

**CALIFORNIA ENVIRONMENTAL QUALITY ACT  
FINDINGS OF FACT AND STATEMENT OF OVERRIDING  
CONSIDERATIONS**

**Findings Related to the Draft Environmental Impact  
Report  
(2004), Draft Revised and Recirculated Environmental  
Impact Report No. 1 (2010), Revised and Recirculated  
Draft Environmental Impact Report No. 2 (2011), Final  
Environmental Impact Report (2020) Partially  
Recirculated Draft Environmental Impact Report No. 3  
(2024) and Final Environmental Impact Report (2024) for  
the  
Moon Camp 50-lot Residential Subdivision, TT No. 16136  
Big Bear Lake, San Bernardino County, CA  
SCH # 2002021105**

## **I. INTRODUCTION**

The County of San Bernardino (the “County”), in approving the Moon Camp 50-lot Residential Subdivision (the “Project<sup>1</sup>”), which requires a number of discretionary approvals as discussed within the Project Summary, makes the Findings described below, certifies the 2024 Final EIR, and adopts the Statement of Overriding Considerations presented at the end of the Findings.

The Environmental Impact Report was prepared by the County acting as lead agency pursuant to the California Environmental Quality Act (“CEQA”). Hereafter, the Notices of Preparation, Notices of Availability, Notices of Completion, the Draft EIR (2004), the Draft Revised and Recirculated EIR No. 1 (2010), the Draft Revised and Recirculated EIR No. 2 (2011), Final Environmental Impact Report (2020), Partially Recirculated Draft Environmental Impact Report No. 3 (2024) and Technical Studies attached as Appendices to the Draft EIRs, the 2024 Final EIR, containing Responses to Comments and textual revisions to the Draft EIRs, and the Mitigation Monitoring and Reporting Program will be referred to collectively herein as the “Environmental Document.” Where it is relevant for clarity, individually, the 2004 Draft EIR for the Project is referred to as the “2004 DEIR<sup>2</sup>.” The 2010 Revised and Recirculated Draft EIR is referred to as the “2010 RRDEIR.” The 2011 Revised and Recirculated Draft EIR is referred to as the “2011 RRDEIR.” The 2020 Final EIR is referred to as the “2020 FEIR”. The 2024 Partially Recirculated Draft EIR No. 3 is referred to as the “2024 PDEIR No. 3.” The 2024 Final EIR is referred to as the “2024 FEIR.”

These Findings are based on the entire record before the County, including the Environmental Document. The County adopts the facts and analyses in the Environmental Document, which are summarized below for convenience. The omission of some detail or aspect of the Environmental Document does not mean that it has been rejected by the County.

The Environmental Document as well as other documentation and materials set forth in the administrative record for the proposed project provides additional facts in support of these Findings. In the event of any inconsistencies between the mitigation measures set forth herein and the Environmental Document, these Findings shall control.

## **II. PROJECT SUMMARY**

### **1. Site Location and Existing Conditions**

The proposed 62.43-acre Moon Camp project site is located on the north shore of Big Bear Lake, in the unincorporated community of Fawnskin, County of San Bernardino. The Big

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<sup>1</sup> For a complete description of the “Project,” see Section 1.3 of the 2024 Partially Recirculated Draft EIR No. 3 titled “Moon Camp Project Description.”

<sup>2</sup> The County issued a Notice of Completion for a Final Environmental Impact Report for this Project on January 27, 2006. However, this EIR was never certified. Subsequent to the Notice of Completion, the Applicant revised the project to substantially reduce, and in some cases completely avoid, significant environmental impacts that were identified in the Final EIR.

Bear Lake area is primarily a resort community where a major portion (approximately two-thirds) of the residences are second homes. The south shore contains commercial and recreational facilities, including ski areas, hotels, and restaurants, within the incorporated City of Big Bear Lake. By comparison, the north shore area in the vicinity of the Project is less populated and primarily residential, with a small commercial component westerly of the Project site.

State Route 38 (SR-38), also known as North Shore Drive, provides access to the Project site; the road actually transects the property. The Project site is roughly bounded to the north by Flicker Road, to the south by Big Bear Lake, to the east by Polique Canyon Road, and to the west by Canyon Road. In the Public land survey nomenclature, the Project site is described as being located in the northern half of Section 13, Township 2 North, Range 1 West, San Bernardino Baseline and Meridian (SBBM). San Bernardino County parcel numbers for the site include Assessor's Parcel Numbers (APN) 0304-082-04, 0304-091-12, 0304-091-22, and 0304-091-21.

In addition to State Route 38 (SR-38), several dirt trails (generally associated with unauthorized off-road vehicle use) traverse the Project site, which is located approximately 1 mile south of the Pacific Crest Trail; a trail that stretches between the US/Mexican border and the US/Canadian border. Site elevations range from approximately 6,744 feet above mean sea level (msl) at the lakeshore to 6,960 feet above msl at the northeast corner of the site. Individual slopes on-site range from 5 percent to 40 percent. Slope orientation is generally from north to south toward the lake, except for three natural ravines on the Project site that contain eastern and western slopes. Vegetation and habitat types in the Project area include open Jeffery Pine forest (with an average density of 44.4 trees per acre) and pebble plain like soil conditions in the western portion of the Project.

## **2. Project Description**

The Project consists of the subdivision of the site into 58 lots—50 numbered lots (single-family residential lots) to be sold individually and developed into custom homes; a 55-slip marina; and eight lettered lots described as follows:

- Five designated as Open Space/Conservation easements and Neighborhood Lake Access;
- Three designated as well sites (one also as Open Space/conservation easement);
- One designated as a potential reservoir site; and
- One designated for marina parking lot development (also Open Space/conservation easement).

The Project consists of approximately 9.0 acres of open space/conservation/Neighborhood Lake Access within the Project site.

### **3. Actions Covered by the Environmental Document**

The EIR supports the following discretionary approvals:

- A Tentative Tract Map (TTM #16136) for 50 single-family residential lots and 8 lettered lots.

### **III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION**

The County conducted an extensive review of this Project which includes preparation of the 2004 DEIR, 2010 RRDEIR, 2011 RRDEIR, 2020 Final EIR, 2024 PDEIR No.3 and 2024 Final EIR including technical reports, along with several public review and comment periods.

In 2004, the County circulated a draft EIR evaluating the Original Project - a 92-lot residential subdivision on 62.43 acres with a minimum lot size of 7,200 square feet. Significant adverse and unavoidable impacts resulting from development of the Original Project included Aesthetics (loss of views of the lake and surrounding mountains due to the development of the 31 lakefront lots), Air Quality (short-term during construction and long-term), Biological Resources (noise and perch tree impacts on the bald eagle), and Water Supply (inconclusive groundwater supply).

Partially in response to comments received on the 2004 Draft EIR, the Applicant proposed an alternative to the Original Project - 2004 that substantially reduced, and in some cases completely, avoided the significant environmental impacts that were identified in the 2004 EIR. The revised project design/description (2010 Alternative Project) reduced the number of residential lots from 92 to 50 and also proposed seven lettered lots. The residential lots would have a minimum lot size of 20,000 square feet and be sold individually and developed with single-family custom homes.

To evaluate potential environmental impacts associated with the development of the 2010 Alternative Project, the County prepared revisions to the 2004 EIR, and circulated that evaluation for public review in the 2010 RRDEIR.

The 2010 RRDEIR concluded that the 2010 Alternative Project would have significant and unavoidable impacts related to Biological Resources. The unavoidable impacts were to the bald eagle. No additional significant impacts related to the 2010 Alternative Project were identified following implementation of mitigation measures and/or compliance with applicable standards, requirements and/or policies by the County of San Bernardino.

Based on concerns raised in comments received on the 2010 RRDEIR, a Supplemental Focused Special Status Plant Species Survey, dated August 2010, was conducted to confirm the conclusion in the 2010 RRDEIR that impacts to the Ashy-Gray Indian Paintbrush (a Federally-Listed Threatened Species) are less than significant. The survey analyzed the density of Ashy-Gray Indian Paintbrush within the Project site and whether Project implementation would result in potential off-site impacts on the U.S. Forest Service pebble plain habitat near the northeast portion of the Project site. The Supplemental

Focused Special Status Plant Species Survey (August 29, 2010) showed the presence of high densities of Ashy-Gray Indian Paintbrush plants on the western most Lots (Lots 1, 2 and 3) in the area west of “Street A”—the public roadway through the Project site.

In addition, the Supplemental Focused Special Status Plant Species Survey (August 29, 2010) determined that the area thought to be pebble plain habitat located within Lot A (as identified within the Supplemental Special Status Plant Species Survey, 2008), is not a true pebble plain habitat due to the lack of two key indicator species (*Arenaria ursina* and *Eriogonum kennedyi austromontanum*). The Supplemental Focused Special Status Plant Species Survey (August 29, 2010) findings augment the Supplemental Focused Special Status Plant Species Survey conducted by Dr. Krantz, dated June 29, 2008, providing an above-average precipitation year for observation.

Based on the new finding regarding the presence of high densities of Ashy-Gray Indian Paintbrush in areas occupied by significant Ashy-Gray Indian Paintbrush occurrences, the applicant redesigned the subdivision layout to minimize impacts to this species. The redesigned subdivision creates a new Lot “H” Open Space Conservation Easement over the area with the highest concentration of plants (Lots 1-3), with three replacement residential lots proposed to be created along the south side of Street “A,” an area with significantly lower concentrations of Ashy-Gray Indian Paintbrush.

The County determined that the redesign of the subdivision and the conclusions of the Supplemental Focused Special Status Plant Species Survey (August 29, 2010) revealing the presence of high densities of Ashy-Gray Indian Paintbrush on Lots 1-3 of the Project site constitutes “significant new information” as defined by Section 15088.5 of the CEQA Guidelines, and therefore required a partial recirculation of the 2010 RRDEIR to fully disclose and analyze the potential impacts of the redesigned subdivision.

The 2004 DEIR was circulated for public review from March 29, 2004, through May 17, 2004. The 2010 RRDEIR was circulated for public review from April 6, 2010, through May 21, 2010. The 2011 RRDEIR was circulated for public review from December 9, 2011, through January 23, 2012.

The 2004 DEIR, the 2010 RRDEIR, and the 2011 RRDEIR were made available online at [www.sbcounty.gov/landuseservices](http://www.sbcounty.gov/landuseservices) and made available for public review during normal business hours at the County of San Bernardino’s offices located at 385 North Arrowhead Avenue in the City of San Bernardino, the County of San Bernardino’s offices located at 15900 Smoke Tree Street in the City of Hesperia, the County of San Bernardino’s offices located at 477 Summit Boulevard in the City of Big Bear Lake, and at the County of San Bernardino Public Library located at 41930 Garstin Drive in the City of Big Bear Lake.

Responses to comments letters were provided in writing and incorporated within the 2020 FEIR.

The EIR was considered by the San Bernardino County Planning Commission on October 4, 2018, and the San Bernardino County Board of Supervisors on May 19, 2020. The San

Bernardino County Board of Supervisors approved the Moon Camp Project and certified the 2020 FEIR on July 28, 2020.

Subsequently, on August 28, 2020, the Friends of Big Bear Valley, San Bernardino Valley Audubon Society, Inc. and Center for Biological Diversity filed a lawsuit against the County of San Bernardino alleging, among other things, that the County failed to comply with CEQA. By way of decision dated January 20, 2022, the San Bernardino County Superior Court concluded that the County failed to comply with CEQA in two narrow circumstances; (1) the conclusion that the impacts to the Ashy-Gray Indian Paintbrush could be mitigated to a less than significant level was not supported by substantial evidence and (2) the conclusion that the Project would have a less than significant impact on wildfire evacuation was not supported by substantial evidence. The court deemed the 2020 FEIR complied with CEQA in all other respects. The Court issued a Writ of Mandamus ordering the County to set aside and vacate (1) the certification of the 2020 FEIR, (2) the CEQA Findings and Statement of Overriding Considerations, (3) the Mitigation Monitoring and Reporting Program, and (4) approval of Tentative Tract Map No. 16163.

Consistent with the Court's Writ of Mandate, the County rescinded the non-severable Project approvals on November 15, 2022. Subsequently, the County prepared the 2024 PDEIR No. 3 to address the following issues; (1) analysis of Project's impacts on the Ashy-Gray Indian Paintbrush and on pebble plain habitat, (2) analysis of Project's impacts on wildfire evacuation and risks thereof, and (3) analysis of Project's consistency with the County's 2020 Countywide Plan. The 2024 PDEIR No. 3 was available for a 45-day review period from February 1, 2024 through March 18, 2024. Because the purpose of the 2024 PDEIR No. 3 is to revise and partially recirculate those portions of the EIR that the Court found deficient in its January 20, 2022 decision, in addition to a recirculation of a portion of the Land Use and Planning Subchapter of the EIR, pursuant to the procedures set forth in Section 15088.5(f)(2) of the CEQA Guidelines, reviewers were directed to limit their comments to the revised information contained in the 2024 PDEIR No. 3. The analysis and CEQA determinations for topics that fall outside of the narrow focus of the 2024 PDEIR No. 3 were deemed legally adequate by the Court, and therefore the County was not required to further discuss or consider issues beyond what was presented in the July 2020 FEIR, pursuant to CEQA Statute 15234(d). Accordingly, the County prepared responses to written comments on the 2024 PDEIR No. 3 which were included in the 2024 FEIR.

The 2024 FEIR and Project entitlements came before the County Board of Supervisors for consideration on October 8, 2024.

#### DISAGREEMENT AMONG EXPERTS

As reflected in certain comments, there is disagreement among various parties regarding particular conclusions in the 2024 FEIR. CEQA and relevant case law interpreting the CEQA statute and Guidelines provide the standards for the treatment of disagreement in the context of an EIR, as follows: Where evidence and opinions conflict on an issue concerning the environment, and the lead agency knows of these controversies in advance, the EIR and/or related findings must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information on the controversy. In making a decision on a project where there is disagreement among experts, the lead

agency is not obligated to select the viewpoint that purports to be the most environmentally sensitive. Instead, in the context of an EIR, such as the case at hand, decision makers are vested with the discretion to weigh expert opinion and choose which they intend to rely on and are not required to resolve a dispute among experts. In their proceedings, decision makers must consider comments received concerning the adequacy of the EIR and address any objections raised in these comments pursuant to CEQA's mandate to facilitate disclosure and informed decision making. However, decision makers are not obligated to follow any directives, recommendations, or suggestions presented in comments on an EIR, and can certify an EIR without needing to resolve disagreements among experts.

In making its decision to certify the EIR and approve the proposed project, the County recognizes that a range of technical and scientific opinion exists with respect to certain environmental issues, including impacts to biological resources. The County has acquired a comprehensive and well-rounded understanding of the range of this technical and scientific opinion by its review of the EIR; as well as by its review of the information provided by the experts who prepared the EIR; the County's other consultants and its staff; along with testimony, letters, reports, and other relevant materials in the administrative record, as well as its own experience and expertise in these matters. This comprehensive review has enabled the County to make its decisions after weighing and considering the various viewpoints on these important issues, and the County has made determinations of significant effects based on substantial evidence, not public controversy or speculation, consistent with its discretion and applicable law.

#### **IV. ENVIRONMENTAL IMPACTS AND FINDINGS**

County staff reports, the 2024 FEIR, written and oral testimony at public meetings or hearings, these facts, findings and statement of overriding considerations adopted by the County, and other information in the administrative record, serve as the basis for the County's environmental determination.

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in the 2024 FEIR, as well as the responses to comments from the public and from other government agencies.

The 2024 FEIR evaluated the environmental categories for potential impacts including: Aesthetics/Light and Glare; Air Quality; Biological Resources; Cultural Resources; Geology and Soils; Hydrology and Drainage; Land Use and Planning; Noise; Public Services; Recreation; Traffic and Circulation; and Utilities; both Project-specific and cumulative impacts were evaluated. Based on the Initial Study, no impacts upon agricultural resources or mineral resources were anticipated to result from the proposed development. As a result, these issues were addressed in Section 10.0, Effects Found Not to be Significant, of the 2004 DEIR and summarized in the 2010 RRDEIR. Of these environmental categories, the County concurs with the conclusions in the 2024 FEIR that the issues and sub-issues discussed in subsections A and B below are either less than significant without mitigation or can be mitigated below a level of significance.

For the remaining potential environmental impact, Biological Resources, the County concurs with the conclusions in the 2024 FEIR that impacts to the Bald Eagle cannot feasibly be mitigated below a level of significance as discussed in subsection C, and therefore the County must evaluate the overriding considerations and Project benefits and balance them against the significant impacts of the Project.

#### **A. IMPACTS IDENTIFIED AS LESS THAN SIGNIFICANT REQUIRING NO MITIGATION**

CEQA Guidelines Section 15091 does not require specific findings to address environmental effects that are identified as “no impact” or a “less than significant” impact and for which no mitigation is necessary. Nevertheless, based on its independent judgment and the entire administrative record before it, the County finds that the following issues have no potential to cause significant impacts and therefore require no Project-specific mitigation for the reasons stated below and as further detailed in the Environmental Document. (See 2004 DEIR, Section 10.0, “Effects Found not to be Significant”).

##### **1. Agriculture Resources**

The project site is not known to contain soils that have been designated as prime or unique agricultural soils and agricultural activities have not historically occurred at the project site. The project would not adversely impact prime or locally important agriculture as none occur within the project area. The entire site is zoned residential and is not under a Williamson Act contract. The project would have no impact with respect to agricultural resources.

##### **2. Hazards and Hazardous Materials**

Except for impacts related to the Project’s potential to impair implementation of or physically interfere with an adopted emergency response or evacuation plan related to wildfire risk, as discussed in detail in Section B.12 *infra*, all other potential impacts to Hazards and Hazardous Materials are less than significant. The project is a residential subdivision that includes the development of a boat dock for use by the residents of the development project. The storage and use of boat and fuel would be typical of any residential land use. The boat dock would not be an improved marina or include the storage of any fuels on-site. No other hazardous materials would be stored on-site nor transported through the property as a result of the subdivision. The proposed project's impacts would be less than significant. No mitigation is necessary.

##### **3. Mineral Resources**

The site is not within an area designated by the State for locally important mineral resources and it does not lie within the County of San Bernardino’s Mineral Resource Zone. The San Bernardino Mountains however are rich in mineral resources; known occurrences include gold, silver, lead, zinc, iron, manganese, and tungsten. Claims have been operated extensively but most have been non productive for at least 15 years. Just north of the project site is Holcomb Valley where William F. Holcomb discovered placer gold in May 1860. The mapped gold placer area begins approximately 1.5 miles north of the project site’s

northeastern boundary and the nearest placer gold claim (Wayne Placers) is located in section 8, approximately one mile to the northeast. One-half mile to the northeast is a site (Polique Canyon) identified as metal prospect or nonmetallic deposit, which has not been operated. All other mapped claims, mines, and quarries are further to the north of the project site. No impacts to mineral resources would occur as a result of the project's implementation.

#### **4. Population and Housing**

The project is a 50-lot residential development on currently vacant land. There would be no displacement of existing housing or people or need to construct replacement housing. Nor would the project induce substantial unplanned population growth. See Section VII, Growth Inducing Impacts, of these Findings for additional discussion. No impacts with respect to population and housing would occur as a result of the project's implementation.

#### **B. POTENTIALLY SIGNIFICANT IMPACTS WHICH CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE WITH MITIGATION MEASURES**

Public Resources Code section 21081 states that no public agency shall approve or carry out a Project for which an EIR has been completed which identifies one or more significant effects unless the public agency makes one or more of the following findings:

1. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR, and overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

The following impacts from eleven of the environmental categories, including Aesthetics, Air Quality, Cultural Resources, Geology and Soils, Hydrology/Water Quality, Land Use and Planning, Noise, Public Services, Recreation, Traffic, and Utilities, were found to be potentially significant, but can be mitigated to a less than significant level with the imposition of mitigation measures. The County hereby finds pursuant to *Public Resources Code* section 21081 that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures. Specific findings of the County for each category of such impacts are set forth in detail below.

## 1. Aesthetics

**Potential Impact:** Whether the project may cause a substantial adverse effect on scenic vistas; whether the project may cause substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; Whether the project may cause a substantial degradation of the existing visual character or quality of the site and its surroundings; or Whether the project may create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

**Finding:** Potential impacts of the Project on Aesthetics are discussed in detail in Section 4.1 of the 2010 RRDEIR. Based on the entire record before us, the County finds that Mitigation Measures A-1 through A-4 are feasible, are adopted, and will further reduce impacts. Accordingly, the Board of Supervisors finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, the County finds that this impact is potentially significant but will be mitigated to a less than significant level with the implementation of Mitigation Measures A-1–A-4. Mitigation Measures A-1–A-4 read in full as follows:

### ***Short-Term Aesthetic/Light and Glare Impact Mitigation***

***A-1a - Construction equipment staging areas shall be located away from existing residential uses. Appropriate screening (i.e., temporary fencing with opaque material) shall be used to buffer views of construction equipment and material, when feasible. Staging locations shall be indicated on Project Grading Plans.***

***A-1b - All construction-related lighting associated with the construction of new roadways, improvements to SR-38 and the installation of utilities shall be located and aimed away from adjacent residential areas. Lighting shall use the minimum wattage necessary to provide safety at the construction site. A construction safety lighting plan shall be submitted to the County for review along with Grading Permit applications for the subdivision of the lots.***

### ***Long-Term Aesthetic Impact Mitigation***

***A-2a—All homes shall provide a two-car garage with automatic garage doors.***

***A-2b—New development shall be subordinate to the natural setting and minimize reflective surfaces. Building materials including siding and roof materials shall be selected to blend in hue and brightness with the surroundings. Colors shall be earth tones: shades of grays, tans, browns, greens, and pale yellows; and shall be consistent with the mountain character of the area.***

**A-2c**—Outside parking/storage areas associated with the boat dock activities shall be screened from view by the placement of landscaping and plantings which are compatible with the local environment and, where practicable, are capable of surviving with a minimum of maintenance and supplemental water.

**A-2d**—Construction plans for each individual lot shall include the identification and placement of vegetation with the mature height of trees listed. Landscaping and plantings should not obstruct significant views, within or outside of the project, either when installed or when they reach maturity. The removal of existing vegetation shall not be required to create views.

**A-2e**—A Note shall be placed on the Composite Development Plan stating that during construction plans review and prior to issuance of building permits for each lot, the building inspector shall refer to the Mitigation Monitoring and Compliance Program regarding these aesthetic impact mitigation measures. The building inspector shall coordinate with the Planning Division the review and approval of building plans in relation to these aesthetic impact mitigation measures, prior to approval and issuance of building permits.

#### **Long-Term Scenic Highway Impact Mitigation**

**A-3a**—Any entry sign for the development shall be a monument style sign compatible with the mountain character, preferably, rock or rock appearance.

**A-3b**—Prior to recordation of the tract map (and/or any ground disturbance, whichever occurs first), landscaping or revegetation plans for lettered lots (A through H) shall be submitted to and approved by the San Bernardino County Land Use Services Department.

#### **Long-Term Light and Glare Impacts**

**A-4a**—All exterior lighting shall be designed and located as to avoid intrusive effects on adjacent residential properties and undeveloped areas adjacent to the project site. Low-intensity street lighting and low-intensity exterior lighting shall be used throughout the development to the extent feasible. Lighting fixtures shall use shielding, if necessary to prevent spill lighting on adjacent off-site uses.

**A-4b**—Lighting used for various components of the development plan shall be reviewed for light intensity levels, fixture height, fixture location and design by an independent engineer, and reviewed and approved by the County Building and Safety Division to ensure that light emitted from the proposed project does not intrude onto adjacent residential properties.

**A-4c**—The project shall use minimally reflective glass. All other materials used on exterior buildings and structures shall be selected with attention to minimizing reflective glare.

*A-4d—Vegetated buffers shall be used along SR-38 to reduce light intrusion on residential development and on forested areas located adjacent to the project site. The vegetation buffers shall be reflected on the master landscape plan submitted to and approved by the County Land Use Services Department prior to the issuance of the first grading permit.*

*A-4e—All outdoor light fixtures shall be cutoff luminaries and only high- or low-pressure sodium lamps shall be used.*

*A-4f—Mitigation Measures A-4a thru 4e shall be included within the Conditions, Covenants, and Restrictions (CC&Rs) of the Home Owner's Association (HOA).*

### **Facts in Support of the Finding:**

#### **Views**

A project impact analysis was performed measuring existing conditions against simulated project conditions.

#### **View Looking West along Highway 38**

An analysis of illustrations of the view along SR-38 without a landscape buffer was performed comparing existing conditions versus simulated project conditions. Lots 37, 38, and 39 are partially visible from this viewpoint. As indicated in the simulations, the lakeshore remains undisturbed. From the eastern approach, partial views of only 3 houses are visible in the illustration of the simulated project condition. The winding configuration of SR-38 results in no more than 3 or 4 houses visible in one glance. Only 9 lots actually touch the SR-38 right-of-way and one third of the route through the site has no development on either side. With the eye drawn to the lake, the actual visual impression of added residential development will be relatively insignificant.

#### **Views of the Marina**

An analysis of illustrations of the view of the marina site was performed comparing existing conditions versus simulated project conditions. The marina will consist of roofless, floating docks that will be seasonally located at the site. During winter months, these floating docks will be stored off-site. As indicated in the simulations, the marina is a moveable floating facility with a low profile. The addition of boats in season will add dimension and height, but will also introduce color and interest to the shoreline. To the average recreationist, boats and activity are positive visual experiences.

#### **Views from Flicker Road**

An analysis of illustrations of the view from Flicker Road was performed comparing existing conditions versus simulated project conditions. As indicated in the simulations, there would be very few houses visible from the water, as the shoreline set-back would give to homes within cover of the trees. Comparing the original planned density to the

proposed project with revised / reduced density, the proposed project will result in better visibility of views of the lake and SR-38. The simulations also demonstrate the absence of significant impact to views when comparing existing conditions to the Project with revised / reduced density.

### **Views from Big Bear Lake**

An analysis of illustrations of the views from Big Bear Lake was performed comparing existing conditions versus simulated project conditions. As indicated in the simulations, a large portion of the scenic vista has been preserved. The entire foreground south of SR-38 is relatively unaltered. Seen from a distance, development is very unobtrusive. With the addition of a landscape buffer, development will be minimally obtrusive even in the closer views. The landscape buffer, coupled with the reduction of the overall density of the lots helps blend the sparse development into the trees and natural landscape.

### **Lighting**

The Project would result in additional light sources during nighttime operation hours in an area where there are currently no sources of light. This project has the potential to affect both wildlife and the rural residential quality of the area. In order to diminish this effect, mitigation measures were introduced which include stricter control of light sources than provided by County ordinances. To minimize light pollution, lighting in the project area will be directed downward, be fully shielded and will be the minimum amount necessary for safe operations. With the implementation of mitigation measures, light pollution will be reduced to a level that is less than significant.

### **Temporary Impacts**

Temporary impacts are generally associated with construction activities. The visual appearance of the site would be temporarily altered by grading and construction activity. The primary impact will be from construction of the access roads and improvement of SR-38. Since the residential lots will be sold for custom residences, construction activity on houses will be intermittent and individual. With custom housing lots, there is less likelihood of concurrent construction of multiple structures. Standard conditions and uniform codes help to preclude construction activities from causing excessive impacts, as they limit construction hours and impose dust and noise control measures.

### **Cumulative Impacts Related to Aesthetics**

Build-out of the Moon Camp development, together with cumulative projects may alter the nature and appearance of the area and contribute to the loss of undeveloped areas. No significant impacts beyond the analysis contained in the County of San Bernardino General Plan and General Plan EIR are anticipated and, thus, no mitigation measures, in addition to Project-related mitigation, are recommended.

## 2. Air Quality

**Potential Impact:** Whether the project may conflict with or obstruct implementation of the applicable air quality plan; whether the project may violate any air quality standard or contribute substantially to an existing or protected air quality violation; whether the project may result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors); whether the project may contribute to a significant global climate change impact by conflicting with GHG emission reduction strategies; whether the project may expose sensitive receptors to substantial pollutant concentrations; whether the project may create objectionable odors affecting a substantial number of people; or whether the project may result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone).

**Finding:** Potential impacts of the Project on Air Quality are discussed in detail in Section 4.2 of the 2010 RRDEIR. Based on the entire record before us, the County finds that Mitigation Measures AQ-1 through AQ-4 are feasible, are adopted, and will further reduce impacts. Accordingly, the Board of Supervisors finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, the County finds that this impact is potentially significant but will be mitigated to a less than significant level with the implementation of Mitigation Measures AQ-1–AQ-4. Mitigation Measures AQ-1–AQ-4 reads in full as follows:

### ***Construction Mitigation***

***AQ-1*** Prior to construction of the project, the project proponent will provide a Fugitive Dust Control Plan that will describe the application of standard best management practices (BMP) to control dust during construction. The Fugitive Dust Control Plan shall be submitted to the County and SCAQMD for approval and approved prior to construction. Best management practices will include, but not be limited to:

- *For any earth moving which is more than 100 feet from all property lines, conduct watering as necessary to prevent visible dust emissions from exceeding 100 feet in length in any direction.*
- *For all disturbed surface areas (except completed grading areas), apply dust suppression in a sufficient quantity and frequency to maintain a stabilized surface; any areas which cannot be stabilized, as evidenced by wind driven dust, must have an application of water at least twice per day to at least 80 percent of the unstabilized area.*

- *For all inactive disturbed surface areas, apply water to at least 80 percent of all inactive disturbed surface areas on a daily basis when there is evidence of winddriven fugitive dust, excluding any areas that are inaccessible due to excessive slope or other safety conditions.*
- *For all unpaved roads, water all roads used for any vehicular traffic once daily and restrict vehicle speed to 15 mph.*
- *For all open storage piles, apply water to at least 80 percent of the surface areas of all open storage piles on a daily basis when there is evidence of wind-driven fugitive dust.*
- *Mass grading activities shall be limited to a maximum of 5 acres per day.*

**AQ-2** *To reduce emissions from the construction equipment within the project site, the construction contractor will:*

- *The contractor shall use catalyst and filtration technologies on mobile construction equipment.*
- *All diesel-fueled engines used in construction of the project shall use ultra-low sulfur diesel fuel containing no more than 15-ppm sulfur, or a suitable alternative fuel.*
- *All construction diesel engines, which have a rating of 50 hp or more, shall meet the Tier II California Emission Standards for off-road compression ignition engines.*
- *Heavy-duty diesel equipment will be maintained in optimum running condition.*

### ***Residential Woodburning Mitigations***

**AQ-3** *To reduce the emissions from woodburning apparatus; the following requirement will be placed on all new residences constructed on the proposed project's lots:*

- *No open-hearth fireplace will be allowed in new construction, only EPA Phase II Certified fireplaces and wood stoves, pellet stoves, and natural gas fireplaces shall be allowed.*

**AQ-4** *To establish a "Good Neighbor Policy for Burning" that will further help reduce the potential for localized nuisance complaints related to woodburning; the proponent shall distribute an informational flyer to each purchaser of lots. At a minimum, the flyer will say:*

### **KNOW WHEN TO BURN**

- *Monitor all fires; never leave a fire unattended.*
- *Upgrade an older woodstove to one with a catalytic combustor that burns off excess pollutants.*
- *Be courteous when visitors come to your home. Wood smoke can cause problems for people with developing or sensitive lungs (i.e. children, the elderly) and people with lung disease.*

### **KNOW WHAT TO BURN**

- *Split large pieces of wood into smaller pieces and make sure it has been seasoned (allowed to dry for a year). Burning fresh cut logs = smoky fires.*
- *When buying wood from a dealer, do not assume it has been seasoned.*
- *Small hot fires are more efficient and less wasteful than large fires.*
- *Never burn chemically treated wood or non-wood materials.*
- *Manufactured fire logs provide a nice ambience, have the least impact to air quality, and are a good choice for homeowners who use a fireplace infrequently.*

### **KNOW HOW TO BURN**

- *Proper combustion is key. Make sure your wood fire is not starved; if excess smoke is coming from the chimney or stack, the fire isn't getting enough air.*
- *Visually check your chimney or stack 10 to 15 minutes after you light a fire to ensure it is not emitting excess amounts of smoke.*
- *Homeowners should have woodstoves and fireplaces serviced and cleaned yearly to ensure they are working properly.*

### **Facts in Support of the Finding:**

#### **Short Term Impacts**

Short-term impacts will include fugitive dust and other particulate matter, as well as exhaust emissions generated by earthmoving activities and operation of grading equipment during site preparation. Construction emissions are caused by on-site or off-site activities. On-site emissions principally consist of exhaust emissions (NO<sub>x</sub>, CO, VOC, PM<sub>10</sub>, and PM<sub>2.5</sub>) from heavy-duty construction equipment, motor vehicle operation, and fugitive dust (mainly PM<sub>10</sub>) from disturbed soil. Off-site emissions are caused by motor vehicle exhaust from delivery vehicles, as well as worker traffic, but also include road dust (PM<sub>10</sub>). Major construction-related activities include the following:

- Grading/clearing, including the excavation;
- Excavation and earth moving for infrastructure construction of the utilities, both on- and off-site, and dwelling unit foundations and footings;
- Building construction;
- Asphalt paving of access roads throughout the development; and application of architectural coatings for things such as dwelling stucco and interior painting.

