bald eagle perch trees. Simply identifying eagle perch trees on private lots has not been successfully implemented on several other residential subdivisions in Big Bear Valley, most notably the Eagle Point and Castle Glen subdivisions in the City of Big Bear Lake. In both of these cases, the Homeowners Association (HOA) was supposedly charged with enforcing the building restrictions for homes constructed on lots with bald eagle perch trees. The result, after 15 years, has been that homes have extended their irrigated (sod) landscaping under the trees, thereby weakening them. Jeffrey pines need no additional irrigation, and in fact may suffer root rot and other diseases when structures are built within the drip-lines of the trees, or if over-watered.

5-5

We believe the only tenable mitigation measure to protect wintering bald eagle perch trees is the establishment of non-salable letter lots to ensure that residences, driveways, roads, and irrigated landscaping do not encroach on them. In fact when one considers the presence of five of the perch trees *and* the pebble plain habitat occurring together in the west portion of the project site, it would appear that this may represent a dual-purpose conservation Letter Lot. Any letter lot, created for the purpose of conservation of bald eagle perch trees and/or pebble plain habitat should be conveyed to a natural resources management entity with a Conservation Easement, as called for in Mitigation Measure 5.8-1a. Any parcels acquired or set aside for mitigation of sensitive biological resources should also have conditions requiring funding to be set aside for the purpose of maintenance and stewardship of such resources in perpetuity. These funds should be placed in an escrow account for use by the designated conservation steward entity.

5-6

Thank you for this opportunity to provide comments. Should you have any further questions, please call me at (909)335-5149.

Sincerely,



Dr. Timothy P. Krantz, on behalf of the Board of Directors,
San Bernardino Valley Audubon Society

Cc: Adam Keats, Center for Biological Diversity

Response to Commentor No. 5

Timothy Krantz, San Bernardino Valley Audubon Society

April 14, 2005

- 5-1 Although the species referenced were not identified as occurring on the project site, they were identified in the Draft EIR section and biological technical report for the project and determined to have a high potential to occur on the project site. The EIR section and biological technical report stated that surveys for special status plants were inconclusive because they were conducted during an exceptionally dry year, necessitating an additional survey as required by Mitigation Measure 5.8-1a, and identified potential impacts to special status plants as significant.
- 5-2 Surveys were not conducted this year because the ultimate disposition of the project site has yet to be determined. Focused plant surveys will be scheduled if and when the project is approved by the County of San Bernardino. Mitigation Measure 5.8-1a requires that surveys shall be conducted during a spring with adequate rainfall to ensure proper identification of special status plants on the project site and appropriate mitigation acreage.
- 5-3 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. 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 acre 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 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. Furthermore, implementation of Mitigation Measure 5.8-1a requires that a mitigation site is identified prior to any vegetation clearing, grading, or other site disturbance on the project site. Therefore, the project would not be allowed to move forward until a mitigation site is identified and purchased.
- 5-4 The Draft EIR section and biological technical report identify project-related impacts to bald eagles and their perch trees as significant and unavoidable impacts and significant and unavoidable cumulative impacts.

- 5-5 Please refer to Response to Comment No. 5-4. Mitigation Measures 5.8-1b and 5.8-1c prohibit development that may occur within the project site and in the individual lots from impacting these trees and their root structures. Mitigation Measures 5.8-1b and 5.8-1c are hereby revised as follows:

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|--------|--|
| 5.8-1b | Trees identified on Exhibits 3 and 4 of the Bald Eagle Survey Report (Appendix E, <u>see attached</u>) as eagle perch locations shall be preserved in place upon project completion and shall not be removed under any circumstances. Any development that may occur within the project site and in the individual lots must avoid impacts to these trees and their root structures. <u>All construction or landscaping improvements, including irrigation, will be prohibited on or around the exposed root structures or within the dripline of these trees.</u> These restrictions on development of the individual tentative tracts must be clearly presented and explained to any potential prospective developers and/or homeowners prior to assumption of title and close of escrow. This measure shall be identified as a Note on the Composite Development Plan. |
| 5.8-1c | Prior to vegetation clearing, grading, or other disturbance, the project site shall be surveyed to identify all large trees (i.e., greater than 20-inches in diameter at 4.5 feet from the ground) within 600 feet from the high water line. Trees identified on the project site as having a diameter in excess of 20-inches at four feet from the ground within 600 feet of the shoreline shall be documented and tagged. Any development that may occur within the project site and in the individual lots must avoid impacts to tagged trees and their root structures. <u>All construction or landscaping improvements, including irrigation, will be prohibited on or around the exposed root structures or within the dripline of these trees.</u> These restrictions on development of the individual tentative tracts must be clearly presented and explained to any potential prospective developers and/or homeowners prior to assumption of title and close of escrow. This measure shall be identified as a Note on the Composite Development Plan. |

- 5-6 Comment is noted. The County will consider the Commentor's opinion and comments during the deliberations on the project.