Construction equipment such as scrapers, bulldozers, forklifts, backhoes, water trucks, and industrial saws are expected to be used on the project site and will result in exhaust emissions consisting of CO, NO<sub>x</sub>, VOC, PM<sub>10</sub>, and PM<sub>2.5</sub>. During the finishing phase, paving operations and application of architectural coatings will release VOC emissions. Construction emission can vary substantially from day-to-day, depending on the level of activity, the specific type of operation, and prevailing weather conditions. An analysis was performed to analyze construction-related emissions without mitigation, which illustrated that the SCAQMD regional emission thresholds will not be exceeded by any pollutant, but that the locally significant thresholds will be potentially exceeded due to PM<sub>10</sub> and PM<sub>2.5</sub> emissions. However, the short-term localized construction emissions are expected to be less than significant after application of mitigation measures.

### **Long-Term Impacts**

Long-term emissions for the project site were considered for project build-out. Emission sources consist of mobile emissions and stationary emissions. Mobile emissions estimates are derived from motor vehicle traffic. Stationary emissions estimates are derived from the consumption of natural gas, electricity and consumer products, as well as emissions resulting from landscape maintenance. Upon analysis of modeled projected emissions, when emissions projections were compared with the SCAQMD suggested regional thresholds for significance, all long-term emissions are below the applicable thresholds and therefore less than significant.

### **CO Hotspots**

CO is a localized problem requiring additional analysis beyond total project emissions quantification. A CO hot spot is a localized concentration of CO that is above the State or Federal 1-hour or 8-hour ambient air standards. Localized high levels of CO are associated with traffic congestion and idling or slow-moving vehicles. The Project has the potential to negatively impact the LOS on adjacent roadways and, therefore, requires a CO hotspot analysis. Such an analysis was performed. The estimated 1-hour and 8-hour concentrations, in combination with background concentration, were below the State and Federal ambient air quality standards. Accordingly, no CO hotspots are anticipated as a result of traffic-generated emissions by the Project in combination with existing traffic. Therefore, the mobile related emissions are not anticipated to contribute substantially to an existing or projected air quality violation and therefore any impact is less than significant.

### **Residential Woodburning**

Wood stoves and fireplaces are reasonably common in the area surrounding Big Bear Lake. Some people use wood as a primary source of heat, and others have wood stoves as a backup in case of emergencies, such as power failures. Wood heating is also popular for cultural reasons when one considers that it can be beneficial because wood is a renewable fuel. However, the smoke from wood stoves and fireplaces pollutes the air outdoors. Smoke from outside can seep into buildings, including nearby homes, also affecting indoor air quality. Smoke from neighborhood stoves and fireplaces, a common source of both odor

and reduced visibility, greatly contributes to the air pollution problems people complain about most.

Complete combustion gives off light, heat, and the gases carbon dioxide and water vapor. Because complete combustion does not occur when wood burns, wood smoke is produced which contains CO, NOX, and ROG. The ROG from woodburning includes toxic and/or cancer-causing substances, such as benzene, formaldehyde and benzo-a-pyrene, a polycyclic aromatic hydrocarbon (PAH).

Most wood heaters, such as woodstoves and fireplaces, release far more air pollution, indoors and out, than heaters using other fuels. In winter, when we heat our homes the most, cold nights with little wind cause smoke and air pollutants to remain stagnate at ground level for long periods. Even though there is no shorter averaging time for particulate matter air quality standards, there is still a potential for nuisance violations in the area. However, the level of significance after mitigation is less than significant.

### **Conformance with Air Quality Management Plan**

An analysis was performed to analyze whether the Project would conflict with or obstruct implementation of the applicable air quality plan. The assessment used four criteria for determining consistency of the Project with the current Air Quality Management Plan ("AQMP):

1. whether the project will result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP;
2. whether the project will exceed the assumptions in the AQMP based on the year of project build out and phase (SCAQMD 2006b);
3. whether the project will comply with the control measures in the AQMP; and
4. whether the project will comply with the SCAQMD regional thresholds.

Based on the flowing criteria, the assessment illustrates that Project is consistent with the current Air Quality Management and therefore the impact is less than significant.

### **Potential for Air Quality Standard Violation**

An analysis was performed to analyze whether the project would violate any air quality standard or contribute substantially to an existing or projected air quality violation. The South Coast Air Basin, the geographical area in which the project is located, is in nonattainment for CO, PM<sub>10</sub>, PM<sub>2.5</sub>, and ozone. Levels of PM<sub>10</sub> and PM<sub>2.5</sub> are locally high enough that contributions from new sources may add to the concentrations of those pollutants and contribute to a projected air quality violation. Although background levels of ozone are high in the basin, the project alone (without other cumulative sources) would not contribute substantially to a projected air quality violation of ozone. Although CO is

still listed as a nonattainment pollutant, the basin has not exceeded the CO standard for the past several years. Additionally, the Project's source receptor area has not violated the CO standard for the past several years. The analysis performed illustrates that the project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation and therefore any impact is determined to be less than significant.

### **Contribution to Climate Change**

An analysis was performed to analyze whether the project would result in an increase in GHGs that would significantly hinder or delay the State's ability to meet the reduction targets contained in AB 32. The potential of the Project to create an impact on GCC is based on whether the Project would conflict with the attainment of the state's goals of reducing GHG emissions as dictated by AB 32. The Project will not interfere with the state's goals of reducing GHG emissions to 1990 levels by the year 2020 and an 80-percent reduction in GHG emissions below 1990 levels to 2050. The Project will generate a limited amount of GHG generation during construction, and it will lead to a low amount of on-going operational emissions from the use of the residential units. The Project will emit less than 25 percent of the SCAQMD's draft numerical GHG threshold of significance. Moreover, the Project will utilize high-efficiency design features that will even further reduce consumption of electricity, natural gas, and will result in a corresponding reduction in GHG emissions. Therefore, the Project will not significantly hinder or delay California's ability to meet the reduction targets contained in AB 32 and therefore this impact is less than significant.

On December 6, 2011, subsequent to the preparation of the 2010 RRDEIR, the San Bernardino County Board of Supervisors approved a countywide Greenhouse Gas Emissions Reduction Plan ("GHG Plan"). In connection with this approval, the San Bernardino County Board of Supervisors adopted a General Plan Amendment detailing a policy designed to reduce GHG emissions within the County boundaries which included adoption of the GHG Plan. With the application of the GHG performance standards, under the GHG Plan, any project that does not exceed 3,000 metric tons of carbon dioxide equivalents ("MTCO<sub>2e</sub>") per year is considered to be consistent with the Plan and determined to have a less than significant individual and cumulative impact for GHG emissions. The adoption of the GHG Plan has no bearing on, nor does it affect the less than significant finding of the 2010 RRDEIR as it relates to GHG emissions. As detailed in the Air Quality Analysis Report (Appendix A to the 2010 RRDEIR), the proposed project's estimated combined construction and operational greenhouse gas emissions are 1955.59 MTCO<sub>2e</sub>, which is far less than the 3,000 MTCO<sub>2e</sub> benchmark under the GHG Plan. Accordingly, even if the Project was analyzed under the GHG Plan, it would only confirm the less than significant finding contained in the RRDEIR as it relates to GHG emissions.

### **Odors**

The Project would not create objectionable odors affecting a substantial number of people. The Project does not contain land uses typically associated with emitting objectionable

odors, with the possible exception of wood smoke. Wood smoke is pleasant to some and may be a nuisance to others. Implementation and compliance with SCAQMD Rule 402 would ensure that wood smoke would not be offensive to a substantial number of people. Diesel exhaust and VOCs will be emitted during construction of the Project, which are objectionable to some; however, emissions will disperse rapidly from the project site and therefore should not be at a level which will induce any negative response and therefore is less than significant.

### **Cumulative Impacts Related to Air Quality**

The following four-tiered approach was utilized to assess cumulative air quality impacts:

1. Consistency with the SCAQMD project specific thresholds for construction and operation;
2. Project consistency with existing air quality plans;
3. Assessment of the cumulative health effects of the pollutants; and
4. Cumulative impact of global climate change.

After implementation of mitigation measures, during construction, emissions of VOC, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> are not expected to exceed the SCAQMD regional significance thresholds. In addition, during operation, the Project is not expected to exceed the established regional emission thresholds for VOC, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. The SCAQMD considers construction or operational emissions that do not exceed the project specific thresholds will not result in a cumulative impact. Design features that reduce the emissions generated by motor vehicles, natural gas consumption, and electricity consumption will reduce the main operational sources of GHGs. Although the Project is not of sufficient size to create a significant impact to global warming, incorporation of the above recommended design features will further reduce the Project's cumulative impact in this area.

The Basin, in which the project is located, is in nonattainment for ozone, PM<sub>10</sub>, PM<sub>2.5</sub>, and CO. As such, the SCAQMD is required to prepare and maintain an AQMP and a SIP to document the strategies and measures to be undertaken to reach attainment of ambient air quality standards. While the SCAQMD does not have direct authority over land use decisions, it was recognized that changes in land use and circulation planning were necessary to maintain clean air. The Project is compliant with the AQMP.

Ambient air quality standards were set to protect the health of sensitive individuals (i.e., elderly, children, and the sick). Therefore, when the concentration of those pollutants exceed the standard, it is likely that some of the sensitive individuals of the population could experience health effects. The localized significance analysis for the Project demonstrated that during construction activities, no localized significance threshold was expected to be exceeded; therefore, the emissions of particulate matter, primarily in the form of fugitive dust, would not result in a significant cumulative health impact with implementation of the identified mitigation measures.

Long-term operational emissions are not expected to exceed the District's significance thresholds. ROG and NO<sub>x</sub> are precursors to ozone. Because ozone is a secondary pollutant (it is not emitted directly but formed by chemical reactions in the air), it can be formed miles downwind of the project site. The Project emissions of VOC and NO<sub>x</sub> may still contribute to the background concentration of ozone but such contributions would not be considered cumulatively considerable. Operational emissions of PM<sub>10</sub> and PM<sub>2.5</sub> are not expected to exceed the regional significance threshold. The combination of ozone and PM<sub>10</sub> can aggravate health effects. PM<sub>2.5</sub> is a component of PM<sub>10</sub>. The ambient air quality standard for both PM<sub>10</sub> and PM<sub>2.5</sub> are exceeded in the Basin. Therefore, the Project's emissions may contribute to the background of those pollutants but such contributions would not be considered cumulatively considerable.

The long-term impacts of wood burning in hearths and fireplaces can potentially emit smoke and toxic air contaminant through the incomplete combustion of the wood products. Such emissions could also impact indoor air quality particularly during winter when adequate ventilation and air exchanges would be at a minimum. These smoke and TAC emissions could contribute to an overall increase in smoke in the area encompassing and surrounding the Project site.

The localized construction analysis demonstrated that without mitigation, the Project would not exceed the localized thresholds for CO, NO<sub>2</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub>. Therefore, during construction, the Project would not expose sensitive receptors to substantial pollutant concentrations of CO, NO<sub>2</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub>. The construction equipment would emit diesel particulate matter, which is a carcinogen. However, the diesel particulate matter emissions are short term in nature. Determination of risk from diesel particulate matter is considered over a 70-year exposure time. Therefore, considering the dispersion of the emissions and the short time frame, exposure to diesel particulate matter is anticipated to be less than significant. The main source of air pollutant emissions during operation are from offsite motor vehicles traveling on the roads surrounding the project. An analysis of the study area intersections illustrates that air pollutant emissions during operation Project would result in a less than significant impact.

During operation of the Project, the addition of woodburning devices to the area would potentially expose sensitive receptors to localized concentrations of criteria and toxic pollutants. However, with the implementation of mitigation measures, the Project would not expose sensitive receptors to substantial pollutant concentrations.

Based on the forgoing, with the implementation of mitigation, cumulative impacts to air quality are less than significant.

### 3. Cultural Resources

#### (a) Archeological and/or Historical Resources

**Potential Impact:** Whether the project may cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5 or may cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.

**Finding:** Potential impacts of the Project on Cultural Resources are discussed in detail in Section 5.9 of the 2004 DEIR, as confirmed by the 2016 Cultural Resources Investigation prepared by McKenna, et al. (“McKenna Study”). Based on the entire record before us, the County finds that Mitigation Measure 5.9.1 is feasible, is adopted, and will further reduce impacts. Accordingly, the Board of Supervisors finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, the County finds that this impact is potentially significant but will be mitigated to a less than significant level with the implementation of Mitigation Measure 5.9.1. Mitigation Measure 5.9.1 reads in full as follows:

*Project-related grading, grubbing, trenching, excavations, and/or other earth-moving activities in the project area shall be monitored by a qualified archaeologist. In the event that a material of potential cultural significance is uncovered during such activities on the project site, all earth-moving activities in the project area shall cease and the archeologist shall evaluate the quality and significance of the material. Earth-moving activities shall not continue in the area where a material of potential cultural significance is uncovered until resources have been completely removed by the archaeologist and recorded as appropriate.*

**Facts in Support of the Finding:** Site CA-SBR-10635H, in the southeastern portion of the project area, consists of a historic-period refuse scatter. Since many of the artifacts at the site can be dated to the pre-WWII period, it is possible, and probable, that the items were deposited in connection with the early 20th century resort camps known to be in operation in the vicinity. Due to the limited number and types of the artifacts observed, there is insufficient evidence to establish this association conclusively, or association with any persons or events of recognized historic significance. Furthermore, the site constitutes a minor component of a larger historic-period refuse deposit located outside the project area, and its limited information potential is further diminished by extensive disturbances and the intrusion of modern trash. Based on these considerations, the Historical/Archeological Resources Survey Report concludes that Site CA-SBR-10635H, as recorded during this study, does not appear to meet any of the criteria for listing in the California Register, and thus does not qualify as a “historical resource.”

Although the field survey effort included a detailed reconnaissance of the site, the potential does exist for subsurface resources to occur and that cannot be visibly detected. This

potential impact can be considered potentially significant thus requiring field monitoring mitigation by an archaeologist, qualified and approved by the County during grading and other associated clearing activities. Implementation of Mitigation Measure 5.9.1 would reduce the significance of potential impacts to a less than significant level.

**(b) Paleontological Resources**

**Potential Impact:** Whether the project may directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

**Finding:** Potential impacts of the Project on Cultural Resources are discussed in detail in Section 5.9 of the 2004 DEIR and the McKenna Study. Based on the entire record before us, the County finds that Mitigation Measures 5.9.2a through 5.9.2d are feasible, are adopted, and will further reduce impacts. Accordingly, the Board of Supervisors finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, the County finds that this impact is potentially significant but will be mitigated to a less than significant level with the implementation of Mitigation Measures 5.9.2a through 5.9.2d. Mitigation Measures 5.9.2a through 5.9.2d read in full as follows:

*Grading shall be monitored during excavation in areas identified as likely to contain paleontologic resources by a qualified paleontological monitor. Monitoring shall be accomplished for any undisturbed subsurface older alluvium, which might be present in the subsurface. The monitor shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments which are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor must be empowered to temporarily halt or divert grading equipment to allow for removal of abundant or large specimens.*

*Recovered specimens shall be prepared to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates.*

*Identification and curation of specimens into a museum repository with permanent retrievable storage shall occur for paleontological resources.*

*A report of findings shall be prepared with an appended itemized inventory of specimens. The report shall include pertinent discussion of the significance of all recovered resources where appropriate. The report and inventory when submitted to the appropriate Lead Agency, shall signify completion of the program to mitigate impacts to paleontologic resources.*

### **Facts in Support of the Finding:**

The field survey results, supported by literature and subsurface testing, indicate that the project area contains sediments deposited during Holocene time. Vertebrate fossils have been found in these same age sediments approximately five miles east of this location. Geologic studies suggest that these vertebrate fossil remains were found in sediments probably associated with a natural Holocene lake (Baldwin Lake) and not in alluvial sediments associated with alluvial fan deposits.

Previous geologic studies have recorded sands and some gravels at depths greater than five feet in the area north of State Route 38. Based on those findings, and in view of the recent alluvium covering the surface to a depth of five feet and the ground water saturation situation south of the highway, the Paleontological Resources Survey Report concludes that there is a moderate potential for the presence of vertebrate fossils within the project area, north of State Route 38, at depths greater than five feet. Although the field survey effort included a detailed reconnaissance of the site, the potential does exist for subsurface resources to occur that cannot be visibly detected. This potential impact can be considered significant thus requiring field monitoring mitigation by a geologist/paleontologist, qualified and approved by the County, during grading and other associated clearing activities. Implementation of Mitigation Measures 5.9.2a-d would reduce the significance of potential impacts to a less than significant level.

#### **(c) Burial Sites**

**Potential Impact:** Whether the project may disturb any human remains, including those interred outside of formal cemeteries?

**Finding:** Potential impacts of the Project on Cultural Resources are discussed in detail in Section 5.9 of the 2004 DEIR. Based on the entire record before us, the County finds that Mitigation Measure 5.9-3 is feasible, is adopted, and will further reduce impacts. Accordingly, the Board of Supervisors finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, the County finds that this impact is potentially significant but will be mitigated to a less than significant level with the implementation of Mitigation Measure 5.9-3. Mitigation Measures 5.9-3 reads in full as follows:

*In the event human remains are discovered during grading/ construction activities, work shall cease in the immediate area of the discovery and the Project Applicant shall comply with the requirements and procedures set forth in Section 5097.98 of the Public Resources Code, including notification of the County Coroner, notification of the Native American Heritage Commission, and consultation with the individual identified by the Native American Heritage Commission to be the “most likely descendent.”*

### **Facts in Support of the Finding:**

According to the Historical/Archeological Resources Survey Report, records indicate that a Native American burial ground may have been in close proximity to the eastern end of the project area. A diligent field survey effort was conducted to find any surface manifestation of the reported burial ground, however, none was found. Despite the findings of the field survey effort, the potential does exist for human remains to occur that cannot be visibly detected. This potential impact can be considered significant and would require that all proper notification actions be taken in the event that human remains are discovered during construction/earth-moving activities.

#### **(d) Cumulative Impacts Related to Cultural Resources**

**Potential Impact:** Whether cumulative development may adversely affect cultural resources in the north shore area.

**Finding:** Potential impacts of the Project on Cultural Resources are discussed in detail in Section 5.9 of the 2004 DEIR. Based on the entire record before us, the County finds that this impact is potentially significant but is mitigated to a less than significant level because mitigation is incorporated on a project-by-project basis.

### **Facts in Support of the Finding:**

The Moon Camp project is located within the north shore of Big Bear Lake. There is limited potential for future development in the project vicinity, assuming that existing US Forest Service owned lands remain undisturbed and undeveloped. Although there is a limited development potential in the north shore area, potential impacts to cultural resources would be evaluated on a site specific, project-by-project basis to ensure that impacts are reduced to less than significant levels. This would be especially true of those developments located in areas considered to have a high sensitivity for cultural (archaeological, paleontological and historical) resources. Each incremental development would be required to comply with all applicable State and Federal regulations concerning preservation, salvage, or handling of cultural resources. In consideration of these requirement and limited amounts of developable land, potential cumulative impacts upon cultural resources would not be considered significant.

## **4. Geology and Soils**

### **(a) Slope Stability**

**Potential Impact:** Whether development of the Project could result in slope failures?

**Finding:** Potential impacts of the Project on Geology and Soils are discussed in detail in Section 5.10 of the 2004 DEIR. Based on the entire record before us, the County finds that Mitigation Measures 5.10-1 is feasible, is adopted, and will further reduce impacts. Accordingly, the Board of Supervisors finds that, pursuant to Public Resources Code

Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, the County finds that this impact is potentially significant but will be mitigated to a less than significant level with compliance with the County Development Code and Uniform Building Code and the implementation of Mitigation Measure 5.10-1. Mitigation Measures 5.10-1 read in full as follows:

*The stability of south facing cut slopes shall be analyzed as part of the design-level geotechnical evaluation. Utilizing 2:1 buttressed slopes using on site native soil materials, or constructing geotextile-reinforced soil buttresses for planned unstable cut slopes are planned are typical engineering designs for stabilizing slopes. Either of these methods, or other methods must be approved by the San Bernardino County Department of Building and Safety..*

### **Facts in Support of the Finding:**

Given the apparent southerly inclination of bedding planes within the older alluvial deposits, proposal of south-facing, manufactured cut slopes could be grossly unstable. If weak clay layers within the older alluvium were found to be dipping out-of-slope, in what is referred to as “daylighted bedding”, slope failures could occur and encroach into adjacent lots.

The most proven methods to mitigate such conditions would be to construct 2:1 (horizontal to vertical) buttressed slopes using on site native soil materials, or constructing geotextile-reinforced soil buttresses where cut slopes are planned. Either of these methods, as well as a number of other forms of proven slope reinforcement methods would reduce this impact to a less than significant level.

### **(b) Soil Erosion**

**Potential Impact:** Whether development of the proposed Project could result in accelerated soil erosion?

**Finding:** Potential impacts of the Project on Geology and Soils are discussed in detail in Section 5.10 of the 2004 DEIR. Based on the entire record before us, the County finds that Mitigation Measures 5.10-2a through 5.10-2b are feasible, are adopted, and will further reduce impacts. Accordingly, the Board of Supervisors finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, the County finds that this impact is potentially significant but will be mitigated to a less than significant level with compliance with the County Development Code and Uniform Building Code and the implementation of Mitigation Measures 5.10-2a through 5.10-2b. Mitigation Measures 5.10-2a and 5.10-2b read in full as follows:

*Due to the potential for erosion associated with younger alluvial deposits within the two major on-site stream channels, increased surface drainage quantities associated with development on-site shall be directed away from the stream channels.*

*Prior to the issuance of Grading Permits, the Project Applicant shall prepare a Soil Erosion and Sedimentation Plan for submittal and approval by the County Building and Safety Department.*

**Facts in Support of the Finding:**

The younger alluvial deposits within the two major stream channels are highly erodible. Adverse surface drainage could promote accelerated soil erosion which could undermine proposed structures and lead to increased sedimentation within Big Bear Lake. This impact would be considered significant if not mitigated. Mitigation measures, such providing adequate surface drainage away from these soils or covering them with a roadway, would reduce this impact to a less than significant level.

**(c) Ground Shaking**

**Potential Impact:** Whether development of the proposed Project may increase the number of people/structures exposed to effects associated with seismically induced ground shaking?

**Finding:** Potential impacts of the Project on Geology and Soils are discussed in detail in Section 5.10 of the 2004 DEIR. Based on the entire record before us, the County finds that Mitigation Measure 5.10-3 is feasible, is adopted, and will further reduce impacts. Accordingly, the Board of Supervisors finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, the County finds that this impact is potentially significant but will be mitigated to a less than significant level with compliance with the County Development Code and Uniform Building Code and the implementation of Mitigation Measure 5.10-3. Mitigation Measures 5.10-3 reads in full as follows:

*Engineering design for all structures and roadways shall be based on the 2013 California Uniform Building Code. Construction plans shall be in accordance with seismic design standards set forth by the County's Development Code and Uniform Building Code.*

**Facts in Support of the Finding:**

Given the highly seismic character of the Southern California Region, moderate to severe ground shaking can be expected within the project area due to moderate to large earthquakes on the nearby North Frontal, Helendale, or San Andreas fault zones. This impact would be considered significant if not mitigated. In order to reduce this impact a less than significant level, all structures for human occupancy should be constructed in

accordance with seismic design standards set forth in the latest edition of the Uniform Building Code.

(d) **Seiche**

**Potential Impact:** Whether development of the proposed Project may expose people/structures to seiching as a result of significant ground motion related to an earthquake?

**Finding:** Potential impacts of the Project on Geology and Soils are discussed in detail in Section 5.10 of the 2004 DEIR. Based on the entire record before us, the County finds that Mitigation Measure 5.10-4 is feasible, is adopted, and will further reduce impacts. Accordingly, the Board of Supervisors finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, the County finds that this impact is potentially significant but will be mitigated to a less than significant level with implementation of Mitigation Measure 5.10-4. Mitigation Measures 5.10-4 reads in full as follows:

*Residential structures shall be located in areas which provide a minimum of five feet of freeboard above the high water line for any structures.*

**Facts in Support of the Finding:**

Seiche-induced run-up along the shoreline properties adjacent to Big Bear Lake could conceivably occur due to significant ground motion from a major earthquake. The amount of potential run-up would be dependent on the inclination of the nearshore environment and the height of the lake level at the time of the seismic event. Assuming the lake would be at its highest level during such an event, mitigation measures involving at least 5 feet of “free-board” above the high-water line for all residential structures would reduce this impact to a less than significant level.

(e) **Expansive Soil**

**Potential Impact:** Whether development of the proposed Project may create substantial risks to life or property as a result of expansive soils?

**Finding:** Potential impacts of the Project on Geology and Soils are discussed in detail in Section 5.10 of the 2004 DEIR. Based on the entire record before us, the County finds that Mitigation Measure 5.10-5 feasible, is adopted, and will further reduce impacts. Accordingly, the Board of Supervisors finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, the County finds that this impact is potentially significant but will be mitigated to a less than significant

level with the implementation of Mitigation Measure 5.10-5. Mitigation Measure 5.10-5 reads in full as follows:

*Prior to grading permit issuance, a quantitative geotechnical analysis and design-level geotechnical engineering report, shall be required and submitted to the County of San Bernardino Department of Building and Safety for their approval.*

#### **Facts in Support of the Finding:**

Currently, there is insufficient information concerning the nature of the alluvial soils beneath the project site. This impact will need to be evaluated in additional analysis/studies which include 1) a quantitative geotechnical analysis, 2) a design level geotechnical engineering report, and 3) a design-level engineering geology report. Implementation of the recommended mitigation measure and conclusions rendered in the referenced reports would reduce impacts to less than significant levels.

#### **(f) Cumulative Impacts Related to Geology and Soils**

**Potential Impact:** Whether the Project may result in increased short-term impacts such as erosion and sedimentation, and long-term seismic impacts within the area.

**Finding:** Potential impacts of the Project on Geology and Soils are discussed in detail in Section 5.10 of the 2004 DEIR. Based on the entire record before us, the County finds that this impact is potentially significant but is mitigated to a less than significant level because mitigation is incorporated on a project-by-project basis in areas deemed suitable for development.

#### **Facts in Support of the Finding:**

Soils and geologic conditions in the Project vicinity may vary by location. Short-term cumulative impacts such as erosion and sedimentation would occur. The only cumulative long-term impact related to geology is the exposure of people and the property in the vicinity of the North Frontal Fault System to the potential for seismically induced ground shaking. Implementation of the cumulative projects would incrementally increase the number of people and structures potentially subject to a seismic event. Such exposure can be minimized by adhering to UBC standards and requirements. The cumulative effects of increased seismic risk would be addressed on a project-by-project basis in order to determine the need for project specific mitigation.

### **5. Hydrology and Water Quality**

**Potential Impact:** Whether the Project would violate any water quality standards or waste discharge requirements; whether the Project would substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net

deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted); whether the Project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site; whether the Project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; whether the Project would create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; whether the Project would otherwise substantially degrade water quality; whether the Project would place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; whether the Project would expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and whether the Project would result in inundation by seiche, tsunami, or mudflow.

**Finding:** Potential impacts of the Project on Hydrology and Water Quality are discussed in detail in Section 4.4 of the 2010 RRDEIR. Based on the entire record before us, the County finds that Mitigation Measures HYD-1 through HYD-19 are feasible, are adopted, and will further reduce impacts. Accordingly, the Board of Supervisors finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, the County finds that this impact is potentially significant but will be mitigated to a less than significant level with implementation of Mitigation Measures HYD-1 through HYD-19, as implemented through the Preliminary Master Water Quality Management Plan. Mitigation Measures HYD-1 through HYD-19 read in full as follows:

### ***Flood Control/Drainage Channels***

***HYD-1*** Prior to issuance of a building permit, a program satisfactory to the County will be formulated to handle storm drain waters adequately.

***HYD-2*** All required drainage improvements must be designed and constructed to County standards. Tentative tract map, site plan, and other precise plans for individual lots will be accompanied by adequate plans for drainage improvements prepared by registered professional engineers.

***HYD-3*** The proposed cross culverts shall be sized for 100-year burn and bulking flow rates. The burn and bulking method would increase the runoff from the natural areas. The method provided in the Los Angeles County Hydrology Manual is recommended. In addition, the cross culverts shall all be designed with headwalls to prevent CMP crushing, and shall be maintained adequately.

## **Water Quality**

### **Construction Impacts**

**HYD-4** *To mitigate sediment transport during construction, the developer shall submit a sedimentation control plan with the grading plan for review and approval by the Public Works Department. The Project engineer shall certify compliance.*

**HYD-5** *Prior to Grading Permit issuance and as part of the Proposed Alternative Project's compliance with the NPDES requirements, a Notice of Intent (NOI) shall be prepared and submitted to the SARWQCB providing notification and intent to comply with the State of California general permit. Also, a SWPPP shall be completed for the construction activities on-site. A copy of the SWPPP shall be available and implemented at the construction-site at all times. The SWPPP shall outline the source control and/or treatment control BMPs to avoid or mitigate runoff pollutants at the construction-site to the "maximum extent practicable."*

**HYD-6** *At a minimum, the following shall be implemented from the California Storm Water Best Management Practice Handbook—Construction Activity:*

- *Dewatering Operations—This operation requires the use of sediment controls to prevent or reduce the discharge of pollutants to storm water from dewatering operations.*
- *Paving Operations—Prevent or reduce the runoff of pollutants from paving operations by proper storage of materials, protecting storm drain facilities during construction, and training employees.*
- *Structural Construction and Painting—Keep site and area clean and orderly, use erosion control, use proper storage facilities, use safe products and train employees to prevent and reduce pollutant discharge to storm water facilities from construction and painting.*
- *Material Delivery and Storage—Minimize the storage of hazardous materials on-site. If stored on-site, keep in designated areas, install secondary containment, conduct regular inspections and train employees.*
- *Material Use—Prevent and reduce the discharge of pesticides, herbicides, fertilizers, detergents, plaster, petroleum products and other hazardous materials from entering the storm water.*
- *Solid Waste Management—This BMP describes the requirements to properly design and maintain trash storage areas. The primary design feature requires the storage of trash in covered areas.*
- *Hazardous Waste Management—This BMP describes the requirements to properly design and maintain waste areas.*
- *Concrete Waste Management—Prevent and reduce pollutant discharge to storm water from concrete waste by performing on and off-site washouts in designated areas and training employees and consultants.*
- *Sanitary Septic Water Management—Provide convenient, well-maintained facilities, and arrange regular service and disposal of sanitary waste.*

- *Vehicle and Equipment Cleaning—Use off-site facilities or wash in designated areas to reduce pollutant discharge into the storm drain facilities.*
- *Vehicle and Equipment Fueling—Use off-site facilities or designated areas with enclosures or coverings to reduce pollutant discharge into the storm drain facilities.*
- *Vehicle and Equipment Maintenance—Use off-site facilities or designated areas with enclosing or coverings to reduce pollutant discharge into the storm drain facilities. In addition, run a “dry site” to prevent pollution discharge into storm drains.*
- *Employee and Subcontractor Training—Have a training session for employees and subcontractors to understand the need for implementation and usage of BMPs.*
- *Preservation of Existing Vegetation—Minimize the removal of existing trees and shrubs since they serve as erosion control.*
- *Seeding and Planting—Provide soil stability by planting and seeding grasses, trees, shrubs, vines, and ground cover.*
- *Mulching—Stabilize cleared or freshly seeded areas with mulch.*
- *Geotextiles and Mats—Natural or synthetic material can be used for soil stability.*
- *Dust Control—Reduce wind erosion and dust generated by construction activities by using dust control measures.*
- *Construction Road Stabilization—All on-site vehicle transport routes shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.*
- *Stabilized Construction Entrance—Stabilize the entrance pad to the construction area to reduce amount of sediment tracked off-site.*
- *Earth Dikes—Construct earth dikes of compacted soil to divert runoff or channel water to a desired location.*
- *Temporary Drains and Swales—Use temporary drains and swales to divert offsite runoff around the construction-site and stabilized areas and to direct it into sediment basins or traps.*
- *Outlet Protection—Use rock or grouted rock at outlet pipes to prevent scouring of soil caused by high velocities.*
- *Check Dams—Use check dams to reduce velocities of concentrated flows, thereby reducing erosion and promoting sedimentation behind the dams. Check dams are small and placed across swales and drainage ditches.*
- *Silt Fence—Composed of filter fabric, these are entrenched, attached to support poles, and sometimes backed by wire fence support. Silt fences promote sedimentation behind the fence of sediment-laden water.*
- *Straw Bale Barrier—Place straw bales end to end in a level contour in a shallow trench and stake them in place. The bales detain runoff and promote sedimentation.*
- *Sand Bag Barriers—By stacking sand bags on a level contour, a barrier is created to detain sediment-laden water. The barrier promotes sedimentation.*
- *Brush or Rock Filter—Made of 0.75 to 3-inch diameter rocks placed on a level contour or composed of brush wrapped in filter cloth and staked to the toe of the slope provides a sediment trap.*

- *Storm Drain Inlet Protection*—Devices that remove sediment from sediment laden storm water before entering the storm drain inlet or catch basin.
- *Sediment Trap*—A sediment trap is a small, excavated, or bermed area where runoff for small drainage areas can pass through allowing sediment to settle out.

### ***Long-Term Operational Impacts***

***HYD-7*** A water quality maintenance program will be implemented to mitigate the impact of Proposed Alternative Project generated runoff on surface water quality over the long term. The program outlined in *Water Pollution Aspects of Street Surface Contaminants* (prepared by the United States Environmental Protection Agency) provides recommendations for street cleaning and prevention of pollution generation.

- *Prior to Grading Permit issuance, a WQMP shall be developed and shall include both Non-Structural and Source Control BMPs. The WQMP shall conform to the San Bernardino County Draft NPDES permit and WQMP standards. The following are the minimum required controls to be implemented as a part of the WQMP for Urban Runoff.*
- *Education for Property Owners, Tenants and Occupations – The Property Owners Association is required to provide awareness educational material, including information provided by San Bernardino County. The materials shall include a description of chemicals that should be limited to the property and proper disposal, including prohibition of hosing waste directly to gutters, catch basins, storm drains or the lake.*
- *Activity Restrictions – The developer shall prepare conditions, covenants and restriction of the protection of surface water quality.*
- *Common Area Landscape Management – For the common landscape areas ongoing maintenance shall occur consistent with County Administrative Design Guidelines or city equivalent, plus fertilizer and pesticide usage consistent with the instructions contained on product labels and with regulation administered by the State Department of Pesticide Regulation or county equivalent.*
- *Common Area Catch Basin Inspection – Property Owners Associations shall have privately owned catch basins cleaned and maintained, as needed. These are intended to prevent sediment, garden waste, trash and other pollutants from entering the public streets and storm drain systems.*
- *Common Area Litter Control – POAs shall be required to implement trash management and litter control procedures to minimize pollution to drainage waters.*
- *Street Sweeping Private Streets and Parking Lots – Streets and Parking lots shall be swept as needed, to prevent sediment, garden waste, trash and other pollutants from entering public streets and storm drain systems.*

***HYD-8*** The following controls from the *California StormWater BMP Handbook – Municipal* shall be employed:

- *Housekeeping Practices* – This entails practices such as cleaning up spills, proper disposal of certain substances and wise application of chemicals.
- *Used Oil Recycling* – May apply to maintenance and security vehicles.
- *Vegetation Controls* – Vegetation control typically includes chemical (herbicide) application and mechanical methods. Chemical methods are discussed in SC10. Mechanical methods include leaving existing vegetation; cutting less frequently, hand cutting, planting low maintenance vegetation, collecting and properly disposing of clippings and cuttings, and educating employees and the public.
- *Storm Drain Flushing* – Although general storm drain gradients are sufficiently steep for self-cleansing, visual inspection may reveal a buildup of sediment and other pollutants at the inlets or outlets, in which case flushing may be advisable.

**HYD-9** *The WQMP shall include Structural or Treatment BMPs. The structural BMPs utilized shall focus on meeting potential TMDL requirements for noxious aquatic plants, nutrients, sedimentation and siltation. The structural BMPs shall conform to the San Bernardino County NPDES permit and the San Bernardino WQMP standards.*

**HYD-10** *Consistent with the WQMP guidelines contained in the Draft NPDES Permit and Waste Discharge Requirements for San Bernardino County, Structural BMPs shall be required for the Proposed Alternative Project. They shall be sized to comply with one of the following numeric sizing criteria or be considered by the Permittees to provide equivalent or better treatment. Volume-based BMPs shall be designed to infiltrate or treat either:*

- *The volume of runoff produced from the 85th percentile 24-hour storm event, as determined from the local historical rainfall record; or*
- *The volume of the annual runoff produced by the 85th percentile 24- hours rainfall event, determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87 (1998); or*
- *The volume of annual runoff based on unit basin storage volume, to achieve 80% or more volume treatment by the method recommended in California Storm water Best Management Practice Handbook – Industrial/Commercial (1993); or*
- *The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as*
- *achieved by mitigation of the 85th percentile 24-hour runoff event.*

- OR -

- *Flow-based BMPs shall be designed to infiltrate or treat either:*
- *The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour; or*
- *The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or*

- *The maximum flow rate of runoff, as determined from the local historical rainfall record that achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.*

***HYD-11*** *The following are the minimum required controls to be implemented as a part of the WQMP for Urban Runoff.*

- *Control of Impervious Runoff – Surface runoff shall be directed to landscaped areas or pervious areas.*
- *Common Area Efficient Irrigation – Physical implementation of the landscape plan consistent with County Administrative Design Guidelines or city equivalent, which may include provision of water sensors, programmable irrigation timers, etc.*
- *Common Area Runoff-Minimizing Landscape Design – Group plants with similar water requirements in order to reduce excess irrigation runoff and promote surface filtration.*
- *Catch Basin Stenciling – “No Dumping – Flows to Lake” or equivalent effective phrase shall be stenciled on catch basins to alert the public as to the destination of pollutant discharging into storm drain.*
- *Debris Posts – These shall be installed to prevent large floatable debris from entering the storm drains. They shall be placed upstream of the cross culverts.*
- *Inlet Trash Racks – These shall be installed where appropriate to reduce intake and transport through the storm drain system of large floatable debris. Trash racks shall be provided where drainage from open areas enters storm drain or cross culverts.*

***HYD-12*** *Storm water treatment under the NPDES Permit and the future TMDL requirements shall include the construction of treatment BMPs.*

***HYD-13*** *Treatment BMPs appropriate for on-site use shall include infiltration trenches and basins, swales, inlet filtration, and/or water quality basins.*

***HYD-14*** *All storm water runoff shall be treated before leaving the site to reduce pollutants in Big Bear Lake.*

### ***Infiltration Trenches and Basins***

***HYD-15*** *Infiltration trenches and/or basins shall be used on site to meet potential future TMDLs for noxious aquatic plants and nutrients. Infiltration trenches and basins treat storm water runoff through filtration. A typical infiltration trench is essentially an excavated trench that is lined with filter fabric and backfilled with stones. Depth of the infiltration trench shall range from three to eight feet and shall be located in areas with permeable soils, and water table and bedrock depth situated well below the bottom of the trench. Trenches shall not be used to trap coarse sediments since large sediment would likely clog the trench. Grass buffers may be installed to capture sediment before it enters the trench to minimize clogging. Infiltration basins shall be used for drainage areas*

*between 5 and 50 acres. Infiltration basins shall be either inline or offline, and may treat different volumes such as the water quality volume or the 2-year or 10-year storm.*

### **Swales**

**HYD-16** *The Proposed Alternative Project shall implement either vegetative swales, enhanced vegetated swales utilizing check dams and wide depressions, a series of small detention facilities designed similarly to a dry detention basin, or a combination of these treatment methods into a treatment train (series of Structural BMPs). The Water Quality Management Plan shall address treatment for the Proposed Alternative Project to assure that runoff from the site is treated to the “maximum extent practicable.” The swales shall be treated as water quality features and shall be maintained differently than grass areas. Specifically, pesticides, herbicide, and fertilizers, which may be used on the grass areas, shall not be used in the vegetation swales.*

### **Filtration**

**HYD- 17** *Filtration shall be implemented as a treatment method and shall use drop-in infiltration devices or inline devices. Drop-infiltration devices at all curb inlets within the internal parking lots shall be implemented to provide potential pollutant removal. Existing examples of these filtration devices include the Drain Pac Storm Drain Inserts and Fossil Filters. These types of devices are efficient at removing oil and grease, debris, and suspended solids from treated waters. Some of these devices have also exhibited high efficiencies at removing heavy metals and other pollutants. Inline devices suggested for use onsite include the Continuous Deflection Separator (CDS unit). Once the runoff has entered the storm drain, an in-line diversion would direct the treatment flow to a CDS unit. The CDS unit is a non-blocking, nonmechanical screening system, which would provide a second line of defense for solids removal. Adsorption materials can be added within the CDS unit to aid in the removal of oil and grease. The treated flow would then exit the CDS unit and continue downstream. Monitoring of filtration devices shall be conducted. The use of street sweeps on the parking lots and streets shall aid in reducing the amounts of sediment and debris that flow through the devices. This would extend the effectiveness of the devices during a storm event and would lower the frequency of required maintenance. The devices shall be checked and cleaned, if necessary, once a month during the rainy season, following any precipitation and at the end of the dry season prior to the first precipitation event of the rainy season. Consideration shall be given to using these filtration units in other areas besides the parking lot inlets. Another potential location is at the downstream end of the tributary pipes that feed the discharge point. Siting these units at a downstream point would allow for the treatment of a greater amount of runoff.*

### **Jurisdictional Waters**

**HYD-18** *The Developer shall comply with any requirements of the U.S. Army Corps of Engineers (ACOE) and the California Department of Fish and Wildlife (CDFW) regarding water quality and drainage.*

***HYD- 19*** Any well located on the site of the Proposed Alternative Project, if not used as a water supply well or a monitoring well, shall be capped and taken out of service in accordance with accepted civil engineering standards.

### **Facts in Support of Finding:**

By following established guidelines for the management of runoff water, the Project would reduce runoff from the site to 90 percent of the current undeveloped rate. Therefore, there would be no additional runoff. Runoff that does occur would be filtered through a series of engineered devices designed to remove pollutants. The Project design features are expected to be an improvement to the overall drainage of the site and its ability to handle drainage problems. With implementation of the above-referenced mitigation measures, the project will be consistent with the Preliminary Master Water Quality Control Plan, and all applicable Federal, State and local regulations relating to protection of Water Quality.

### **Flood Control**

The project area is located in Flood Control District Zone 6, which is a low flood potential zone. This is due to the fact that the upstream watershed is relatively small and that runoff is incapable of producing floods with huge amounts of water. Nonetheless, stormwater culverts would be enlarged and fortified so that runoff would be conveyed under SR-38, thereby eliminating sheet flow.

### **Water Supply**

The Water Feasibility Study calculates the Water Demand for the Project as:

- 250 gallons per day per connection x 50 lots = 12,500 gallons per day;
- 12,500 gallons per day x 365 days/year = 4,562,500 gallons per year; and
- 4,562,500 gallons per year is equal to 14 acre-feet per year.

The water supply for the Project's 14 acre-feet per year demand will come from two groundwater basins. The annual groundwater recharge for Subarea A of the North Shore Subunit is between 14 and 44 acre-feet per year, with an estimated annual Maximum Perennial Yield of 29 acre-feet per year. In order to be as conservative as possible, the "minimum recharge" of 14 acre-feet per year will be utilized for Subarea A. There are also existing private, homeowner wells that withdraw their water supply from Subarea A. "Private Wells Production" within Subarea A is 5 acre-feet per year of groundwater production. Subtracting the 5 acre-feet of groundwater production from the minimum recharge for Subarea A of 14 acre-feet leaves 9 acre-feet available to supply the Project. Existing Project Well FP-2 is capable of pumping the 5.6 gallons per minute that will produce the 9 acre-feet per year of groundwater production from Subarea A and will also produce the Maximum Day Demand of 15.27 gpm.

The remaining 5 acre-feet per year of Project Demand will be supplied from the Grout Creek Groundwater Subunit, Subarea D. Project Well FP-4, which was drilled by the

developer in the northwest corner of the project site, will supply the 5 acre-feet per year of groundwater production, which is 3.1 gallons per minute. The only potential impact from FP-4 would be the draw-down influence onto neighboring private wells as indicated from pump test data. The data indicated that FP-4, at a sustained rate of 3.5 gpm, would result in a 2- foot draw-down in groundwater level for the nearest private well, which is located approximately 250 feet from Well FP-4. The available data on private wells suggests that the nearest private well has a saturated thickness that would be able to accommodate the additional 2-foot draw-down and that pumping from Well FP-4 would not significantly impact the private well's routine operations. Based on this data, mitigation shall be incorporated into the Project that will limit the Project's allocation of water supply from Well FP-4 to a maximum of 5 acre-feet per year.

The groundwater annual recharge of Grout Creek Subarea D to be between 32 and 99 acre-feet per year, with an estimated annual Maximum Perennial Yield of 66 acre-feet per year. At present, the only groundwater production in this subarea is from 11 private wells and is calculated to be 3 acre-feet per year. The additional 5 acre-feet per year of annual groundwater production from Well FP-4, combined with the existing 3 acre-feet per year of annual groundwater production, results in 8 acre-feet per year of total annual groundwater production, well below the low end of the annual recharge for Subarea D, which is 32-acre-feet per year, and also well below the estimated Maximum Perennial Yield for Subarea D which is 66 acre-feet per year.

Project Well FP-2 was cleaned, rehabilitated and test pumped in July of 2008. Geoscience's August 2008 Report concluded that:

- Well FP-2 has successfully been rehabilitated and its specific capacity restored to near original levels;
- Well FP-2 can yield up to 35 gpm on a long term basis with less than 10 ft of drawdown;
- At the 35 gpm discharge rate, pumping interference with the nearest private well (910 feet to the east of FP2) is expected to be less than 0.3 ft (less than 3.6 inches);
- Groundwater quality data from Well FP-2 indicates the water from the well is suitable for municipal supply; and
- There is no evidence from the Microscopic Particulate Analysis that the ground water produced by Well FP-2 is under the direct influence of surface water in Big Bear Lake.

The potential impact of pumping Project Well FP-2 on the surface water of Big Bear Lake would be minimal. The top of perforations for Project Well FP-2 (the area of the well where water is withdrawn from the surrounding soil) occur (begin) approximately 60 feet below ground surface, at an elevation of approximately 6,686 feet above mean sea level (msl). The high surface water elevation in the lake is 6,743 feet msl and the average depth of the lake is 30 feet. Thus, the elevation of the bottom of Big Bear Lake is approximately 27 feet above the top of perforations for Project Well FP-2. The geologic log for Project Well FP-2 shows multiple silt and clay layers between the land surface and top of perforations. If the silt and clay layers extend beneath the lake, they would provide some hydraulic

separation between the lake water and aquifer system. While it is possible that some vertical leakage could occur from the lake into the aquifer system of FP-2, the majority of groundwater produced by FP-2 would be from the aquifer underlying Subarea A.

The third existing, on-site well, FP-3, located to the east of the FP-2 well, would not be equipped nor pumped, but will be used as a monitoring well to record groundwater levels.

### ***Groundwater Recharge***

Impacts from Project Wells FP-2 and FP-4 will be less than significant with the implementation of mitigation measures U-1b and U-1c which ensure that annual groundwater production limits for FP-2 are 9 acre-feet per year; and FP-4 are 5 acre-feet per year.

In summary, the Project demand is 14 acre-feet per year. Well FP-2 is capable of producing the 5.6 gallons per minute, which is 9 acre-feet per year from North Shore Subunit, Subarea A, and Well FP-4 will produce the 3.1 gallons per minute, which is 5 acre-feet per year from Grout Creek Subunit, Subarea D. Therefore, there is sufficient water available to serve the Project, and the impacts in regard to water supply for the Project are considered less than significant.

### **Surface Water Quality**

Post-project runoff flows will generally remain in the existing natural drainage pattern, with culvert crossings occurring at low points along the highway and under interior roads, with ultimate discharge into Big Bear Lake. The Project will have a minor impact on the overall existing hydrology, effecting primarily minor redirection of natural flows, with the outfall into the lake remaining largely unchanged in both location and quantity. Project runoff flows will be carried to the lake via six proposed storm culverts, which drain directly into the lake itself; thus, runoff from the Project becomes a small part of the vast storage volume in Big Bear Lake.

The Project has been designed so that minor grading and minimal increases of impervious surfaces would occur on each lot by utilizing stemwall construction and a reduced overall construction footprint. Each lot will further reduce project runoff with the implementation of bioretention Best Management Practices (BMPs), as reflected in Mitigation Measures HYD-7 through HYD-19, while roads constructed as part of the Project will have runoff directed to bioretention areas. Big Bear Lake has a storage capacity of approximately 73,000 acre-feet. The project site is estimated to produce runoff equivalent to 0.04 percent of lake volume before development and 0.09 percent of lake volume after development. Thus, Project runoff is a miniscule fraction of lake storage.

Big Bear Lake possesses a controlled release point for project runoff flows at Big Bear Dam, which is controlled by Big Bear Municipal Water District (BBMWD). The primary goal of the BBMWD is maintaining the water level of Big Bear Lake at as high a level as possible given the availability of water and finances. The belief is that a constant water

level increases recreational use, stabilizes property value, improves water quality and supports a healthier fish and wildlife environment.

BBMWD accomplishes their goal by implementing a water management plan that includes the following:

- Stabilization of Big Bear Lake by managing the amount of water released to the downstream;
- Water rights holder;
- Watershed/water quality management;
- Recreation management; and
- Bear Valley Dam and Reservoir Maintenance.

In many seasons, BBMWD will elect to keep water in the lake and then purchase “in-lieu” water to meet demands of the downstream water rights holder. This “in-lieu” water is purchased from the San Bernardino Valley Municipal Water District and consists of water supplied via the State Water Project.

Releases from Big Bear Dam encounter another controlled release point further downstream at the Seven Oaks Dam, which is controlled by the USACE. The USACE operates Seven Oaks Dam in tandem with the Prado Dam, located 40.3 miles downstream on the Santa Ana River, by implementing the following strategies:

- Runoff during the early flood season is stored behind Seven Oaks Dam to build a debris pool to protect outlet works;
- Small releases from Seven Oaks Dam are made on continual basis to maintain downstream water supply;
- During a flood, Seven Oaks Dam will store runoff for as long as the reservoir pool at Prado Dam is rising;
- After the flood threat has passed, Seven Oaks Dam will release stored water at a rate which does not exceed the downstream channel capacity; and
- After the flood season, Seven Oaks Dam will be gradually drained and the Santa Ana River will flow through unhindered.

BBMWD and the USACE’s regulation of their structures is a function of irrigation demand, availability of water from other sources, and flood control purposes. Because these two organizations and their structures regulate and control discharges to downstream waters, and because runoff from the project site is miniscule compared to the volume stored in Big Bear Lake, Hydrologic Conditions of Concern (HCOC) for the Project development are independently minimal and not expected to directly and significantly impact downstream receiving waters.

The Project includes 55 boat slips. This would require no dredging, just the sinking of posts for support of the boat slip structure. Per The Clean Water Act, before the USACE can issue a permit for the marina/boat ramp/slip dock, the project Applicant must receive an individual Conditional Water Quality Certification from the Regional Water Quality

Board–Santa Ana Region. Therefore, compliance with this procedure would reduce the level of impact to less than significant.

### **Project Receiving Waters**

Big Bear Lake is the primary downstream receiving water for the project site. As project runoff flows continue westerly, further downstream receiving waters are reach 1 through 6 of the Santa Ana River, which ultimately drains to the Pacific Ocean.

### **Project Pollutants and Pollutants of Concern**

When a project pollutant is the same as a pollutant causing stress in the receiving waters, the San Bernardino County WQMP Guidance requires that project runoff be treated for said pollutants utilizing BMPs that are medium to high effectiveness. Pollutants of concern for the Moon Camp project are bacteria/virus, heavy metals, nutrients, and sediments.

Nutrients are of particular concern because a total maximum daily load (TMDL) for phosphorus has been adopted for Big Bear Lake. The current TMDL assigned to Big Bear Lake is 475 lbs per year for Urban Waste Load Allocation for phosphorus. For urban areas, compliance with this TMDL requires compliance with the Municipal Separate Storm Sewer System (MS4) Permit, which, in turn, requires implementation of BMPs, which treat pollutants of concern at a medium to high level of effectiveness.

### **Permit Regulations**

#### **WQMP Requirements**

The Santa Ana Regional Water Quality Control Board Order Number R8-2002-0012, NPDES Permit No. CAS618036 (Permit) requires post-construction BMPs to be implemented for new development and significant redevelopment projects, for both private and public agencies. AWQMP is then used to guide the development and implementation of a program to minimize the detrimental effects of urbanization on the beneficial uses of receiving waters, including effects caused by increased pollutants loads and changes in hydrology. Under the permit's requirements, the Project will be required to comply with the WQMP guidance document by implementing the following:

- Incorporate and implement site design BMPs;
- Incorporate and implement all applicable source control BMPs;
- Incorporate or implement Treatment Control BMPs; and
- Utilize a combination of site design, source control and/or treatment control that addresses all identified pollutants and hydrologic conditions of concern.

#### **TMDL Requirements**

The Santa Ana Regional Water Quality Control Board Resolution No. R8-2006-0023, amending the Water Quality Control Plan for the Santa Ana River Basin to Incorporate a

Nutrient TMDL for Dry Hydrological Conditions for Big Bear Lake, was approved by the Office of Administrative Law (OAL) on August 21, 2007. Under this resolution, the only TMDL implementation provision applicable to the Project is the item referring to the MS4 Stormwater Permit:

**Implementation Task 3.1** - “Waste Discharge Requirements for the San Bernardino County Flood Control and Transportation District, the County of San Bernardino and the Incorporated Cities of San Bernardino County within the Santa Ana Region, Areawide Urban Runoff, NPDES No. CAS 618036 (Regional Board Order No. R8-2010-0036). The current Order has provisions to address TMDL issues. In light of these provisions, revision of the Order may not be necessary to address TMDL requirements.”

The County of San Bernardino, in compliance with its MS4 permit, has adopted a program that requires new development projects, such as the Project, to prepare and implement a WQMP that includes a combination of site design, source control, and treatment control BMPs to reduce the discharge of pollutants and hydrologic conditions of concern resulting from the development. The Project applicant has prepared a Preliminary Master Water Quality Management Plan that complies with County standards and outline BMPs to be implemented during initial construction and site development activities.

Site design BMPs, source control BMPs, and treatment control BMPs will be implemented by the Project as documented WQMP. A subsequent lot development WQMP will be prepared once final construction specifications are determined. Through implementation of the WQMP, including the prescribed BMPs, the Project will be compliant with the County’s requirements, and by extension, the MS4 permit and TMDL implementation plan.

### **Project BMPs**

In order to address the project POCs and to reduce the chance of pollutants entering Big Bear Lake, the Applicant will implement treatment BMPs identified in the WQMP, including the following:

#### **Site Design**

Lots in the Project will be low density with stem wall construction, thereby reducing the area of construction. This criterion in planning reduces the overall footprint of construction and minimizes the imperviousness of each lot. The Project also includes 6.2 acres of dedicated open space. Maximizing open space thereby minimizing impervious development will retain optimum on-site precipitation and supplement natural recharge to the site’s two ground water basins. These are important concepts guiding the Project’s low impact design goals.

## **Source Control**

Activity restrictions and property owners' education are crucial to the Project's success at preserving water quality. The more informed each property owner is, the more likely they are to participate in compliance with imposed water quality standards. Conditions, Covenants & Restrictions (CC&Rs) will be utilized in this Project to clearly spell out activities that are not beneficial to water quality and shall not be allowed on the project site. The CC&Rs will be implemented and maintained by the Project's Property Owner's Association (POA). Specific and detailed activity restrictions will be included in the Final WQMP.

Activities to be restricted in the Final WQMP include, but are not limited to:

- Conducting any activity, improvement or construction that would in any way tamper with, interfere with, or alter the treatment BMP (bioretention) in a manner that renders them less effective; and
- Any activity that is not consistent with the San Bernardino County ordinances and State/Federal laws relating to land use, zoning, and housing and fire hazard abatement.

## **Treatment Control**

Assuming a generous average house footprint of 3,500 square feet on a 43,560-square-foot lot, with an estimated driveway surface of 3,000 square feet, produces an impervious percentage of 15. Using this average 15 percent yields a water quality volume (V0) of 1.56 acre-feet for all project lots.

Calculating the water quality volume of street runoff at 90 percent yields a V0 of 0.37 acre-feet. Therefore, the individual lot treatment BMPs shall be designed to address 1.56 acre-feet of total water quality volume, approximately 0.03 acre-feet per lot, while the street treatment BMPs shall address the remaining 0.37 acre-feet of the water quality volume.

The combination of a biofilter and filtration will treat the project pollutants of concern at medium to high level of effectiveness. The Caltrans Treatment BMP Technology Report (April 2007) provides results of their full-scale pilot studies performed on various BMPs. The report shows that bioretention will effectively treat nutrients from the project, including nitrogen and phosphorus, at a medium level of effectiveness.

Bioretention is the selected treatment BMP for the Project and operates similar to that of a biofilter and filtration. The individual lot owners will each treat their water quality volume prior to discharging from the site. Property owners will be responsible for their own maintenance. The street runoff will also be treated with bioretention that is located in common areas or on open space lots, with maintenance by the POA.

## **Cumulative Impacts Related to Water Quality and Hydrology**

It is possible that cumulative impacts to Big Bear Lake would occur as a result of this Project combined with other development in the region. According to the Santa Ana Regional Water Quality Control Board (SARWQCB-District 8), construction, land development, snow skiing activities, and unknown point sources are the culprits of pollutants such as sedimentation, siltation, excess nutrients, and exotic/noxious plants. Although Big Bear Lake is listed by the SWRCB as an impaired body of water, with implementation of identified mitigation measures, the Project's potential to cumulatively impact lake water quality would be reduced to less than significant.

Furthermore, mitigation outlining protocol procedure for set limits on groundwater well extraction and a defined water supply agreement between the Project Applicant, the DWP, and CSA 53C would reduce the Project's potential cumulative impact to groundwater supply to less than significant.

### **6. Land Use and Planning**

**Potential Impact:** Whether the Project would physically divide an established community; whether the Project would conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the proposed project (including, but not limited to the General Plan, Specific Plan, local coastal program, or zoning ordinance) adopted for the purpose of mitigating an environmental effect; whether the Project would conflict with adopted environmental plans and goals of the community where it is located; whether the Project would conflict with established recreational, educational, religious, or scientific uses of the area; and/or whether the Project would conflict with any applicable habitat conservation plan or natural community conservation plan.

**Finding:** Potential impacts of the Project on Land Use and Planning are discussed in detail in Section 4.5 of the 2010 RRDEIR and Section 4.4 of the 2024 PDEIR No. 3. Based on the entire record before us, the County finds that mitigation measures incorporated as a result of other Project specific impacts will reduce land use impacts to less than significant levels. The County further finds that no unavoidable significant impacts related to Land Use and Planning have been identified and that the project is consistent with and satisfies the requirements of compliance with the San Bernardino General Plan and 2020 Countywide Plan.

#### **Facts in Support of Finding:**

##### **Physically Divide a Community**

The Project does not physically divide a community. The community of Fawnskin is to the west and northwest of the Project site while the north and east boundaries of the Project site are adjacent to undeveloped property under the jurisdiction of the United States Forest Service. The Project will be less dense than development in adjacent neighborhoods in the community of Fawnskin and represents a logical extension of residential development.

## **Conflict with Applicable Land Use Plans, Policies or Regulations of an Agency with Jurisdiction over the Proposed Project**

### ***US Forest Service***

#### ***San Bernardino National Forest Land Use Management Plan***

The San Bernardino National Forest Land Management Plan 2006 Revision identifies a zoning map system for managing the forest. It identifies a plan for conserving a calculated percentage of the forested land it manages for wildlife habitat. This management plan does not affect private land and there are no requirements to conserve additional habitat on the project site other than unique habitat or habitat where sensitive or endangered species are present. Because the project site does contain unique and sensitive habitat, provisions have been made to conserve this land.

The Forest Land Management Plan 2006 Revision identifies high scenic integrity objectives for the area surrounding the project site; therefore the Project has the potential to negatively impact scenic vistas. The establishment of conservation easements on-site, in addition to mitigation measures identified in Sections 4.1, Aesthetics, and 4.3, Biological Resources, would adequately address the potentially significant impacts to land uses that rely on scenic resources.

### ***Wildfires***

Wildfire is the primary safety issue in the mountain area. Any residential or commercial land use could be impacted by a wildfire in the area. Implementation of the San Bernardino National Forest Plan for mechanical thinning of understory trees and provision of a dedicated water reservoir for fireflow would reduce fire danger in the project area, although it may still be a threat. Fire conditions in the San Bernardino National Forest are more dangerous than ever, according to the Forest Service (2006). Decades of fire suppression policy, which led to growth of the understory and bark beetle infestation, is partially to blame for this unprecedented fire hazard. A United States Forest Service plan to implement an aggressive thinning operation that would remove excess fuels to pre-fire suppression levels was finalized in 2006. Until it is implemented, the fire danger remains. A 100-foot fuel modification zone is required for any development project that abuts USFS land. Residential lots 14 through 26 are affected by this requirement and must abide by the Fuel Modification Plan required to be prepared for the Project.

Related to this issue, a Water Supply Feasibility Study was prepared for the Project that addresses both domestic water supply and water supply for fire flow. As part of the Project's permitting process, the Applicant must provide adequate domestic water supply as well as meeting the fire flow requirements established by the County Fire Marshall. Storage capacity for the development would be sized to meet the operational, emergency and fire flow storage requirements. Operational storage would be used to meet the hourly fluctuations in demand during maximum day conditions and must be established as 30 percent of maximum day. Emergency storage would be used to meet demands during a power outage or other emergency situation when supply sources and boosting pumps may

not be available; the Big Bear DWP requirements for emergency storage are equivalent to one day of maximum day demand. Fire flow storage capacity would be equal to the fire flow demand (1,750 gpm) times its duration (two-hours). Fire Flow Storage for 1,750 gpm (based on 120 min) is 210,000 gallons. Based on testing of onsite wells and the agreement with the City of Big Bear Lake DWP to provide potable water service, the Project will meet fire flow requirements.

### ***2020 Countywide Plan***

The County adopted the Countywide Plan on October 27, 2020. The Countywide Plan serves as the County's main land use and planning guidance document. The Countywide Plan contains the long-term goals and policies that will guide County decisions, investments and future land use planning.

#### ***General Plan/Zoning Consistency***

The project site is designated by the 2020 Countywide Plan as Very-Low Density Residential with a Zoning designation of BearValley/Residential Single-Family 20,000 SF Minimum (BV/RS-20M). This Zoning designation permits development of single-family residences on individual lots with a minimum size of 20,000 square feet. The Project is consistent with the Policy Plan Land Use Map (LU-1) and Zoning Map (LUZD Map FI09). A review of all other Countywide Policy Plan Element Goals (Land Use Element, Housing Element, Infrastructure and Utilities Element, Transportation and Mobility Element, Natural Resources Element, Renewable Energy and Conservation Element, Cultural Resources Element, Hazards Element, Personal and Property Protection Element, Economic Development Element and Health and Wellness Element) indicates that the proposed Project is consistent with all applicable Goals and Policies of the Countywide Plan (See Table 4.4-3 of the 2024 PDEIR No. 3)

The Tentative Tract Map has been designed as an extension of the existing land use pattern (i.e., neighboring single-family residential uses), but with much less density (minimum 7,200-square-foot for neighboring lots and minimum 20,000-square-foot for the Project). The Project offers a cohesively planned development which would be subject to compliance with the County's administrative design guidelines and development standards specific to the BV/RS -20M District. The minimum lot size of the Project is 20,000 square feet; however, all of the proposed residential lots are at least one half acre in size, with the average lot size being 0.90 acres, and 12 lots are over 1 acre in size. Therefore, the Project is consistent with the County's 2020 Countywide Plan.

#### ***Surrounding Area and Community Character Consistency***

The elements of community character that the public have identified as important include the following: providing adequate infrastructure, promoting sustainable and beneficial economy, balance between locals and tourists, self-sufficient and sustainable public services, and promoting both single family residential development and local level businesses. The Project is not only consistent with the existing General Plan Land Use

Designation and Zoning Designation but is consistent with the community character of area

The Project preserves the community character in several important ways:

- The residential density is reduced (gross density is 1 house per 1.25 acres).
- Areas with highly sensitive visual resources, such as the waterfront, are not developed for residential uses and are preserved by conservation and lake access easements.
- Conservation areas are established to protect the most valuable biological resources within the Project area (the Ashy Gray Paintbrush and the bald eagle perches).
- 0.82 acres of the waterfront will become accessible to the public.

The proposed residential unit density will be less dense than the surrounding residential properties and will create a contiguous unit of housing between the eastern and western portions of the Fawnskin community.

### ***Southern California Association of Governments (SCAG)***

#### ***SCAG RTP/SCS***

SCAG's 2020-2045 RTP/SCS Plan (Titled Connect SoCal) identifies coordinated transportation and land use planning strategies intended to reduce greenhouse gas emissions and to benefit regional quality of life. Connect SoCal Plan emphasizes placing higher intensity housing and jobs in locations with existing high-quality transit infrastructure that make daily travel via transit or active transportation feasible and attractive alternatives to single occupancy vehicle travel. As reflected in Table 4.4-4 of the 2024 PDEIR No. 3, the Project is either consistent, or at least not in conflict with, the policies and programs of the Connect SoCal Plan.

### **Conflict with Established Recreational, Educational, Religious or Scientific Uses of the Area**

The project site is designated as a residential site and does not provide direct access to recreational or educational areas. The site is not used for religious purposes and is not located near a church or other religious facility.

Recreational activities in the area consist of hiking, skiing, boating, biking, and other recreational activities consistent with a mountain community adjacent to a lake. The Project would provide a 55-slip boat dock for residents use along with a boat launch and parking lot to accommodate residents use; no public use of the boating facilities is proposed. However, the shoreline would be accessible to local residents who may arrive on foot or bicycle for fishing, bird watching, or other such passive activities. Scientific activities consisting of the study of local sensitive species such as the bald eagle, willow flycatcher and flying squirrel could continue. Also, the willow flycatcher habitat is being preserved in Open Space/Conservation easements on-site. Therefore, the Project would not be in conflict.

## **Conflict with Any Applicable Habitat Conservation Plan or Natural Community Conservation Plan**

The project site is not within the boundaries of a Habitat Conservation Plan (HCP) nor a Community Conservation Plan. A peer review of the biological studies has been conducted. This review included a site visit in December 2006. During the site visit the biologist observed that willow scrub habitat on the lake shoreline had grown up considerably since the site was studied in 2002. The more extensive willow scrub habitat provides greater support for the sensitive species, willow flycatcher. Additionally, the biologist observed the northern half of the project site supports habitat suitable for San Bernardino flying squirrel. USFS studies conducted in the Fawnskin area in 1991 were positive for the presence of this species on USFS land. These existing land use changes are notable and biological surveys were conducted and mitigation measures for those species and habitats affected by this Project will be implemented.

## **7. Noise**

**Potential Impact:** Whether the Project would result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; Whether the Project would result in exposure of persons to or generation of excessive ground borne vibration or groundborne noise levels; whether the Project would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; Whether the Project would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

**Finding:** Potential impacts of the Project on Noise are discussed in detail in Section 4.6 of the 2010 RRDEIR. Based on the entire record before us, the County finds that Mitigation Measures NOI-1 through NOI-4 are feasible, are adopted, and will further reduce impacts. Accordingly, the Board of Supervisors finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, the County finds that this impact is potentially significant but will be mitigated to a less than significant level with implementation of Mitigation Measures NOI-1 through NOI-4. Mitigation Measures NOI-1 through NOI-4 read in full as follows:

***NOI-1** Construction contractors shall be required to ensure that construction equipment is well tuned and maintained according to the manufacturer's specifications, and that the equipment's standard noise reduction devices are in good working order.*

***NOI-2** Consistent with the County of San Bernardino Development Code Section 87.0901, construction activities shall be limited as follows:*

*For general construction activities, the operation of construction equipment and outdoor construction or repair work shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday.*

***NOI-3*** *Construction equipment noise shall be minimized during project construction by muffling and shielding intakes and exhaust on construction equipment (per the manufacturers' specifications) and by shrouding or shielding impact tools. All equipment shall have sound-control devices no less effective than those provided by the manufacturer.*

***NOI-4*** *Construction activities contractors shall locate fixed construction equipment (such as compressors and generators) and construction staging areas as far as possible from adjacent residences. Activities within these staging areas shall conform to the time limitations established in Mitigation Measure NOI-2.*

**Facts in Support of Finding:** Neither the California Environmental Quality Act (CEQA) Guidelines, the County of San Bernardino General Plan, nor the Development Code provides a definition of what constitutes a substantial noise increase. A common practice has been to assume that minimally perceptible to clearly noticeable increases of 3 to 5 dBA represent a significant increase in ambient noise levels. A sliding scale is commonly used to identify the significance of noise increases, allowing greater increases at lower absolute sound levels than at higher sound levels. This approach is based on research that relates changes in noise to the percentage of individuals that would be highly annoyed by the change. The significance criteria for changes in noise from project operations are as follows:

- A 3-dBA CNEL increase in noise as a result of project operations, if the existing noise level already exceeds the “Acceptable” range for the land use (55 dBA CNEL or less for daytime residential uses—see Table 4.6-4).
- A 5-dBA CNEL increase in noise as a result of project operations, if the existing noise level is in the “Acceptable” range and the resulting level remains within the “Acceptable” range for the land use.

The County Development Code does not permit any vibration which produces a particle velocity greater than or equal to two-tenths (0.2). Construction is exempt from vibration standards provided construction activity is limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday.

### ***Construction Noise***

#### ***Impact Analysis***

Construction noise represents a short-term increase in ambient noise levels. Noise impacts from construction activities associated with the Project would be a function of the noise generated by construction equipment, equipment location, sensitivity of nearby land uses, and the timing and duration of the construction activities. Short-term noise impacts could

occur during construction activities; either from the noise impacts created from the transport of workers and movement of construction materials to and from the Project site, or from the noise generated onsite during ground clearing, excavation, grading, and construction activities. Construction activities are carried out in discrete steps, each of which has their own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise levels surrounding the construction site as work progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow noise ranges to be categorized by work phase.

The residential land uses to the southeast along SR-38, to the west along Canyon Road and to the north along Flicker Road, are the sensitive receptors of most concern as they relate to the Project construction noise. The edge of the project site is adjacent to the backyards of some of these residences. The noise level at the nearest residences could be greater than 90 dBA during various phases of Project construction. Noise at this level would result in a temporary increase in ambient noise levels. Although construction activities would occur during daytime hours, construction noise could still be considered substantially disruptive to residents. However, periods of intrusive noise exposure would be temporary, and noise generated by Project construction would be partially masked by existing noise from traffic. Construction noise often varies significantly on a day-to-day basis, and the noise levels analyzed represented a worst-case scenario.

In addition to construction noise from the project site, construction activities would also result in traffic noise along access routes to the site due from transport of equipment and workers on the site. The primary heavy equipment construction vehicles are expected to be moved on to the site once during the initial grading and would have a less than significant short-term effect on noise levels. Daily transportation of construction workers is not expected to cause a significant effect since this traffic would not be a substantial percentage of current daily volumes in the area, and would not be anticipated to increase traffic noise levels by more than 1 dBA.

The maximum permitted noise exposure to residential uses from stationary sources is 55 dBA Leq from 7:00 a.m. to 10:00 p.m., and 45 dBA Leq from 10:00 p.m. to 7:00 a.m. Locally regulated sources are stationary and not pre-empted from local noise control. Pre-empted sources include vehicles operated on public roadways, railroad line operations and aircraft in flight. The maximum permitted noise exposure to residential uses from mobile noise sources is 60 dB ( $L_{dn}$  or CNEL). However, an exterior noise level up to 65 dB (or CNEL) is allowed if exterior noise levels have been substantially mitigated through the implementation of best available noise reduction technology and the interior noise exposure does not exceed 45 dB (or CNEL) with windows and doors closed.

Project construction activities would temporarily increase local noise and vibration levels in the project study area and may temporarily exceed County standards. However, the County of San Bernardino Development Code exempts construction activities from adhering to County noise standards as long as construction is limited to the hours of 7:00 a.m. to 7:00 p.m., Monday to Saturday, and prohibited on Sundays or Federal Holidays.

This exemption recognizes the inherent and often unavoidable noise associated with construction activities and the limited duration of such impacts. Accordingly, as long as the construction activities occur during the least noise sensitive time of the day, such activities are not subject to the noise ordinance. With adherence to the County Development Code and the noise-related policies in the County General Plan, and due to the relatively short period of construction, noise impacts are anticipated to be less than significant. Implementation of the recommended mitigation measures would ensure that impacts remain at or below less than significant levels.

Mitigation is proposed that would require the Applicant to implement construction noise control measures into the Project and comply with the County's construction noise requirements. While the closest residences would experience exterior noise levels greater than 60 dBA, construction noise is temporary and exempt from the County's land use compatibility noise standards. Therefore, implementation of the mitigation measures would be sufficient to reduce construction noise impacts to a level of less than significant.

### ***Groundborne Vibration***

#### *Construction Vibration*

Construction activities can produce vibration that may be felt by adjacent uses. The construction of the Project would not require the use of equipment such as jackhammers and pile drivers, which are known to generate substantial construction vibration levels. The primary sources of vibration during construction would be from bulldozers, backhoes, crawler tractors, and scrapers used during site preparation. A vibratory roller would produce the greatest amount of vibration on the project site, with a 0.21 peak particle velocity (PPV) at 25 feet. The nearest sensitive receptors have backyards adjacent to the project site.

Vibration impacts from construction activities associated with the Project would be a function of the construction equipment, equipment location, sensitivity of nearby land uses, and the timing and duration of the construction activities.

The residential land uses to the southeast along SR-38, to the west along Canyon Road and to the north along Flicker Road, are the sensitive receptors of most concern as they relate to the Project construction potential for vibration. The edge of the project site is adjacent to the backyards of some of these residences. Vibration levels could reach a peak of 0.21 at 25 feet during certain phases of Project construction. Although construction activities would occur during daytime hours, construction vibration could still be considered disruptive to residents. However, periods of vibration would be temporary, and vibration would be partially masked by existing noise from traffic. With mitigation, this is a less than significant impact.

In addition to construction vibration from the project site, construction activities may also result in vibration from traffic along access routes to the site due from transport of equipment and workers on the site. The primary heavy equipment construction vehicles are

expected to be moved on to the site once during the initial grading and would have a less than significant short-term effect on vibration levels. Daily transportation of construction workers is not expected to cause a significant effect since this traffic would not be a substantial percentage of current daily volumes in the area, and would not be anticipated to increase traffic vibration to a perceptible level.

The County of San Bernardino Development Code does not permit any vibration which produces a particle velocity greater than or equal to two-tenths (0.2) inches per second measured at or beyond the lot line. However, temporary construction is exempted from these requirements as long as activities are limited to the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday.

Project construction activities would result in temporary vibration that is 0.01 above the County standards and therefore may temporarily exceed County standards. However, the County of San Bernardino Development Code exempts construction activities from adhering to County noise standards as long as construction is limited to the hours of 7:00 a.m. to 7:00 p.m., Monday to Saturday and prohibited on Sundays or federal holidays. With adherence to the County Development Code, and due to the relatively short period of construction and even shorter periods of vibration, impacts are anticipated to be less than significant. Implementation of the recommended mitigation measure would ensure that impacts remain at or below less than significant levels.

### ***Operational Vibration***

Following completion of the Project (assuming full future buildout of the residential lots), no increases in vibration would be expected. The additional residences would not be expected to attract vehicles that would result in groundborne vibration, with the possible exception of increased recreation vehicle (RV), fifth-wheel trailers, and watercraft trailers. As discussed further below, boating use is only expected to increase by less than nine boats daily, and would not cause perceptible vibration over existing boat traffic. Vibration would not be expected from RVs or trailers as they are generally hauled and parked for several days or more, or permanently parked at a residence. Vibration impacts from the operation of the Project would be less than significant.

### ***Operational Noise – Mobile Sources***

#### **Traffic**

Project operation would result in increased traffic on roadways in the project area, thereby increasing vehicular generated noise near existing and proposed residential uses. Traffic conditions were analyzed utilizing existing, Year 2006, and Year 2025 traffic volumes. Revisions to the Project include the reduction of residential lots from 92 to 50, and therefore these previous studies represent a worst case scenario are adequate for analysis for this Project.

For purposes of analyzing noise impacts associated with Project-related traffic volumes, an analysis was performed to which compares the following scenarios:

1. Existing Plus Other Development Traffic Conditions (Year 2006) versus Existing Plus Project Plus Other Development Traffic Conditions (Year 2006) and;
2. Existing Plus Other Development Traffic Conditions (Year 2025) versus Existing Plus Project Plus Other Development Traffic Conditions (Year 2025).

Thus, in accordance with the Project TIA, with and without the Project scenarios were modeled for Year 2006 and Year 2025 traffic conditions.

According to the September 2003 TIA, 25 percent of the project traffic distribution would be distributed to the west of the project site. The following roadways segments to the west of the project site would receive traffic from the project site:

- North Shore Drive: North of Big Bear Boulevard and Dam (Existing ADT = 2,300);
- Rim of the World Highway: West of North Shore Drive (Existing ADT = 7,100); and
- Big Bear Boulevard: East of North Shore Drive (Existing ADT = 7,300).

Using a worst-case assumption of 220 trips (25 percent of 880 trips) along North Shore Drive, north of Big Bear Boulevard and Dam, under existing conditions, the vehicular noise level along this roadway segment would increase by 0.42 dBA. Thus, noise impacts along this roadway segment would be less than significant.

Therefore, since the roadway segments along Rim of the World Highway (west of North Shore Drive) and Big Bear Boulevard (East of North Shore Drive), would receive 15 percent and 10 percent of the Project traffic, respectively, coupled with the fact that traffic volumes are greater on these segments than on North Shore Drive, noise level increases along these segments as a result of Project generated traffic would be less than 0.42 dBA and therefore, noise impacts along these roadway segments would be less than significant under existing and future traffic scenarios.

### **Year 2006 Traffic Conditions**

Noise levels near the project area were modeled using with and without Project scenarios for 2006 traffic conditions to determine the location and extent of future vehicular generated noise conditions.

Under the “2006 Without Proposed Alternative Project” scenario, noise levels at a distance of 100 feet from centerline would range from approximately 32 to 63 dBA. The highest noise levels would occur on Big Bear Boulevard, west of Stanfield Cutoff. The lowest noise levels would occur along Stanfield Cutoff (north of North Shore Drive). Under the “2006

With Proposed Alternative Project” scenario, noise levels at a distance of 100 feet from centerline would range from approximately 32 to 63 dBA. Similar to the “2006 Without Proposed Alternative Project” scenario, the highest and lowest noise levels would occur along Big Bear Boulevard (west of Stanfield Cutoff) and Stanfield Cutoff (north of North Shore Drive), respectively. All roadway segments comparatively analyzed would experience a noise increase of less than 1 dBA at 100 feet from the roadway centerline. Thus, noise impacts along all the roadway segments would be less than significant.

### **Year 2025 Traffic Conditions**

Noise levels within the vicinity of the project area were modeled for with and without Project scenarios for 2025 traffic conditions to determine the location and extent of future vehicular generated noise conditions. Under the “2025 Without Proposed Alternative Project” scenario, noise levels at a distance of 100 feet from centerline would range from approximately 33 to 64 dBA. The highest noise levels would occur on Big Bear Boulevard, west of Stanfield Cutoff. The lowest noise levels would occur along Stanfield Cutoff (north of North Shore Drive).

Under the “2025 With Proposed Alternative Project” scenario, noise levels at a distance of 100 feet from centerline would range from approximately 33 to 64 dBA. Similar to the “2025 Without Proposed Alternative Project” scenario, the highest and lowest noise levels would occur along Big Bear Boulevard (west of Stanfield Cutoff) and Stanfield Cutoff (north of North Shore Drive), respectively. All roadway segments comparatively analyzed would experience a noise increase of less than 1 dBA at 100 feet from the roadway centerline. Thus, noise impacts along all the roadway segments would be less than significant.

### **Watercraft Noise**

The Project includes the installation of a removable, floating dock with 55 boat slips on the north shore of Big Bear Lake. Previous analysis determined that 103 boat slips (as originally proposed), if multiplied by the weekend use factor of 9 percent, would add approximately nine boats per day to the daily average number of boats using the lake. All persons undertaking boating activities would be responsible for complying with rules and regulations established by the Big Bear Municipal Water District. Boating operation requirements that include speed limits, mooring and launching restrictions, and muffler requirements would serve to reduce noise impacts generated by watercraft activities. The Project would add fewer than nine boats to the average daily use of the Lake. Not only is this considered a nominal increase in daily boating numbers, adherence to the Water District’s rules and regulations, and the Harbor and Navigational Code 654, would reduce noise impacts from watercrafts to a less than significant level. It is noted that during peak holiday and summer periods, the daily use of watercraft would significantly increase. However, compliance with the Water District’s rules and regulations would reduce impacts to less than significant levels.

### ***Operational Noise – Stationary Sources***

Project operation would result in stationary noise source impacts on-site. These sources would include the typical residential noise sources and activities at the nearby marina and adjacent parking lot. The potential impacts from these sources were analyzed in terms of their proximity to the nearby off-site sensitive receptors.

#### **Residential**

Development of the residential lots adjacent to existing residences located to the north (along Flicker Road), west (along Canyon Road) and east (along SR-38) would result in new sources of stationary noise typical of any residential development. Residential noise sources include children playing, pet noise, amplified music, car repair, pool and spa equipment, woodworking and home repair. Noise typically associated with residential land uses does not exceed 60 dBA and usually occurs during daytime hours from 7:00 a.m. to 10:00 p.m. In addition, all residents must comply with the noise standards set forth in the County Development Code, which states that exterior noise levels in residential property shall not exceed the basic noise standard of 55 dBA between the hours of 7:00 a.m. and 10:00 p.m. and shall not exceed 45 dBA between the hours of 10:00 p.m. and 7:00 a.m. Thus, noise impacts from the residential uses are less than significant.

#### **Marina Facilities**

The Project includes the development of a marina on Big Bear Lake and an associated parking lot and boat launch. The Project includes a floating removable dock with 55 boat slips. Surface parking lots generate instantaneous noise from tire squeals, door slamming, and engine start-ups. Noise would primarily remain on-site and would be temporary (during peak events). Parking lot noise can also be considered a “stationary” noise source and may occur after 10 p.m. Typical noise levels generated by parking areas are an estimated 70 dBA at 50 feet during peak events (this is an “instantaneous” or peak noise level). Parking lot noise would also be partially masked by background noise from adjacent SR-38 and other roads and typical community noise sources. Based on the distance to the nearest existing residential areas from the proposed marina parking lot, noise levels would not exceed 55 dBA during the daytime or 45 dBA at nighttime. Therefore, typical parking lot noise generated at the Project site would be below both the daytime and nighttime noise standards at the nearest existing residential uses. Thus, noise impacts from the marina facilities are less than significant.

### **8. Public Services and Utilities**

**Potential Impact:** Whether the project could result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services: fire protection, police protection, schools, parks, other public facilities.

**Finding:** Potential impacts of the Project on Public Services and Utilities are discussed in detail in Section 4.7 of the 2010 RRDEIR. Based on the entire record before us, the County finds that Mitigation Measures PS-1 through PS-4 are feasible, are adopted, and will further reduce impacts. Accordingly, the Board of Supervisors finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, the County finds that this impact is potentially significant but will be mitigated to a less than significant level with the implementation of Mitigation Measures PS-1 through PS-4. Mitigation Measures PS-1 through PS-4 read in full as follows:

### ***Fire Protection***

***PS-1*** The fire flow requirement shall be 1750 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 for homes greater than 4,800 square feet.

***PS-2*** 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 sprinkler requirement.

***PS-3*** A Fuels Management 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 100-foot minimum setback requirement from the National Forest. The fuel modification zone shall be located entirely within the project boundaries. The minimum fuel modification zone requirements may be greater in steeper areas (up to 300 feet), as determined by the Fire Department.

***PS-4*** A Homeowner's Association shall be established to 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 Forester is necessary for professional guidance to implement the Plan. The HOA is to be responsible for fuel modification in common areas.

### **Facts in Support of the Finding:**

#### **Fire Services**

Wildfire is the primary safety issue in mountainous areas. Fire conditions in the San Bernardino National Forest are more dangerous than ever, according to the USFS (2006). The Butler II fire (September 2007) required the evacuation of the Fawnskin community for a short period. Many decades of fire suppression policy, which led to growth of the understory and bark beetle infestation, is partially to blame for this fire hazard. Implementation of the San Bernardino National Forest Plan (2006) for mechanical thinning of under-story trees and provision of fire-flow would reduce fire danger in the project area.

The project site is located adjacent to the National Forest Service on the north and east. The USFS requires a 100-foot firebreak for residential lots that are adjacent to USFS land. The Project is designed to include this 100-foot fuel modification zone adjacent to USFS land.

The project site is in a high fire hazard area and included in the County's Fire Hazard Overlay District (FS1). The FS1 Area "includes areas within the mountains and valley foothills. It includes all the land generally within the San Bernardino National Forest boundary and is characterized by areas with moderate and steep terrain and moderate to heavy fuel loading contributing to high fire hazard conditions."

Since the Project is located within a FS1 designated area, it is subject to compliance with various requirements relative to construction, building separations, project design, and erosion and sediment control. The requirements applicable to each fire safety area are found in the County's Development Code in Section 82.13.050 (General Development Standards), Section 82.13.060 (FS1, FS2, and FS3 Development Standards), and 82.13.070 (FS1 Additional Development Standards). The provisions for the FS1 District include, but are not limited to, fuel modification zones, setbacks, emergency access, water supply (for fire flows), and apply to all phases of project development.

A 100-foot fuel modification zone is required for any development project that abuts USFS land. Ten of the residential lots are affected by this requirement and must abide by the Fuel Modification Plan required to be prepared for the Project. In addition, because the residential lots would be sold as custom lots and would be developed as they are sold, fuel modification on individual lots may be required if a lot being developed is adjacent to other lots that have not been sold or remain undeveloped. Under this condition, Development Code Section 82.13.060(6) (B) would apply. This provision states in part that "when a development project is phased, individual phases may be required to provide temporary fuel modification areas, where the development perimeter of a phase is contiguous to a subsequent phase of a project, which in its undeveloped state is a hazardous fire area..."

The fuel modification zone adjacent to the USFS boundary and areas within the site that would be required to maintain temporary fuel modification areas will be maintained by the prospective homeowners of these specific lots. Each homeowner will be required to pay property taxes and development impact fees based on then-current rates. The project's increase in demand for fire protection services would be offset through project-related fees and taxes.

Regular thinning of these buffer zones would lessen the fire hazard. A potential loss of habitat could result from the removal of trees required for fire control. However, the County of San Bernardino requires under Chapter 88.01, Plant Protection and Management, of the Development Code that development on all private and public lands within the unincorporated areas of San Bernardino County is subject to specific requirements. Removal of any native plant from unincorporated areas of San Bernardino requires the approval of a removal permit. The Project would comply with this Plant Protection and Management Ordinance and the design standards specific for high fire areas.

Related to this issue, a Water Supply Feasibility Study was prepared for the Project that addresses both domestic water supply and water supply for fire flow. As part of the permitting process, the Applicant must provide adequate domestic water supply as well as meet the fire flow requirements established by the County Fire Marshall. Storage capacity for the development would be sized to meet the operational, emergency and fire flow storage requirements. Operational storage would be used to meet the hourly fluctuations in demand during maximum day conditions, and must be established as 30 percent of maximum day. Emergency storage would be used to meet demands during a power outage or other emergency situation when supply sources and boosting pumps may not be available. The requirements for emergency storage are equivalent to one day of maximum day demand. Fire-flow storage capacity would be equal to the fire-flow capacity of 1,750 gallons per minute (gpm) times its duration (2 hours). Fire-flow storage for 1,750 gpm (based on 120 minutes) is 210,000 gallons. According to the Water Supply Feasibility Study, the Project would have sufficient water to meet these requirements. In addition, mitigation measures pertaining to fire protection are included to address the potential fuels- and fire-related impacts of the Project. Implementation of these mitigation measures will ensure that fire protection impacts of the Project are less than significant.

### **Police Services**

As with any new residential development, implementation of the Project would increase police service calls to the vicinity beyond existing conditions. This would be a direct result of the addition of 50 single-family residences and associated population. The average household size has been estimated to be 2.31 persons; therefore, at full build-out of the 50 residential lots, the Fawnskin population has the potential to increase by approximately 116 persons. This increase in population would incrementally increase the number of police service calls.

Anticipated police calls that may occur include increased burglar alarm calls, general criminal investigations, missing or lost persons, emergency medical calls, thefts of boats, and vandalism. Although there would be an incremental need for increased police service, it is not anticipated that Project implementation would require any new police facilities. Each homeowner will be required to pay property taxes and development impact fees based on then-current rates. The Project's increase in demand for police services would be offset through project related fees and taxes. Project development is not anticipated to result in the need for additional police facilities that could result in a significant environmental impact. Therefore, impacts to law enforcement services are expected to be less than significant, and no mitigation measures are proposed.

### **School Services**

Development of the Project could generate an increased student population of approximately 11 students (based on 0.21 students per unit times 50 units) within the BVUSD. This is less than one student per grade. Currently, the middle school is over capacity. However, all of the schools have augmented existing facilities with portable classrooms to accommodate overcrowding, and the local electorate recently passed

Measure Q to build new classrooms and/or improve facilities at all of the BVUSD schools that could be affected by this Project. In addition, both the elementary and middle schools have experienced a decline in enrollment.

Currently, the BVUSD collects development impact fees from new development projects within the service district boundaries. The fees are determined by a Developer Justification Study commissioned by the District every 2 years. Each homeowner will be required to pay these development impact fees, regardless of whether or not they will have students in the BVUSD. Payment of these fees are considered full mitigation under the CEQA Guidelines. Therefore, the impacts to school services would be less than significant, and no mitigation is proposed.

## **Libraries**

Big Bear Lake Branch Library serves the community from a 9,543-square-foot building located at 41930 Garstin Drive. It is one of 28 branch libraries in the County system and serves approximately 6,000 visitors per month.

The Project would add an additional 116 residents to the Fawnskin community, and these additional residents would place an incremental demand on public libraries primarily the Big Bear Lake Branch Library. The increase in population could necessitate a proportionate increase in staffing, resources, materials and library space. The demand for library services has decreased because of the internet (i.e., online publications). The current state average is 0.35 square feet of library space per capita. However, the Division of Library Development Services of the State of California recommends up to 0.5 square feet of space per capita. The Big Bear Lake Branch Library is currently impacted and in need of expansion. According to the San Bernardino County Library Facility Master Plan, the library needs to expand to 15,443 square feet. However, at present, there are no plans to expand.

The individual homeowners will pay property taxes, of which a portion will go toward funding library services. The revenue from property taxes would offset the incremental cost of providing services to the project residents. Furthermore, modern technology (computers) has reduced the need for library services. The impacts to library services are expected to be less than significant and no mitigation is required.

## **Parks**

The Project would add an additional 116 residents to the Fawnskin community, and these additional residents would place an incremental demand on public parks. With implementation of the Project, the existing unauthorized trails and dirt roads on site would be eliminated. However, these features are on private property and could be blocked from public use at any time. An area for Neighborhood Lake Access (Lot B) will be included in the development plan that will be accessible by foot and bicycle. In addition, the Applicant intends to dedicate a 66-foot-wide road easement for SR-38 that would accommodate an extension of the multipurpose trail that runs along the north shore of the lake. Furthermore,

the mountain community has multiple recreational facilities, both public and private, and Big Bear Lake has multiple access points that will remain accessible to the general population. The impacts to parks are expected to be less than significant and no mitigation is required.

## **9. Recreation**

### **(a) Recreational Facilities**

**Potential Impact:** Whether the project would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

**Finding:** Potential impacts of the Project on Recreation are discussed in detail in Section 5.2 of the 2004 DEIR. Based on the entire record before us, the County finds the Project will result in a less than significant impact related to the use of existing neighborhood and regional parks or other recreational facilities and no mitigation is required.

**Facts in Support of the Finding:** As discussed in detail in the 2004 DEIR, the project is located in the Big Bear Lake area, which is a recreational resort area with several communities and one incorporated city. The community of Fawnskin, located on the north shore of the lake supports visitors with the provision of lodging, restaurants, boat docks, campgrounds, and picnic areas. The proposed project will include a marina for use by residents of the project. No deterioration of existing recreational facilities such as neighborhood or regional parks would result from the project; many residents may not be permanent. Use of the lake will be the primary recreational activity associated with the project which activity is regulated by the Big Bear Municipal Water District.

### **(b) Expansion and/or Construction of Recreational Facilities**

**Potential Impact:** Whether the project includes recreational facilities or requires the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

**Finding:** Potential impacts of the Project on Recreation are discussed in detail in Section 5.2 of the 2004 DEIR. Based on the entire record before us, the County finds the Project will result in a less than significant impact related to the expansion and/or construction of recreational facilities and no mitigation is required.

**Facts in Support of the Finding:** Implementation of the Moon Camp project involves the construction or expansion of recreational facilities which may have an adverse physical effect on the environment. Compliance with the Big Bear MWD standards and permit requirements would reduce impacts to a less than significant level. The 2005 FEIR concludes that the addition of approximately 100 boat docks would result in a less than significant impact. The project proposes only 55 boat slips.

The proposed 55 boat slips would be consistent with the provisions set forth for Yacht Clubs by the Big Bear Municipal Water District. The current carrying capacity of Big Bear Lake is 1,000 boats and the maximum number of dock slips on the Lake would be 5,200. The 55 proposed boat slips would not surpass the total amount of boat slips allowed on the Lake. The 55 dock slips, if multiplied by the weekend use factor of nine percent, would add approximately six boats per day to the daily average number of boats using the lake. This increase in boat usage on the lake would not surpass the 1,000 boat carrying capacity of the Lake. Furthermore, according to the Big Bear Municipal Water District Management Plan, current lake use statistics show that it is unlikely that in the foreseeable future, the District would need to consider any restriction on the number of boats on the Lake. In fact, as long as the parking facilities remain at the current level, use of the Lake is somewhat self-restricting.

The Big Bear Municipal Water District has identified three areas of concern with implementation of the proposed marina facilities associated with the Moon Camp project. First, a mooring plan for high and low water conditions must be submitted and reviewed to ensure that dock placement is consistent with District regulations. This would allow for a Dock System and License Agreement to be obtained. Second, any construction activity that may occur below the high water line (i.e., seawall, launch ramp, headwalk, dredging or slope modification, etc.) would require a Shorezone Alteration Permit. Third, the District would need to receive a copy of the Storm Water Pollution Prevention Plan (SWPPP), approved by the Water Resources Control Board, to ensure that the Lake is adequately protected from pollutants before, during and after project construction.

In consideration of the standards set forth by the Big Bear Municipal Water District, potential impacts to the physical environment created by the construction of recreational facilities are concluded to be less than significant. (2004 DEIR pp. 5.2-3 to 5.2-4.)

### **(c) Cumulative Impacts Related to Recreation**

**Potential Impact:** Whether cumulative development may result in increased use of existing recreational areas/facilities, thereby creating the potential for physical deterioration and whether cumulative development may include recreational facilities that have the potential to result in physical impacts on the environment.

**Finding:** Potential impacts of the Project on Recreation are discussed in detail in Section 5.2 of the 2004 DEIR. Based on the entire record before us, the County finds that this impact is potentially significant but is mitigated to a less than significant level because mitigation is incorporated on a project-by-project basis.

### **Facts in Support of the Finding:**

The proposed Project would contribute to the cumulative need for more recreational park space and related facilities. Although, the proposed Project would increase the use of existing facilities, the proposed project would also create a new recreation facility.

Cumulative projects would be required to mitigate incremental impacts to Countywide recreational facilities resulting in a less than significant impact.

## **10. Traffic and Circulation**

**Potential Impact:** Whether the Project would cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections); whether the Project would exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways; whether the Project would result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; whether the Project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment); Whether the Project would result in inadequate emergency access; Whether the Project would result in inadequate parking capacity; whether the Project would conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

**Finding:** Potential impacts of the Project on Traffic and Circulation are discussed in detail in Section 4.8 of the 2010 RRDEIR and confirmed in 2018 Focused Traffic Impact Assessment. Based on the entire record before us, the County finds that Mitigation Measures T-1 through T-3 are feasible, are adopted, and will further reduce impacts. Accordingly, the Board of Supervisors finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, the County finds that this impact is potentially significant but will be mitigated to a less than significant level with implementation of Mitigation Measures T-1 through T-3. Mitigation Measures T-1 through T-3 read in full as follows:

***T-1** The following Project Design Features recommended in the Traffic Impact Analysis shall be incorporated into the Proposed Alternative Project design:*

- *Construction of North Shore Drive at its ultimate half-section width as a Mountain Major highway from Canyon Drive to the Easterly Proposed Alternative Project boundary.*
- *Installation of a stop sign control at Driveway #1 and Driveway #2.*
- *Construction of an Eastbound Left Turn Lane at Driveway 1 / North Shore Drive and Driveway 2/ North Shore Drive for 2030 Buildout Conditions.*
- *Construction of a 2nd Eastbound Through Lane at Driveway 1 / North Shore Drive and Driveway 2/ North Shore Drive for 2030 Buildout Conditions.*

***T-2** The eastbound left turn lanes at both project access points will be constructed at opening year at 100 percent cost to the Applicant. The Applicant shall pay fair share costs of the construction of the eastbound through lanes at both project access points for the*

*horizon year conditions. The developer shall pay the fair share cost of \$99,320 toward the off-site traffic improvements recommended in Appendix G of the San Bernardino Congestion Management Program, 2003 Update.*

***T-3*** *The following Project Design Features recommended in the Revised 2018 Focused Traffic Impact Assessment (FEIR Appendix M) shall be incorporated into the Proposed Alternative Project design:*

- Construction of left-turn pockets on driveways along North Shore Drive (SR-38) on Driveway 1 and Driveway 2.*
- Construction of a Class II Bicycle Lane on North Shore Drive (SR-38) in the eastbound direction.*

### **Facts in Support of Finding:**

The areawide growth was interpolated from adjusted existing volumes (with 16 percent growth) to General Plan Buildout (2030) volumes. The area-wide growth varies for each movement at each intersection. The interpolated areawide growth rate was added to peak hour traffic volumes on surrounding roadways, in addition to traffic generated by the Project and other development.

Long Range General Plan Buildout (2030) conditions were estimated based on a select zone run of the San Bernardino Mountain Model, in addition to traffic generated by the Project and the known cumulative development.

The 2007 TIA analyzed a total of 17 cumulative projects that could affect the study intersections. These other developments are projected to generate 15,111 trip-ends per day with 1,455 vehicles per hour during the AM peak hour and 1,455 vehicles per hour during the PM peak hour. An updated list of 12 cumulative projects was assumed for the purpose of the 2018 Focused Traffic Impact Analysis.

### **Short-Term Impacts (Year 2010)**

The ADT at key intersections for 2010 Without Project traffic conditions have been determined by adding the 2007 existing traffic volumes (with 16 percent adjustment) plus the two percent background growth volumes per year (6 percent for three years) plus the known cumulative development volumes.

### **2010 Without Project Conditions**

For 2010 Without Project traffic conditions, no new traffic signals are projected to be warranted compared to Existing Conditions. Without improvements, the same intersections continue to operate at an unacceptable level of service. With traffic signals, the level of service would improve to acceptable levels.

## **2010 With Project Conditions**

The ADT for the 2010 With Project was determined by adding the Project-only traffic volumes to the 2010 Without Project traffic volumes. For 2010 With Project traffic conditions, no new traffic signals are projected to be warranted as compared to 2010 Without Project conditions.

The following study area intersections are currently operating at an unacceptable level of service during both Friday PM and Sunday mid-day peak hours:

Big Bear Blvd (SR-18) (NS) at:

- North Shore Drive (SR-38) (EW)

Stanfield Cut Off (NS) at:

- North Shore Drive (SR-38) (EW)

Stanfield Cut Off (NS) at:

- Big Bear Blvd (SR-18) (EW)

These intersections will continue to operate at unacceptable levels without improvements, but will improve to acceptable levels with the addition of traffic signals with no significant impact due to the Project. Driveway or street intersections within the Project are projected to operate at acceptable levels without traffic signals.

## **Long-Term Impacts (2030)**

Long Range conditions were based on a General Plan Buildout (2030) that was estimated by adding the Project peak traffic and the known cumulative development peak traffic volumes to the San Bernardino Mountain Model. Without improvements, the following study area intersections would operate at an unacceptable level of service during both Friday PM and Sunday mid-day peak hours:

Big Bear Blvd (SR-18) (NS) at:

- North Shore Drive (SR-38) (EW)

Stanfield Cut Off (NS) at:

- North Shore Drive (SR-38) (EW)

Stanfield Cut Off (NS) at:

- Big Bear Blvd (SR-18) (EW)

Driveway #1 (NS) at:

- North Shore Drive (SR-38) (EW)

Driveway #2 (NS) at:

- North Shore Drive (SR-38) (EW)

With implementation of Mitigation Measure T-2, Traffic Impacts to these intersections will be less than significant. The County prepared an updated Focused Traffic Impact Analysis to confirm the significance determinations and adequacy of mitigation measures. The Focused Study confirmed that the proposed mitigation measures adequately mitigate long-term cumulative traffic impacts.

## **Parking**

Under the Project, each residence would have two parking spaces in the driveway, as required by San Bernardino County Development and building codes. Additionally, there would be a parking lot to service the marina and the open space conservation easement on the lakeshore. The parking lot would have 12 parking spaces for use by the public and the residents of Moon Camp. Only the residents would be allowed access to the marina and the boat launch. Each residence would be assigned a slip to store one boat. Parking impacts are less than significant and no mitigation is required.

## **Emergency Access**

Emergency access would occur through the two driveways, and an additional fire gate would be provided on the east end of the Project. Emergency impacts are less than significant and no mitigation is required.

## **11. Utilities**

**Potential Impact:** Whether the Project would exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (RWQCB); whether the Project would require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; whether the Project would require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; whether the Project would have insufficient water supplies available to serve the project from existing entitlements and resource, or are new or expanded entitlements needed; whether the Project would result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments; whether the Project would be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs; and whether the Project would not comply with federal, state, and local statutes and regulations related to solid waste.

**Finding:** Potential impacts of the Project on Utilities are discussed in detail in Section 4.9 of the 2010 RRDEIR. Based on the entire record before us, the County finds that Mitigation Measures U-1a through U-3 are feasible, are adopted, and will further reduce impacts. Accordingly, the Board of Supervisors finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or

alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, the County finds that this impact is potentially significant but will be mitigated to a less than significant level with implementation of Mitigation Measures U-1a through U-3. Mitigation Measures U-1a through U-3 read in full as follows:

### **Water**

***U-1a*** *The Moon Camp Home Owners Association shall create a “conservation guidelines” booklet that outlines the following measures:*

- *All indoor water fixtures shall be low flow / low flush.*
- *Landscape shall not be irrigated between the hours of 9:00 a.m. and 6:00 p.m.*
- *Residences, buildings, and premises shall be limited to watering landscaping every other day.*
- *Water from landscape irrigation shall not be allowed to run off into streets or other paved areas.*
- *Water leaks are not permitted and must be repaired as soon as practicable.*
- *Sidewalks, paved driveways, and parkways shall not be washed off with hoses, except as required for sanitary purposes.*
- *Washing non-commercial vehicles (cars, boats RVs) is permitted; however, it shall only be permitted with an automatic shut-off nozzle on a hose, or with a bucket.*
- *Turf landscaping shall be limited to 500 square feet on a parcel or lot unless the water purveyor’s regulations allow additional turf area.*
- *Turf irrigation shall include an automatic controller that incorporates evapo-transpiration and rain shutoff features.*
- *Sprinklers are only allowed on turf. All other landscape plantings must be irrigated with efficient, low water use devices, such as, drip systems or bubblers.*
- *All outdoor irrigation systems shall be shut off and winterized between November 1st and April 1st of each year.*
- *A model landscaping and irrigation guide shall be prepared for the tract and required by homeowner association rules. The guide shall identify the following conservation measures: Landscaping shall include a plant palate that emphasizes Xeriscape, native plants and cultivars that are suitable for the mountain climate. Plant materials shall be low water consuming and fire resistant. Irrigation shall limit aerial spray methods and shall emphasize drip and bubbler type emitters. The landscaping guidelines shall be reviewed and approved by the Land Use Services Department. In addition, the project shall comply with the local water agency’s Model Landscape and Irrigation Ordinance.’*
- *The Project shall comply with the local water agency’s “Model Landscape and Irrigation” ordinance.*

***U-1b*** *Pumping and extraction of groundwater shall be limited to 9 acre-feet per year for Well FP-2, 0 acre-feet per year for Well FP-3, and 5 acre-feet per year for Well FP-4. If the water purveyor desires to extract groundwater from Well FP-2 in excess of 9 acre-feet*

*per year, the purveyor shall conduct an independent environmental analysis to identify and consider potential impacts at that time.*

***U-1c** The grant deeds transferring ownership of Wells FP-2, FP-3 and FP-4 shall include the pumping and extraction limitations included in Mitigation Measure U-1b. The grant deeds shall also state that the water purveyor, on January 1st of each year, shall report the amount of the prior year's annual groundwater production from Wells FP- 2, FP-3 and FP-4 to the County Land Use Services Department and the County Health Department.*

### **Wastewater**

***U-2** Prior to issuance of building permits, the Applicant shall fund all on-site and off-site sewer improvements required to support development of the project site. Such improvements shall be to the satisfaction of the County Service Area (CSA)53B.*

***U-3** Prior to issuance of building permits, the 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.*

### **Facts in Support of Finding:**

#### **Water Service**

The 2010 RRDEIR identified three potential Water Service Alternatives which the Project can utilize to meet water service obligations. (1) Service by City of Big Bear DWP, (2) service by County Service Area 53C, or (3) service from onsite wells with no public agency service.

Although water service is not presently provided to the project site, the site is immediately adjacent to the jurisdiction of the DWP and existing DWP water distribution facilities currently providing potable water service to portions of the Fawnskin community. On November 18, 2015, the San Bernardino County LAFCO approved an exemption from Government Code Section 56133, allowing DWP to provide potable water service to the Project site pursuant to that Outside Service Agreement between DWP and CSA 53C.

Pursuant to this option, water service to the project site will be provided from the DWP's Upper Fawnskin pressure zone. However, significant transmission improvements in the Fawnskin system will be needed to provide fire flow to the project site. The closest DWP pipeline within the Upper Fawnskin system is a single six-inch-diameter pipeline located near the intersection of Flicker Road and Chinook Road, approximately 2,000 feet from the westerly boundary of the project site.

The Water Feasibility Study provides two options (A and B) for expanding the existing Fawnskin Water System infrastructure. Option B has been chosen by DWP and the Applicant as the preferred Water Feasibility Study alternative for Water Service Alternative #1. In either case, the Applicant would install all common infrastructures,

including fire hydrants, and would also install the water main lines within the Project site. The water improvements will primarily be constructed within the rights-of-way of existing or proposed paved roads. The water service infrastructure required is as follows:

- 900 feet of 12-inch pipeline along Ridge Road from the intersection of Raccoon Drive south to tie to an existing 8-inch PVC pipeline on a private easement.
- 200 feet of 12-inch pipeline along private easement to connect Fawnskin Drive and Canyon Road.
- 650 feet of 12-inch pipeline along Canyon Road to Chinook Road.
- 600 feet of 12-inch pipeline along Chinook Road to Flicker Road.
- 500 feet of 12-inch pipeline along Flicker Road to Mesquite Drive.
- 400 feet of 12-inch pipeline along Mesquite Road to North Shore Drive.
- 250 feet of 12-inch pipeline along North Shore Drive to development westerly boundary.
- Refurbishing existing Cline Miller pump station to augment pumping capacity to approximately 300 gmp.

50 KW on-site emergency generators at the Cline Miller Reservoir. Projected water demand for the Project is based on the DWP's Water Feasibility Study consumption rate of 250 gallons per day (gpd) per connection. Maximum day demand is estimated based on information provided in the recently completed DWP Water Master Plan and it is equivalent to 1.76 times the average day demand. Therefore, the average and maximum day demands for the Project are estimated as follows:

- Average Day Demand (ADD) = 12,500 gpd or 8.68 gallons per minute (gpm); and
- Maximum Day Demand (MDD) = 15.27 gpm.

Based on an estimated average day demand of 12,500 gallons, the annual water demand for the Project is estimated at 4.56 million gallons or 14 acre-feet per year. Required fire flow and water storage for the Project are 1,750 gpm with a 2-hour duration, and 238,600 gallons of storage.

Currently there are three groundwater wells on-site, Wells FP2, FP3 and FP4. As a condition of obtaining water service to the Project site, the project proponent will deed title to the wells FP2, FP3, and FP4 being deeded to the DWP at the time the tract map is recorded.

The Applicant would install all common infrastructures, including fire hydrants, and would also install the water main lines within the project site. The water improvements will primarily occur within existing paved roads. Nearby residents are not required to tie into the proposed DWP water system. The impacts related to the installation of the off-site and on-site water improvements would be temporary and are considered less than significant.

## Water Demand and Water Supply

The Water Feasibility Study calculates the Water Demand for the Project as:

- 250 gallons per day per connection x 50 lots = 12,500 gallons per day;
- 12,500 gallons per day x 365 days/year = 4,562,500 gallons per year; and
- 4,562,500 gallons per year is equal to 14 acre-feet per year.

The water supply for the Project's 14 acre-feet per year demand will come from two groundwater basins. The annual groundwater recharge for Subarea A of the North Shore Subunit is between 14 and 44 acre-feet per year, with an estimated annual Maximum Perennial Yield of 29 acre-feet per year. In order to be as conservative as possible, the "minimum recharge" of 14 acre-feet per year will be utilized for Subarea A. There are also existing private, homeowner wells that withdraw their water supply from Subarea A. "Private Wells Production" within Subarea A is 5 acre-feet per year of groundwater production. Subtracting the 5 acre-feet of groundwater production from the minimum recharge for Subarea A of 14 acre-feet leaves 9 acre-feet available to supply the Project. Existing Project Well FP-2 is capable of pumping the 5.6 gallons per minute that will produce the 9 acre-feet per year of groundwater production from Subarea A and will also produce the Maximum Day Demand of 15.27 gpm.

The remaining 5 acre-feet per year of Project Demand will be supplied from the Grout Creek Groundwater Subunit, Subarea D. Project Well FP-4, which was drilled by the developer in the northwest corner of the project site, will supply the 5 acre-feet per year of groundwater production, which is 3.1 gallons per minute. The only potential impact from FP-4 would be the draw-down influence onto neighboring private wells as indicated from pump test data. The data indicated that FP-4, at a sustained rate of 3.5 gpm, would result in a 2-foot draw-down in groundwater level for the nearest private well, which is located approximately 250 feet from Well FP-4. The available data on private wells suggests that the nearest private well has a saturated thickness that would be able to accommodate the additional 2-foot draw-down and that pumping from Well FP-4 would not significantly impact the private well's routine operations. Based on this data, mitigation shall be incorporated into the Project that will limit the Project's allocation of water supply from Well FP-4 to a maximum of 5 acre-feet per year.

The groundwater annual recharge of Grout Creek Subarea D to be between 32 and 99 acre-feet per year, with an estimated annual Maximum Perennial Yield of 66 acre-feet per year. At present, the only groundwater production in this subarea is from 11 private wells and is calculated to be 3 acre-feet per year. The additional 5 acre-feet per year of annual groundwater production from Well FP-4, combined with the existing 3 acre-feet per year of annual groundwater production, results in 8 acre-feet per year of total annual groundwater production, well below the low end of the annual recharge for Subarea D, which is 32-acre-feet per year, and also well below the estimated Maximum Perennial Yield for Subarea D which is 66 acre-feet per year.

Project Well FP-2 was cleaned, rehabilitated and test pumped in July of 2008. Geoscience's August 2008 Report concluded that:

- Well FP-2 has successfully been rehabilitated and its specific capacity restored to near original levels;
- Well FP-2 can yield up to 35 gpm on a long term basis with less than 10 ft of drawdown;
- At the 35 gpm discharge rate, pumping interference with the nearest private well (910 feet to the east of FP2) is expected to be less than 0.3 ft (less than 3.6 inches);
- Groundwater quality data from Well FP-2 indicates the water from the well is suitable for municipal supply; and
- There is no evidence from the Microscopic Particulate Analysis that the ground water produced by Well FP-2 is under the direct influence of surface water in Big Bear Lake.

The potential impact of pumping Project Well FP-2 on the surface water of Big Bear Lake would be minimal. The top of perforations for Project Well FP-2 (the area of the well where water is withdrawn from the surrounding soil) occur (begin) approximately 60 feet below ground surface, at an elevation of approximately 6,686 feet above mean sea level (msl). The high surface water elevation in the lake is 6,743 feet msl and the average depth of the lake is 30 feet. Thus, the elevation of the bottom of Big Bear Lake is approximately 27 feet above the top of perforations for Project Well FP-2. The geologic log for Project Well FP-2 shows multiple silt and clay layers between the land surface and top of perforations. If the silt and clay layers extend beneath the lake, they would provide some hydraulic separation between the lake water and aquifer system. While it is possible that some vertical leakage could occur from the lake into the aquifer system of FP-2, the majority of groundwater produced by FP-2 would be from the aquifer underlying Subarea A.

The third existing, on-site well, FP-3, located to the east of the FP-2 well, would not be equipped nor pumped, but will be used as a monitoring well to record groundwater levels.

### **Groundwater Recharge**

Impacts from Project Wells FP-2 and FP-4 will be less than significant with the implementation of mitigation measures which ensure that annual groundwater production limits for FP-2 are 9 acre-feet per year; and FP-4 are 5 acre-feet per year.

In summary, the Project demand is 14 acre-feet per year. Well FP-2 is capable of producing the 5.6 gallons per minute, which is 9 acre-feet per year from North Shore Subunit, Subarea A, and Well FP-4 will produce the 3.1 gallons per minute, which is 5 acre-feet per year from Grout Creek Subunit, Subarea D. Therefore, there is sufficient water available to serve the Project, and the impacts in regard to water supply for the Project are considered less than significant.

## **Wastewater**

The project would generate approximately 10,750 gallons of effluent per day, with an estimated peak flow of 43,000 gallons per day. According to the study, the existing sewer system has the capacity to service the Project.

Before service can be extended to the site, both on and off-site improvements would be necessary. The improvements include an extension of 1,200 linear feet along North Shore Drive to connect to the existing 8-inch collector sewer southwest of the property. Other requirements include that 1) all gravity facilities must be minimum 8-inch diameter; 2) all on-site facilities must meet CSA 53B standards and specifications and construction plans must be submitted for plan check and approval by the District Engineer; and 3) the Applicant will be required to construct 4,400 lineal feet of on-site collector sewer mainlines as shown in Exhibit 2-7, Proposed Sewer Facilities.

The Project would convey part of the wastewater flow via gravity sewer to the existing Pump Station B, southeast of the property. However, depending upon where houses are built on each lot, some of the lots may require individual, on-site, household pump stations. This will depend on the individual lot design and will be decided at the time each lot is developed. The future homeowner will fund and install the lot-specific sewer improvements.

The Applicant will construct and pay for all common sewer infrastructure required for implementing the Project. The future homeowners will fund the lot-specific improvements. The future homeowners will pay for the associated connection fees to CSA 53B and BBARWA. The County's local fee for connecting to CSA-53B is \$1,358.72 per dwelling unit. This represents \$67,936 in local connection fees for the 50 residential lots in the Project. Regional fees are also imposed by BBARWA for sewage treatment and disposal. These fees are assessed at \$2,704.99 per dwelling unit, which represents \$135,249.50 in regional connection fees for the 50 residential lots in the Project.

The sewer line design and connection details must be submitted to the County's Special Districts Department (SDD) for plan check and approval. The Applicant will pay the sewer line design and inspection fees that are related to the common infrastructure. Individual lot owners / home builders do not pay any of these fees. Individual home builders would pay an inspection fee to CSA 53B for the inspection of their house lateral connection to the common infrastructure.

The future residents would pay monthly user fees that offset the sewer system maintenance. Therefore, all project related costs would be paid for by the Applicant and/or the future residents, and the utility providers would not be financially impacted by the future residential development.

The existing sewer system has the capacity to service the 50 residential lots in the Project, and the cost of providing service will not impact BBARWA, the County or existing

Fawnskin residents. The impacts in regard to sewer service are considered less than significant and no mitigation is required.

## **Solid Waste**

According to the website of the California Integrated Solid Waste Management Board, local residents generate an average of 20.0 pounds of solid waste per household per day. Since the Project would have 50 single-family residences, the Project could generate as much as 1,000 pounds or one-half ton of solid waste per day.

Solid waste collection within the project area would be provided by Big Bear Disposal, Inc. Waste would be transported to the Big Bear Transfer Station, located on Holcomb Valley Road in Big Bear City, approximately 1.5 miles north of Highway 18. The transfer station is owned and operated by the County of San Bernardino Waste Management Division. From the transfer station, solid waste is transferred to the Barstow Landfill; a County of San Bernardino owned and operated facility. The landfill is currently permitted to receive 1,500 tons of waste per day. Closure is scheduled for May 1, 2071.

County landfills do not accept hazardous wastes. The County operates regular programs/operations to routinely collect hazardous wastes from residential sources (i.e., residential round-ups, once a month collection locations, etc.). Each new residence is expected to generate approximately 50 pounds of hazardous waste per year, according to data from the State Integrated Waste Management Board website. All residents, including those within the project site, are expected to take advantage of these programs to a similar degree as existing County residents.

Since the cost is passed down to the residents via monthly service fees and because the landfill has adequate storage capacity, no significant impacts are anticipated with regard to solid waste collection or disposal.

## **Natural Gas**

Southern California Gas Company has indicated that natural gas main pipelines are installed in the right-of-way of SR-38. The Southwest Gas Corporation has concluded that there is sufficient capacity in their facilities to provide natural gas service to the project area without any significant impact on the environment. As such, extensions to existing facilities would be required in order to provide service to the Project. Service would be provided in accordance with SGC's policies and extension rules on file with the California Public Utilities Commission. Future natural gas service to the project area would require coordination with the company's engineering department for a comprehensive plan as to levels of service required.

Because the larger (92-lot) Original Proposed Project would not cause significant impacts, the Project, with 46 percent fewer residential units, would also not cause significant impacts. Therefore, implementation of the Project would result in a less than significant impact with respect to natural gas service.

There is a natural gas line underneath Big Bear Lake, located to the east of the proposed marina. There has been some public concern regarding this natural gas line and the potential for it to rupture during construction activities in the lake, associated with the construction of the boat launch ramp and placement of the floating docks. The gas line does not pose a threat to public safety, as it is buried, and, therefore, protected from boating activities during low lake levels. Furthermore, no dredging of the lake is proposed for the marina. The only proposed construction that would interfere with the lake is the proposed ramp. However, the ramp would not be located in the area of the natural gas line. Additionally, prior to any excavation, Underground Service Alert must be called and all utilities must respond and mark the location of their underground lines. The impacts in this regard are therefore considered less than significant.

## **Electricity**

The Project would result in an increased demand for electrical service. Based on a daily average of 16.66 kilowatts per unit, at project buildout the Project would utilize 833 kilowatts per day. Bear Valley Electric (BVE) recently constructed a local power generating station to provide backup power and peak power to supplement the two power lines that feed the valley. According to BVE, service is available and of adequate supplies.

The Applicant will construct and fund all infrastructure related to the Project. In addition, the future residents of the site will pay monthly user fees that offset the cost of service and maintenance. Therefore, the impacts in this regard are considered less than significant and no mitigation is required.

## **12. Hazards and Hazardous Materials**

**Potential Impact:** Whether the Project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

**Finding:** Potential for the Project to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan is discussed in detail in Section 4.3 of the 2024 PDEIR No. 3. Based on the entire record before us, the County finds that Mitigation Measures HAZ-1 through HAZ-3 and T-1 through T-3 are feasible, are adopted, and will further reduce impacts. Accordingly, the Board of Supervisors finds that, pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, the County finds that this impact is potentially significant but can be mitigated to a less than significant level with the implementation of Mitigation Measures HAZ-1 through HAZ-3 and T-1 through T-3. Mitigation Measures HAZ 1 through HAZ 3 are as follows:

***HAZ-1 Fire Access Road Maintenance:*** Maintenance is an important component for the long-term reliability of all Project roadways. Maintenance obligations for the Moon Camp Project shall be the responsibility of the HOA for routine road surface and roadside

vegetation maintenance throughout the Project site, internal to the Project site, and excluding maintenance along SR-38, for which Caltrans is responsible.

**HAZ-2** Updates to the Wildfire Evacuation Plan: The Wildfire Evacuation Plan shall periodically updated by the HOA, which shall be included as a requirement in the HOA bylaws. The updates shall follow lessons learned from actual wildfire or other emergency evacuation incidents, as new technologies become available that would aid in the evacuation process, and as changing landscapes and development patterns occur within and adjacent to the Project site that may impact how evacuation is accomplished. This shall occur at least every 2 years. Additionally, This Wildfire Evacuation Plan shall be adjusted and continued coordination by the Owner(s) and/or Developer and/or Property Manager and fire/law enforcement agencies shall occur during each of the construction phases. With each phase, the evacuation routes may be subject to changes with the addition of both primary and secondary evacuation routes.

**HAZ-3** 1. Moon Camp shall designate a Fire Safety Coordinator(s) to oversee implementation of the Wildfire Evacuation Plan and overall fire coordination with Big Bear Fire Department and San Bernardino County Fire Protection District.

2. The Fire Safety Coordinator(s) shall coordinate an annual fire evacuation drill/fire exercise to ensure proper safety measures have been implemented, facility awareness and preparation of a facility-wide “Ready, Set, Go!” plan. The Fire Safety Coordinator shall also organize resident training and awareness through various practices:

- i. New hire fire awareness and evacuation training
- ii. Ongoing resident training
- iii. Facility sweeps by trained residents
- iv. Strategically placed fire safety and evacuation/sheltering protocol information, as determined by the Fire Safety Coordinator.

3. The Moon Camp Project shall include a proactive facility wildfire education program utilizing a multi-pronged approach to fire safety following the “Ready, Set, Go!” approach to wildfire evacuation, to include, but not limited to:

- i. Annual wildfire and evacuation safety awareness meeting in coordination with local fire agencies.
- ii. Annual reminder notices shall be provided to each resident encouraging them to review the Wildfire Evacuation Plan and be familiar with evacuation protocols.
- iii. The Project HOA website shall host a webpage dedicated to wildfire and evacuation education and awareness, which should include a copy of this Wildfire Evacuation Plan and the resources provided herein.

4. The Project includes a contingency plan for the rare occurrence that evacuation is not safe that includes residents sheltering in place within onsite structures.

5. The Fire Safety Coordinator shall submit a report detailing compliance with the above provisions to the County on a yearly basis to demonstrate compliance with this measure.

Mitigation Measures T-1 through T-3 are as follows:

***T-1*** *The following Project Design Features recommended in the Traffic Impact Analysis shall be incorporated into the Proposed Alternative Project design:*

- *Construction of North Shore Drive at its ultimate half-section width as a Mountain Major highway from Canyon Drive to the Easterly Proposed Alternative Project boundary.*
- *Installation of a stop sign control at Driveway #1 and Driveway #2.*
- *Construction of an Eastbound Left Turn Lane at Driveway 1 / North Shore Drive and Driveway 2/ North Shore Drive for 2030 Buildout Conditions.*
- *Construction of a 2nd Eastbound Through Lane at Driveway 1 / North Shore Drive and Driveway 2/ North Shore Drive for 2030 Buildout Conditions.*

***T-2*** *The eastbound left turn lanes at both project access points will be constructed at opening year at 100 percent cost to the Applicant. The Applicant shall pay fair share costs of the construction of the eastbound through lanes at both project access points for the horizon year conditions. The developer shall pay the fair share cost of \$99,320 toward the off-site traffic improvements recommended in Appendix G of the San Bernardino Congestion Management Program, 2003 Update.*

***T-3*** *The following Project Design Features recommended in the Revised 2018 Focused Traffic Impact Assessment (FEIR Appendix M) shall be incorporated into the Proposed Alternative Project design:*

- *Construction of left-turn pockets on driveways along North Shore Drive (SR-38) on Driveway 1 and Driveway 2.*
- *Construction of a Class II Bicycle Lane on North Shore Drive (SR-38) in the eastbound direction.*

### **Facts in Support of Finding:**

The Project site is located within an area that is subject to wildfires and based on the adjacent land uses and open space in the vicinity, the wildfire potential is considered high. Once the project site is developed, the fire intensity would be expected to be moderate within the post-Project's footprint due to the design characteristics of the proposed residential development and would be high to very high within the open space areas (United States National Forest [USNF]) that occur adjacent to the Project site. This on-site, reduced fire behavior, along with specific protection features, would be expected to facilitate evacuations, as well as potential on-site sheltering within designated safe shelter structures, if considered safer than a short-notice evacuation.

As reflected in the Wildfire Evacuation Plan included as Appendix 12 to the 2024 PDEIR No. 3, the Project roads and adjacent road circulation system will be able to effectively

handle average daily trips generated by the Project during a wildfire evacuation event. The Wildfire Evacuation Plan modeled seven (7) different evacuation scenarios:

- **Scenario 1 – Existing Land Uses:** This scenario estimates the evacuation time for existing land uses within the study area (Area A through D). (See Table 4.3-3) This scenario represents the existing condition and provides context for how the Project could potentially impact evacuation times in the study area.
- **Scenario 2 – Proposed Project Only:** This scenario assumed full evacuation of the proposed Project site without evacuation of existing area land uses. This scenario establishes the time needed to evacuate only the Project’s occupants.
- **Scenario 3 – Existing Land Uses with the proposed Project:** This scenario estimates the evacuation time for all existing land uses within the study area (Area A through D), with the addition of the proposed Project traffic. The scenario represents the potential for the Project to impact evacuation times for the existing condition (Scenario 1).
- **Scenario 4 – Existing Land Uses with Cumulative Growth:** This scenario estimates the evacuation time for all existing land uses within the study area (Area A through D), with a growth rate of 5% to represent potential cumulative growth in the area, the Marina Point project (120 dwelling units)<sup>3</sup> and TT 17670 (22 dwelling units). This scenario represents cumulative growth conditions without the Project, which considers both ambient growth and other known proposed or approved projects in the area.
- **Scenario 5 – Existing Land Uses with Cumulative Projects with the proposed Project:** This scenario is similar to Scenario 4, with the addition of the proposed Project traffic. The scenario represents cumulative growth conditions with the Project, which considers both ambient growth and other known proposed or approved projects in the area.
- **Scenario 6 - Existing Land Uses with Cumulative Projects (Area D only):** This scenario is similar to Scenario 4, but assuming that only Area D is under an evacuation order. Under this scenario, all of Area D would evacuate eastward via North Shore Drive, then southward via Stanfield Cutoff to arrive at the City of Big Bear. This scenario represents cumulative growth conditions without the Project, which considers both ambient growth and other known proposed or approved projects in the area. However, only Area D is under an evacuation order, and the scenario encompasses both existing land uses and cumulative projects.
- **Scenario 7 – Existing Land Uses with Cumulative Projects with Project (Area D only) –** This scenario is similar to Scenario 6, with the addition of the proposed Project traffic. This scenario represents cumulative growth conditions with the Project, which considers both ambient growth and other known proposed or approved projects in the area; however, only Area D is under an evacuation order, and the scenario encompasses both existing land uses and cumulative projects, in addition to the Project.

Based upon review of previous fires and evacuation orders, evacuation modeling considered traffic evacuating from both the Project and nearby developments. As reflected in Table 4.3-3 of the 2024 PDEIR No. 3, under the most conservative scenario, changes in evacuation times (Scenario 1 compared to Scenario 5 and 7) are minor for Land Use Areas

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<sup>3</sup> Source: Moon Camp Focused Traffic Impact Assessment, Urban Crossroad, 2018.

A through D, with 6-, 2-, 0-, and 2-minute increases in evacuation time with the proposed Project, respectively. The 1-to-6-minute potential evacuation time increases are considered minimal and do not result in evacuation times for existing residents that would be considered excessive. Therefore, with the implementation of the identified mitigation measures, impacts will be reduced to a less than significant level.

## **C. IMPACTS ANALYZED IN THE EIR AND DETERMINED TO BE SIGNIFICANT AND UNAVOIDABLE**

### **1. Biological Resources**

**Potential Impact:** Whether the Project would have a substantial adverse effect, through either direct or indirect modification of potentially suitable or occupied habitat, or direct take, to any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS; whether the Project would have an adverse effect on existing riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS; whether the Project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; whether the Project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native, resident, or migratory wildlife corridors or impedes the use of native wildlife nursery sites; whether the Project would conflict with regional policies or other local policies or ordinances protecting biological resources; and whether the Project would conflict with approved local, regional, or state habitat conservation plans.

**Finding:** Potential impacts of the Project on Biological Resources are discussed in detail in Section 2 of the 2011 RRDEIR and Section 4.2 of the 2024 PDEIR No. 3. Based on the entire record before us, the County finds that, even with implementation of mitigation measures BR-1a through BR-13, the Project is still likely to result in significant unavoidable impacts to the American Bald Eagle. Based on the County of San Bernardino criteria for determining impacts to bald eagles, any removal of perch trees or human activity resulting in light and noise impacts is considered a significant impact under CEQA. This threshold is so restrictive that there is no reasonable configuration to the Project that could avoid a significant impact to the bald eagle. Therefore, further project modifications would not avoid or substantially reduce the identified impacts to bald eagles. No additional significant impacts related to Biological Resources have been identified following implementation of the following mitigation measures and/or compliance with applicable standards, requirements and/or policies by the County of San Bernardino:

#### ***Special Status Biological Resources***

**MM BR-1a** *The Project applicant shall coordinate with a botanical conservation seed collection/seed bank organization, such as the California Botanic Garden or Center for Plant Conservation, that shall be approved by USFWS to collect seed from the 672 affected ashy-gray Indian paintbrush plants within the Roadway, Lot F, and Lots 1, 2, 3, 4, 5, 47,*

48, 49, and 50 after seed has set. The seed collection shall be carried out by a qualified biologist(s) familiar with the ashy-gray Indian paintbrush species. Prior to the collection of seeds, the approved Biologist/Botanist shall prepare and submit for approval by USFWS and California Botanic Garden a Seed Collection and Banking Plan that is consistent with the California Botanic Garden Seed Collection Policy and Seed Collection Guidelines. Per California Botanic Garden Seed Collection Guidelines, a minimum of 2,500 seeds obtained from a minimum of 50 individual plants shall be collected.

*Overheating can kill seeds, and excessive heat and temperature fluctuations shall be avoided. High moisture content during storage can also cause seed damage and loss of viability due to molds, and as such, high moisture periods shall also be avoided. Seed collection shall be collected and stored in such a way as to ensure its viability, where the sum of temperature (degrees F) and relative humidity (%) does not exceed 100.<sup>4</sup> The seed collection shall occur prior to construction or ground disturbance within the lots occupied by the ashy-gray Indian paintbrush species. USFWS shall be contacted upon the coordination of the seed collection with the botanical conservation seed collection/seed bank organization to provide an opportunity for collaboration on the species conservation efforts. Any recommendations by USFWS for seed collection and seed banking shall be taken into account.*

**MM BR-1b** *Prior to the initiation of clearing or grading activities on the project site, the 6.2-9.2-acre on-site conservation easements (including Lot-A and Lot-H) covering all of Lots A, B and H, and parts of Lots C and D shall be established. The conservation easement shall be in favor of a California Department of Fish and Wildlife approved conservation or mitigation bank (<https://wildlife.ca.gov/Conservation/Planning/Banking/Approved-Banks>) and shall be recorded in the San Bernardino County Recorder's Office. The easement shall provide for the continued protection and preservation of the property American Bald Eagle and Rare Plant habitat through development of a Long-Term Management Plan (LTMP). The LTMP shall provide for the preservation, restoration, and enforcement of the Conservation Areas so that each area is maintained, and restored where needed, to its natural condition. The LTMP will also include documentation of baseline conditions, any needed site preparation, anticipated restoration/enhancement activities, a biological monitoring program, the creation of a set of success criteria for managing the site, anticipated maintenance activities, an annual reporting process, and a set of contingency or adaptive management measures to be implemented in case success criteria are not being met; to ensure that the implementation of the LTMP is fully funded, a Property Action Report (PAR) will be prepared that will document costs for site security, maintenance activities, site preparation, restoration/enhancements activities, biological monitoring, contingency measure and annual reporting. The costs identified in the PAR will be used to develop a non-wasting endowment that will ensure all costs will be available to establish the site, conduct any needed restoration and enhancements, and to fund reoccurring annual cost needed to manage the site in perpetuity. The easement shall, at a*

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<sup>4</sup> United States Forest Service, 2023. Collecting Native Seed.

[https://www.fs.usda.gov/wildflowers/Native\\_Plant\\_Materials/developing/collecting.shtml#:~:text=Storage,of%20viability%20due%20to%20molds.](https://www.fs.usda.gov/wildflowers/Native_Plant_Materials/developing/collecting.shtml#:~:text=Storage,of%20viability%20due%20to%20molds.)

*minimum, restrict all use of the property that has the potential to impact bald eagle perch trees, the quality of valuable biological habitat, including the occurrences of the Federally Threatened ashy-gray Indian paintbrush. The property shall be fenced and signs shall be placed on the fencing indicating the sensitive nature of the property habitat and warning that any entry would be prosecuted as a trespass. Project proponent shall also create a perpetual, non-wasting endowment for the management and preservation of the mitigation property. The management entity will be approved by the CDFW.*

**MM BR-1c** *The Project Applicant shall take the following actions to further ensure the permanent preservation of the Conservation Areas:*

- *Except for access by residents to Lot B & C, access to the Conservation Areas by pedestrians and motor vehicles shall be restricted. The Conservation Areas shall be secured through installation of fencing or other barriers to prevent access to Conservation Areas. Barriers shall be installed prior to commencement of any construction activities on-site. The Project Applicant shall also include provisions in the CC&Rs for the Project instituting penalties to residents who violate the restrictions and cause any damage to the protected plant habitat and Bald Eagle perch trees.*

- *Include enforcement provisions in the CC&Rs requiring the Homeowner's Association, individual resident within the project, the Conservation or Mitigation Bank and/or County of San Bernardino to enforce any violation of the provisions intended for the protection of sensitive plant species located within Lot A and Lot H.*

- *Include enforcement provisions in the CC&Rs requiring the Homeowner's Association to implement an awareness program for special status plant species, specifically ashy-gray Indian paintbrush, with special attention to homeowners on lots with retained ashy-gray Indian paintbrush. The awareness program shall encourage residents to retain ashy-gray Indian paintbrush within individual property owner lots in a natural state to preserve the species.*

- *Include enforcement provisions in the CC&Rs requiring the Homeowner's Association to prohibit and enforce prohibition of use of OHV within the Project site.*

- *Install appropriate signage identifying Conservation Areas and the sensitive nature of such areas on the Project site and that access is prohibited. The Conservation Areas shall be monitored on a regular basis by the Conservation Entity.*

- *Prohibit use of invasive plant species in landscaping. Each lot owner shall be given a list of prohibited invasive plant species upon purchase of lot with the parcel. Landscape plans for individual parcels shall be approved by the County prior to development to ensure no inappropriate plant material is incorporated into the design of any individual lot or common area which may compromise the quality of the Conservation Areas.*

- *Development may not change the natural hydrologic conditions of the Conservation Areas. All grading plans shall be reviewed by the County to ensure hydrologic conditions of the conservation lands are not adversely changed by development.*

- *The Project Applicant or Approved Conservation or Mitigation Bank shall monitor Conservation Areas on a periodic basis to ensure invasive, non-native species are not present. All non-native invasive plant species shall be removed from Conservation Areas.*

- *Fuel modification zones and programs shall not be implemented in Lots A and H.*
- *The Conservation Entity shall prepare an annual biological monitoring report identifying the current status of the rare plant species and any necessary actions to further enhance and protect the habitat.*
- *The Conservation Entity shall conduct routine monitoring of rare plant resources on Lot A and H. The occurrence of non- native species outbreaks, or other examples of ecological disturbance as a result of indirect impacts of development in and around Lots A and H shall be reported in the annual biological monitoring reports and remedial action shall be recommended and implemented by the Conservation Entity.*

**MM BR-1d** *Construction (i.e. ground disturbing activities) that falls within the rear portions of Lots 1, 4, 47, 48, 49, and 50 shall be prohibited by means of building envelopes or building setback lines to prevent construction in the occupied ashy-gray Indian paintbrush habitat. To ensure that ashy-gray Indian paintbrush occurring within building setback lines within the rear portions of Lots 1, 4, 47, 48, 49, and 50 are not impacted by project-related activities, the Project Applicant shall install orange construction fence around the perimeter of the rear building setbacks. All ground disturbing activities shall be restricted outside of the rear building setbacks of Lots 1, 4, 47, 48, 49, and 50.*

### ***Special Status Wildlife***

**MM BR-2** *Trees and downed logs shall remain in place, to the extent that clearing is not required by the development process, and a 50-foot setback (measured on each side of the centerline) must be maintained along the deepest ravine at the eastern edge of the property. This measure will serve to preserve habitat for potential special status wildlife species.*

**MM BR-3** *Given the negative results of on-site surveys in and the available technical and peer reviewed literature, negative effects to the San Bernardino flying squirrel are not expected. However, because marginal foraging habitat was found on-site, the following mitigation measures will be implemented in the lots with densely forested areas and snags. These mitigation measures are to be implemented to avoid and minimize impacts to San Bernardino flying squirrels:*

- *The Project Applicant shall have a qualified biologist as a monitor just prior to and during all tree removal on-site.*
- *Minimize the removal of large coarse woody debris (>10cm diameter), which provide microhabitat for the growth of hypogeous fungi.*
- *Limit removal of standing snags (>25cm DBH) and large trees (>25cm DBH), which provide both structural complexity and potential nesting habitat.*
- *Prioritize the retention of large trees and snags with visible potential cavity nesting structures, which are associated with higher densities of northern flying squirrels.*
- *Minimize the loss of continuous canopy closure, especially in the drainages, which provides protection from predators while foraging and may play an important role in maintaining habitat connectivity.*
- *Project must compensate for the removal of suitable habitat through construction and erection of two nest boxes and one aggregate box per snag removed.*

- *Project is required to provide homeowners with information on the biology of the flying squirrel and suggest steps that homeowners can take to reduce their urban-edge effects.*
- *All subsequent home developers must comply with these provisions which shall be enforced by the County of San Bernardino through implementation of the Mitigation Monitor Reporting Program as mandated by CEQA.*

*If the monitoring biologist observes a flying squirrel during pre-construction and/or construction monitoring, the biologist will immediately halt work until the occupied tree can be vacated prior to felling the tree; however, if the work is during the nesting season (generally March through May), when baby squirrels could be present, the nest will not be vacated until after the nesting season ends (June 1st), as cleared by the monitoring biologist.*

**MM BR-4** *Eagle perch trees identified in the 2002 Bonterra Consulting Bald Eagle Survey for Tentative Tract 16136, Moon Camp, Fawnskin, San Bernardino County, California, (see Appendix A of the Revised and Recirculated Draft EIR No. 2) and the Long Term Management Plan shall be preserved in place upon project completion. If any of the designated perch trees should become hazardous and need to be taken down, replacement will be either (1) at a 5:1 ratio with the creation of artificial perch trees within the Conservation Areas, or by enhancing other trees through trimming and limbing to make suitable for perching. The exact method of perch tree replacement shall be made after consultation with a certified arborist. Prior to commencement of construction activity, applicant shall have a qualified consultant survey all trees on-site to determine the location of all perch trees to be preserved. Any development that may occur within the Project site and in the individual lots must avoid impacts to trees larger than 24 inches dbh and their root structures to the maximum extent feasible. If any additional non-perch trees on-site larger than 24 inches dbh are removed, then a replacement ratio of 2:1 shall be required and replacement trees shall be 24-inch box trees or larger. Whenever an eagle perch tree or other non-perch tree larger than 24 inches DBH is removed, the Homeowner's Association shall retain a qualified consultant to oversee removal and compliance with the replacement requirement. All construction or landscaping improvements, including irrigation, will be prohibited on or around the exposed root structures or within the dripline of these trees. These restrictions on development of the individual lots 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.*

**MM BR-5** *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 4.5 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 shall avoid impacts to tagged trees and their root structures. If such trees cannot be avoided, their removal shall be coordinated with the County of San Bernardino to minimize impacts to the extent feasible. All construction or landscaping improvements, including irrigation, will be prohibited on or*

*around the exposed root structures or within the dripline of these trees. These restrictions on development of individual lots 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.*

**MM BR-6** *Seven days prior to the onset of construction activities, a qualified biologist shall survey within the limits of project disturbance for the presence of any active raptor nests. Any nest found during survey efforts shall be mapped on the construction plans. If no active nests are found, no further mitigation would be required. Results of the surveys shall be provided to the CDFW.*

*If nesting activity is present at any raptor nest site, the active site shall be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the California Fish and Game Code. Nesting activity for raptors in the region of the Project site normally occurs from February 1 to July 31. To protect any nest site, the following restrictions on construction are required between February 1 and June 30 (or until nests are no longer active as determined by a qualified biologist): (1) clearing limits shall be established a minimum of 300 feet in any direction from any occupied nest and (2) access and surveying shall not be allowed within 200 feet of any occupied nest. Any encroachment into the 300/200-foot buffer area around the known nest shall only be allowed if it is determined by a qualified biologist that the proposed activity shall not disturb the nest occupants. Construction during the nesting season can occur only at the sites if a qualified biologist has determined that fledglings have left the nest.*

**MM BR-7** *Vegetation removal, clearing, and grading on the Project site should be performed outside of the breeding and nesting season (between February 1 and July 31), to minimize the effects of these activities on breeding activities of migratory birds and other species. If clearing occurs during breeding season, a 30-day clearance survey for nesting birds shall be conducted. Any nest found during survey efforts shall be mapped on the construction plans. If no active nests are found, no further mitigation would be required. Results of the surveys shall be provided to the CDFW. If nesting activity is present at any nest site, the active site shall be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the California Fish and Game Code.*

**MM BR-8** *The use of the boat dock for motorized boating shall be prohibited between the dates of December 1 and April 1. No motorized boats shall be allowed to launch or moor in the vicinity of the boat dock at any time during this period. This restriction shall be clearly displayed on signage at the entrance to the parking lot and on the boat dock visible from both land and water. This requirement shall also be published in the Homeowner's Association CC&Rs.*

## ***Sensitive Natural Communities/Habitats***

### ***Wildlife Impacts/Indirect Impacts***

***MM BR-9*** Street lamps on the Project site shall not exceed 20 feet in height, shall be fully shielded to focus light onto the street surface and shall avoid any lighting spillover onto adjacent open space or properties. Furthermore, street lights shall utilize low color temperature lighting (e.g., red or orange).

***MM BR-10*** Outdoor lighting for proposed homes on the individual tentative tracts shall not exceed 1,000 lumens. Furthermore, residential outdoor lighting shall not exceed 20 feet in height and must be shielded and focused downward to avoid lighting spillover onto adjacent open space or properties. These restrictions on outdoor lighting of the individual lots must be clearly presented and explained to any potential prospective developers and/or homeowners prior to assumption of title and close of escrow. This requirement shall also be published in the Homeowner's Association CC&Rs.

***MM BR-11*** To limit the amount of human disturbance on adjacent natural open space areas, signs shall be posted, to the satisfaction of the Planning Director or appointee, along the northern and eastern perimeter of the Project site where the property boundary abuts USFS open space with the following statement: "Sensitive plant and wildlife habitat. Please use designated trails and keep pets on a leash 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.

***MM BR-12*** Prior to recordation of the final map, a landscaping plan for the entire tract shall be prepared (inclusive of a plant palette) with an emphasis on native trees and plant species, and such plan shall be submitted to the County of San Bernardino for review and approval by a qualified biologist. The review shall determine that invasive, nonnative plant species are not to be used in the proposed landscaping. The biologist will suggest appropriate native plant substitutes or non-invasive, non-native plants. A note shall be placed on the Composite Development Plan indicating that all proposed landscaping (including landscaping on individual lots) shall conform to the overall approved tract map landscaping plan. A requirement shall be included stating that residents shall be restricted to the use of tree and plant species approved per the overall tract map landscaping plan. The Homeowner Association CC&Rs shall also require individual lot owners to use only tree and plant species approved per the overall tract map landscaping plan/plant palette.

### ***Jurisdictional Delineation***

***MM BR-13*** Prior to issuance of grading permits, the Project applicant shall obtain all required authorization from agencies with jurisdiction over all unavoidable impacts to State and federal jurisdictional lakes, streams, and associated habitat within the Project

*site. Impacted features shall be offset through onsite restoration, offsite restoration, or purchase of credits at an agency-approved mitigation bank in the region at no less than a 3:1 for direct impacts and 1:1 for indirect impacts if impacts cannot be avoided.*

## **Facts in Support of Finding:**

### **Sensitive Plant Communities**

**Pebble Plain like Soils.** Approximately 1,511 acres of pebble plain are known to exist in the San Bernardino Mountains, 60 percent (906 acres) of which occurs on public lands. In addition, according to the 2008 Supplemental Focused Special Status Plant Species Survey, Pebble plain soil conditions occurred on approximately 0.69 acres of the Project site, north of State Route 38 (SR-38). The report stated that it appeared as a distinct open patch within open Jeffrey pine forest in the western portion of the Project site and that the substrate in this area consisted of clay soil mixed with quartzite pebbles and gravel that were continually pushed to the surface through frost action. However, a Supplemental Focused Special Status Plant Species Survey (August 29, 2010) was conducted to respond to concerns raised in comments received on the 2010 RRDEIR. The Supplemental Focused Special Status Plant Species Survey (August 29, 2010) concludes that the prior biological surveys mischaracterized the 0.69 acre portion of the Project site as true pebble plain. As discussed in the Supplemental Focused Special Status Plant Species Survey (August 29, 2010), the area previously classified as pebble plain habitat is not actually pebble plain due to the lack of the two key indicator species. The 2010 Supplemental Focused Special Status Plant Species Survey findings augment the Supplemental Focused Special Status Plant Species Survey conducted by Dr. Krantz, dated June 29, 2008, providing an additional above-average precipitation year for observation. Therefore, based on the findings of the 2010 and 2016 Supplemental Focused Special Status Plant Species Survey, no true pebble plain habitat exists, and the implementation of the Project will not result in a potentially significant impact due to impacts to this area of the Project.

### **Special Status Plant Species Known to Occur on the Project Site**

One Federally-listed Threatened and CNPS List 1B species, Ashy-Gray Indian Paintbrush; and five CNPS List 1B species, Parish's rock cress, Big Bear Valley woollypod, silver-haired ivesia, purple monkeyflower, and Bear Valley phlox, were observed on the Project site during the 2002, 2007, 2008, 2010, and 2016 Supplemental Focused Special Status Plant Species Survey. The surveys identified an herbaceous layer of Wright's matting buckwheat (in the western half of the Project site) and found inclusions of Ashy-Gray Indian Paintbrush and Parish's rock cress throughout an approximate 18.01-acre area of open Jeffrey pine forest. Silver haired ivesia was found to be concentrated entirely within the Project site's mapped pebble plain like soil conditions. Bear Valley woollypod was found in patches scattered throughout Jeffrey pine forest habitat on the Project site. Purple monkeyflower was found to be widely distributed on the pebble plain-like soils conditions in the conservation area, with a small portion of the population extending down the draw to the east into the southern half of proposed Lot 50. Finally Bear Valley phlox was found to be distributed in the open black oak woodland and under Jeffrey pines.

Development of the Project has the potential to significantly impact the aforementioned special status plant species. In addition to protecting the most exemplary and best quality habitat on-site (located within the newly-proposed Lot H Open Space Conservation Easement), all five of the CNPS List 1B status species observed on-site will be protected through Mitigation Measures BR-1b, BR-1d and BR-12 which provide for the establishment and management of conservation area encompasses the location of these plants.

### ***Ashy-Gray Indian Paintbrush***

As concluded within the Supplemental Focused Special Status Plant Species Survey (August 29, 2010) and confirmed by the 2023 Moon Camp CACI Mitigation Review (2024 PDEIR No. 3, Appendix 9), there are 7.71 acres of ashy-gray Indian paintbrush habitat on the Project site, of which 4.84 acres would be permanently protected through the creation of open space Lot A and Lot H. On an occurrence basis, there are approximately 5,567 Ashy-Gray Indian Paintbrush occurrences are located within the Project site. Of the 5,567 occurrences, 4,895 will be permanently protected within the Open Space Conservation Easement of Lot A and H, representing 88 percent of the total occurrences of Ashy-Gray Indian Paintbrush within the proposed Project site. Of the remaining Ashy-Gray Indian Paintbrush plants within the boundaries of private Lots, plants within Lots 1, 47, 49, and 50, are all within the rear Lot building setbacks, as well as 20 plants on Lot 4, for a total of 127 plants.

Discrete counts of Ashy-Gray Indian Paintbrush occurrences were also conducted on Lots 1-5 of the revised Moon Camp subdivision, including the new Lots 1, 2, and 3. The new Lot 1 contains approximately 45 plants, all located within a 5 (five) meter radius of the southeast corner of the property, within the rear-lot and side-lot building setbacks. In addition, Ashy-Gray Indian Paintbrush plants on the new Lot 2 are scattered across the Lot, with approximately 150 plants.

The new Lot 3 contains approximately 175 plants. Lot 4 contains approximately 70 plants to the front-center of the Lot, and another 20 plants to rear of the Lot, within the required building setback, for a total of approximately 90 plants; and Lot 5 contains approximately 30 plants and another approximately 40 Ashy-Gray Indian Paintbrush plants are in the road right-of-way across the front of Lot 5. Well Site Lot F and the associated access road contain approximately 80 plants. In total, the Project will impact approximately 672 occurrences of Ashy-Gray Indian Paintbrush occupying approximately 1.55 acres. Based on the foregoing, the reconfiguration of the Project and creation of permanent conservation easements covering the areas designated as Lot H and Lot A will permanently conserve approximately 88 percent of the Ashy-Gray Indian Paintbrush occurrences on the Project site (4,895 occurrences conserved, compared to 672 impacted occurrences). This onsite conservation of Ashy-Gray Indian Paintbrush occurrences results in mitigation for project impacts at more than a 7:1 ratio, reinforced by MM BR-1b. On an acreage basis, the Project will mitigate impacts to the ashy-gray Indian paintbrush on-site at a 1.68:1 ratio.

Additionally, Mitigation Measure BR-1a requires the Project applicant to coordinate with a botanical conservation seed collection/seed bank organization to collect seed from the 672 Ashy-Gray Indian Paintbrush occurrences that will be adversely affected by the Project. Mitigation Measure BR-1a would require seed collection that would take place prior to construction within Lots 1, 4, 47, 48, 49, and 50, which are not protected as part of the 4,895 plants that would be conserved within the Open Space. Implementation of Mitigation Measure BR-1a will provide seed reserves for the Ashy-Gray Indian Paintbrush.

The on-site preservation of 88 percent of Ashy-Gray Indian Paintbrush occurrences and over 60% of the habitat acreage as well as implementation of Mitigation Measures BR-1a through BR-1c will reduce impacts to the Ashy-Gray Indian Paintbrush to less than significant levels on a project-level and cumulative basis. Furthermore, though not necessary to reduce Ashy-Gray Indian Paintbrush impacts to a level of less than significant, the Moon Camp Project has been designed with building setbacks that could facilitate the preservation of up to 127 additional plants through the implementation of MM BR-1d. MM BR-1d would restrict the building envelopes or building setback lines to prevent construction in the occupied Ashy-Gray Indian Paintbrush habitat. The conservation of the ashy-gray Indian paintbrush on-site is the mitigation necessary to reduce impacts to this species to a level of less than significant. The implementation of MM BR-1d is solely intended to facilitate further protections to this species above and beyond the identified on-site conservation, wherever feasible.

### **Special Status Plant Species Potentially Occurring on the Project Site**

Special status plants known to occur on the Project site are described in the preceding subsection. As outlined within focused surveys and reports conducted in 2002, 2007, 2008, or 2010, various special-status plants could potentially occur on the Project site. Based upon location and site characteristics, six listed threatened or endangered species could potentially occur on the Project site. These include bird's foot checkerbloom (endangered), San Bernardino bluegrass (endangered), California dandelion (endangered), Big Bear Valley sandwort (threatened), southern mountain buckwheat (endangered), and slender-petalled thelypodium (endangered). In addition, 26 CNPS List 1B or 2 species could potentially occur on the Project site:

- Rock sandwort;
- Big Bear Valley milk vetch;
- Palmer's mariposa lily;
- San Bernardino Mountain owl's clover;
- Male fern;
- San Bernardino Mountains dudleya;
- Leafy buckwheat;
- San Bernardino Mountain gilia;
- Shaggy-haired alum root;
- Parish's alumroot;
- Short-sepaled lewisia;
- Lemon lily;

- Baldwin Lake linanthus;
- San Bernardino Mountain monkeyflower;
- Purple monkeyflower;
- Baja navarretia;
- Parish's yampah;
- Bear Valley phlox;
- Bear Valley pyrrocoma;
- San Bernardino butterweed;
- Prairie wedge grass;
- Southern jewelflower; and
- Grey-leaved violet.

According to the Supplemental Focused Special Status Plant Species Survey conducted by Dr. Krantz (2008 and 2016), five special-status plant species were identified on the property. Special status plant species found by Dr. Krantz on the Project site included: Parish's rock cress, Bear Valley phlox, purple monkeyflower, and silver-haired ivesia. The other potentially four occurring Pebble Plain special status plant species (Bear Valley sandwort, southern mountain buckwheat, San Bernardino Mountains dudleya, and Baldwin Lake linanthus) were not observed despite favorable conditions during both surveys and are presumably absent.

None of the five listed or special status Montane meadow plant species were identified onsite. The shoreline habitat was determined to be highly disturbed and ruderal in nature.

The area did not support a viable Montane meadow habitat capable of supporting listed or special status plant species.

A search the yellow pine habitat, particularly areas with rocky soils or outcrops identified one of the three CNPS List 1B plant species (Bear Valley Woollypad) as occurring on the Project site. The other two potentially occurring special-status plant species (Big Bear Valley milkvetch and southern yellow jewelflower) were not observed and are presumed absent.

The majority of special-status species observed on-site are confined to the western portion of the Project site. The creation of the Conservation Areas (Lot A and Lot H) provide conservation of occurrences and habitat for these species. Additionally, Mitigation Measure BR-1a will permanently preserve an additional 10 acres of habitat for the special status species. Therefore, impacts in this regard will be less than significant.

### **Special Status Wildlife Species**

The Project would result in the loss of potential habitat for several special status wildlife species found onsite or potentially present on the Project site. For those species expected to occur, potential impacts were evaluated for the habitat that the species is expected to occupy.

## Reptiles

Implementation of the Project may result in impacts on special status reptile species. One federal Species of Concern, the southern sagebrush lizard, has been observed on the Project site. Four additional species that are federal Species of Concern and/or State Species of Special Concern have potential to occur on the Project site. These species are the silvery legless lizard, coastal western whiptail, San Bernardino ringneck snake, and San Bernardino Mountain kingsnake. The loss of potential habitat and species would be considered potentially significant because development of the Project could substantially diminish habitat for wildlife in the region and reduce specific populations of reptile species of concern in the region to below self-sustaining numbers. However, mitigation measures BR-2 through BR-8 will reduce these impacts to special status wildlife species to a level of less than significant.

In addition, intensive surveys for the State-listed Threatened southern rubber boa were conducted on the Project site in the spring and summer of 2002 and an additional assessment was conducted by Dr. Glenn Stewart, PhD, Professor Emeritus of Zoology and Environmental Sciences, Cal Poly Pomona, in February 2007. Given the negative results of two independent focused survey techniques, the results of Dr. Stewart's assessment, and the lack of historical records in the immediate vicinity of the Project site, the survey report concluded that this species has a low potential to occur on the Project site.

## Birds

Project implementation may result in impacts on special status bird species. Nineteen sensitive bird species (Federal Species of Concern, State Endangered Species and State Species of Special Concern) occur or have the potential to occur on the Project site and are discussed below.

**Bald Eagle.** The bald eagle was taken off the federal list of threatened species, but remains on the State endangered species list. Small wintering populations of bald eagle often occur in scattered mountain locations in the region. Big Bear Lake supports the largest wintering population of bald eagle in southern California and may include as many as 30 individuals in peak years. The bald eagle was observed using several trees on the Project site for perch and roost locations. A records search also demonstrated that some of the most utilized perch and roost trees on the north shore of the lake are located on the Project site. Seven of the identified perch trees are adjacent to the Big Bear Lake's shoreline. Perch trees are used for resting, for monitoring their territories for predators or other eagles, and for hunting. Steenhof (1978) investigation into bald eagle perch determined that proximity to a food source is most important factor in diurnal perch selection by bald eagles. Optimal perch trees are typically tall with an open growth structure that provide line-off-site opportunities and that are near water (Steenhof, 1978 and Stalmaster and Newman 1979). Given artificial and native trees that provided comparable characteristics, bald eagle, are using artificial and native trees similarly. The study's conclusion was that artificial perch trees may be an effective tool as both a mitigation measure and a management strategy. For Moon Camp, the use of artificial perch trees that approximate the existing perch trees in terms of size,

structure and proximity to the shoreline would compensate for the loss of native perch trees. It is recommended that the existing perch trees be surveyed for their overall health and expected longevity and that a plan for replacement be developed from this information. Replacement trees would be installed in advance to the projected loss of a perch tree to ensure there is no loss of perching opportunities.

It is also important to note that bald eagle populations have expanded in recent years, even as increasing human presence and activity near nesting and perching sites has increased. Bald eagle populations have increased in face of increasing human recreation and development along shorelines within prime eagle habitat. This combined growth in eagle populations and human populations have resulted in more frequent interactions with humans (Johnsgard 1990). Due to this increasing overlap with human populations and human activities, bald eagles have habituated to presence of humans. Observations of eagle populations suggest that many eagles are more accepting of eagle activities near nests and wintering sites (Watson et al. 1999, Anthony 2001, and Millsap et al. 2004). A recent newspaper article in The Washington Post by Gregory Lee Sullivan (February 29, 2016) quoted Kevin McGowan of the Cornell Lab of Ornithology as saying “the main thing is that they (bald eagles) just don’t really care as much about people anymore” and are now found nesting in residential areas. He concluded that changes in the behavior of the bald eagle are the results of laws that protect the bird and have helped the species recover after nearly dying out in the early 1960s. The number of bald eagles breeding pairs in the lower 48 contiguous states has increased from a low of 487 in 1963 to 9,789 in 2006. As indicated above, the species was removed by USFWS from the endangered species list in 2007. Given that the Moon Camp area is not used by nesting pairs and only supports overwintering eagles and given the proposed mitigation measure for maintaining perch trees, the presence of 50 new homes in rural residential community of Fawnskin will not adversely affect foraging behavior or other roosting behavior of the overwintering bald eagles. However, any construction activities in proximity to the identified perch and most trees are considered by the County as a significant impact under CEQA. Two pair of bald eagles were documented nesting at Big Bear during Spring/Summer 2007. As the bald eagle has recently nested at Big Bear, ongoing surveys of the Project site during breeding season is recommended to verify the continued absence of nesting bald eagles on the Project site.

Mitigation measures BR-4, B-6 and B-7 will reduce identified impacts to the bald eagles potentially occurring on the Project site. Although Mitigation Measures BR-4, B-6 and B 7 will reduce impacts to the bald eagle, implementation of the Project will directly impact eagle perch locations. Based on the County of San Bernardino criteria for determining impacts to bald eagles, any removal of perch trees or human activity resulting in light and/or noise impacts are considered a significant impact under CEQA. This threshold is so restrictive that there is no reasonable configuration to the Project that could avoid a significant impact to the bald eagle. Therefore, further project modifications would not avoid or substantially reduce the identified impacts to bald eagles. Therefore, impacts in this regard will remain significant and unavoidable.

***Cooper's Hawk, Northern Goshawk, Sharp-shinned Hawk, Golden Eagle, Long-eared Owl, Ferruginous Hawk, Northern Harrier, White-tailed Kite, Merlin, American Peregrine Falcon, Osprey, Prairie Falcon, and California Spotted Owl.***

Project implementation would reduce the amount of foraging habitat for these species. This impact would contribute to the cumulative loss of foraging habitat for these raptor species. However, the loss of potential foraging habitat for these species would be considered adverse, but less than significant due to the limited amount of habitat loss relative to the availability of foraging habitat for these species in the San Bernardino Mountains and National Forest. The Cooper's hawk, long-eared owl, white-tailed kite, and California spotted owl also have potential to nest on the Project site. If an active raptor nest (common or special status species) were found on the Project site, the loss of the nest would be considered a violation of the California Fish and Game Code Sections 3503, 3503.5, and 3513. The loss of any active raptor nest occurring on the Project site would be considered significant.

Mitigation measures BR-4, B-6 and B-7 are imposed on the Project to minimize impacts to these species. Compliance with these mitigation measures would reduce potential impacts to these species to a level of less than significant.

***Black Swift, Yellow Warbler, Hepatic Tanager, Purple Martin, and Gray Vireo.***

Project implementation would reduce the amount of foraging habitat for these species. In addition, the hepatic tanager and purple martin have potential to nest on the Project site and implementation of the Project may impact active nests. The loss of potential habitat for these species would be considered adverse, but less than significant due to the limited amount of habitat loss relative to the availability of habitat for these species in the San Bernardino Mountains and National Forest.

## **Mammals**

Project implementation may result in impacts on special status mammal species. No federally- and/or State-listed species have been observed on the Project site. However, 11 Federal Species of Concern and/or State Species of Special Concern have potential to occur on the Project site and are discussed below.

***Pallid Bat, Spotted Bat, Small-Footed Myotis, Long-Eared Myotis, Occult Little Brown Bat, Fringed Myotis, Long-Legged Myotis, Yuma Myotis, and Pacific Western Big-Eared Bat.***

The project site provides suitable foraging habitat for these bat species. Project implementation would reduce the amount of foraging habitat for these species. The pallid bat, smallfooted myotis, long-eared myotis, Occult little brown bat, fringed myotis, long-legged myotis, and Yuma myotis, also have potential to roost on the Project site. This impact would contribute to the cumulative loss of foraging and roosting habitat for these bat species. However, the loss of potential habitat for these species would be considered

adverse, but less than significant, due to the limited amount of habitat loss relative to the availability of foraging and roosting habitat for these species in the San Bernardino Mountains and National Forest.

### ***San Bernardino Mountain Flying Squirrel.***

Although focused surveys for the flying squirrel were negative, the Project site provides suitable foraging and breeding habitat for this species. Project implementation would impact habitat for this species. However, the loss of potential habitat would be considered adverse, but less than significant, due to the limited amount of habitat loss relative to the availability of habitat for this species in the San Bernardino Mountains and National Forest. Implementation of mitigation measure BR-3 will reduce impacts to less than significant levels.

## **Direct Impacts**

### **Flora and Vegetation Type Impacts**

A total of 57.05 acres of native and non-native vegetation types, including developed areas, would be impacted by the Project.

### ***Jeffrey Pine Forest***

A total of 50.72 acres of Jeffrey pine forest, including 13.81 acres of open Jeffrey pine forest, would be impacted by Project implementation. Approximately 58,526 acres of Jeffrey pine forest occurs in the San Bernardino National Forest and 141,604 acres in the Cleveland, San Bernardino, Angeles and Los Padres National Forests collectively. Approximately 4.2 acres of open Jeffrey pine forest will be permanently preserved by a conservation easement. Impacts on this vegetation type would be considered less than significant since this vegetation type is common throughout the San Bernardino Mountains and other mountain ranges in the region.

### ***Lake Shoreline***

A total of 4.0 acres of ruderal lake shoreline would be impacted by the Project. Man-made lakes are essentially distinct ecosystems, with an aquatic fauna and flora that bears little resemblance to what naturally occurs in the streams that formed them. However, a Supplemental Focused Special Status Plant Species Survey (August 29, 2010 and June 27, 2016) was conducted by Timothy Krantz, PhD to address comments submitted by concerned parties with regard to the Revised and Recirculated Draft EIR No. 2 for the Moon Camp 50-Lot Residential Subdivision, Tentative Tract 16136. The findings within both the 2008, 2010, and 2016 Supplemental Focused Special Status Plant Species Survey concluded that although there are some scattered occurrences of indicator plant species, wet meadow habitat no longer occurs along the shoreline portion of the Project site. This sensitive habitat has been replaced with mostly ruderal species and should be characterized as ruderal shoreline habitat. Therefore, impacts in this regard will be less than significant.

### ***Developed***

A total of 2.82 acres of disturbed vegetation in developed areas (SR-38) would be impacted by Project implementation. Impacts on this vegetation type would not be considered significant since this vegetation type is considered to have a low biological value.

### ***Wildlife Impacts***

The loss of habitat, loss of wildlife, wildlife displacement, and habitat fragmentation that would result from construction of the Project would not be considered significant because these impacts would not substantially diminish habitat for wildlife in the region nor reduce any specific wildlife populations in the region to below self-sustaining numbers.

### ***Indirect Impacts***

Indirect impacts are those related to disturbance by construction (such as noise, dust, and urban pollutants) and long-term use of the Project site and its effect on the adjacent habitat areas. The indirect impact discussion below includes a general assessment of the potential indirect affects (noise, dust and urban pollutants, lighting, human activity, and non-native species introduction), of the construction and operation of the Project.

Particular focus is placed on the indirect effects on the natural open space area from the Project, collectively referred to as edge effects. Edge effects occur where development, including roads, takes place adjacent to natural open space areas. Edge effects threaten the ecological integrity, recreational experience, aesthetic quality, public investment, and safety operations of preserved or undeveloped natural areas located adjacent to areas. When development is configured in a manner that creates a high ratio of development edge to natural open space, there is an increase in the potential impacts caused by human use (indirect impacts). These indirect effects that address both the short-term construction and long-term use of the Project site are outlined below.

### ***Pebble Plains***

The Polique Canyon pebble plains are situated on USFS land approximately 1,056 feet northeast of the project site, at an elevation of about 60m (200 feet) above the Project. Forest Service comments on the 2010 RRDEIR expressed concern that development of the property could represent an indirect impact to the pebble plains from foot traffic generated by the Moon Camp residents. However, according to the Supplemental Focused Special Status Plant Species Survey (August 29, 2010), there is no apparent footpath or trail connection between the Moon Camp property and the pebble plains. For Moon Camp residents to hike up to the pebble plains, they would have to traverse up the 300+ meter-ridge with a 60m elevation gain across the brush-covered slope. Therefore, indirect impacts to the pebble plains would be unlikely and are less than significant.

### ***Noise Impacts***

Noise levels on the Project site would increase over present levels during and upon completion of construction of the Project. During construction, temporary noise impacts have the potential to disrupt foraging, nesting, roosting, and denning activities for a variety of wildlife species. Upon completion of construction, noise levels on the Project site would increase as a result of increased human activity associated with residential uses. Both short and long-term noise impacts could potentially disrupt the foraging and roosting potential of the site for the bald eagle. Any interruption of the foraging and/or roosting behavior of the bald eagle would be considered a significant impact.

Noise attenuation measures will be implemented for the Project. (NOI-1 through NOI-4). However, both short and long-term residential noise impacts on the bald eagle would be considered an unavoidable significant impact of the Project.

### ***Increased Dust and Urban Pollutants***

Grading activities would disturb soils and result in the accumulation of dust on the surface of the leaves of trees, shrubs, and herbs in the natural open space areas adjacent to the Project site. The respiratory function of the plants in these areas would be impaired when dust accumulation is excessive. These impacts are considered adverse; however, the Project will be consistent with SCAQMD Rule 403, which governs emissions of fugitive dust. Compliance with this rule is achieved through application of standard best management practices in construction and operation activities, such as application of water or chemical stabilizers to disturbed soils, covering haul vehicles, restricting vehicle speeds on unpaved roads to 15 miles per hour (mph), sweeping loose dirt from paved site access roadways, cessation of construction activity when winds exceed 25 mph and establishing a permanent, stabilizing ground cover on finished sites. In addition, the Project will implement mitigation measure AQ-1, further reducing impacts from dust. Compliance with South Coast Air Quality Management District (SCAQMD) Rule 403 and mitigation measure AQ-1 will reduce impacts in this regard to a level of less than significant.

### ***Night Lighting***

Lighting of the residential units would inadvertently result in an indirect effect on the behavioral patterns of nocturnal and crepuscular (i.e., active at dawn and dusk) wildlife that are present along the boundaries of the natural areas of the Project site. Of particular concern is the effect on small ground-dwelling animals that use the darkness to hide from predators, and on owls, which are specialized night foragers. In addition, the increase in night lighting could discourage nesting and roosting along the lake shore. Most notably, lighting associated with the Project could disrupt roosting behavior of the bald eagle on the Project site. Long-term and short-term light attenuation measures will be implemented for the Project (Mitigation Measures A-1a, A-1b and A-4a through A-4f.). In addition, mitigation measures BR-9 and BR-10 will be implemented to require street lamps on the Project site not to exceed 20 feet in height, and be fully shielded to focus light onto the street surface and shall avoid any lighting spillover onto adjacent open space or properties. Furthermore, street lights will be required to utilize low color temperature lighting (e.g.,

red or orange). Mitigation measure BR-10 will also require outdoor lighting for proposed homes on the individual tentative tracts to not exceed 1,000 lumens. These restrictions on outdoor lighting of the individual lots must be clearly presented and explained to any potential prospective developers and/or homeowners prior to assumption of title and close of escrow. This requirement shall also be published in the Homeowner's Association Conditions, Covenants & Restrictions (CC&Rs). Therefore, with implement mitigation measures to reduce lighting impacts, the increased lighting would be considered less than significant.

### ***Human Activity***

The increase in human activity (i.e., noise, foot traffic) would increase the disturbance of natural open space adjacent to the Project site. Human disturbance could disrupt normal foraging and breeding behavior of wildlife remaining in adjacent areas, diminishing the value of these open space habitat areas. Most notably, residential activity associated with the Project could disrupt foraging and roosting behavior of the bald eagle on the Project site. Mitigation measure BR-11 will be implemented to limit the amount of human disturbance on adjacent natural open space areas by posting signs along the northern and eastern perimeter of the Project site where the property boundary abuts USFS open space with the following statement: "Sensitive plant and wildlife habitat. Please use designated trails and keep pets on a leash 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. Although the Project will implement mitigation measures to reduce impacts to open space habitat areas, the increased residential activity and habitat loss would be considered potentially significant.

### ***Non-Native Species Introduction***

The native habitat types within the natural open space areas adjacent to the Project site would be subject to greater pressure from non-native plant species within the developed portions of the Project site. Areas that have undergone disturbance generally contain a high number of non-native grasses and forbs that can successfully out-compete the native plants in the region. This will be especially true after initial project grading of the Project site. Should non-native plants establish themselves in these areas prior to the establishment of native plant species or non-native/non-invasive plant species in the landscape areas, the non-natives may become invasive in the natural open space areas. Left uncontrolled, these "weeds" may begin encroaching into the adjacent natural areas. These impacts could become significant if uncontrolled.

The Project will implement mitigation measure BR-12 to develop a landscaping plan for the entire tract (inclusive of a plant palette) with an emphasis on native trees and plant species, and such plan shall be submitted to the County of San Bernardino for review and approval by a qualified biologist. The review will determine that invasive, non-native plant species are not to be used in the proposed landscaping. The biologist will suggest appropriate native plant substitutes or non-invasive, non-native plants. A note will be

placed on the Composite Development Plan indicating that all proposed landscaping (including landscaping on individual lots) shall conform to the overall approved tract map landscaping plan. A requirement will be included stating that residents will be restricted to the use of tree and plant species approved per the overall tract map landscaping plan. The Homeowner Association CC&Rs shall also require individual lot owners to use only tree and plant species approved per the overall tract map landscaping plan/plant palette. Consistency with mitigation measure BR-12 will reduce impacts in this regard to a level of less than significant.

### ***Jurisdictional Waters***

#### ***Waters of the U.S. (Non-Wetland) Determination***

Based on the results of the field observations and data collection, there was 0.15 acre of USACE jurisdictional “waters of the U.S.” identified within the Project site. The drainages are ephemeral; Big Bear Lake, although not included in the acreage calculation, is also considered jurisdictional by USACE. Utilizing the most current development plans, it was determined that the proposed improvements would impact up to 0.04 acres of waters of the U.S. under USACE jurisdiction. Therefore, recommendations were made to avoid the sensitive habitats, where feasible, and to mitigate off-site at 3:1 for direct impacts and 1:1 for indirect impacts if impacts couldn’t be avoided. Consistency with mitigation measure BR-13 will reduce impacts in this regard to a level of less than significant.

#### ***California Department of Fish and Wildlife (1602) Jurisdiction***

Based on the results of the field observations and data collection, RBF identified 0.15 acre of CDFG jurisdictional streambed. Utilizing the most current development plans, it was determined that the proposed improvements would impact up to 0.04 acre of CDFG jurisdiction waters of the State. Therefore, recommendations were made to avoid the sensitive habitats, where feasible, and to mitigate off-site at 3:1 for direct impacts and 1:1 for indirect impacts if impacts couldn’t be avoided. Consistency with mitigation measure BR-13 will reduce impacts in this regard to a level of less than significant.

### **Wildlife Movement**

The development of the Project site would not impact designated wildlife corridors; however, it may affect local travel routes. Construction of the residential areas would result in reduced connectivity between Big Bear Lake as a water source to the contiguous open spaces on and to the north of the Project site. Additionally, construction of the Project—would result in increased traffic on the Project site by residents that would further impede movement of terrestrial wildlife currently crossing the site and SR-38. Although this impact is considered locally adverse, it is not considered significant because the impact does not substantially affect a regionally important wildlife movement corridor.

## ***Potential Conflict With Regional and Local Policies/Plans***

### ***County of San Bernardino General Plan***

The project site is located in unincorporated San Bernardino County and is subject to the provisions and policies of the County of San Bernardino General Plan. The General Plan contains a list of species considered Rare, Threatened, or Endangered by the County. Projects potentially impacting County-listed species must prepare an EIR to determine the significance of impacts on these species. Two plant species identified within the General Plan, Parish's checkerbloom and bird's foot checkerbloom, have the potential to occur on the Project site. Krantz's 2008 Supplemental Focused Special Status Plant Species Survey, during a normal precipitation year, concluded that neither of the two plant species were identified on site and they are not considered likely to occur on site.

### ***County of San Bernardino Biotic Resources Overlay District***

The intent of the BR Overlay District is to require the preparation of a biological technical report for projects within the BR Overlay District identifying impacts to biological resources and mitigation measures designed to reduce or eliminate Project-related impacts. The biological technical reports prepared as part of the 2011 RRDEIR are intended to satisfy the requirements of the BR Overlay District.

### ***Plant Protection and Management Ordinance – County of San Bernardino Development Code***

Title 8, Division 9 of the San Bernardino County Development Code contains policies and requirements applicable to the Project site, including Section 89.0110(a), 89.0115(c), and 89.0205.

Section 89.0110(b) states that the provisions of this Division shall not authorize the removal of perch trees within identified American bald eagle habitat. Section 89.0115(c) requires that the County “may require certification from an appropriate tree expert or native plant expert that such tree removals are appropriate, supportive of a healthy environment and are in compliance with the provisions of this chapter.” The Results of Bald Eagle Survey on Tentative Tract 16136, Moon Camp, Fawnskin, San Bernardino County, California, Bonterra Consulting Report (2002) and the Bald Eagle Count in Area, Moon Camp, Fawnskin, San Bernardino County, California, US Forest Services Report (2009), are intended to satisfy the requirements of this section (refer to Appendix A of the 2011 RRDEIR).

### ***Migratory Bird Treaty Act***

There are a large number of bird species that were observed to use the Project site for nesting. Due to the difficulty locating nests of cavity-nesting and other species of birds, a preconstruction nesting bird survey is not feasible. However, implementation of the Project may impact the nests of species covered by the MBTA, including the Cooper's hawk,

purple martin, and hepatic tanager. Therefore, the Project should time tree removal to occur outside of the nesting period for birds, generally February through July. However, Mitigation Measure BR-7 will require tree removal to occur outside of the nesting period for birds, reducing impacts to a level of less than significant.

### **Cumulative Impacts**

Significant and unavoidable adverse impacts from development of the Project related to Biological Resources have been identified for impacts to the bald eagle. Mitigation Measure BR-4 requires that eagle perch locations be preserved in place upon completion of the Project, and that any development that may occur within the Project site and in the individual lots must avoid impacts to trees larger than 24 inches diameter breast height (dbh) and their root structures. Still, even with the implementation of Mitigation Measure BR-4 and the establishment of nearly 6 acres of Conservation/Open Space set aside, some trees will still need to be removed from the Project site to allow for the development of the 50 residential lots. Additionally, due to the County's strict threshold for impacts to the bald eagle under CEQA, any human development and habitation on the Project site would result in a significant impact. This is considered a significant and unavoidable project-specific, as well as cumulative, impact.

Six listed threatened or endangered species could potentially occur on the Project site. These include bird's foot checkerbloom (endangered), San Bernardino bluegrass (endangered), California dandelion (endangered), Big Bear Valley sandwort (threatened), southern mountain buckwheat (endangered), and slender-petalled thelypodium (endangered). In addition, 26 CNPS List 1B or 2 species could potentially occur on the Project site. According to the Supplemental Focused Special Status Plant Species Survey conducted by Dr. Krantz (2008, 2010, and 2016), only the ashy-grey Indian paintbrush was observed on-site. Special status plant species found by Dr. Krantz on the Project site included: Parish's rock cress, Bear Valley phlox, purple monkeyflower, and fuzzy rat-tail. The other potentially four occurring Pebble Plain special status plant species (Bear Valley sandwort, southern mountain buckwheat, San Bernardino Mountains dudleya, and Baldwin Lake linanthus) were not observed despite favorable conditions during both surveys and are presumably absent.

None of the five listed or special status Montane meadow plant species were identified on-site. The shoreline habitat was determined to be highly disturbed and ruderal in nature. The area did not support a viable Montane meadow habitat capable of supporting listed or special-status plant species.

A search the yellow pine habitat, particularly areas with rocky soils or outcrops identified one of the three CNPS List 1B plant species (Bear Valley woollypad) as occurring on the Project site. The other two potentially occurring special-status plant species (Big Bear Valley milkvetch and southern yellow jewelflower) were not observed and are presumed absent.

All but one, Bear Valley phlox, of the observed special-status species are confined to the western portion of the Project site. In addition, impacts to CNPS List 1B or 2 species special status plants, not listed as threatened or endangered (Section IV. B.4.) would generally not meet the CEQA threshold for mandatory findings of significance. As indicated previously, on-site and off-site mitigation is sufficient to mitigate impacts to the ashy-grey Indian paintbrush to less than significant levels both on a project specific and cumulative basis. Impacts to other special status plant species is similarly reduced to less than significant levels. When considered in connection with the development of the cumulative projects, the impacts of the Project on special status plant species are less than significant.

A total of 50.72 acres of Jeffrey pine forest, including 13.81 acres of open Jeffrey pine forest, would be impacted by Project implementation. Approximately 58,526 acres of Jeffrey pine forest occurs in the San Bernardino National Forest and 141,604 acres in the Cleveland, San Bernardino, Angeles and Los Padres National Forests, collectively. Approximately 4.2 acres of open Jeffrey pine forest will be permanently preserved by a conservation easement. Impacts on this vegetation type would be considered cumulatively less than significant since this vegetation type is common throughout the San Bernardino Mountains and other mountain ranges in the region.

A total of 4.0 acres of ruderal lake shoreline would be impacted by Project implementation. Man-made lakes are essentially distinct ecosystems, with an aquatic fauna and flora that bears little resemblance to what naturally occurs in the streams that formed them. Impacts on this vegetation type would be considered less than significant. A total of 2.82 acres of disturbed vegetation in developed areas (SR-38) would be impacted by Project implementation. Impacts on this vegetation type would not be considered significant since this vegetation type is considered to have a low biological value.

In summary, when considered in conjunction with the other cumulative projects, the Project would add incrementally to the cumulative significant impact on the bald eagle.

Accordingly, cumulative impacts to the bald eagle are considered significant and unavoidable.

#### **D. CUMULATIVE IMPACTS**

CEQA Guidelines Section 15130 requires identification of related projects, both public and private, that together with a proposed project could have cumulative impacts on the environment. There are several development projects in the general vicinity of the Project that may produce a cumulative impact on the community. These projects may produce community-wide and area-wide cumulative impacts related to traffic, noise, and air quality, in addition to various site-specific impacts.

Project contributions to cumulative impacts are “considerable” when viewed in connection with the effects of past, current, and “probable future projects.” Findings concerning cumulative impacts related to Geology and Soils, Public Safety, and Cultural Resources are contained within these individual impact sections above. In addition, findings related

to cumulative impacts for other environmental impacts are also contained within individual impact sections above. However, this section includes comprehensive, detailed findings on cumulative impacts to (1) Aesthetics/Light and Glare; (2) Air Quality; (3) Biological Resources; (4) Hydrology and Water Quality; (5) Land Use and Planning; (6) Noise; (7) Public Services; (8) Traffic and Circulation; and (9) Utilities.

The evaluation of cumulative impacts has shown that all impacts associated with the Project can be reduced to less than significant levels except for Biological Resources, due to impacts to the bald eagle. When considered in conjunction with the other reasonably foreseeable cumulative projects, the Project would add incrementally to the cumulative significant impact to the bald eagle.

### **Aesthetics/ Light and Glare**

Build-out of the Project, together with cumulative projects, may alter the nature and appearance of the area and contribute to the loss of undeveloped areas. As development occurs in the Fawnskin area as well as the broader Big Bear Valley, residents and visitors in the area would notice the visual effects of development projects. Construction of currently approved and pending projects in the vicinity would permanently alter the nature and appearance of the area through the loss of undeveloped properties. Security and street lighting would introduce some light and glare to the area; however with adherence to development code requirements, these impacts can be minimized.

The significance of these visual/aesthetic changes is difficult to determine, since aesthetic value is subjectively determined and potential impacts are site-specific, and impacts are typically evaluated on a project-by-project basis. The County of San Bernardino identifies the Project site within a Scenic Resources (SR) Overlay District and SR-38 as a County Scenic Highway. The State of California has also designated this portion of SR-38 as a “Scenic Highway” and the U.S. Forest Service (USFS) has designated SR-38 as a “scenic byway.” The intent of the SR Overlay District is to “provide development standards that will protect, preserve, and enhance the aesthetic resources of the County.”

Thus, cumulative impacts in this area can be mitigated to less than significant levels by following the development standards of the SR Overlay District for building and structure placement, project design, access drives, landscaping, roads, undergrounding of utilities, grading and signs, in addition to the use of building materials that are consistent with the general character of the area, and proper lighting techniques to direct light on-site and away from adjacent properties. Although no mitigation measures were specifically recommended to reduce cumulative impacts, Mitigation Measures A-1a through A-4f are required to further reduce the Project’s impacts to Aesthetics/Light and Glare.

Project-specific impacts to Aesthetics/Light and Glare will be reduced to less than significant levels by the incorporation of mitigation measures, along with standard conditions and Conditions, Covenants & Restrictions (CC&Rs). Similarly, the Project’s contribution to Aesthetics/Light and Glare is less than significant when considered in connection with cumulative projects and will not result in a significant cumulative impact.

## Air Quality

Global climate change is an international phenomenon; the regulatory background and scientific data are changing rapidly. However, it is reasonable to apply the same requirements used for criteria pollutants; that significance is when a project results in a cumulatively considerable net increase of greenhouse gases (GHG). The following four-tiered approach was used to assess cumulative air quality impacts.

- Consistency with the South Coast Air Quality Management District (SCAQMD) project specific thresholds for construction and operation;
- Project consistency with existing air quality plans;
- Assessment of the cumulative health effects of the pollutants; and
- Cumulative impact of global climate change.

### *Cumulative Health Impacts*

The South Coast Air Basin is in non-attainment for ozone, 10-micron or less particulate matter (PM<sub>10</sub>), Fine particulate matter (PM<sub>2.5</sub>), and Carbon monoxide (CO), which means that the background levels of those pollutants are at times higher than the ambient air quality standards. The air quality standards were set to protect the health of sensitive individuals (i.e., elderly, children, and the sick). Therefore, when the concentration of those pollutants exceed the standard, it is likely that some of the sensitive individuals of the population experience health effects. The localized significance analysis demonstrates that during construction activities, no localized significance threshold was expected to be exceeded; therefore, the emissions of particulate matter, primarily in the form of fugitive dust, would not result in a significant cumulative health impact.

Long-term operational emissions are not expected to exceed SCAQMD's significance thresholds. Reactive organic gases (ROG) and Nitrogen oxides (NO<sub>x</sub>) are precursors to ozone; and because ozone is a secondary pollutant (it is not emitted directly but formed by chemical reactions in the air), it can be formed miles downwind of the project site. Project emissions of VOC and NO<sub>x</sub> may still contribute to the background concentration of ozone but such contributions would not be considered cumulatively considerable.

The combination of ozone and PM<sub>10</sub> can aggravate health effects. PM<sub>2.5</sub> is a component of PM<sub>10</sub>. The ambient air quality standard for both PM<sub>10</sub> and PM<sub>2.5</sub> are exceeded in the Basin. Operational emissions of PM<sub>10</sub> and PM<sub>2.5</sub> are not expected to exceed the regional significance threshold. Therefore, Project emissions may contribute to the background of those pollutants, but such contributions would not be considered cumulatively considerable.

Long-term health effects from residential woodburning are not expected to create a significant impact. Implementation of Mitigation Measures AQ-3 and AQ-4 would create an environment where woodburning activities may contribute to the local wood smoke, but such contribution would not be considered cumulatively considerable. Thus, the Project's

impact to Air Quality is less than significant when considered in connection with cumulative projects.

### ***Greenhouse Gas (GHG) Emissions/Global Climate Change***

The Project would not conflict with the attainment of the state's goals of reducing greenhouse gas emissions as dictated by AB 32. In addition, the Project will include design features that will further reduce the Project's contribution to global climate change. As such, the Project's potential to contribute considerably (either individually or cumulatively) to a global climate change impact through GHG emissions is less than significant.

### **Biological Resources**

Significant and unavoidable impacts from development of the Project related to Biological Resources have been identified for impacts to bald eagle. Mitigation Measure BR-4 requires that eagle perch locations be preserved in place upon completion of the Project, and that any development that may occur within the Project site and in the individual lots must avoid impacts to trees larger than 24 inches dbh and their root structures.

Still, even with the implementation of Mitigation Measure BR-4 and the establishment of nearly 6 acres of Conservation/Open Space set aside, some trees will still need to be removed from the Project site to allow for the development of the 50 residential lots. This is considered a significant and unavoidable project-specific, as well as cumulative, impact.

Six special status plant species have been observed on the Project site: ash-gray Indian paintbrush; Parish's rock cress; Big Bear Valley woollypod; Bear valley phlox; purple monkeyflower; and silver-haired ivesia. Impacts to special status plants and plant communities will be reduced by implementation of Mitigation Measures BR-1a and BR 1b, which require creation of a 3.4-acre on-site conservation easement to preserve the Pebble Plain and a separate 1.98 acre conservation easement containing occupied Ashy-Gray Indian Paintbrush habitat. Mitigation Measure BR-1a also requires developer coordination with a USFWS botanical conservation organization who shall collect seeds from affected Ashy-Gray Indian Paintbrush occurrences for replanting at a future time. Implementation of these Mitigation Measures will reduce impacts to plant species to less than significant levels. When considered in connection with the development of the cumulative projects, the impacts of the Project on special status plant species are less than significant.

A total of 50.72 acres of Jeffrey pine forest, including 13.81 acres of open Jeffrey pine forest, would be impacted by Project implementation. Approximately 58,526 acres of Jeffrey pine forest occurs in the San Bernardino National Forest and 141,604 acres in the Cleveland, San Bernardino, Angeles and Los Padres National Forests, collectively. Approximately 4.2 acres of open Jeffrey pine forest will be permanently preserved by a conservation easement. Impacts on this vegetation type would be considered cumulatively less than significant since this vegetation type is common throughout the San Bernardino Mountains and other mountain ranges in the region.

A total of 4.0 acres of ruderal lake shoreline would be impacted by Project implementation. Man-made lakes are essentially distinct ecosystems, with an aquatic fauna and flora that bears little resemblance to what naturally occurs in the streams that formed them. Impacts on this vegetation type would be considered less than significant.

A total of 2.82 acres of disturbed vegetation in developed areas (SR-38) would be impacted by Project implementation. Impacts on this vegetation type would not be considered significant since this vegetation type is considered to have a low biological value.

In sum, when considered in conjunction with the other cumulative projects, the Project would add incrementally to the cumulative significant impact on the bald eagle. Accordingly, cumulative impacts to the bald eagle are considered significant. The Project would not result in a significant cumulative impact to any other biological resource.

### **Hydrology and Water Quality**

For purposes of the drainage and water quality analysis, cumulative impacts are considered for projects in the same watershed as the project site, which would also drain into Big Bear Lake. The County of San Bernardino follows State standards for water quality. During construction, projects will be required to obtain coverage under the State's General Permit for Construction Activities that is administered by the California Regional Water Quality Control Board (RWQCB). The Project will obtain coverage under the statewide National Pollutant Discharge Elimination System (NPDES) permit for construction activities and develop and implement a Stormwater Pollution Prevention Program (SWPPP) to control erosion and protect water quality during the construction phase of the Project, as well as operate under an approved WQMP. The SWPPP must also implement other applicable BMPs as needed to keep pollutants away from stormwater. The SWPPP must also identify additional applicable measures taken during the storm season and when storms are anticipated.

It is assumed that any of the cumulative proposed projects would be required to comply with the same standards for urban runoff as outlined in the Santa Ana Region's NPDES Permit and Water Discharge Requirements, as a condition of approval. Each project would be required to prepare and implement a SWPPP for construction and a Water Quality Management Plan (WQMP) for long-term conditions after construction. Therefore, with adherence to the requirements of each project's respective NPDES permit and SWPPP requirements, no cumulative impacts would occur as a result of the Project.

### **Land Use and Planning**

Development of the site under the Project would not result in any cumulative significant land use impacts. The Project is consistent with the Countywide Plan approved on October 27, 2020. The Project will be developed consistent with the goals and policies of the Countywide Plan and the San Bernardino National Forest Land Use Management Plan and

does not conflict with any applicable Habitat Conservation Plan (HCP) or any Community Conservation Plan.

As other projects are implemented in the area, each new project will undergo the same review process as the Project, in order to preclude potential land use compatibility issues and planning policy conflicts. It is further assumed that cumulative development will progress in accordance with the City of Big Bear Lake and County of San Bernardino Countywide Plan and Development Code, and that each individual project would be analyzed independent of other land uses, as well as within the context of existing and planned developments, to ensure that the goals, objectives and policies of the General Plans are consistently upheld. Thus, the Project's impacts on Land Use and Planning are less than significant when considered in connection with cumulative projects, and will not result in a significant cumulative impact.

### **Noise**

Implementation of the Project, when combined with development of cumulative projects, would contribute to ambient noise levels in the vicinity. This increase would be due to both vehicular traffic noises along local roadways; noise associated with boating activities on the lake; and stationary noise sources from residences and other proposed land uses. The Project is required to reduce noise impacts to comply with County noise standards and to adhere to Development Code and General Plan requirements. Development of the project site would not contribute to ambient noise in excess of County noise standards and, therefore, does not contribute to a significant cumulative noise impact.

The evaluation of noise impacts is typically determined on a project-by-project basis in order to focus mitigation on a particular noise source. As such, future development proposals within the County would require separate discretionary approval and CEQA assessment, which would address potential noise impacts and identify appropriate attenuation measures where appropriate. Thus, the Project's contribution to Noise is less than significant when considered in connection with cumulative projects, and will not result in a significant cumulative impact.

### **Public Services**

The Project site is located in an area that is served by existing public services. Service providers have indicated that the Project's incremental impacts can be sufficiently mitigated through various fire protection measures, design features, an Emergency Operations plan, implementation of mitigation measures and the payment of development impact fees and property taxes by future homeowners. Therefore, the Project would not result in a significant impact to Public Services when considered in connection with cumulative projects and will not result in a significant cumulative impact.

## **Traffic and Circulation**

The Project would generate approximately 51 trips during AM peak hours, 51 trips during PM peak hours, and a total of 479 daily trips. The San Bernardino County Congestion Management Program (CMP) does not require analysis for projects that generate less than 250 peak hour trips; however, a long-range traffic analysis has been prepared for the Project. A total of 17 cumulative projects were identified by the County of San Bernardino and City of Big Bear staff as affecting the study intersections. Other developments are projected to generate 15,111 trip-ends per day, with 1,455 vehicles per hour during the AM peak hour and 1,455 vehicles per hour during the PM peak hour.

For 2010 With Project traffic conditions, including traffic generated by cumulative projects, no new traffic signals are projected to be warranted as compared to 2010 Without Project conditions. The following study area intersections are currently operating at an unacceptable level of service during both Friday PM and Sunday mid-day peak hours:

Big Bear Blvd (SR-18) (NS) at:

- North Shore Drive (SR-38) (EW)

Stanfield Cut Off (NS) at:

- North Shore Drive (SR-38) (EW)

Stanfield Cut Off (NS) at:

- Big Bear Blvd (SR-18) (EW)

These intersections will continue to operate at unacceptable levels without improvements, but will improve to acceptable levels with the addition of traffic signals with no significant impact due to the Project.

For General Plan Buildout With Project Conditions, the following study area intersections would operate at an unacceptable level of service during both Friday PM and Sunday mid-day peak hours without improvements:

Big Bear Blvd (SR-18) (NS) at:

- North Shore Drive (SR-38) (EW)

Stanfield Cut Off (NS) at:

- North Shore Drive (SR-38) (EW)

Stanfield Cut Off (NS) at:

- Big Bear Blvd (SR-18) (EW)

Driveway #1 (NS) at:

- North Shore Drive (SR-38) (EW)

Driveway #2 (NS) at:

- North Shore Drive (SR-38) (EW)

Traffic improvements are needed for existing conditions and projected conditions whether or not this Project is implemented. If needed improvements are installed, implementation of this Project will not significantly reduce the level of service off-site. Nevertheless, fair share costs for off-site improvements will be paid as required by Mitigation Measure T-2.

The installation of on-site improvements as required by Mitigation Measure T-1, and the payment of fair share costs of improvements to impacted off-site roadway intersections will reduce traffic and circulation impacts related to the Project to a less than significant level. According to the traffic study, all study intersections are expected to operate at a level of service C or better during peak hours for the scenario analyzed with improvements installed. Other cumulative projects would also presumably be subject to fair share costs for necessary intersection improvements; thus, when considered in connection with cumulative projects, the Project's cumulative impact on traffic and circulation is less than significant and will not result in a significant cumulative impact.

## **Utilities**

The Project site is located in an area that is served by utilities and has its own water wells on-site that, when developed, will be turned over to the Department of Water and Power (DWP) or to administer. Although water service is not presently provided to the project site, the site is immediately adjacent to the Fawnskin Water System, which is owned and operated by the Big Bear Lake Department of Water and Power (DWP). DWP has conducted a Water Feasibility Study and has provided a conditional will-serve letter to the Applicant. DWP and County CSA 53C entered into an Outside Service Agreement for potable water services providing consent for DWP to serve the Project site. At its November 18, 2015 meeting, San Bernardino County LAFCO approved an exemption to Government Code Section 56133 to allow DWP to serve the Project site.

The DWP Water Feasibility Study calculates the Water Demand for the Project (50- lot subdivision) as:

- 250 gallons per day per connection x 50 lots = 12,500 gallons per day;
- 12,500 gallons per day x 365 days/year = 4,562,500 gallons per year; and
- 4,562,500 gallons per year is equal to 14 acre-feet per year.

The Water Supply for the Project's 14 acre-feet per year demand will come from two groundwater basins. Based on two separate reports prepared by Geoscience in 2000 and 2003, the annual groundwater recharge for Subarea A of the North Shore Subunit is between 14 and 44 acre-feet per year. In order to be as conservative as possible, the minimum recharge of 14 acre-feet per year will be utilized for Subarea A. There are also existing private wells that withdraw their water supply from Subarea A. "Private Wells Production" within Subarea A is 5 acre-feet per year. Subtracting the 5 acre-feet from the minimum recharge for Subarea A of 14 acre-feet leaves 9 acre-feet available to supply the

Project. Existing Project Well FP-2 is capable of pumping the 5.6 gallons per minute that will produce the 9-acre-feet per year from Subarea A and will also produce the Maximum Day Demand of 15.27 gpm.

The remaining 5 acre-feet of Project Demand will be supplied from the Grout Creek Groundwater Subunit, Subarea D. Well FP-4, which was drilled by the developer in the northwest corner of the project site, will produce the 5 acre-feet per year, which is 3.1 gallons per minute. Geoscience (2003) reports the groundwater recharge of Grout Creek Subarea D to be between 32 and 99 acre-feet per year, with a midpoint of 66 acre-feet per year. At present, the only groundwater production in this subarea is from 11 private wells and is calculated to be 3 acre-feet per year. The additional 5 acre-feet per year of pumping from Well FP-4, combined with the existing 3 acre-feet per year of pumping, results in 8 acre-feet per year of total pumping, well below the low end of the recharge for Subarea D, which is 32 acre-feet per year.

The third existing, on-site well, FP-3, located to the east of the FP2 well, would not be equipped nor pumped, but will be used as a monitoring well to record groundwater levels.

In summary, the Project demand is 14 acre-feet per year. Well FP-2 is capable of producing 5.6 gallons per minute, which is 9 acre-feet per year from North Shore Subunit, Subarea A, and Well FP-4 will produce the 3.1 gallons per minute, which is 5 acre-feet per year from Grout Creek Subunit, Subarea D. Impacts to groundwater levels from pumping from FP-2 and FP-4 will be less than significant, with implementation of Mitigation Measure U1-b, which establishes annual groundwater production limits for FP-2 as 9 acre-feet per year, and FP-4 as 5 acre-feet per year, and implementation of Mitigation Measure U1-c, which stipulates that the grant deeds transferring ownership of Wells FP-2, FP-3 and FP-4 must include the pumping and extraction limitations included in Mitigation Measure U-1b. In addition, if the water purveyor desires to extract groundwater from Well FP-2 in excess of 9 acre-feet per year, the purveyor must conduct an independent environmental analysis and consider potential impacts at that time. Therefore, there is sufficient water available to serve the Project, and the impacts in regard to water supply for the project are considered less than significant with mitigation, when considered in connection with the development of other cumulative projects.

In addition to project design features and standard conditions and uniform code requirements that will be incorporated into the Project, Mitigation Measures U-1 through U-3 will be implemented to further mitigate utility impacts in the areas of solid waste, wastewater, natural gas, and electricity to the maximum extent feasible, which are less than significant with mitigation. Therefore, the Project would not add incrementally to a significant cumulative impact to utilities when considered in connection with the development of other cumulative projects and will not result in a significant cumulative impact.

## **Hazards and Hazardous Materials**

The Project site is located within an area that is subject to wildfires and based on the adjacent land uses and open space in the vicinity, the wildfire potential is considered high. Once the project site is developed, the fire intensity would be expected to be moderate within the post-Project's footprint due to the design characteristics of the proposed residential development and would be high to very high within the open space areas (United States National Forest [USNF]) that occur adjacent to the Project site. This on-site, reduced fire behavior, along with specific protection features, would be expected to facilitate evacuations, as well as potential on-site sheltering within designated safe shelter structures, if considered safer than a short-notice evacuation.

As reflected in the Wildfire Evacuation Plan included as Appendix 12 to the 2024 PDEIR No. 3, the Project roads and adjacent road circulation system will be able to effectively handle average daily trips generated by the Project during a wildfire evacuation event. The Wildfire Evacuation Plan modeled seven (7) different evacuation scenarios.

Based upon review of previous fires and evacuation orders, evacuation modeling considered traffic evacuating from both the Project and nearby developments. As reflected in Table 4.3-3 of the 2024 PDEIR No. 3, under the most conservative scenario, changes in evacuation times (Scenario 1 compared to Scenario 5 and 7) are minor for Land Use Areas A through D, with 6-, 2-, 0-, and 2-minute increases in evacuation time with the proposed Project, respectively. The 1-to-6-minute potential evacuation time increases are considered minimal and do not result in evacuation times for existing residents that would be considered excessive. The Wildfire Evacuation Plan analyzed traffic evacuation scenarios in connection with traffic generated by other developments in the Big Bear Area. Therefore, with the implementation of the identified mitigation measures, project-related and cumulative impacts will be reduced to a less than significant level.

## **Cumulative Impact Summary**

The evaluation of cumulative impacts has shown that all impacts associated with the Project can be reduced to less than significant levels except for Biological Resources, due to impacts to the bald eagle. When considered in conjunction with the other reasonably foreseeable cumulative projects, the Project would add incrementally to a cumulatively significant impact to the bald eagle.

## **E. PROJECT ALTERNATIVES**

Section 7 of the 2004 DEIR analyzed five alternatives to Original Proposed Project, and evaluated these alternatives for their ability to meet the Project's goals and objectives. CEQA Guidelines Section 15126.6 requires consideration of alternatives to the Original Proposed Project. CEQA requires the EIR include in its evaluation a No Project Alternative. Additionally, CEQA requires an EIR to describe a range of reasonable alternatives to the Project, which would feasibly attain the basic Project objectives, but would avoid or substantially lessen any of the significant environmental effects of the

proposal. Thus, in order to develop a range of reasonable alternatives, the Project objectives must be considered when the County evaluates the alternatives.

The Original Proposed Project identified the following objectives:

- Provide up to 92 single-family residential lots to be developed as custom lots in the future;
- Establish single-family residential lots that are part of a planned development;
- Realign State Route 38 (SR-38) to improve the design of the roadway. More specifically, eliminate existing sharp curves of the roadway to minimize conflicts on SR-38 and Project access roads. The proposed roadway realignment would also create the opportunity for lakefront residential lots; and
- Provide marina facilities for residents of Moon Camp to access Big Bear Lake.

However, after reviewing the significance determinations included in the 2004 DEIR and recognizing that the reduced density alternative without road realignment and without marina eliminated or significantly reduced identified significant impacts, project applicant redesigned the project consistent with a further reduced intensity alternative. The 2010 RRDEIR had the potential impacts to the Project to the following alternatives.

## **1. No Project /No Development Alternative**

CEQA requires that a specific “No Project” alternative shall be evaluated along with its impacts compared to the proposed project. The “No Project” analysis essentially evaluates existing conditions on the site. Under this alternative, existing uses on the property would remain as is and the site would not be developed. Assuming that the site remains undeveloped, all significant project-specific impacts will be avoided. However, according to CEQA, if the environmentally superior alternative is the “No Project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

**Finding:** Based on the entire record, the County finds that the No Project Alternative would not fulfill any of the identified Project objectives. The No Project Alternative is not consistent with the primary project objectives, which are to provide single family residential lots to be developed with custom homes and a private marina for homeowners use. The No Project Alternative will not fulfill any of the Project objectives and therefore it is determined to be infeasible. This alternative is rejected.

## **2. No Project/Existing Designation Alternative**

Implementation of the No Project/Existing Designation Alternative would be in accordance with the existing Official Land Use District Rural Living-40 (40-acre minimum lot size). At 62.43 acres, the site could be developed with up to 1.5 residential lots. This Alternative would be less intensive than the Original Proposed Project. Approximately three persons (1.5 housing units x 2.31 persons/household) would be added to the population of the Community of Fawnskin. It is further noted that in addition to a single-residential structure,

other uses can be allowed including those in the “Additional Uses” section of the County Development Code, subject to a Conditional Use Permit.

**Finding:** Based on the entire record, the County finds that the No Project/Existing Designation Alternative would not fulfill any of the identified Project objectives. The No Project/Existing Designation Alternative would substantially decrease the intensity of the environmental impacts associated development of the Project. The No Project/Existing Designation Alternative would substantially reduce all environmental impacts associated with the Project. However, this Alternative does not meet the objectives established for the Project, which are to provide a marina, and single-family residential lots that would ultimately be developed with custom homes. Although the No Project/ Existing Designation Alternative would in no way fulfill the project objectives, it is considered to be the environmentally superior alternative because it would eliminate the significant unavoidable impacts associated with the Original Proposed Project. The No Project/Existing Designation Alternative will not fulfill any of the Project objectives and therefore it is determined to be infeasible. This alternative is rejected.

### **3. Reduced Density Without Road Realignment and Without Marina Alternative**

For the Reduced Density, Without Road Realignment and Without Marina Alternative, development of 62 residential lots and associated infrastructure would occur on the north side of the existing SR-38. SR-38 would not be realigned and no residential development would occur to the south of the highway. The land area south of SR-38, along the lakefront, would be retained in its current state. Approximately 143 persons (62 housing units x 2.31 persons/household) would be added to the population of the Community of Fawnskin.

**Finding:** Based on the entire record, the County finds that the Reduced Density Without Road Alignment and Without Marina Alternative partially meets the project objectives but does not meet the primary objectives for the Project. The Reduced Density, Without Road Realignment and Without Marina Alternative would decrease the intensity of the environmental impacts associated with the proposed construction and operation of the Original Proposed Project. By not realigning SR-38, with this Alternative, the site would maintain the existing forested nature and visual character south of SR-38. Views of the Lake and mountain ranges would be retained from SR-38 and from uses to the east and west of the project site. This Alternative does not meet the primary objectives for the proposed Project, to provide a marina facility and realignment of North Shore Drive in order to improve the design of the roadway, which would also allow for lakefront lots to be developed. Therefore, this Alternative partially meets the project objectives, but falls short with only 62 residential lots, no realignment of SR-38 to create lakefront lots and no marina. This alternative is rejected.

### **4. Reduced Density Utilizing Proposed Project Redesign Alternative**

For the Reduced Density, utilizing the proposed Project Redesign Alternative, development of 66 residential lots and associated infrastructure would occur on the project site and SR-38 would be realigned. Under this Alternative, 45 lots would be developed north of the repositioned SR-38, and 21 lots would be developed on the south of the highway. This Alternative would include a marina facility, with 72 boat slips.

Approximately 153 persons (66 housing units x 2.31 persons/household) would be added to the population of the Community of Fawnskin.

**Finding:** Based on the entire record, the County finds that the Reduced Density, utilizing the proposed Project Redesign Alternative does not meet the primary objectives for the Original Proposed Project, which proposes 92 single-family residential custom lots. This Alternative would decrease the intensity of the environmental impacts associated with the construction and development of the Original Proposed Project. This Alternative would involve decreased residential densities to the south of SR-38, views of Big Bear Lake and the distant mountain ranges from SR-38 would be less obstructed, when compared to the Original Proposed Project. The Reduced Density, With Project Redesign Alternative would reduce but not eliminate all environmental impacts associated with the Original Proposed Project. However, this Alternative only partially meets the project objectives, but falls short with only 66 residential lots. This Alternative is rejected.

## **5. Proposed Project Alternative.**

The Proposed Project Alternative is the subdivision of the site into 58 lots, 50 numbered lots (residential lots) to be sold individually and developed into custom homes and 8 lettered lots, five would be designated as Open Space/Conservation easement; one would be designated as Open Space/Conservation and Neighbor Lake Access easement; three are the well sites; one would be potentially developed for an on-site reservoir, and one would be developed as the marina parking lot with a boat ramp. The Marina lot also includes some open space for the preservation of existing trees; however, because of the development of the parking lot and boat ramp, the lot would not be considered Open Space. Differences between the Original Proposed Project, the Proposed Project Alternative include the following:

- The Tentative Tract Map has been revised to reduce the number of lots from 95 lots to 58 lots by: 1) proposing larger lot sizes (minimum 20,000-square-foot lots – BV/RS-20M); 2) eliminating all residential development along the shoreline; and 3) creating five distinct conservation areas – one covering a portion of the shoreline south of SR-38 (this lot includes Neighborhood Lake Access), the other two encompassing the Ashy-Gray Paintbrush habitat and bald eagle perches on the west end of the site. A third lettered lot consists of the parking lot/boat launch ramp, which also includes some open space, but because of the proposed use, cannot be referred to as Open Space/Conservation. Finally, there are three lettered lots for the existing water well sites and one lettered lot for the potential reservoir site. In addition, a 10-acre offsite pebble plain habitat would be purchased and dedicated as an off-site Conservation Easement.
- The request for a General Plan Amendment has been revised to reflect the larger minimum lot size and to re-designate the site from BV/RL-40 (minimum lot size 40 acres) to BV/RS-20M (minimum lots size 20,000 square feet) instead of the Original Proposed Project's BV/RS (minimum lot size 7,200 square feet).

- The proposed marina has been moved from the lake shore near the west side of the site to the east side of the site, and the size of the marina has been reduced from 103 slips to 55 slips, to reflect the proposed reduction in the number of residential lots to be developed. For the proposed marina parking lot, direct access from SR-38 is required, whereas under the Original Proposed Project, access to the marina parking lot was from private street A.
- The realignment of a segment of SR-38 has been deleted from the Proposed Alternative Project and no changes in the SR-38 configuration are now proposed. Because the road segment would not be realigned, the proposed removal of approximately 665 trees of the 2,760 trees identified on site would not occur. The incidence of tree removal to develop lots would also be reduced because larger lot sizes would allow homebuilders greater options in siting the homes to avoid trees. No direct access to SR-38 from individual lots is proposed. Access to individual lots would be from the proposed public streets (A and B). Also, with the deletion of all lakefront residential lots south of SR-38, the need for five points of ingress/egress from the south side has been reduced to two for the marina parking lot, to allow traffic through the marina parking lot to flow. Residents' access from the project site north of SR-38 has been reduced from three streets to two, with the third street shown on the original site plan now proposed to be used for emergency access only.

**Finding:** Based on the entire record, the County finds that the Proposed Project Alternative does not fully meet the objectives established for the Original Proposed Project. The Proposed Project Alternative would result in reduced impacts to each environmental impact issue, though impacts to the Bald Eagle will remain significant. The Proposed Project Alternative includes only 50 residential lots instead of 92; it proposes only 55 marina boat slips, and it would not realign SR-38 and create lakefront lots. However, it will meet the objective of establishing a single-family residential subdivision on the project site that would be developed with custom homes and will also provide a marina for homeowner use as originally planned. While several of the alternatives are environmentally superior to the Original Proposed Project, the Proposed Project Alternative is the preferred alternative for the following reasons:

- The Proposed Project Alternative includes 9.0 acres for conservation/open space and 10 acres of offsite Pebble Plain habitat would be preserved through a Conservation Easement. In addition, an area with the easternmost drainage that will be set aside for southern rubber boa habitat;
- The Proposed Project Alternative lessens the impacts of each impact area, and reduces significant impacts to Aesthetics Air Quality, and Water Supply to less than significant levels; and
- The Proposed Project Alternative would reduce the impacts to the greatest extent practicable, while maintaining a sound and fiscally feasible project.

Therefore, the Proposed Project Alternative is preferred.

## **VI. ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

Based on the analysis of each alternative, the No Project-No Development alternative is the Environmentally Superior Alternative because it eliminates all the significant impacts of the Proposed Project. However, CEQA Guidelines Section 15126.6(e)(2) requires identification of another alternative as the Environmentally Superior Alternative if the Environmentally Superior Alternative is the No Project alternative. Therefore, the County finds that the No Project-Existing Designation Alternative is the Environmentally Superior Alternative. However, as noted above, this Project is being rejected as infeasible because it does not meet any of the Project's stated objectives.

## **VII. GROWTH INDUCING IMPACTS**

CEQA requires a discussion of ways in which a Project could be growth inducing. This topic is discussed in Section 6.3 of the 2010 RRDEIR. CEQA Guidelines Section 15126.2(d) requires the evaluation of growth-inducing impacts of a proposed project. This discussion must address ways a project could encourage economic and population growth, or construction of additional housing in the surrounding area, either directly or indirectly. Also required is a discussion of project characteristics, which may encourage or facilitate other activities that could significantly affect the environment, either individually or cumulatively.

Growth inducement can take many forms. A project can remove barriers, provide access, or eliminate other constraints, which encourage growth that has already been approved and anticipated through the General Plan process. The "planned" growth would be reflected in land use plans that have been developed and approved with underlying assumptions that adequate supporting infrastructure will be built. This is perhaps best described as accommodating or facilitating growth, but for the purpose of this section, the term "inducing" is used.

Implementation of the Project would result in the development of up to 50 residential lots. Using the City of Big Bear Lake average household size multiplier of 2.31 persons per household, the Project has the potential to increase Fawnskin's population by approximately 115 persons at buildout, or approximately 100 less than under the Original Proposed Project (92 Lots). The potential population growth under the Project represents an approximate 28 percent increase over the Community's permanent population estimate of 409 persons (2000) and an approximately 8 percent increase over the Community's peak weekend/holiday period population of 1,428 persons. Implementation of the Project, like the Original Proposed Project, would be considered growth inducing inasmuch as it would result in the construction of additional housing, consequentially fostering population growth.

However, based on the findings of the Environmental Impact Analysis (Section 4 the 2010 RRDEIR), the Project would not require the extension of new infrastructure, since

infrastructure is available adjacent to the project site, and utility providers have indicated the ability to serve the site.

Overall, development under the Project would not require the substantial development of unplanned/unforeseen support uses and services. As a result, the Project would not result in significant growth-inducing impacts.

## **VII. STATEMENT OF OVERRIDING CONSIDERATIONS**

In accordance with Public Resources Code Section 21081 and CEQA Guidelines Section 15093 and other applicable law, the County has, in determining whether or not to approve the proposed project, balanced the economic, social, technological, and other project benefits against its unavoidable environmental risks. The County of San Bernardino has determined that the significant unavoidable adverse project impacts related to the bald eagle, which may remain after mitigation, are acceptable and are outweighed by specific social, economic and other benefits of the project.

In making this determination, the County reviewed and considered the 2024 FEIR, all other written materials within the administrative record, and all oral testimony presented at public hearings and other public meeting on the 2024 FEIR and the merits of the proposed project. Each of the following social, economic, and environmental benefits of the proposed project separately and individually outweighs the potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable based upon the following factors and public benefits of the proposed project:

- The proposed project provides a standard of quality that is considered appropriately matched with the quality of the physical environment and surroundings of Big Bear Lake and the San Bernardino mountain region.
- The proposed project retains and protects the beauty and tranquility of living in a small mountaintop environment, an identified value of the Bear Valley Community Action Guide by preserving viewsheds of the lake and leaving harmonious open spaces conservation areas. For example, the proposed project designates 9.2 acres to habitat, open space, and conservation areas, as well as the perpetual protection and maintenance of designated habitat areas on site and a 10-acre offsite parcel comprised of pristine pebble plain habitat. In addition, the proposed project designates nearly an acre to neighborhood lake access. The proposed project does not include any residential development along the lakeshore, conserving the scenic beauty of the lakeshore.
- The proposed project has a lower density than other residential uses in the immediate area. The proposed project, therefore, diversifies the housing types, lot sizes and density ranges available within the community.
- The proposed project will promote significant economic development within the community, including construction jobs, increased recreation, and increased tourism. As identified by the Bear Valley Community Action Guide, Bear Valley

residents value recognition as a historic tourist destination with a well-established local economy offering a reasonable cost of living and opportunities for future economic growth. Construction and real estate sales, once a significant segment of the Bear Valley economy, has been hard hit by the recession and general lack of high quality building sites. The proposed project will add 50 high quality lake view building sites and provide jobs during both the construction of the streets and related infrastructure as well as later construction of individual custom homes. Custom home construction takes place over a number of years and greatly benefits the smaller local entrepreneurial contractors which further enhances the local economic benefits.

- The project will result in the construction of much needed potable water infrastructure in the area of the project. Project will install water main lines and fire hydrants within the tract. The existing Fawnskin residents on the eastern border of the tract currently have no water lines and no fire hydrants (they are all on individual private wells.) The project's water system and fire flow will be directly adjacent to the existing residential uses and available to County Fire in protecting those homes.
- The project's water well FP2, will be connected to the DWP Fawnskin Water System and provide 100 gallons per minute of additional capacity from a different aquifer than the Fawnskin Water System currently utilizes.
- Project will also pay to construct approximately Two Million Dollars (\$2,000,000) in water system improvements, including water main lines, upgrade the existing booster station, and installing 50 kilowatt generator for power outages within the Fawnskin Water System. The project will also pay \$712,575.00 in water capacity fees which are used to improve DWP's existing community water system.
- Mitigation measures proposed in the FEIR provide for the avoidance of direct impacts to the American Bald Eagle. Project will set aside approximately nine (9) acres of area within the project site for Bald Eagle and rare plant habitat, including approximately 2,500 linear feet of lakefront area. These conservation areas will be protected by a conservation easement managed by a California Department of Fish and Wildlife approved Conservation Entity. Conservation areas will be managed pursuant to a Long Term Management Plan approved by the Conservation Entity accompanied by a non-wasting endowment to cover the cost of habitat maintenance and enhancement activities. All identified eagle perch trees will be preserved in place and if an eagle perch tree needs to be removed for health and safety reasons, it will either be replaced on a 5:1 basis or other suitable trees will be cropped and limbed to create new perch trees.
- Project will create an .82 acre Lake Front lot providing perpetual neighborhood lake access.
- Project proposes no lakefront construction, thereby preserving the scenic highway view shed.

- Project includes the world's first Ashy-Gray Indian Paintbrush reserve, 4.84 acres of permanent conservation area.
- Project will construct a Caltrans Class 2 bike lane pursuant to the Big Bear Bike Master Plan to allow for bike traffic adjacent to the project on the south side of Highway 38.

The County of San Bernardino, as the Lead Agency and having reviewed the 2024 FEIR and public records, adopts this Statement of Overriding Considerations, which has balanced the benefits of the Project against its significant unavoidable adverse impacts in reaching a decision to approve the Project.

## VIII. CERTIFICATION OF EIR

The County finds that it has reviewed and considered the 2024 FEIR evaluating the proposed Project; that the Final EIR is an accurate and objective statement that fully complies with CEQA and the State CEQA Guidelines; and that the Final EIR reflects the independent judgment of the County of San Bernardino. The County declares that no new significant information as defined by the State CEQA Guidelines section 15088.5 has been received by the County after circulation of the Draft EIR that would require recirculation. The County certifies the Environmental Impact Report based on the following findings and conclusions:

### 1. Findings:

**a) CEQA Compliance:** As the decision-making body for the Project, the County has reviewed and considered the information contained in the Findings and supporting documentation. The County determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Project, as well as a complete and accurate reporting of the unavoidable impacts and benefits of the proposed Project as detailed in the Statement of Overriding Considerations. The County finds that the EIR was prepared in compliance with CEQA and that the County complied with CEQA's procedural and substantive requirements.

**b) Independent Judgment of Lead Agency:** The EIR for the Project reflects the County's independent judgment. The County has exercised independent judgment in accordance with *Public Resources Code* section 21082.1(c)(3) in retaining its own environmental consultant, and directing the consultant in the preparation of the EIR. The County has independently reviewed and analyzed the EIR and accompanying studies and finds that the report reflects the independent judgment of the County of San Bernardino.

**c) Significant Unavoidable Impacts/Statement of Overriding Considerations:** The Project would have the potential for creating significant adverse impacts. These significant adverse environmental impacts have been identified in the EIR and will require mitigation as set forth in the Findings. Significant adverse impacts which cannot be mitigated to a less than significant level after mitigation include impacts to the Bald Eagle, as discussed in the Findings. The County has eliminated or substantially reduced environmental impacts

where feasible as described in the Findings, and the County determines that the unavoidable significant adverse impacts to the Bald Eagle are acceptable due to the reason(s) set forth in the preceding Statement of Overriding Considerations.

## **2. Conclusions:**

- Except as to those impacts stated above relating to the American Bald Eagle, all other significant environmental impacts from the implementation of the proposed Project have been identified in the EIR and, with implementation of the mitigation measures identified, will be mitigated to a less than significant level.
- Alternatives to the proposed Project, which could potentially achieve the basic objectives of the proposed Project, have been considered and rejected in favor of the proposed Project.
- Environmental, economic, social, and other considerations and benefits derived from the development of the proposed Project override and make infeasible any alternatives to the proposed Project or further mitigation measures beyond those incorporated into the proposed Project.

## **IX. ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM**

Pursuant to Public Resources Code section 21081.6, the County of San Bernardino as the Lead Agency hereby adopts the Mitigation Monitoring and Reporting Program attached to these Findings. In the event of any inconsistencies between the mitigation measures as set forth herein and the Mitigation Monitoring and Reporting Program, the Mitigation Monitoring and Reporting Program shall control.

## **X. APPROVAL OF THE PROJECT**

Based on the entire record before the County of San Bernardino, including the above Findings and Statement of Overriding Considerations and all written and oral evidence presented to the County, the County of San Bernardino as the Lead Agency hereby approves the Project with all the mitigation measures and the Mitigation Monitoring and Reporting Program, as set forth in these Findings.

## **XI. LOCATION AND CUSTODIAN OF RECORD**

Various documents, information, testimony, reports, studies, analyses and other materials (both oral and written) constitute the record upon which the County bases these Findings and the basis for the County's approval and/or certification contained herein. These Findings cite specific pieces of evidence, but none of the County's findings are based solely on those cited documents. Rather, these Findings are based upon the entire record for the proposed project, and the County intends to rely upon all supporting evidence in the record for each of its conclusions contained herein.

These documents and other materials that constitute the record of proceedings on which the County of San Bernardino as the Lead Agency has based the Findings contained herein are located at the County of San Bernardino, 385 North Arrowhead Avenue, San Bernardino, CA 92415. The custodian for these documents is Matthew Slowik, Senior Planner, Land Use Services Department for the County of San Bernardino. This information is provided in compliance with Public Resources Code §21081.6(a)(2) and State CEQA Guidelines §15091(e).

## **XII. SEVERABILITY**

The provisions of these Findings are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof or their applicability to other persons or circumstances.